



CITY OF PONTIAC
OFFICE OF THE EMERGENCY MANAGER
LOUIS H. SCHIMMEL

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Pontiac, Michigan 48342
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Dated: April 13, 2012

ORDER NO. S-178

RE: State Regulations Ordinance Amendment

TO: Sherikia Hawkins, City Clerk
Charles Smith, Project Manager, Wade Trim
Michael Wilson, Building Official

The **Local Government and School District Fiscal Accountability Act (Public Act 4 of 2011)** in **Section 17(1)** empowers an Emergency Manager to issue the orders the Manager considers necessary to accomplish the purposes of the Act and any such orders are binding on the local officials or employees to whom they are issued. **Section 19(1)** provides that an Emergency Manager may take on one or more additional actions with respect to a local government in receivership: **(dd)** [e]xercise solely, for and on behalf of the local government, all other authority and responsibilities of the chief administrative officer and the governing body concerning the adoption, amendment, and enforcement of ordinances...; and **19(2)** ...the authority of the chief administrative officer and governing body to exercise power for and on behalf of the local government under law, charter, and ordinance shall be suspended and vested in the Emergency Manager.

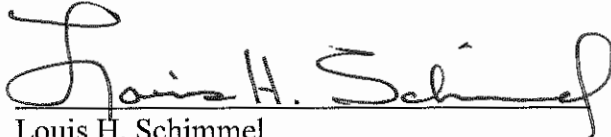
It is hereby ordered:

1. That the attached ordinance to amend Chapter 22, Article VI, Division 6 of the Code of Ordinances regarding State regulations to allow for an amnesty period, being Ordinance No. 2256 is adopted, effective upon publication.
2. That the City Clerk shall take all actions required under the law to reflect the attached ordinance on the City books and records, including publication of the notice of the newly adopted ordinance.

The Order shall have immediate effect.

Copies of the documents referenced in this Order are to be maintained in the offices of the City Clerk and may be reviewed and/or copies may be obtained upon submission of a written request consistent with the requirements of the Michigan Freedom of Information Act and subject to any exemptions contained in that state statute and subject to any exemptions allowed under that statute (**Public Act 442 of 1976, MCL 15.231, et. seq.**).

This Order is necessary in order to carry out the duties and responsibilities required of the Emergency Manager as set forth in the **Local Government and School District Fiscal Accountability Act (Public Act 4 of 2011)** and the contract between the State of Michigan and the Emergency Manager.

A handwritten signature in cursive script that reads "Louis H. Schimmel". The signature is written in black ink and is positioned above a horizontal line.

Louis H. Schimmel
City of Pontiac
Emergency Manager

cc: State of Michigan Department of Treasury
Mayor Leon B. Jukowski
Pontiac City Council

Ordinance No. 2256

An ordinance to amend Chapter 22, Article VI, Division 6, of the Pontiac Code of Ordinances, Regarding State Regulations to allow for an amnesty period.

The City of Pontiac Ordains:

Section 1. Amendments.

Section 22-764 of the Code of Ordinances shall be amended to read as follows:

Sec. 22-764. - Certificate of compliance; display, inspection of multiple dwellings; change of occupancy; fees.

- (a) The fee for a certificate of compliance for a multiple dwelling as provided for in the state housing law, sections 129, 130 and 131 of Act No. 167 of the Public Acts of Michigan of 1917 (MCL 125.401 et seq., MSA 5.2771 et seq.), as amended, shall be recommended by the Finance Director and Department of Building Safety and established by resolution of the City Council upon adoption of the annual budget and may be amended from time to time by resolution of the City Council and shall be payable at the time application is made. The owner or property manager shall not be liable for an inspection fee if the inspection is not performed and the Department of Building Safety is the direct cause of the failure to perform.
- (b) It shall be required, and the responsibility of the owner, to post and maintain in a conspicuous location, one copy of the certificate of compliance, either temporary or permanent, as they are issued, at the premises for which they have been issued. The enforcing officer of this housing code shall prepare such certificate, and the certificate shall be valid for a period not to exceed three years from date of issuance thereof.
- (c) In addition to the inspection requirements provided for in the state housing law, an inspection shall also be required prior to any change of occupancy of multiple dwelling units after having once been occupied. Units in multiple dwellings or rooming houses should not be occupied or reoccupied after having been vacated unless inspected by the Department of Building Safety, except in cases where a temporary certificate of compliance may be issued. Owners of multiple dwellings shall notify the Department of Building Safety prior to a change in occupancy so that the unit or units may be inspected. The owner or agent of a dwelling unit reoccupied after June 30, 2012 and before the issuance of a certificate of compliance shall be guilty of a municipal civil infraction subject to a fine of five hundred dollars (\$500.00); each day shall be considered a separate offense.
- (d) Upon recommendation of the Finance Director and Department of Building Safety, the city council shall be authorized to establish by resolution a fee schedule for inspections conducted pursuant to this article and Act No. 286 of the Public Acts of Michigan of 1968 (MCL 125.402a, MSA 5.2772(1)), as authorized by section 126 of the act upon adoption of the annual budget and may amend such fee as may be required by resolution of the city council. The fee shall be payable at the same time as and in addition to the fee for a certificate of compliance.

- (e) No certificate of compliance shall be issued for any property unless all property taxes and water and sewer bills associated with the parcel in question are current and that the owner complies with the provisions of the Pontiac Income Tax ordinance.
- (f) A tenant may request inspection of a dwelling unit upon payment of the inspection fee.
- (g) Owner or agent shall schedule the inspection at least sixty (60) days before the expiration date of a certificate of compliance, or sooner. Failure to schedule an inspection shall result in the immediate suspension of a certificate of compliance and penalties described in the Code of Ordinances and the assessment of a twenty-five dollar (\$25.00) late fee per unit per month for any inspection that is scheduled late under this ordinance after June 30, 2012. Any request to reschedule an inspection shall result in a rescheduling fee.
- (h) Fees for certificates of compliance, temporary certificates, rescheduling fees, related inspections, appeals, and any other fee required by this division shall be recommended by the Finance Director and the Department of Building Safety and established by resolution of the City Council upon adoption of the annual budget and may be amended by resolution of the City Council from time to time. Fees shall be payable at the time of registration or request for inspection.
- (i) Property owners shall also be responsible for any unpaid fees invoiced within the previous 365 days. After June 30, 2012, any invoice that is paid after its due date shall be assessed a twenty-five dollar (\$25.00) late fee per rental unit per month until paid.
- (j) There shall be no refunds for any fees paid unless the service is not provided because of the fault of the Department of Building Safety.
- (k) Effective January 1, 2013, the Department of Building Safety may charge one information verification fee during a calendar year to verify information obtained during the registry of owners and premises, including names of tenants, obtained in a previous calendar year. If such verification fee is assessed, the City Council shall by December 1 of the prior calendar year, upon the recommendation of the Finance Director and the Department of Building Safety, establish the fee. The fee shall be in effect for the entire calendar year and shall expire on the last day of the calendar year. Any unpaid verification fee shall be assessed a one-time twenty-five dollar (\$25.00) late fee after its due date.
- (l) Any certificate of compliance issued by the Department of Building Safety after September 1, 2011 with an expiration date less than one year from the date of issuance shall be deemed to expire three years after the date of issuance. The Department of Building Safety shall correct all records to reflect this change.

Section 2. Severability.

If any section, clause, or provision of this Ordinance shall be declared to be unconstitutional, void, illegal, or ineffective by any Court of competent jurisdiction, such section, clause, or provision declared to be unconstitutional, void, or illegal shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force and effect.

Section 3. Saving Clause.

A prosecution which is pending on the effective date of this ordinance and which arose from a violation of an ordinance repealed by this ordinance, or a prosecution which is started within one (1) year after the effective date of this ordinance arising from a violation of an ordinance repealed by this ordinance and which was committed prior to the effective date of this ordinance, shall be tried and determined exactly as if the ordinance had not been repealed.

Section 4. Repealer

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 5. Emergency Declaration

This Ordinance is hereby determined to be immediately necessary for the preservation of the public health, safety, and welfare and shall be in full force and effect upon publication as required by law.