CITY OF CRYSTAL

ORDINANCE #2015 - 06

AN ORDINANCE AMENDING CHAPTER IV TO
REMOVE POINT OF SALE INSPECTION REQUIREMENTS

The City of Crystal Does Ordain:

Section 1. Crystal City Code, Chapter IV, Building, Housing and Construction Regulations, Section 425.05, Subd. 2, paragraph (h)(1) is amended by deleting the ~~stricken~~ material as follows:

1) Section 302.3. Sidewalks and driveways. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions. All driveways and lawful auxiliary spaces shall be hard-surfaced with bituminous or concrete pavement in accordance with standards approved by the city engineer. Alternative hard-surfacing such as pavers may be approved on a case-by-case basis by the city engineer upon a determination that the standards of Crystal City Code Section 515.17, Subd. 4 g) 8) can be met. Any non-hard-surfaced driveways existing at the time of inspection~~, whether~~ for ~~the purposes of~~ a ~~Certificate of Compliance or~~ rental license~~,~~ shall be hard-surfaced within ~~180 days of issuance of a Certificate of Compliance for point of sale inspections or within~~ 180 days of issuance of a rental license, whether new or renewal. (Added, Ord. 2008-08)

Section 2. Crystal City Code, Chapter IV, Building, Housing and Construction Regulations, Section 425.07, Subdivision 1 is amended by deleting the ~~stricken~~ material as follows and renumbering the paragraphs as needed:

~~b) "Certificate of Property Maintenance Compliance" means a document issued by the city, stating that the building has been inspected and complies with applicable property maintenance codes and ordinances. (Amended, Ord. 2012-04, Sec. 2)~~

Section 3. Crystal City Code, Chapter IV, Building, Housing and Construction Regulations, Section 425.13 is deleted in its entirety as show by the ~~stricken~~ material as follows:

~~425.13. Sale of property; certificate of compliance. Subdivision 1. Application. Within one year preceding the date of the execution of the document of conveyance, the owner of a structure containing one or two dwelling units must furnish to the prospective buyer thereof a copy of a certificate of property maintenance compliance issued by the housing official. (Amended, Ord. 2012-04, Sec. 3)~~

~~Subd. 2. Issuance of inspection report. The housing official must issue a property maintenance inspection compliance report (hereinafter "inspection report") to the owner within 15~~

~~days after gaining access to the interior of all structures on the subject property for the purposes of inspection when: (Amended, Ord. 2012-04, Sec. 3)~~

~~a) The owner or the owner's authorized agent has applied in writing to the housing official, giving consent to such inspection, and the owner or agent has agreed to a time during normal city working hours at which the subject property will be available for inspection, and has paid the inspection fee set forth in appendix IV; and~~

~~b) The housing official has inspected the structure and grounds and has noted in the inspection report any conditions found during the inspection that are in violation of the city code.~~

~~Subd. 3. Responsibility. The owner is responsible for the corrections required in the inspection report.~~

~~Subd. 4. Certificate of property maintenance compliance. The seller of a single- or two-family dwelling may receive a certificate of property maintenance compliance upon satisfactory completion of the corrective actions required in the inspection report. (Amended, Ord. 2012-04, Sec. 3)~~

~~Subd. 5. Alternative procedure; buyer's agreement. As an alternative to subdivision 3, the owner of a single- or two-family dwelling may receive a certificate of property maintenance compliance if the following steps are completed: (Amended, Ord. 2012-04, Sec. 3)~~

~~a) Owner provides a prospective buyer with a "Buyer's Agreement to Comply with Property Maintenance Orders" (hereinafter "buyer's agreement") on a form provided by the city setting forth those conditions in the building which, if not corrected, will constitute a major structural defect or an immediate danger to the health and safety of the occupant or, which if not corrected, will constitute a violation of this code. In such a case, the buyer's agreement acknowledges that the buyer is presumed to have purchased with notice of such condition and is responsible for the corrective action required by a compliance order. (Amended, Ord. 2012-04, Sec. 3)~~

~~b) Buyer executes the buyer's agreement and files it with the city.~~

~~Subd. 6. Occupancy. A prospective buyer may not occupy a dwelling unit that is the subject of a compliance order until the filing of the buyer's agreement has been made. If the owner or buyer files a buyer's agreement with the city setting forth the date by which the corrective action directed by the compliance order will be completed, occupancy is permitted pending completion of the corrective action specified in the compliance order unless the dwelling unit has been declared unfit for human habitation pursuant to subsection 425.25. (Amended, Ord. 2012-04, Sec. 3)~~

~~Subd. 7. Effect of certificate or statement. Nothing in the certificate of property maintenance compliance or the buyer's agreement described in subdivision 5 is to be construed as a representation by the city or the housing official that the dwelling meets minimum housing and building standards of the city. (Amended, Ord. 2012-04, Sec. 3)~~

~~Subd. 8. Prohibition. It is unlawful for an owner to convey a dwelling without first having received a certificate of property maintenance compliance from the city as required by this section. This section does not apply to conveyances to a public body, conveyances by a public or court officer in the performance of the officer's duties, or conveyances by a person acting under the direction of court order, except for conveyances ordered by a probate court. (Amended, Ord. 2012-04, Sec. 3)~~

Section 4. This ordinance is effective upon adoption and 30 days after publication.

First Reading: July 14, 2015
Second Reading: August 18, 2015
Council Adoption: August 18, 2015
Publication: August 27, 2015
Effective Date: September 26, 2015

BY THE CITY COUNCIL

Jim Adams, Mayor

ATTEST:

Christina Serres, City Clerk