

Charter Township of Orion

Ordinance No. 152

Change of Use, Occupancy or Ownership

Adopted March 6, 2017

AN ORDINANCE TO PERMIT THE TOWNSHIP TO INSPECT ANY COMMERCIAL PROPERTY WHICH HAS UNDERGONE A CHANGE IN USE, OCCUPANCY OR OWNERSHIP, AND REQUIRE THE ISSUANCE OF A NEW CERTIFICATE OF OCCUPANCY TO CONFORM COMPLIANCE WITH ALL EXISTING TOWNSHIP ORDINANCES AND ADOPTED CODES.

WHEREAS, upon a Change to the Use, Occupancy or Ownership of a commercial or business property or building, the Charter Township of Orion does hereby permit inspections and require a new Certificate of Occupancy be obtained to verify compliance with all applicable Township Ordinances and Codes and to further provide for the issuance of a new Certificate of Occupancy for a change in use that does not involve significant work or alterations which would otherwise require a building permit. For purposes of this ordinance, commercial and business properties include all zoning designations of the Township other than residential properties.

WHEREAS, a Change of Occupancy/Use/Ownership inspection is intended to address safety issues, the inspection may include testing of all emergency lighting, fire extinguishers, exit signs, and all mechanical, electrical, and plumbing parts and systems. All such property will be tested to make sure all systems and functions are in good working order and comply with all applicable Ordinances and Codes. Furthermore, inspections will address egress, ingress, and accessibility issues as they relate to the particular structure and use.

Article 1 – Inspection Authorized Change of Use/Occupancy/Ownership; Access

Upon a change of a commercial or business property's use, occupancy or ownership, the Charter Township of Orion Code Enforcement Officer(s) is authorized and directed to make inspections to determine commercial properties located within the Township conform to the requirements of this Ordinance and applicable Codes. For the purpose of making such inspections, the Code Enforcement Officer is authorized to enter, examine and survey at all reasonable times all dwellings, dwelling units, rooming units, and premises. The owner or occupant shall give the Code Enforcement Officer free access thereto at all reasonable times for the purpose of such inspection, examination and survey.

Article 2 – Occupancy Permit Required

- A. New Buildings – No building erected hereafter shall be used or occupied in whole or in part prior to a Certificate of Use and Occupancy being issued by the Orion Township Building Department.
- B. Existing Buildings – No commercial or business property or building which has changed its use, occupancy or ownership may be occupied or used without first securing a Certificate of Occupancy from the Township of Orion Building Department. For property or buildings which have changed ownership, but have no change in occupancy or use, the new owner shall obtain a Certificate of Occupancy within thirty (30) days of the date of settlement.
- C. Buildings Altered – No building shall be enlarged, extended or altered which results in a change of its use group under the Township's Zoning Ordinance without first obtaining all necessary inspections and Township approvals; including a Building Permit and Certificate of Occupancy. Further, no reestablishment of prior use or occupancy shall be allowed until all inspections and a new Certificate of Occupancy has been issued by the Orion Township Building Department certifying that the work has been completed in accordance with the Township's ordinances and the provisions of the approved permit.

The reestablishment of a prior use or occupancy is prohibited unless the applicable provisions of the Township's Ordinances have been complied with; including the applicable Michigan Building Code.

- D. Temporary Occupancy – Upon the request of a holder of a Building Permit, the Code Enforcement Officer may issue a temporary Certificate of Occupancy for a building, structure or any part thereof, prior to the work covered by the permit being completed, provided that the portion or portions approved for temporary use or occupancy have been determined to be safe and able to be occupied prior to full completion of the building and does not otherwise endanger life or the public welfare.
- E. It shall be unlawful for any person to knowingly make any false statement in an application for an occupancy permit; including, any false statement as to the name(s), age(s), relationship or number of occupants who will occupy the premises.

Article 3 – Notices of Violation

Upon a code enforcement officer determining there are reasonable grounds to believe a violation of any provision of the applicable codes or ordinances has occurred, the property owner and/or occupant shall be given notice of the violation. The notice shall:

- Be in writing.
- Contain a statement of the reason why it is being issued.
- Allow a reasonable time, not to exceed thirty (30) days, for the performance of all corrective action.

Article 4 – Inspections and Certificates of Compliance

If the inspected premises comply with all applicable ordinances and codes; including the Township's Zoning Ordinances, Health and Safety Ordinances, and all other applicable Ordinances and Codes, a Certificate of Occupancy shall be issued. Unless there is a change in the use, occupancy or ownership, the Certificate of Occupancy shall be valid until the premises are transferred, sold, have a change in use or occupancy, or a subsequent inspection reveals lack of compliance with a Township Ordinance or Code.

Article 5 – Severability

If any Section, subsection, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion of this Ordinance, and such holding shall not affect the validity of the remaining portions of this Ordinance.

Article 6 – Effective Date

This Ordinance shall be published in full in a newspaper of general circulation in the Charter Township of Orion qualified under State law to publish legal notices. This Ordinance shall become effective upon publication, as provided by law.