

ORDINANCE NO. 2003

**CITY OF SOUTH GATE
LOS ANGELES COUNTY, CALIFORNIA**

**AN ORDINANCE OF THE CITY OF SOUTH GATE,
CALIFORNIA, AMENDING CHAPTER 9.62 OF THE SOUTH
GATE MUNICIPAL CODE IN ITS ENTIRETY RELATING TO
PRE-SALE HOUSING INSPECTIONS**

THE CITY COUNCIL OF THE CITY OF SOUTH GATE DOES ORDAIN AS FOLLOWS:

SECTION 1. Chapter 9.62 of the South Gate Municipal Code is hereby amended
in its entirety to read as follows:

"

**CHAPTER 9.62
PRE-SALE HOUSING INSPECTION**

SECTIONS:

- 9.62.010 PURPOSE**
- 9.62.020 DEFINITIONS**
- 9.62.030 REPORT OF RESIDENTIAL BUILDING**
- 9.62.040 FEES**
- 9.62.050 REPORT AND INSPECTION**
- 9.62.060 DELIVERY OF REPORT**
- 9.62.070 EXCEPTIONS**
- 9.62.080 PENALTIES**
- 9.62.090 NON-ESTOPPEL AND DISCLAIMER**
- 9.62.100 AGREEMENTS TO REPAIR**
- 9.62.110 APPLICATION FOR PRIOR PRE-SALE HOUSING INSPECTION
REPORT**
- 9.62.120 SELLER POSTING OF ESCROW FUNDS**

9.62.010 PURPOSE

Pursuant to the provisions of Sections 38780 to 38785 inclusive of the California Government Code, it is the intent of this City Council to protect the grantee or transferee of residential property within the City of South Gate against undisclosed restrictions on the use of residential property, or the illegal construction of additions, alterations or improvements on residential property by requiring that the grantee or transferee of residential property be furnished with a report of matters of public record and compliance therewith pertaining to the authorized use, occupancy and zoning classification of such residential property prior to the sale or exchange thereof.

9.62.020 DEFINITIONS

- (a) "Owner" is defined as any person, partnership, association, corporation or fiduciary having legal or equitable title or any interest in any real property.
- (b) "Residential building" is defined as any improved real property designed or permitted to be used for dwelling purposes, situated in the City of South Gate, and shall include the building or structures located on said improved real property.
- (c) "Agreement of Sale" is defined as any agreement or written instrument, including escrow instructions, which provides that title to any real property shall thereafter be transferred from one owner to another.

9.62.030 REPORT OF RESIDENTIAL BUILDING

Prior to entering into an Agreement of Sale for the exchange of any residential building, the owner shall obtain from the City of South Gate a report of the residential building record showing the regularly authorized use, occupancy and zoning classification of such property. Said report shall be valid for a period of one (1) year from the date of issuance and shall include one (1) reinspection without cost from the date of issuance. The owner may assign his responsibility under this Section to an authorized representative only by a written assignment signed by the representative who acknowledges that he has read and understands the duties of this Chapter and will assume the criminal and civil responsibility for complying.

9.62.040 FEES

The fee for a Pre-Sale Housing Inspection Report for a residential building record shall be as established by the City Council and set forth in the South Gate Fee Resolution (Resolution No. 5010), which is kept on file in the office of the South Gate City Clerk.

9.62.050 REPORT AND INSPECTION

Upon application of the owner, accompanied by payment of the required fees, the Department of Building and Safety shall review pertinent City records and inspect, from a position external to the subject premises for the purpose of ascertaining compliance with relevant zoning regulations, and ascertaining that major structural additions, modifications and alterations apparent during inspection have been made with the appropriate permits, (garages, and other non-residential structures may be entered during inspection). The Department of Building and Safety shall thereafter deliver to the applicant a report of residential building records which shall contain the following:

- (a) The street address and legal description of the subject property;
- (b) The zone classification and authorized use as set forth in the South Gate Municipal Code;
- (c) The occupancy restrictions as indicated and established by permits of record;

- (d) Variances, conditional use permits, exceptions and other pertinent legislative acts of record;
- (e) Any special restrictions in use or development which may apply to the subject property;
- (f) The results of the inspection listing:
 - (1) Zoning or other land use violations, and
 - (2) Major structural additions, modifications or alterations that have been performed without the appropriate permits, that may be apparent from a position external to the residential building structures, and
- (g) A disclaimer provision that meets with the approval of the City Attorney but at a minimum include a representation of the scope of the field inspection as limited to major structural additions, modifications or alterations apparent to a position external to the residential building structure.

9.62.060 DELIVERY OF REPORT

The report of residential building records shall be on such form as the Director of Building and Safety may approve, and be delivered by the owner, or the authorized representative of the owner, to the grantee or transferee, and each of them, of the residential building prior to the consummation of the sale or transfer. The grantee or transferee, and each of them, shall execute a receipt therefor as furnished by the City and said receipt shall be delivered to the Department of Building and Safety as evidence of compliance with the provisions of this Chapter.

9.62.070 EXCEPTIONS

The provisions of this Chapter shall not apply to the following:

- (a) Transfers which are required to be preceded by the furnishing to a prospective transferee of a copy of a public report pursuant to Section 11018.1 of the California Business and Professions Code.
- (b) Transfers pursuant to court order, including, but not limited to, transfers ordered by a probate court in administration of an estate, transfers pursuant to a writ of execution, transfers by a trustee in bankruptcy, transfers by eminent domain, or transfers resulting from a decree for specific performance, except in any and all events when a sale or transfer occurs to a third party, a Pre-Sale Housing Inspection is required.
- (c) Transfers to a mortgagee by a mortgagor in default, transfers to a beneficiary of a deed of trust by a trustor in default, transfers by any foreclosure sale after default, transfers by any foreclosure sale after default in an obligation secured by a mortgage, or transfers by a sale under a power of sale after a default in an obligation secured by a deed of trust or secured by any other instrument containing a power of sale. When a sale takes place after a foreclosure, a Pre-Sale Housing Inspection is required.

- (d) Transfers by a fiduciary in the course of the administration of a guardianship, conservatorship, or trust, except if such transfer is a sale.
- (e) Transfers from one co-owner to one or more co-owners.
- (f) Transfers made to a spouse, or to a person or persons in the lineal line of consanguinity of one or more of the transferors.
- (g) Transfers between spouses resulting from a decree of dissolution of a marriage or a decree of legal separation or from a property settlement agreement incidental to such decrees.
- (h) Transfers by the State Controller in the course of administering the Unclaimed Property Law (Chapter 7 [commencing with Section 1500] of Title 10 of Part 3 of the Code of Civil Procedure).
- (i) Transfers to a governmental entity under eminent domain or threat of eminent domain.

9.62.080 PENALTIES

- (a) Any owner violating the provisions of this Chapter shall be guilty of a misdemeanor, and upon conviction thereof, an owner may be punishable to the maximum extent permitted by law.
- (b) No sale or exchange of residential property shall be invalidated solely because of the failure of any person to comply with any provisions of this Chapter unless such failure is an act or omission which would be a valid ground for rescission of such sale or exchange in the absence of this Chapter.

9.62.090 NON-ESTOPPEL AND DISCLAIMER

Nothing herein shall be construed to estop or prevent the City from taking any and all action to enforce the provisions of any law, ordinance or regulation which the City may have. Specifically, the omission from a report required hereby of any illegal construction of an addition, modification or alteration shall not act to prevent the City from thereafter causing the illegal condition to be brought into compliance or abated. No liability shall accrue to the City for errors, omissions or inaccuracies in the report.

9.62.100 AGREEMENTS TO REPAIR

The Director of Building and Safety is authorized to delay immediate enforcement of violations observed as the result of conducting the field inspections and completing the report if the buyer or proposed buyer of the subject property executes and records with the Los Angeles County Recorder's Office, an agreement promising to correct code violations within such times as he and the Director of Building and Safety may agree upon, not to exceed one (1) year.

9.62.110 APPLICATION FOR PRIOR PRE-SALE HOUSING INSPECTION REPORT

Any seller may apply for a Pre-Sale Housing Inspection report six (6) months prior to entering into any agreement of sale for the exchange of any residential building and prior to listing such property for sale.


If any violations are discovered by the City of South Gate, the seller shall correct such violations within the one (1) year period or extension thereof, or prior to the close of escrow, which ever occurs first, or unless a waiver is signed by the Buyer that the Buyer will complete such corrections within one (1) year from the date of escrow.

9.62.120 SELLER POSTING OF ESCROW FUNDS

If violations are discovered by the City of South Gate the seller may post funds in escrow for the correction of such violation(s). After the transfer of the residential property, the new owner will commence correction of the violation(s) within ninety (90) days after the close of escrow."

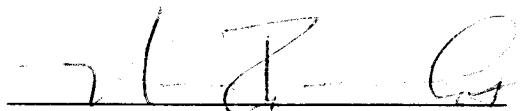
SECTION 2. The City Clerk shall certify to the passage and adoption of this ordinance and shall cause the same to be published or posted as required by law.

PASSED, APPROVED and ADOPTED this 28 day of May, 1996




JERRY M. GARCIA, MAYOR

ATTEST:



NINA BANUELOS
CITY CLERK

APPROVED AS TO FORM:



ARNOLD ALVAREZ-GLASMAN
CITY ATTORNEY

ORDINANCE CERTIFICATION PAGE

STATE OF CALIFORNIA

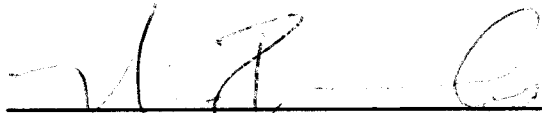
COUNTY OF LOS ANGELES, SS.

CITY OF SOUTH GATE

I, NINA BAÑUELOS, City Clerk of the City of South Gate, California, do hereby certify that the whole number of members of the City Council of said City is five; that **Ordinance No. 2003** was duly adopted by the City Council at a Regular Meeting of the City Council held on May 28, 1996 by the following vote:

Ayes:	Councilmembers:	Garcia, Martinez, Buckles, and Gonzalez
Noes:	Councilmembers:	None
Absent:	Councilmembers:	Robles
Abstain:	Councilmembers:	None

Witness my hand and the seal of said City on May 28, 1996.



NINA BAÑUELOS, City Clerk
City of South Gate, California

(Seal)