

Chapter 23.78
SALE OF RESIDENTIAL BUILDINGS

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23.78.010 Residential building record – Report – Contents.

Prior to the close of escrow or transfer of title for sale or exchange of any residential building, and upon application by the owner or his or her authorized agent, and subject to payment of the fee required, the city shall review pertinent city records, conduct an exterior inspection of the subject property, and deliver to the applicant within 10 calendar days, excluding Saturdays, Sundays, and holidays, a residential building record which shall contain the following information, insofar as the same is available:

- (a) Street location, address, and parcel number of the subject property.
- (b) Zone classification and authorized use.
- (c) Occupancy, 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 the development which may apply to subject property.
- (f) Violations of the codes, ordinances, and regulations of the city existing upon the subject property and its improvements which are of record or are revealed in the course of an exterior inspection by the city.
- (g) The report shall also contain a certification by the seller that the smoke detector required by PGMC 18.04.065 has been installed. [Ord. 08-022 § 6, 2008; Ord. 1553 N.S. § 2, 1986].

23.78.015 Nonliability of the city.

- (a) Neither the enactment of the ordinance codified in this chapter nor the preparation and delivery

of any report required hereunder shall impose any liability upon the city for any errors or omissions contained in the report, nor shall the city bear any liability not otherwise imposed by law.

(b) Errors or omissions in said report shall not bind or stop the city from abating any defects on the property by legal action against the seller, buyer, or any subsequent owner. Said report does not guarantee the structural stability of any existing building, nor does it relieve the owner, his agent, architect, or builder from designing, building or maintaining a structurally stable building which meets the requirements of adopted codes and ordinances. Said report shall be valid only as to the specific transaction for which the inspection and review of the records was made by the city; provided, however, that in the event said transaction is not consummated, the report shall be valid for a period of 180 days on the condition that, if a subsequent transaction is arranged during that period, the property shall again be inspected by the city and a supplemental report issued, if necessary, without charge to the owner. [Ord. 08-022 § 7, 2008; Ord. 1553 N.S. § 2, 1986].

23.78.020 Residential building record – Report – Delivery to buyer or transferee.

The report of residential building record shall be delivered by the owner, or the authorized agent of the owner, to the buyer or transferee of the residential building prior to the consummation of the sale or exchange. The owner or his or her agent shall secure a written acknowledgment of receipt of such report from the buyer or transferee, prior to the transfer. [Ord. 08-022 § 8, 2008; Ord. 1553 N.S. § 2, 1986].

23.78.030 Residential building record – Report – Application and fee.

The report shall be obtained by the owner or his or her authorized agent from the community development director of the city, by making application on forms prescribed by the community development director, and upon payment of a fee established by the council. The community development director shall provide such report to the applicant therefor upon completion. [Ord. 08-022 § 8, 2008; Ord. 1553 N.S. § 2, 1986].

23.78.040 Delivery of report to buyer or transferee – Required for sale or exchange.

It is unlawful to sell or exchange any residential building, regardless of the zoning district for the building, without first having obtained and delivered to the buyer or transferee the written report prescribed by this chapter.

No sale or exchange of residential property shall be invalidated solely because of failure of any person to comply with any provision 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. [Ord. 08-022 § 8, 2008; Ord. 1553 N.S. § 2, 1986].

23.78.050 Exceptions.

This chapter shall not apply to the first sale of a residential building located in a subdivision whose final map has been approved and recorded in accordance with the Subdivision Map Act not more than two years prior to the first sale. This chapter shall not apply to sales administered by courts of

law, such as probate sales, sales on execution of a judgment, sales in bankruptcy, joint-tenancy terminations on account of death, transfers between spouses or between kindred of the first degree. [Ord. 08-022 § 8, 2008; Ord. 1553 N.S. § 2, 1986].