

CHAPTER 90: INSPECTIONS

Article

I. RENTAL UNIT INSPECTIONS

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ARTICLE I: RENTAL UNIT INSPECTIONS

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§ 90.101 REGISTRATION REQUIRED; CERTIFICATE OF COMPLIANCE REQUIRED.

(A) Registration required.

(1) No person shall rent, lease, let or otherwise make available for occupancy any dwelling unit designed for human occupation unless the building is registered with the Code Official or their designee.

(2) Registration shall be on a form provided by the Code Official or their designee. Required information shall include the name, address and telephone number of the owner and any managing agent. For each individual owner and agent, a driver's license number or a State of Michigan identification number must be provided. The form must be signed by all owners and any agents.

(3) All changes in the required information must be provided to the Code Official or their designee in writing within 30 days of the change.

(4) If the owner's address is more than 40 miles from the subject property, the registration form must designate an agent who may be served with process in an action to enforce compliance with this article.

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(5) If the owner is a corporation, the names, addresses and telephone numbers of its officers shall be listed. If such corporation has no substantial assets other than the dwelling in question and is controlled in whole or in part by another corporation or corporations, then the name and address of those corporations and the names, addresses and telephone numbers of those officers shall be listed.

(B) Inspections and certificates of compliance required.

(1) No person shall rent, lease, let or otherwise make available for occupancy any building designed for human occupation unless a certificate of compliance has been issued for the building and each individual dwelling unit within it.

(2) Owner occupied residential dwellings are exempt from registration if the only other occupants of the dwelling are members of the owner's family or household.
(Ord. 495, passed 11-6-17; amended by Ord. 505, passed 4-15-19; amended by Ord. 523, passed 6-6-22)

§ 90.102 [RESERVED].

§ 90.103 INSPECTION PROCEDURES.

(A) A residential building or any dwelling unit covered by this article, which is damaged by fire, windstorm, building failure, shifting of soil or land thereunder, or any other catastrophe, or is reported to be otherwise in violation of the city's Property Maintenance Code, shall be inspected after such occurrence.

(B) The Code Official or their designee may periodically cause an inspection to be made of the entire residential building in which a rental dwelling regulated by this article is located. Upon notice from the Code Official or their designee to the registered owner, manager or designated agent that an inspection is due, the registered owner, manager or designated agent shall arrange for that inspection within the time as specified in the notice.

(C) Inspections shall be conducted as permitted in (1) through (5):

(1) A complaint basis, such that complaint of violation will be inspected upon receipt of a verbal or written complaint, by the Code Official, Building Department, or other authorized official.

(2) A recurrent violation basis such that any premises which are found to have a high incidence of recurrent or uncorrected violations will be inspected.

(3) Geographically, such that regulated premises in a predetermined geographical area will be inspected within a short period of time.

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(4) A follow-up inspection or re-inspection, such that previous violations are inspected for correction and compliance.

(5) Every two years, a registered owner, manager, or designated agent shall arrange this inspection.

(D) If any owner, tenant or other person in charge of any rental property or dwelling unit fails or refuses to permit or prevents free access and entry to the structure or dwelling unit under his or her control or any part thereof when an inspection authorized by this section is sought to be made, the Code Official will petition for and, upon such showing as is required by law, obtain a search warrant from a court of competent jurisdiction permitting inspection of the premises, as well as any additional order directing compliance with the inspection requirements of this article and such other directive and remedies as the court deems appropriate under the circumstances.

(E) An inspection shall be performed by the Code Official or their designee.

(F) An inspection may be rescheduled for just cause. Once a date for inspection is scheduled, the owner or agent shall:

(1) Notify each tenant of the date when the inspection is scheduled to occur.

(2) Notify each tenant or occupant that the registered owner, manager or designated agent is required to accompany the inspector during the performance of all inspections and in the event that the tenant or occupant is not present, the owner/agent must provide access to the inspector by unlocking the dwelling unit's door, verifying that no occupant is present and securing the unit after the inspection is completed.

(G) If a registered owner, manager or designated agent fails to request an inspection before the expiration of a certificate of compliance, the Code Official or their designee will obtain an administrative search warrant to be served on the owner, manager, designated agent or tenant.

(H) Inspections shall be subject to fees, which shall be those fees as set by resolution by the City Commission from time to time.

(I) If the cost of performing any inspection referred to in this section remains uncollected or unpaid for a period of 90 days after the bill for the same has been rendered, the cost shall be certified to the tax roll.

(Ord. 495, passed 11-6-17; amended by Ord. 505, passed 4-15-19; amended by Ord. 523, passed 6-6-22)

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§ 90.104 FEES.

(A) The owner of the property shall be responsible for payment of the fees for each first dwelling unit and for each additional dwelling unit offered for rent, lease, let or otherwise made available for occupancy within the city that are set by resolution by the City Commission from time to time and on file with the Code Official or the Office of the City Clerk.

(B) *Applicable fees.* The following applications and inspections are applicable with fees per the aforementioned schedule:

(1) *Registration.* Property owner and or agent recorded for the submission of an application under this article. Failure to register prior to occupancy will result in “failure to register” fee.

(2) *Certification inspection.* The fee for the inspection of each dwelling unit that has not previously received a certificate of compliance.

(3) *Renewal inspections.* Inspections for the purpose of renewing a certificate of compliance if the unit complies with the city’s adopted Property Maintenance Code and the certificate is renewed after one inspection.

(4) *Reinspection.* Any subsequent inspection required for purpose of determining that cited violations have been corrected.

(5) *Broken appointments.* Broken appointments shall be defined as situations where the owner or agent fails to honor an appointment scheduled by the Code Official or their designee. Where the owner or occupant appears for the appointment but refuses entry to an inspector who does not have a search warrant, then it is not a broken appointment. In the event the owner or agent fails to show for the scheduled inspection, and/or the owner or agent fails to adequately arrange access to necessary areas of the building or building for inspection, the inspection shall be deemed a “broken appointment” and shall be subject to additional fees.

(6) *Expired certificate of compliance.* Expired certificate of compliance fee assessed plus the cost of enforcing agency scheduled inspection fees.

(7) *Tenant complaints.* The Code Official or their designee shall make an initial inspection after receiving a written complaint and the required fee, if any, from the tenant. If a violation is found and re-inspection is required, the owner shall be billed for all required re-inspections and associated fees.

(8) *Appeals.* Appeals shall be available through the City Commission.
(Ord. 495, passed 11-6-17; amended by Ord. 505, passed 4-15-19; amended by Ord. 523, passed 6-6-22)

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§ 90.105 COLLECTION OF FEES.

(A) All required fees shall be paid before commencement of scheduled inspections. However, the city may inspect a property whether or not a fee has been paid under this article.

(B) When other fees are imposed pursuant to § 90.104, a statement of the fees shall be mailed to the owner. If the fees are not paid within 90 days, a certificate of nonpayment shall be filed with the City Treasurer, upon the filing of the certificate the unpaid fees shall be certified to the tax roll.

(Ord. 495, passed 11-6-17; amended by Ord. 505, passed 4-15-19; amended by Ord. 523, passed 6-6-212)

§ 90.106 [RESERVED].

§ 90.107 ISSUANCE OF CERTIFICATE OF COMPLIANCE.

(A) *Procedure for issuance.* A certificate of compliance may be issued for a residential building and/or dwelling units covered by this article only after:

(1) An inspection of the premises by the Code Official or their designee verifies that no violations of the International Property Maintenance Code exist and the building is in good repair, structurally sound and in a sanitary condition;

(2) All fees have been paid and all current registration information has been provided by the owner/agent of the property; and

(3) The submission of an affidavit that the applicant is not in default to the city. Specifically, that the applicant has not failed to pay any property taxes, special assessments, sewer/water bills, fines, costs, fees, judgments or other financial obligations to the city.

(B) *Certificates of compliance approval or denial.* The Code Official shall make a determination based upon satisfactory compliance with this article including application requirements, inspections, re-inspections, cure or abatement of any violations, cure or abatement of any complaints, and compliance with all other permits, certificates, rules, or regulations and do one of the following:

(1) Approve and issue the certificate of compliance under this article; or

(2) Reject the application and inspection, revoke any registration or prior certificate of compliance and state the reasons for such rejection.

(C) All decisions of the Code Official may be appealed to the City Commission.

(Ord. 495, passed 11-6-17; amended by Ord. 505, passed 4-15-19; amended by Ord. 523, passed 6-6-22)

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§ 90.108 [RESERVED].

§ 90.109 [RESERVED].

§ 90.110 [RESERVED].

§ 90.111 [RESERVED].

§ 90.112 DEFINITIONS.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CODE OFFICIAL. The person charged with the administration and enforcement of this article or his or her designee. For the purposes of this article, the City Administrator or his or her designee may undertake any action of the Code Official under this article.

DWELLING UNIT. A building, mobile home, or portion thereof, or a particular living quarter designed for occupancy for residential purposes and having cooking facilities and sanitary facilities, except:

(1) Units required to be occupied by an employee or agent of an owner as a condition of employment (i.e., parsonages); and

(2) Any dwellings, dwelling units or mobile homes, which the state has exclusive authority under state law to inspect and regulate.

MANAGING AGENT/AGENT. An individual or company representing the owner having a place of residence or business within the county or within 20 miles of the city if residing outside the county. The local agent is responsible for the operation of the owner's residential rental dwelling unit(s) located within the city regarding compliance with the provisions of this article, and the terms and conditions of all other codes and ordinances of the city. A local agent is required if the owner's address is more than 40 miles from the subject property.

OWNER. The individual(s), company, corporation, or governmental or private agency listed on the recorded deed as the owner or purchaser under a recorded land contract of a property containing residential rental dwelling unit(s).

(Ord. 505, passed 4-15-19; amended by Ord. 523, passed 6-6-22)

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§ 90.191 PENALTY.

Any person violating any provisions of this article shall be responsible for a municipal civil infraction and subject to the penalties and sanctions provided by this code.

(Ord. 495, passed 11-6-17; amended by Ord. 505, passed 4-15-19; amended by Ord. 523, passed 6-6-22)

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