

## **CHAPTER 90: INSPECTIONS**

Article

### **I. RENTAL UNIT INSPECTIONS**

## **Clio - Inspections**

## ARTICLE I: RENTAL UNIT INSPECTIONS

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### § 90.101 REGISTRATION REQUIRED.

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.

(A) 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.

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

(C) 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.

(D) 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.

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

### **§ 90.102 INSPECTION FREQUENCY.**

(A) Residential buildings and/or dwelling units for rent, lease, let or otherwise made available for occupancy must be inspected every two years.

(B) Residential buildings and/or dwelling units for rent, lease, let or otherwise made available for occupancy may be inspected any time there is a complaint or other indication of a violation of this article.  
(Ord. 495, passed 11-6-17; amended by Ord. 505, passed 4-15-19)

### **§ 90.103 INSPECTION PROCEDURES.**

(A) A residential building and/or dwelling units 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 the written complaint and the payment of any inspection fees, by the building department.

(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.

(4) A follow-up 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.

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

(E) 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.

(F) 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 shall obtain an administrative search warrant to be served on the owner, manager, designated agent or tenant.

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

(H) 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)

### § 90.104 FEES.

(A) The owner of the property shall be responsible for payment of the fees that are set by resolution by the Commission of the City of Clio from time to time and on file with the Code Official or their designee and the Office of the City Clerk.

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

(1) *Registration.* Property owner and or agent recorded. 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) *Reinspection.* The third and any subsequent inspection required for purpose of determining that cited violations have been corrected.

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(4) *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. In the event the owner/agent fails to show for the scheduled inspection, and/or the owner/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.

(5) *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.

(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) *Administrative search warrants.* An additional charge shall be assessed over and above any inspection charges for each residential building and/or unit and/or building for which an administrative search warrant is issued by a court because the owner or agent has failed to respond to the requests of the Code Official or their designee to gain admission to the unit.

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

### **§ 90.105 COLLECTION OF FEES.**

(A) All required fees shall be paid before commencement of scheduled inspections.

(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)

### **§ 90.106 CERTIFICATE OF COMPLIANCE REQUIRED.**

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 unit within it.  
(Ord. 495, passed 11-6-17; amended by Ord. 505, passed 4-15-19)

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### **§ 90.107 ISSUANCE OF CERTIFICATE OF COMPLIANCE.**

A certificate of compliance shall be issued for a residential building and/or dwelling units covered by this article only after:

(A) 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;

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

(C) 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.

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

### **§ 90.108 TERMINATION OF CERTIFICATE OF COMPLIANCE.**

Certificates of compliance for residential rental buildings shall expire two years after the date that they are issued. If the owner of a residential rental building applies for an inspection before the certificate of compliance expires, the Code Official or their designee shall issue a temporary certificate of compliance with an expiration date based on the time needed to arrange an inspection. The Code Official or their designee may revoke a certificate of compliance if an inspection reveals violations of this article.

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

### **§ 90.109 TEMPORARY CERTIFICATE OF COMPLIANCE.**

The Code Official or their designee is authorized to issue a temporary certificate of compliance for any portion of any building that can be occupied safely, provided that all fees have been paid and current registration information has been provided. The temporary certificate shall state on its face any remaining violations and the Code Official or their designee shall set a time period during which the temporary certificate of compliance is valid. Failure by the owner or the owner's agent to correct the violations within the time specified by the Code Official or their designee shall constitute a violation of this article and the building and/or unit may be ordered vacated.

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

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### **§ 90.110 TRANSFER OF CERTIFICATE OF COMPLIANCE.**

The Code Official or their designee shall transfer a certificate of compliance to a new owner when the new owner supplies the registration information required by § 90.101.  
(Ord. 495, passed 11-6-17; amended by Ord. 505, passed 4-15-19)

### **§ 90.111 PURPOSE.**

The Commission of the City of Clio recognizes the need for a registration and inspection program for residential rental dwellings within the City for the health and safety of its residents and to provide an efficient system for compelling landlords to correct violations and to maintain, in proper condition, rental property within the city. The city recognizes that the most efficient system to provide for the inspection of residential rental dwellings is the creation of a program requiring the registration and inspection of all residential rental dwellings within the city as defined in this article, so that effective and regularly scheduled inspections can be performed by designated Code Official.  
(Ord. 505, passed 4-15-19)

### **§ 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.

**DWELLING UNIT.** A building, mobile home, or portion thereof, 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.

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***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)

### **§ 90.999 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)

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