

**Sec. 26-111. - Definitions.**

*Code Enforcement Manager* means the person employed by the City as the City’s Code Enforcement Manager or that person’s designated representative.

**Sec. 26-117. Inspections; reinspections; certificate of occupancy.**

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- (a) *Inspections.* As a condition to the issuance of the license required by this article, the owner, resident manager and property manager shall consent and allow the ~~building inspector~~ Code Enforcement Manager to make the following inspections of the apartment complex when and as needed to ensure compliance with this article:
  - (1) Right and access to inspect all portions of the premises and structures located on the premises that are not dwelling units, including, but not limited to, all storage areas, community buildings, swimming pools, athletic facilities, club rooms, equipment rooms and all other portions of the facilities not constructed as dwelling units, upon reasonable advance notice being given to the owner, property manager or resident manager.
  - (2) Right and access to inspect all unoccupied dwelling units upon giving reasonable notice to owner, resident manager or property manager.
  - (3) Right and access to inspect all occupied dwelling units when, upon reliable information, the ~~building inspector~~ Code Enforcement Manager has reason to believe that violations of the ordinances of the city or state law exist that involve serious threats to life, safety, health and property.
  - (4) Annually, the owner, resident manager or property manager shall make all dwelling units in the apartment complex available for inspection by the ~~building inspector~~ Code Enforcement Manager. The ~~building inspector~~ Code Enforcement Manager and the owner, resident manager or property manager shall agree on a reasonable date and time for each annual inspection. Apartment complexes shall be inspected as follows:

Apartment Complex Age	Minimum Inspection Frequency
<del>0-5 years</del> <u>0-3 years</u>	Complaint basis + 100% exterior
<del>6-10 years</del> <u>3+ years</u>	<del>25% of the units</del> <u>10% of total units up to 100% as needed*</u>
<del>11-20 years</del>	<del>50% of the units</del>
<del>21 or more years</del>	<del>100% of the units</del>

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\* For each apartment unit that has three or more violations, one additional unit within the complex will be added to the inspection. For each apartment unit that has five or more violations, two additional units within the complex will be added to the inspection.

- (b) *Enforcement of admission to inspect.* The ~~Code Enforcement Manager~~ ~~building inspector~~ may enforce the provisions of this article and, upon presentation of proper identification and notification to the property manager or resident manager, enter any dwelling unit between the hours of 8:00 a.m. and 5:00 p.m.; provided, however, in cases of emergency where extreme hazards that may involve imminent injury to persons, loss of life or severe property damage are known to exist, the ~~Code Enforcement Manager~~ ~~building inspector~~ may enter the dwellings mentioned in subsection (a) of this section at any time and the requirement for presentation of identification and notification to the management shall not apply. Whenever the ~~Code Enforcement Manager~~ ~~building inspector~~ is denied admission to inspect any premises under this article, inspection shall be made only under authority of a warrant issued by a magistrate authorizing the inspection. In applying for such a warrant, the ~~Code Enforcement Manager~~ ~~building inspector~~ shall submit to the

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magistrate an affidavit setting forth his belief that a violation of this article exists with respect to the place sought to be inspected and the reasons for such belief. Such affidavit shall designate the location of such place and the name of the person believed to be the occupant thereof. If the magistrate finds that probable cause exists for an inspection of the premises in question, he may issue a warrant authorizing the inspection, such warrant describing the premises with sufficient certainty to identify the premises. Any warrants issued will constitute authority for the ~~Code Enforcement Manager building inspector~~ to enter upon and inspect the premises described therein.

- (c) *Reinspection; fee.* A reinspection fee in an amount determined in accordance with Appendix A of this Code shall be assessed and paid for each reinspection conducted by the ~~Code Enforcement Manager building inspector~~ required to verify repairs and/or corrections of each noted violation in a dwelling unit within an apartment complex and each noted exterior violation item. Failure to pay the required reinspection fee shall be a violation of this article and subject to penalties in section 1-14, but not to exceed the amount listed in Appendix A per unit within the apartment complex.
- (d) *Certificate of occupancy.* Upon failure to comply with the provisions of this article after receipt by the owner, property manager, and/or resident manager of written notice from the ~~Code Enforcement Manager building inspector~~ of a violation setting forth the violations and the time allowed to correct the violations, the owner's certificate of occupancy may be withdrawn and the license authorized by this article may be canceled. The ~~Code Enforcement Manager building inspector~~ may notify all public utility companies serving the apartment complex that the certificate of occupancy has been withdrawn and request that all public utility services be discontinued.
- (e) *Reinstatement.* Any person requesting a reinstatement or reissuance of the certificate of occupancy shall be required to apply for and receive a new license issued under this article as a condition precedent to the reissuance or reinstatement of the certificate of occupancy.

~~(Ord. No. 2447, § 10, 12-21-1998; Ord. No. 3537, § 2, 10-16-2018)~~