

Certificate of Occupancy Pre-Sale Inspection Procedure & Application

I. Requirements

Prior to the sale, transfer or equitable ownership of any real estate within the City of Clayton, the current owner or his agent shall schedule an exterior inspection to obtain a pre-sale exterior occupancy inspection. An inspection must also be conducted upon an occupancy change, but in no case more than once during any twelve (12) month period. If no exterior violations exist upon the date of inspection a certificate of occupancy shall be issued. If exterior violations exist upon the date of inspection a certificate of occupancy will not be issued until all violations are corrected and brought into compliance. No person shall sell or receive a commission or fee from the sale of any real property in the City of Clayton without a valid certificate of occupancy in effect. Apartment complexes of more than four (4) units are exempt from this program.

Failure to comply with this law may result in legal action against the buyer, seller and or agents representing such parties. The purpose of this is to ensure that all structures in the City of Clayton conform to City standards prior to sale or transfer.

II. Procedure

In order to remain compliant with the City of Clayton Zoning Code and Exterior Property Maintenance Code, it is the policy of the City of Clayton that:

- a. Prior to the sale or transfer of any real property in the City, the property owner (or their agent) shall complete an application for a pre-sale occupancy inspection and submit the document to the Clayton Development Department. Inspection fees will be due at the time of application submission (see attached page for fee schedule).
- b. Upon arriving at the inspection site, the City representative will inspect the entire exterior of the property, including but not limited to: all structures, fencing, stairways, pools, and vegetation. The attached form will be completed, and each item (as applicable) will be checked for structural soundness and maintenance requirements.
- c. If violations are found during the inspection, no occupancy certificate shall be issued until the listed violations are corrected or the property is otherwise brought into compliance with the city zoning and property maintenance codes.
- d. **Appeals:** If the owner objects to the violations listed or the fees, an appeal may be made to the City Manager in writing. The written notice of appeal shall be

submitted to the City Manager no later than five (5) working days after receipt by the owner of notification of violations identified. This period of time may be extended by the City Manager if a delay is caused by any matter beyond the reasonable control of the code official or the City Manager.

- e. There will be no additional fee for the second inspection of a property that failed to meet exterior property standards. However, if a City representative is required to inspect the property a third time, fees will again be in effect.
- f. Within two (2) working days of completing a satisfactory inspection, the Development Department will issue an occupancy certificate stating that no exterior violations have been found.
- g. All occupancy certificates (other than a conditional certificate of occupancy issued under Section 1337.01(c)(11)) issued by the City, pursuant to these provisions, shall be valid for a period of twelve (12) months before a re-inspection shall be required.
- h. **Fees:** Fees specified for certificates of pre-sale inspection are as follows:
 - 1. The fee for one-, two- and three-family dwellings, for which a certificate of occupancy is needed prior to either sale or long-term lease, shall be the fifty dollars (\$50) per principal structure. If a dwelling fails to meet the zoning and property maintenance standards at the first inspection, a follow-up visit will be included in the fee. For any subsequent inspections of the property, the fee shall be one hundred and fifty dollars (\$150) per principal structure.

III. Disclaimer

- a. Pre-Sale Inspections are intended solely to establish that properties comply adequately with zoning and property maintenance codes. Such inspections will not necessarily relate to adequacy of construction or soundness of structure and do not replace the need for a whole house inspection by a professional home inspector.

Certificate of Occupancy Inspection Check List

1. Legible and Visible Address Number and Unit Identification
2. Front/Rear Door – maintained in proper working order, boarded up. - *1313.02(d) Exterior Doors*
3. Screens – broken, missing, ripped - *1313.04(b) Maintenance*
4. Garage Door – *1313.02(d) Exterior Doors*
5. Siding – broken, peeling, missing – *1313.02(j) Exterior Surfaces*
6. Shingles – missing, broken. – *1313.02(f) Gutters*
7. Gutters/Downspouts – attached to structure, free of growth. *1313.02(f) Gutters*
8. Peeling Paint - *1313.02(j) Exterior Surfaces*
9. Broken Windows – *1313.02(c) Windows*
10. Roof – *1313.02(e) Roof*
11. Patio Slabs – cracked, hazardous conditions.
12. Driveway/Sidewalk/Walkways – shall be kept in proper state of repair and free from hazardous conditions. *1313.04(a) Exterior Surface (3)*
13. Front/Back Porch – maintained in good working order. Loose boards and hand rails. – *1313.02(h) Porch*
14. Stairs – loose steps, hand rails – *1313.04(a) Exterior Surface(4)*
15. Masonry – free from open cracks, broken pieces – *1313.02(b) Exterior Walls and Surfaces*
16. Foundation – walls plumb and free from open cracks, shifting. – *1313.02(a) Foundations*
17. Weeds – Pulled/Cut – shall not exceed 8 inches. – *1313.05 Vegetation (a) Vegetation Cutting*
18. Trees – dead or decaying. – *1313.05 Vegetation (b) Maintenance of Plantings*
19. Bushes Trimmed – *1313.05 Vegetation (b) Maintenance of Plantings*
20. Fence – maintained in good repair. – *1313.04 (c) Fences and Walls*
21. Lawn – shall not exceed 8 inches. – *1313.05 Vegetation (a) Vegetation Cutting Requirements*
22. Pool – proper screening, stagnant water, secured gate. – *Zoning Code 1187.12(c) (2); Exterior Property Maintenance 1313.04(e) Hazards*
23. Hot Tub/Spa – stagnant water – *1313.04(e) Hazards*
24. Trash – premises maintained clean, safe, sanitary free from rubbish and garbage. – *1313.04 (d) Yards*
25. Chimney – maintained in good repair. – *1313.02(g) Chimneys*
26. Accessory Building – *Permits/Repairs – Zoning Code 1129.02; 1313.04(b) Maintenance*
27. Antenna/Dish/TV Tower – *1313.04(b) Maintenance*
28. Sump Pump Drainage tied to Storm Drain
29. Other Items Not Covered Above That Need Repair
30. All utility bills current with City



OC#: _____ Date Received: _____ Reviewed By: _____
Fee: \$50.⁰⁰ Cash Credit Card Check # _____

Certificate of Occupancy 'Pre-Sale' Application

Property Owner: _____ Phone: _____

Property Address: _____

Parcel ID#: _____ Zoning: _____

Seller Agent's Name: _____ Phone: _____

Title Company: _____ Phone: _____

If known, Buyers Name: _____ Phone: _____

Buyer's Agent: _____ Phone: _____

Property Information:

Vacant?: Yes No Dog on Premises: Yes No *If known,* Closing Date: _____

Dwelling Single-Family Two-Family Commercial
Type: Condominium Other: _____

I _____ *(Print Name)* hereby authorize and grant to the City of Clayton officials and employees the right to come onto the above described property for the purpose of inspecting and evaluating the premises regarding this application. I further release City officials and employees from any and all liability during said inspection and related matters.

I swear that the above information, to my knowledge, are true and correct. I understand that if the information on this application is not correct or complete, the result may be the invalidation of the approval and all subsequent permits issued in conjunction with this approval. I also swear I have read the City of Clayton Pre-Sale Exterior Occupancy Inspection Procedures and understand it.

Property Owner/Owner Agent Signature _____ Date _____

Once Inspection is completed, send Certificate of Occupancy via:
 Call/Pick-Up Email: _____ Fax: _____