

AN ORDINANCE BY THE TOWN OF CLAYTON, DELAWARE ADOPTING A RENTAL PROPERTY INSPECTION ORDINANCE

BE IT ORDAINED by the Town Council of the Town of Clayton, Kent County, Delaware as follows:

SECTION 1

Purpose. It is the express intention of the Town of Clayton that landlords renting residential properties within the Town of Clayton corporate limits provide fit, habitable, and safe rental units.

SECTION 2

1. Prior to any owner of residential real property within the Town of Clayton limits renting any dwelling to a residential tenant, said owner/landlord or his/her authorized agent shall first obtain a rental inspection from the Town of Clayton prior to allowing any tenant to take possession of the proposed demised premises.
2. Requests for rental inspections must be made to the Town of Clayton at least 72 hours notice prior to the requested inspection.
3. The Town of Clayton Code Enforcement Officer or his/her authorized representative shall perform all inspections required by this Ordinance and shall have the sole authority to issue or deny a Certificate of Occupancy to a landlord under this Ordinance. Tenants and their belongings shall not be present during any required inspection but the landlord or his/her representative must be present during the inspection.
4. Inspections will be limited to criteria published by the Town of Clayton which may be periodically updated by the Code Enforcement Office.
5. Violations will be presented to the landlord in writing using a Field Correction Notice currently used for building inspections.
6. No tenant shall be permitted to occupy the dwelling without a Certificate of Occupancy first being issued to the landlord.

7. The Certificate of Occupancy shall be identical to the building permit currently issued by the Town of Clayton but shall be stamped "Rental Certificate of Occupancy".
8. All records shall be kept in the Town of Clayton Department of Inspections & Enforcement office.
9. Any owner who rents a rental property to any tenant within the Town of Clayton without first obtaining a Rental Certificate of Occupancy as required by this Section shall be fined the sum of \$50.00.
10. In order to obtain a Rental Certificate of Occupancy under this Ordinance, landlords shall pay to the Town of Clayton the sum of \$25.00.

THIS ORDINANCE shall become effective upon its enactment but shall not apply to any existing leases at the time the Ordinance is adopted.