

9-4 RENTAL HOUSING UNIT INSPECTIONS AND REGISTRATION AND INSPECTIONS

9-4.1 Purpose and Intent.

a. ~~There are many dilapidated dwelling units throughout the City, many of which are clearly anything but decent, safe and sanitary. This section will force those landlords that are currently unwilling to improve their own housing stock to do just that. This section covers all dwelling units offered for rent or lease.~~

a. ~~This section provides~~This Section aims to address substandard rental dwelling and rental housing units, promote compliance with health and safety standards, and enhance the quality of neighborhoods and available housing. It achieves compliance with health, safety, and welfare code violations in rental housing units that pose a threat to occupant safety, structural integrity, and the surrounding neighborhoods, while also enhancing property value, improving landlord-tenant relations, and reducing liability risks for landlords.

b. ~~Provides~~ a system of ~~registration, inspection, and~~ regulation for the maintenance, sanitation, occupancy, and safety of single or multi-unit residential structures, apartments and apartment houses, motels, hotels, lodging houses, and rental housing units and any ~~common areas associated therewith, in the City for the public health, safety and general welfare. In accordance with the provisions of the Uniform Housing Code, it associated common areas.~~ It is not the intent of this section to require mandatory retrofit of existing units built, constructed or installed according to such code requirements in effect at the time the building, structure, or units were built and occupied, constructed or installed, if such units have been maintained in a good and safe manner, unless the retrofitting is otherwise required by State or local law.

c. ~~The intent of this section is also to detect,~~Detect and remedy, code violations of all applicable City codes, ordinances, the ~~Uniform California~~ Building Code, the ~~Uniform California~~ Fire Code, State Housing Law (Health and Safety Code Section [17920.3](#)), and other ~~application-~~Stateapplicable state and local laws and regulations and conditions in single or multi-unit residential structures, apartments and apartment houses, motels, hotels, lodging houses, and rental housing units and any common areas that constitute an immediate hazard or

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present a clear and present threat to human life, limb, health, property, safety, or general welfare of the public or the occupants thereof.

d. ~~Furthermore, conditions~~ Conditions that could result in serious dilapidation or deterioration will be subject to full enforcement proceedings. ~~However, a reasonable period of time will be permitted for compliance with code requirements~~ toward the goal of making ~~the rental~~ units, common areas, and facilities safe for human occupation and use. ~~The goal is to achieve rental housing that meets minimum housing and property maintenance standards as set forth in state and local and State Law. (Ord. #102-01)~~

e. ~~Furthermore, the registration and inspection of rental units will enable the City to collect, monitor and analyze rental data to inform policy decisions.~~

9-4.2 Exemptions.

This section shall not apply to any owner-occupied housing unit, jail, hospital, extended-care facility, convalescent home, licensed board and care facility, asylum, sanitarium, orphanage, prison, dormitory that is owned and operated by an educational institution, or other buildings that are licensed by the State in which human beings are housed and/or detained under legal restraint; nor shall it apply to vacation homes used exclusively by the owner and never offered for rent or lease. ~~(Ord. #102-01) by that owner.~~

9-4.3 Authority and Enforcement.

- a. The provisions of this section shall be administered and enforced by the City of Clearlake Community Development Department, or division thereof.
- b. Nothing contained in this section shall prevent an owner, tenant, or permit applicant from voluntarily requesting an inspection at any time for the purpose of determining whether the premises or dwelling units comply with this section. A fee for such inspection, ~~paid at the requestors expense~~, shall be fixed pursuant to subsection ~~9-4.1216~~.

e. ~~In the performance of their duties, officers~~ City officials shall, upon presentation of ~~property~~ proper credentials ~~and in compliance with tenant rights~~, have the right to enter; ~~at reasonable times pursuant to Section 9.4.19~~, any building, structure, premises, or

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dwelling unit in the City to perform any duty imposed upon them by this section.

~~d.c.~~ Nothing in this section shall prohibit an interior inspection of any dwelling unit where an owner or lawful occupant grants entry to the dwelling unit. Entry into any dwelling unit shall be made by the ~~Enforcement Officer~~ Building Inspector with permission from either an owner or occupant, or upon the issuance of an inspection warrant pursuant to California Code of Civil Procedure Section 1822.50 et seq., except in the event of emergency.

~~e.d.~~ It shall be considered a public nuisance and unlawful to construct, alter, convert, maintain, permit occupancy, or otherwise use for human occupation, any multi-unit residential building, structure, apartment and apartment house, motel, hotel, lodging house, rental housing unit or similar facility which fails to comply with State and local laws as they relate to housing standards, property maintenance, building and fire codes or local zoning requirements. The remedies available under California Civil Code Section 3491 et seq., may be used, to correct a public nuisance in addition to other remedies available by the Clearlake Municipal Code. The inspection shall be at reasonable times during daylight hours, ~~except in the event of emergency. (Ord. #102-01).~~

9-4.4 Definitions.

Except as otherwise provided in this section, terms and words used in this section are defined as listed in the California Health and Safety Code, Division 13, Part 1.5, Section 17920 et seq.; and the California Code of Regulations, Title 25 Chapter 1, Article 1 and Article 2, and the applicable articles adopted pursuant thereto, and the following words are defined as follows:

APARTMENT shall mean a rental dwelling unit.

CERTIFICATE OF INSPECTION shall mean a certificate, issued to an owner of a multi-dwelling unit structure, motel, hotel, lodging house, rental housing unit or similar facility, which signifies that at the time of issuance, the residential dwelling structure met the requirements for human occupancy.

CITY shall mean the City of Clearlake, or its authorized agent.

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~~CODE ENFORCEMENT~~BUILDING INSPECTOR shall mean ~~a division operated and under the control of the City official as designated by the~~ City of Clearlake Community Development Department ~~which is designated by the Community Development Department Director,~~ to be responsible for the enforcement of the provisions set forth in this section.

DWELLING UNIT shall mean any building or portion thereof, including a manufactured home or mobile home, or portion thereof, which contains living facilities, including provisions for sleeping, eating, cooking and sanitation as required by the Uniform Building California Residential Code for not more than one (1) family, including domestic employees of such family.

MOTEL/HOTEL shall mean a building or buildings each containing one (1) or more guest rooms or dwelling units or combination thereof, designed, used and intended wholly, or in part, for the accommodation of transients. This term does not include a jail, hospital, extended-care facility, convalescent home, licensed board and care facility, asylum, sanitarium, orphanage, prison, dormitory that is owned and operated by an educational institution, or other buildings in which human beings are housed and detained under legal restraint.

OCCUPANT shall mean any person who occupies a dwelling unit, whether as a tenant or subtenant.

OWNER shall mean that person or entity, including the duly appointed agent of the owner, holding a vested interest in a given property and appearing as a legal owner of record on the most current deed recorded in the county recorder's office on the day of the inspection or reinspection.

PERSON shall mean an individual, partnership, limited partnership, corporation, association, or public entity or corporation.

PREMISES shall mean and include all buildings located on continuous parcels of land under common ownership.

REASONABLE TIMES shall mean 8:00 a.m. to 6:00 p.m., Monday through Friday unless another time is mutually agreed upon.

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RENTAL DWELLING UNIT shall mean a dwelling unit in a multi-unit residential building or structure including motels, hotels, rooming and boarding houses and similar living accommodations; which unit is held out for or is rented, leased, subleased, or otherwise permitted to be occupied by other than the owner on a rental basis for one (1) or more days in any given calendar year.

RENTAL HOUSING UNIT shall mean any residential dwelling in a single structure, or in a group of attached or detached structures containing one (1) or more such dwelling units on the same parcel of land under common ownership that (a) contains one (1) or more rooms with a single kitchen designated for living and sleeping purposes as an independent housekeeping unit, and (b) is occupied or intended to be occupied on a rental basis for one (1) or more days in any given calendar year. (Ord. #102-01)

9-4.5 Registration Requirements.

a. *Registration Requirement and Time.* The owner of every building or structure containing one (1) or more rental dwelling units or rental housing unit units shall register such building or structure, and pay an annual registration fee for each parcel containing rental dwelling unit therein units, with the City of Clearlake Community Development Department pursuant to the following:

1. Within ninety (90) sixty (60) days of the effective date of this section;

Editor's Note: See subsection 9-4.1621, for effective date of section.

2. Within thirty (30) days of the date of issuance of a certificate of occupancy for a new construction; or,
3. Prior to the first day that the unit or units are first offered for rent.

b. *Application Form.* Registration shall be accomplished by filing with the Community Development Department a completed application form as provided by the Community Development Department. (Ord. #102-01) The Department may require that some or all registration information be submitted through a secure City designated website. Registration shall not be deemed effective until all required information, fees and outstanding penalties have been received.

9-4.6 Initial Phase Implementation

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To ensure orderly and effective enforcement, the City shall implement a phased inspection program over a period of approximately three (3) years from the effective date of this section. During this initial phase, all owners of rental dwelling units and rental housing units shall complete registration in accordance with Section 9-4.5 within sixty (60) calendar days of the effective date, regardless of when their unit will be inspected. The City shall prioritize inspections based on factors including but not limited to, health and safety risk factors, such as history of violations, tenant complaints, and property age, etc.

Notwithstanding subsection (a) of Section 9-4.6, a rental unit may be legally occupied after it has been registered and prior to the initial inspection, provided they meet the conditions set forth in Section 9-4.9, including no known or outstanding code violations and the unit is safe and habitable. The City will notify property owners in advance of scheduled inspections and will work collaboratively with owners and tenants to ensure inspections are conducted with minimal disruption and in compliance with applicable legal requirements for entry.

9-4.7 Voluntary Self-Certification Program

a. Purpose. To promote compliance, reduce inspection burden on consistently well-maintained properties, and encourage responsible property management, the City establishes a Voluntary Self-Certification Program for qualifying rental housing units. This program provides an alternative to routine City inspections for eligible property owners who demonstrate compliance with health, safety, and property maintenance standards.

b. Eligibility. To qualify for participation in the Self-Certification Program, a property must meet all the following conditions:

1. Shall complete an initial inspection and issued an inspection certificate per Section 9-4.8 Inspections;
2. No substantiated health or safety code violations within the previous 12 months;
3. No active code enforcement actions, unresolved tenant complaints, or outstanding reinspection fees;

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4. The owner must complete and submit a Self-Certification Affidavit for each unit to be certified;

c. The property must not be deemed by the Community Development Department, as properties with recent ownership changes or history of complaints. *Self-Certification Process.* Eligible property owners shall:

1. Submit a Self-Certification Application and Checklist on a form provided by the Community Development Department;

2. Conduct an exterior, interior and outdoor areas inspection of each rental unit using the City's Self-Certification Checklist, affirming compliance with all applicable State and local health, safety, and building standards;

3. Provide digital photo documentation as part of the self-certification. Digital photos shall clearly show:

- The interior of the rental unit
- The exterior of the rental unit
- Outdoor areas or yards

These digital photos should correspond to the items and areas outlined in the Self-Certification Rental Housing Inspection Checklist.

4. ~~Initial~~ Sign a Self-Certification Affidavit declaring, under penalty of perjury, that all units comply with applicable codes;

5. Proof of active California certified Residential Manager, licensed realtor, or similar credentials.

6. Pay the annual Self-Certification Program fee established by City Council resolution.

d. *Term and Renewal.*

1. Self-Certification is valid for three (3) years from the date of acceptance by the

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2. Renewal requires resubmission of a complete Self-Certification packet, demonstration of continued eligibility and self-certification fee.

3. At the City's discretion, participation may be revoked at any time due to code violations, complaints, or failure to submit required documentation.

e. Audit and Verification.

1. The City may randomly audit properties enrolled in the Self-Certification Program.

2. Audited units are subject to full City inspection.

3. If the audit reveals inaccuracies or falsified information, the owner will be removed from the program, subject to immediate inspection, and may be subject to penalties under Section 9-4.14.

4. Owners found to have knowingly misrepresented unit conditions may be barred from reapplying for self-certification for three (3) years.

f. City Oversight and Discretion. Participation in the Self-Certification Program is a privilege, not a right. The City reserves the authority to deny, suspend, or revoke participation based on evidence of noncompliance or if participation is deemed contrary to the public health, safety, or welfare.

9-4.8 Inspection.

a. Initial Inspection. Following the registration of each rental unit ~~an officer shall, the Building Inspector shall schedule an inspection and~~ inspect each rental dwelling unit, or in the case of multi-units, inspect a percentage of the units as determined by the ~~City Enforcement Officer: Community Development Department.~~ If the ~~officer~~ Building Inspector determines that the unit is in compliance, the ~~officer~~ Building Inspector shall issue an inspection certificate.

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~~a.b.~~ **Inspection Registration of Converted Units.** Any dwelling unit, converted from owner-

occupied to a rental unit, is required to be ~~inspected~~**registered** prior to being occupied by a renter.

~~b.c.~~ **Annual Inspection.** Following the initial inspection, all rental units shall be subject to an annual inspection at the City's discretion. ~~Prior to the expiration of each inspection-~~
~~certificate~~**Upon notification by the City or inspector,** the owner shall remit an **annual** inspection fee to the City and shall allow ~~an officer to a Building Inspector~~**to** inspect each rental dwelling unit to determine whether the units comply with all applicable City codes, ordinances, the ~~Uniform California~~ Building Code, the ~~Uniform California~~ Fire Code, State Housing Law (Health and Safety Code Section **17920.3**), and other applicable State laws and regulations. If the ~~officer~~**Building Inspector** determines that the unit is in compliance, the ~~officer~~**Building Inspector** shall issue an inspection certificate providing all fees have been paid. ~~In addition the property will be removed from the annual inspection list and placed on-~~
~~a triennial inspection list. If during the three (3) year period a founded complaint is received,~~
~~the property will be placed on the annual inspection list.~~ If any unit is found to be in violation, an order to correct the violation shall be issued pursuant to subsection **9-4.8** of the Clearlake Municipal Code. Any newly constructed rental unit/units shall be placed on the ~~triennial-~~ inspection list upon issuance of a certificate of occupancy by the Building Inspector. If a ~~founded~~**verified** complaint is received ~~during the three (3) year period the Code Enforcement-~~
~~Officer~~**Building Inspector** may require subsequent annual inspections.

~~c.d.~~ **Notice of Inspection.** At least ten (10) calendar days prior to any routine inspection or reinspection, the Community Development Department, or division thereof, shall mail, by first class postage prepaid, a notice setting forth the following:

1. The address or other identification of the property to be inspected;
2. The date of the inspection;
3. A range of time, not to exceed ~~four (4)~~**two (2)** hours, during which time the inspection will be made;
4. All inspections will be scheduled between 8:00 a.m. and 5:00 p.m., Monday

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through Friday, inclusive, or at such other ~~times~~ as the owner, agent or occupant may consent. (Ord. #102-01)

9-4.79 Inspection Certificate.

a. Inspection Certificate. No person or entity shall permit to be occupied a rental dwelling unit, or operate a hotel, motel, rental housing unit, apartment or similar facility, without possessing an unexpired, unrevoked, unsuspended, valid inspection certificate for each rental unit, which has been issued pursuant to this section and paying all applicable fees as adopted pursuant to subsection 9-4.1216.

a:

b. Inspection Certificate; Form. The inspection certificate shall contain the following:

1. The date of issuance;
2. The lawful use of the property;
3. The address of the property;
4. The property owner's name, address and telephone number;
5. The duly authorized owner's agent, if any, and his/her/its name, address and telephone number;
6. The expiration date;
7. The signature of the issuing officer;
8. The amount of the fee paid;
9. Any other pertinent information. (Ord. #102-01)

c. 9-4.8 Order to Correct Violation Occupancy Pending Inspection Certificate.

Notwithstanding subsection (a) above, consistent with the phased implementation set forth in Section 9-4.6, in recognition that the scheduling and processing of inspections may not always align with the timing of rental occupancy, a person or entity may allow a rental

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dwelling unit or rental housing unit to be occupied before an inspection certificate has been issued only if all of the following conditions are met:

1. The unit has been registered with the City in compliance with Section 9-4.5;
2. There are no outstanding or uncorrected violations of the California Health and Safety Code, the California Building Code, the California Fire Code, City property maintenance standards, or other applicable local ordinances;
3. The unit has not been subject to a Notice of Correction or code enforcement action within the previous twelve (12) months;
4. The owner or authorized agent certifies in writing, under penalty of perjury, that the unit is in compliance with all applicable codes and safe for human occupancy.

Occupancy before issuance of an inspection certificate in conformity with this subsection does not exempt the owner from complying with any inspection, correction, or fee obligations required under this chapter. If subsequent inspection reveals violations, the owner shall be responsible for all corrective actions and any consequences of enforcement, including potential tenant relocation where required by law.

The City may deny or revoke the right to allow occupancy prior to certification for any owner or property found to have submitted false or misleading compliance information, for any property with repeated violations, complaints, or safety concerns, or if the owner or lawful occupant has unreasonably failed to cooperate with the Building Inspector in scheduling or allowing the initial inspection.

9-4.10 Notice of Correction and Reinspection.

If inspection reveals a violation of housing standards, property maintenance, building and fire codes or local zoning requirements, the property owner shall be provided with a written notice describing the violation, its location, a demand for its the correction needed, and a reasonable time date due for correcting the violation. Thereafter, the Enforcing Officer Building Inspector shall reinspect the building, structure, units or premises to ascertain that the violation has been corrected. No inspection certificate shall be issued until all violations are

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corrected. A reinspection fee will be charged as provided for pursuant to subsection 9-4.1216 of this section.

If an owner fails to correct the violations discovered during any inspection within a reasonable period of

The time, there may be an imposition of a penalty. The reasonable period of time for purposes of this section shall be the time reasonably necessary to correct the violation as determined by the Enforcement Officer, which time generally shall not exceed thirty (30) days from service of the notice of violation. Except in correction and those cases which constitute an immediate danger to health or safety, the reasonable period of time for the proposed abatement shall be the time reasonably necessary to correct the violation, as determined by the Enforcement Officer. The time generally time allowed for abatement correction shall not exceed thirty (30) days from service of the notice of violation correction. If the violation is not abated corrected the registration application filed to obtain an the inspection certificate shall lapse, and the owner shall violations may be subject to the administrative penalties ordinance. Further, failure to correct conditions that pose an immediate threat to human limb, life, health and safety may result in condemnation of the building, structure, premises, or dwelling unit, as provided for by law, or the application of other remedies as provided in the Municipal Code.

Editor's Note: For administrative penalties, see Section 1-9.

The owner shall be notified of the date and time of any reinspection and shall be responsible for making the unit available for reinspection by the City. The owner shall be notified of the date and time of the reinspection and shall be requested to receive the occupant's permission to enter the unit for reinspection by the City. If the occupant denies access to the unit to the Enforcing Officer Building Inspector, then a warrant, as provided for by the California Code of Civil Procedure Section 1822.50 et seq., may be obtained by the Enforcing Officer Building Inspector. If a violation results in the need to obtain a building permit, a reinspection fee shall not be assessed. (Ord. #102-01)

9-4.11 Change of Ownership

When ownership of a rental dwelling unit or rental housing unit changes, either the prior owner shall notify the Community Development Department prior to the consummation of

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the sale or recordation of the deed, or the new owner shall notify the Department no later than sixty (60) calendar days after the change of ownership has occurred. If the City is not properly notified of the ownership change within the specified timeframe, the existing inspection certificate for the unit shall automatically terminate and be rendered null and void.

The new owner shall not be required to pay registration or inspection program fees for the remainder of the calendar year in which the transfer occurs, provided that all program fees due at the time of transfer were paid in full by the prior owner. If the property was enrolled in the self-certification program at the time of transfer, the property shall remain eligible for self-certification for a period of one (1) year following the date of ownership change, unless otherwise removed due to violations, complaints, or other disqualifying circumstances as determined by the City.

Failure to comply with the ownership notification requirement may result in reinstatement of full inspection requirements and the loss of any eligibility for self-certification or fee deferral. It is the responsibility of both the selling and purchasing parties to ensure accurate and timely updates to the City's rental registry database.

9-4.12 Rental Unit Database

A rental inventory database will be created and maintained providing rental information for City internal use and reporting.

9-4.13 Notice of Appeal.

The recipient of a notice to correct a violation of correction may appeal the notice by filing a written notice of appeal as stipulated by Section 1-9 of the Clearlake Municipal Code. (Ord. #102-01)

9-4.14 Violation and Penalty.

Any person who violates the provisions of this section is subject to general penalties as set forth in Section 1-5 of the Clearlake Municipal Code and/or administrative penalties as set forth in Section 1-9 of the Clearlake Municipal Code. (Ord. #102-01)

9-4.15 Enforcement Alternatives.

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The City may enforce this section pursuant to the Clearlake Municipal Code, this chapter,
Section ~~1-8~~ (codified as adopted) of the Clearlake Municipal Code. (Ord. #102-01)

9-4.~~12~~¹⁶ Fees—Adopted by Resolution.

The City Council may adopt, and amend, from time to time, by resolution, a schedule of fees
required under this section. (~~Ord. #102-01~~)

9-4.~~13~~¹⁷ Business License.

Any person or persons offering ~~a more than five (5) dwelling unit or units~~ for rent must obtain
a business license, pursuant to the Municipal Code. (Ord. #102-01)

9-4.~~14~~¹⁸ Refuse Disposal.

The owner of each rental unit will provide either a refuse receptacle for each unit or a
dumpster provided by a franchised refuse handler to be used for multiple units and weekly
trash removal by a franchised refuse handler. A solid gated fence, six (6') feet in height and
built to City standards, will enclose dumpsters. (~~Ord. #102-01~~)

9-4.159-4.19 ~~Tenants Rights and Responsibilities: Landlord Liability Limitations~~

~~Prior to the commencement of any tenancy of a rental housing unit, the property owner
should provide the tenant or tenants with information regarding tenant rights and
responsibilities. This requirement is intended to promote awareness of legal obligations
under this Chapter and to support compliance with housing laws.~~

~~While tenants have the right to reside in a safe, clean, and habitable rental unit, they are also
obligated to maintain the unit in good condition. The rental unit must meet basic health and
safety standards, including operable plumbing, heating, electrical systems, and proper
weatherproofing (California Civil Code Section 1941.1). Tenants are responsible for keeping
the unit clean, using fixtures properly, and avoiding any damage or conduct that may result in
unsafe or unsanitary conditions (California Civil Code Section 1941.2).~~

~~Tenants also have the right to privacy and quiet enjoyment of their home, but they are
required to allow the property owner or authorized representative lawful access for
inspections, repairs, or maintenance. Entry must follow proper notice procedures, including~~

~~The Clearlake Municipal Code is current through Ordinance 269-2024, passed April 4, 2024.~~

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Inspections
written notice at least twenty-four (24) hours in advance, unless there is an emergency or other lawful exception (California Civil Code Section 1954). A tenant's refusal to allow lawful entry, or actions that prevent the correction of code violations, may relieve the landlord of liability for those violations and may result in enforcement action if the conditions pose health or safety risks.

A property owner, landlord, or certified property manager shall not be held liable for violations of applicable health, safety, or building codes under the following circumstances:

1. *Denial of Access by Tenant:* When a tenant unreasonably refuses to allow lawful entry into the rental unit for the purpose of inspection, maintenance, or correction of violations, despite the landlord having provided proper notice and made reasonable, documented efforts to gain access (California Civil Code Section 1954).
2. *Violations Attributable to Tenant Conduct:* When a code violation or substandard condition is caused solely by the tenant's actions, negligence, or failure to maintain the unit in a clean, safe, and sanitary condition, including but not limited to unauthorized modifications or damage (California Civil Code Section 1941.2).

In such cases, the property owner should retain and provide documentation of all reasonable efforts to gain access or address the issue. Acceptable documentation includes, but is not limited to, written notices, correspondence with the tenant, photographs, or service records. Nothing in this section shall limit the City's authority to take enforcement action directly against a tenant when permitted by law or to pursue corrective measures necessary to protect health and safety.

9-4.20 Severability.

If any section, subsection, clause, sentence, word or phrase of this title is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the remaining portions of the title. The City Council declares that it would have passed and adopted this section and each of the provisions thereof irrespective of the fact that any one (1) or more such provisions be declared invalid and/or unconstitutional. (Ord. #102-01)

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9-4.16 Effective Date:

This section shall take effect on the 24th day of November, 2001 and before the expiration of fifteen (15) calendar days after its passage it shall be published at least once in a newspaper of general circulation in the City of Clearlake. (Ord. #102-01)

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