

ORDINANCE NO. 2022-020

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
SAN BUENAVENTURA, CALIFORNIA, ADOPTING BY
REFERENCE THE 2021 EDITION OF THE
INTERNATIONAL PROPERTY MAINTENANCE CODE AND
AMENDING CERTAIN PROVISIONS THEREOF**

The Council of the City of San Buenaventura does ordain as follows:

SECTION 1: Chapter 12.310 “Housing Standards and Regulations,” of Division 12 of the San Buenaventura Municipal Code (“SBPMC”) is amended as follows:

“Chapter 12.310

Housing and Standards Regulations.

Sections:

Section 12.310.010 Adoption of the International Property Maintenance Code, 2021 Edition.

Section 12.310.020 Amendments.

Section 12.310.010 Adoption of the International Property Maintenance Code, 2021 Edition.

Pursuant to California Government Sections 50022.1 to 50022.8, inclusive, the 2021 International Property Maintenance Code (IPMC), including Appendix A, is adopted in its entirety, subject to the amendments, additions, and deletions set forth in this chapter. The IPMC shall apply to all occupancies identified by the Code. One true copy of the IPMC is on file in the Office of the Code Official and is available for public inspection as required by law.

Section 12.310.020. Amendments

After due consideration the City Council finds and determines that modifications and changes to the IPMC are reasonably necessary to provide sufficient and effective protection to life, health, and property. The IPMC is therefore modified, amended, added to, and changed as set forth below:

1. All references to 'International' codes shall be replaced with 'California' codes.
2. All reference to the 'International Existing Building Codes' shall be deleted.
3. Section 101.1 is replaced in its entirety with the following:

'Section 101.1 Title. Once amended and adopted by the City of San Buenaventura, the *2021 International Property Maintenance Code* may also be referred to as the San Buenaventura Property Maintenance Code.

4. Section 102.3 is replaced in its entirety with the following:

'Section 102.3 Application of other codes. Nothing in this code shall be construed to cancel, modify, or set aside any provisions of the California Code of Regulations, Title 24 as amended and adopted by the City of San Buenaventura or Title 25 inclusive of the State Housing Law.

5. Section 103.1 is amended to reflect the following:

'Section 103.1 General. The Code Enforcement Division is hereby created and the executive official in charge thereof shall be known as the *code official*.'

6. Section 104.1 is amended to reflect the following:

'Section 104.1 Fees. The fees and penalties charged as a requirement of this code shall be limited to those specifically listed in the City's most current "User Fee" resolution.'

7. Section 105.3 is amended to reflect the following:

‘Section 105.3 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or whenever the *code official* has reasonable cause to believe that there exists in a *structure* or upon a *premises* a condition in violation of this code, the *code official* is authorized to enter the *structure* or *premises* at reasonable times to inspect or perform the duties imposed by this code, provided that if such *structure* or *premises* is occupied the *code official* shall present credentials to the *occupant* and request entry. If such *structure* or *premises* is unoccupied, the *code official* shall first make reasonable effort to locate the *owner*, *owner’s* authorized agent or other person having charge or control of the *structure* or *premises* and request entry. If entry is refused, the *code official* shall have the recourse to the remedies provided by law to secure entry. Hours of inspection of the interior of homes shall be in accordance with the State Health and Safety Code, Sections 17970-17972.’

8. Section 105.7 is amended to reflect the following:

‘Section 105.7 Liability. The *code official*, member of the Local / Housing Appeals Board or employee charged with the enforcement of the code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered civilly or criminally liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties.’

9. The term ‘board of appeals’ throughout Section 107 and 108 is replaced with ‘Local/Housing Appeals Board.’

10. Section 107.1 is amended to reflect the following:

‘Section 107.1 Application for appeals. Any person directly affected by a decision of the *code official*, or a notice or order issued under this code shall have the right to appeal to the Local/Housing Appeals Board, provided that a written application for appeal is filed within 20 days after the day the

decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means. In order for the application to appeal to be valid, payment of the appeal hearing fee must be received at the time the application for appeal is submitted to the *code official*.'

11. Section 107.5 and 107.6 are hereby *Reserved*.

12. Section 107.7 entitled "Appeal to the City Council" is hereby added as follows:

'Section 107.7 Appeal to the City Council.

A. Local/Housing Appeals Board action. An application for appeal to the City Council may be filed by the applicant for an aggrieved person, as defined in Chapter 24.110, affected by a decision of the Local / Housing Appeals Board, provided that the appeal is filed in writing within thirty days after the Board publishes a final decision. Notwithstanding the definition of an aggrieved person in Chapter 24.110, any member of the City Council may also be considered an aggrieved person affected by such a determination for purposes of this section. In addition, the City Council may on its own motion, within thirty days after the final decision, or at its next regular meeting for which Brown Act agenda requirements can be satisfied, whichever is later, elect to review and consider any action of the Local / Housing Appeals Board.

B. Application for appeal. An application for appeal required by this Section shall be filed by the appellant with the City Clerk and shall clearly state the grounds of appeal and the action which appellant requests the City Council to take. If the challenged decision consists of one or more actions based on the particular findings or conditions that the appellant believes were erroneously

or improperly included or omitted, the appeal shall specify which findings or conditions were erroneous or improper or which findings or conditions should additionally be imposed. Notwithstanding any provision of this section to the contrary, no application for appeal need be filed by City Council, or any member of representative thereof, when the City Council elects, by majority vote on its own motion, to review and consider an action pursuant to subsection A of this section.'

13. Section 107.7.1 entitled "Action by City Council" hereby added as follows:

'Section 107.7.1 Action by City Council.

- A. **Hearing date.** The City Manager or City Clerk shall fix the time for hearing the appeal.
- B. **Notice.** The City Clerk shall notice the hearing before the City Council as required by Chapter 24.560.
- C. **Record on appeal.** All materials on file with the director shall be part of the City Council hearing record. In addition, any party may offer supplemental evidence during the appeal hearing.
- D. **De novo review.** The City Council is not limited to consideration of the material in the record on appeal. The City Council may review any matter or evidence relating to the action on the application regardless of the specific issue appealed. No provision of this Code shall be construed to require the keeping of a verbatim hearing transcript except as may be required by state law.
- E. **Actions.** The City Council may:
 - 1. Continue action on the appeal for a period of time deemed appropriate by the City Council;
 - 2. Sustain the Local/Housing Appeals Board action upon finding that all applicable findings have been correctly made and all provisions of local ordinance, or other provisions of law, are complied with;

3. Sustain the Local/Housing Appeals Board action but require whatever additional conditions or guarantees as it may deem necessary or desirable to further the purposes of local ordinance or comply with other provisions of law;
4. Overrule the Local/Housing Appeals Board, action without prejudice upon a finding that all applicable findings have been correctly made or all provisions of local ordinance are not complied with but that, in either case, the application has merit and may possibly be modified to comply with local ordinance or other provisions of law;
5. Overrule the Local/Housing Appeals Board action upon finding that all required findings have not been correctly made or all provisions of local ordinance, or other provisions of law, are not complied with; or
6. Take such other action as may be necessary or desirable to further the purposes of local ordinance or other provisions of law.

- F. **Vote required.** A simple majority of the City Council members voting shall be required to sustain, overrule, or modify a decision by the Local / Housing Appeals Board, which is appealed, or to grant an appealed application where the Local / Housing Appeals Board has failed to act within the time allowed pursuant to local ordinance.
- G. **Effective date.** A decision of the City Council sustaining, overruling, or modifying any decision, determination or requirement of the Local / Housing Appeals Board shall be final and conclusive upon the rendering of the decision and subject to Court Review pursuant to San Buenaventura Property Maintenance Code Section 111.7 unless otherwise provided by the City Council in rules of procedure or elsewhere.
- H. **Effect of denial without prejudice.** A decision that has been denied without prejudice on appeal may be refiled at any time but must be accompanied by the prescribed filing fee.'

14. Section 107.8 is amended to reflect the following:

‘Section 107.8 Court review. Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision of the City Council.’

15. Section 109.1.1 is added to read as follows:

‘Section 109.1.1 Unpermitted structures. No person shall own, use, occupy or maintain an unpermitted structure. For purposes of this section, "unpermitted structure" shall be defined as any building or structure, or portion thereof, or any electrical, plumbing, mechanical or other installation or fixture, that was erected, constructed, enlarged, altered, repaired, moved, improved, removed, connected, installed, converted, demolished or equipped, at any point in time by any person, without the required permit(s) having first been obtained from the Building Official or with a valid permit as issued by the Building Official which subsequently expired and became null and void.’

16. Section 110.4 is amended to reflect the following:

‘Section 110.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to fines established by the authority having jurisdiction. ‘

17. Throughout Section 111 the term ‘condemned’ is hereby replaced with ‘found deficient’ and the term ‘condemnation’ is hereby replaced with ‘deficient.’

18. Section 111.1.3 is amended to reflect the following:

‘Section 111.1.3 Structure unfit for human occupancy. A *structure* is unfit for human occupancy whenever the *code official* finds that such *structure* is unsafe, unlawful or, because of the degree to which the *structure* is in disrepair or lacks

maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks *ventilation*, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the *structure* constitutes a hazard to the occupants of the *structure* or to the public.'

19. Section 111.2 is amended to reflect the following:

'Section 111.2 Closing of vacant structures. If the *structure* is vacant and unfit for human habitation and *occupancy*, and is not in danger of structural collapse, the *code official* is authorized to post a placard of deficient on the *premises* and order the *structure* closed up so as not to be an attractive nuisance. Upon failure of the *owner* or *owner's* authorized agent to close up the *premises* within the time specified in the order, the *code official* shall cause the *premises* to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the *structure* is located and shall be a lien upon such real estate and may be collected by any other legal resource. Such structures shall not remain boarded up for more than ninety (90) calendar days. Exception: Structures with active building permits may remain closed and boarded for the term of those permits necessary to allow occupancy.'

20. Section 201.3 is amended to reflect the following:

'Section 201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the California Building Standards Code and referenced standards, such terms shall have the meanings ascribed to them as stated in those codes.'

21. Section 202 the definition of the CODE OFFICIAL is amended to reflect the following:

'CODE OFFICIAL. The Permit Services and Enforcement Manager and/or Building Official who are charged with the administration and enforcement of this code, or any duly authorized representative.'

22. Section 202 the definition of 'COST OF SUCH DEMOLITION OR EMERGENCY REPAIRS' is amended to reflect the following:

‘COST OF SUCH DEMOLITION OR EMERGENCY REPAIRS. The costs shall include the actual costs of the demolition or repair of the *structure* less revenues obtained if salvage was conducted prior to demolition or repair. Costs shall include, but not limited to, expenses incurred or necessitated related to demolition or emergency repairs, such as asbestos survey and abatement if necessary; costs of inspectors, testing agencies or experts retained relative to the demolition or emergency repairs; costs of testing; surveys for other materials that are controlled or regulated from being dumped in a landfill; title searches; mailing(s); postings; recording; and attorney fees expended for recovering of the cost of emergency repairs or to obtain or enforce an order of demolition made by a *code official*, the governing body or Local / Housing Appeals Board.

23. Section 302.1 is amended to reflect the following:

‘**Section 302.1 Sanitation.** The property *owner* or authorized agent shall maintain the property exterior and premises in a clean, safe, and sanitary condition. Such owner or authorized agent shall remain liable for violations thereof regardless of any contract or agreement with any third party regarding such property. The occupant may also be held jointly and severally liable for causing or contributing violations of this section.’

24. Section 302.3 is amended to reflect the following:

‘**Section 302.3 Sidewalks and driveways.** Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair and maintained free from hazardous conditions.

The owner or owner’s authorized agent of any building, lot or premises within the city shall maintain the sidewalks and/or walkways located upon such premises that are accessible to the general public and the public sidewalks between such premises and any adjacent public street or alley in a clean, safe, sanitary, and in a proper state of repair, free from hazardous conditions. Maintenance shall include the removal and proper disposal of any unsightly or unsanitary conditions such as accumulations of

garbage, refuse, rubbish, litter, dirt, gum or other sticky substances or items, which have been dropped or spilled upon the sidewalks.'

25. Section 302.4 is amended to reflect the following:

'Section 302.4 Weeds. All *premises* and exterior property shall be maintained free from weeds or plant growth in excess of 12 inches. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants, and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the *owner* or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 109.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the *owner* or agent responsible for the property.'

26. Section 304.14 is amended to reflect the following:

'Section 304.14 Insect Screens. Every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of minimum .16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.'

27. Section 304.15 is amended to reflect the following:

'Section 304.15 Doors. Exterior doors, door assemblies including weather stripping, thresholds and hardware shall be maintained in good condition. Locks at all entrances to dwelling

units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with section 702.3.'

28. Section 308.1 is amended to reflect the following:

'Section 308.1 Accumulation of rubbish or garbage. The requirements of this section are supplemental to existing State laws regulating refuse, recycling and/or green waste collection. Exterior property and *premises*, and the interior of every structure, shall be free from and accumulation of rubbish or garbage.'

29. Section 309.1 is amended to reflect the following:

'Section 309.1 Infestation. Structures shall be kept free from insect, rodent and vermin infestation. When an insect, rodent or vermin infestation is brought to the attention of the *Code Official*, he or she may require the owner or agent having charge or control of the building, lot, or premise to hire a licensed exterminator or other qualified professional to inspect the building, lot or premise and provide a written report verifying the presence and severity of such infestation including in the report, a recommendation for proper extermination of the infestation. All structures in which insect, rodent or vermin infestations are found shall be promptly exterminated by approved processes that will not be injurious to human health. After the extermination of the infestation is complete, the *Code Official* may request a written notice from the licensed exterminator or other qualified professional attesting to the completion and success of the recommended extermination procedures. After the infestation is eliminated, proper precautions shall be taken to prevent re-infestation. Tenants that contribute to pest related health or sanitation nuisances may also be subject to the penalties found in Section 109.4 of this code.'

30. Sections 309.2 through 309.5 are deleted in their entirety.

31. Section 401.4 is added to read as follows:

'Section 401.4 Federal and State laws. Whenever the requirements of this Chapter conflict with Federal, State or Local regulations, those Federal, State or Local regulations shall take precedence.'

32. Section 501.3 is added to read as follows:

'Section 501.3 Federal and State laws. Whenever the requirements of this Chapter conflict with Federal, State or Local regulations, those Federal, State or Local regulations shall take precedence.'

33. Section 502.2 is amended to reflect the following:

'Section 502.2 Rooming houses. A minimum of one water closet, lavatory and bathtub or shower shall be supplied for each four *rooming units*.'

34. Section 502.4 is amended to reflect the following:

'Section 502.4 Employees' facilities. A minimum of one water closet, one lavatory and one drinking facility shall be available to employees.'

35. Section 601.3 is added to reflect the following:

'Section 601.3 Federal and State Laws. Whenever the requirements of this Chapter conflict with Federal, State or Local regulations, those Federal, State or Local regulations shall take precedence.'

36. Section 602.2 is amended to reflect the following:

'Section 602.2 Residential occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms as measured per Section 602.5. Cooking appliances shall not be used, nor shall portable unvented fuel-burning space heaters be used, as a means to provide required heating.'

37. Section 602.3 is amended to reflect the following:

‘Section 602.3 Heat supply. Every owner and operator of any building who rents, leases, or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the *occupants* thereof shall supply heat maintain a minimum temperature of 68°F (20°C) in all habitable rooms, bathrooms, and toilet rooms.’

38. Delete Section 602.4 in its entirety.

39. Section 703 Fire Resistance Ratings is amended to reflect the following:

‘Refer to the California Building Code and the California Fire Code.’

40. Section 704 Fire Protection Systems is amended to reflect the following:

‘Refer to the California Building Code and the California Fire Code.’

41. Section 704.6.4 is amended to reflect the following:

‘Section 704.6.4 Smoke detection system. Smoke alarms shall comply with NFPA 72 and Section R314 in the California Fire Code.’

42. Section 705.1 is amended to reflect the following:

‘Section 705.1 Carbon monoxide detectors. Carbon monoxide detectors shall be provided in accordance with the State Health and Safety Code section 17926 and installed in accordance with their listed installation instructions. When both a smoke detector and a carbon monoxide detector are required in the same location, a combination smoke/carbon monoxide detector may be used provided it meets all the wiring and battery requirements for both devices.’

43. Chapter 8 is replaced in its entirety with the following:

‘Referenced Standards for the application of this code are those codes and standards listed in the California Code of Regulations, Title 24 and Title 25 and the State Health and Safety Code.’

44. Appendix A – Boarding Standards is added as follows:

‘The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance.’

45. Appendix A, Section A101.2 is added as follows:

‘Section A101.2 Maximum term. The maximum term that a building or structure can be boarded for security is 6 months in any 5-year period unless again damaged by no act of the owner. After 6 months of boarding the structure must have all building permits required for repair issued and be under reconstruction/repair. If, after 6 months of board-up, no building permits are required for repairs, the structure shall be in a state and condition that would allow immediate occupancy under the current approved use(s) and there shall be no observable nuisances on site.

SECTION 2: CALIFORNIA ENVIRONMENTAL QUALITY ACT

EXEMPTION. The City Council hereby finds and determines that it can be seen with certainty that there is no possibility that this Ordinance may have a significant adverse effect on the environment, since it adopts the updated Property Maintenance Code which the City Council had previously adopted in substantial form and consists only of minor revisions and clarifications. Thus, the adoption of the 2021 edition of the San Buenaventura Property Maintenance Code based on the 2021 International Property Maintenance Code, is exempt from further environmental review under section 15061(b)(3) of the State CEQA Guidelines and Section 3.07 of the Local CEQA Guidelines (2006), projects with no possibility of significant effects upon the environment. Staff is directed to file a Notice of Exemption.

SECTION 3: SAVINGS CLAUSE. Repeal of any provision of the SBMC or any other city ordinance herein will not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before, the effective date of this

Ordinance. Any such repealed part will remain in full force and effect for sustaining action or prosecuting occurring before the effective date of this Ordinance.

SECTION 4: SEVERABILITY. If any part of this ordinance is deemed invalid by a court of competent jurisdiction, the city council intends that such decision will not affect the validity of the remaining portions of this ordinance and, to this end, the provisions of this Ordinance are severable.

SECTION 5: VALIDITY OF PREVIOUS CODE SECTIONS. If this entire Ordinance is repealed or is deemed invalid by a court of competent jurisdiction, such action will render this Ordinance void and cause such SBMC ordinance previously in effect prior to amendment by this Ordinance to remain in full force and effect for all purposes.

SECTION 6: EFFECTIVE DATE. The Ordinance will take effect on the 30th day following its final passage and adoption.

The foregoing Ordinance was adopted by the City Council of San Buenaventura on November 28, 2022 and ordered published by posting the following vote:

Ayes: Councilmembers Sanchez-Palacios, Brown, Johnson, Halter, Deputy Mayor Schroeder, and Mayor Rubalcava

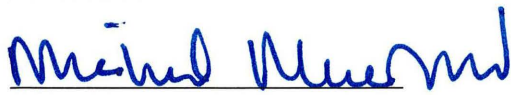
Noes: None

Absent: Councilmember Friedman



Sofia Rubalcava
Mayor

ATTEST:



Michael B. MacDonald, CMC
City Clerk

APPROVED AS TO FORM:

Andy Heglund
City Attorney

 12/1/2022

Miles Hogan
Senior Assistant City Attorney

