



Approvals:

City Manager [Signature]

Dept. Head [Signature]

Attorney [Signature]

Finance [Signature]

AGENDA REPORT

SAN CLEMENTE CITY COUNCIL MEETING
Meeting Date: November 5, 2013

Department: Community Development Department
Prepared By: Brent Panas, Code Compliance Supervisor

Subject: *ADOPTION OF PROPERTY MAINTENANCE CODES*

Fiscal Impact: None

Summary: The adoption of the International Property Maintenance Code (IPMC) with amendments, will give us the ability to enforce property maintenance requirements in San Clemente that reflect the most current adopted State Codes(California Building Code, California Residential Code, California Electrical Code etc.).

Background: The California Building Standards Commission (CBSC) approved and adopted a new version of State Codes which will become effective statewide on January 1, 2014. The adoption of these new codes requires that San Clemente amend its Housing Code to reflect these changes. The current City of San Clemente adopted housing code, the 1997 Uniform Housing Code, is out of date, no longer in print, and does not reflect the most recent adopted CBSC State codes.

Discussion: The approval of the proposed ordinance will amend Chapter 15 of the San Clemente Municipal Code and align the City of San Clemente's Code with new State codes. It will also ensure that San Clemente is enforcing the most up-to-date codes relating to property maintenance. This would include regulating the maintenance of all property, buildings, and structures by providing the standards essential to ensure that structures are safe, sanitary and fit for occupation and use. It also regulates the condemnation and maintenance of buildings and structures unfit for human occupancy and use, and the demolition of existing structures. Some of the issues this ordinance regulates are weeds, peeling paint, green pools, heating, hot water, vacant buildings, maintenance of installed equipment, means of egress, proper procedure for securing vacant/abandoned buildings and other maintenance requirements. Adopting these codes will give Code Compliance tools needed to help our community continue to be maintained in a safe condition.

The amendments to the 2012 IPMC are administrative and procedural. Adoption of the 2012 IPMC (as amended) will implement the latest code standards in property maintenance and aligns the City of San Clemente code with the recently adopted CBSC State Codes.

Recommended

Action: STAFF RECOMMENDS THAT the City Council:

Introduce for first reading Ordinance No. _____ entitled, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTER 15.09 OF TITLE 15 OF THE SAN CLEMENTE MUNICIPAL CODE ADOPTING PROPERTY MAINTENANCE REQUIREMENTS.

Attachments: Attachment "A" Ordinance No. _____

Notification: California Building and Standards Commission

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Attachment "A"

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTER 15.09 OF TITLE 15 OF THE SAN CLEMENTE MUNICIPAL CODE ADOPTING PROPERTY MAINTENANCE REQUIREMENTS

THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE HEREBY ORDAINS AS FOLLOWS:

Section 1. Chapter 15.09 of the San Clemente Municipal Code is hereby amended to read in its entirety as follows:

Chapter 15.09 PROPERTY MAINTENANCE CODE

- 15.09.010 Property Maintenance Code Adopted – Where filed.
- 15.09.020 Chapter 1 amended – Scope and Administration
- 15.09.030 Chapter 2 amended – Definitions
- 15.09.040 Chapter 3 amended – General Requirements
- 15.09.050 Chapter 4 amended – Light, Ventilation Requirements and Occupancy Limitations.
- 15.09.060 Chapter 6 amended – Mechanical and Electrical Requirements

15.090.010 Property Maintenance Code Adopted – Where filed.

The City Council of the City of San Clemente hereby adopts by reference the International Property Maintenance Code(IPMC) 2012 Edition including Appendix A, published by the International Code Council with modifications set forth below for the purpose of regulating and the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures in the City of San Clemente. The IPMC is on file for public examination in the City's Building Division office.

15.09.020 Chapter 1 amended – Scope and Administration

Chapter 1 of IPMC is hereby amended as follows:

- A. Subsection 101.1 is hereby amended to read in its entirety as follows:
[A] 101.1 Title. These regulations shall be known as the

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International Property Maintenance Code of City of San Clemente hereinafter referred to as "this code."

- B. Subsection 102.1 is hereby amended to read in its entirety as follows:
[A] 102.1 General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply. Where differences occur between provisions of this code and other City of San Clemente adopted codes, the other City of San Clemente's adopted code shall govern. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.
- C. Subsection 103.5 is hereby amended to read in its entirety as follows:
[A] 103.5 Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as set forth in the City of San Clemente Fee Resolution and Title 1-General Provisions of the San Clemente Municipal Code.
- D. Subsection 106.2 is hereby amended to read in its entirety as follows:
[A] 106.2 Notice of violation. The *code official* shall serve a notice of violation or order in accordance with City of San Clemente Municipal Code Section 1.20.050.
- E. Subsection 106.3 is hereby amended to read in its entirety as follows:
[A] 106.3 Prosecution of violation. Any person failing to comply with a notice of violation or order served in accordance with City of San Clemente Municipal Code Section 1.20.050 shall be deemed guilty of a misdemeanor or civil infraction as determined by the local municipality, and the violation shall be deemed a *strict liability offense*. If the notice of violation is not complied with, the *code official* shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.
- F. Subsection 107.2 is hereby amended to read in its entirety as follows:
[A] 107.2 Form. Such notice prescribed in Section 107.1 shall be in accordance with City of San Clemente Municipal Code Section 1.20.050.
- G. Subsection 107.5 is hereby amended to read in its entirety as follows:
[A] 107.5 Penalties. Penalties for noncompliance with orders and notices shall be as set forth in City of San Clemente Municipal Code Chapter 1.20.
- H. Subsection 109.6 is hereby amended to read in its entirety as follows:
[A] 109.6 Hearing. Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter be afforded a hearing as described in City of San Clemente Municipal Code 1.20.080.

- I. Section 111 Means of Appeal hereby deleted and replaced to read in its entirety as follows:

**Section 111
MEANS OF APPEAL**

[A]111.1 Application for appeal. 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 in accordance with the City of San Clemente Municipal Code Section 1.20.080.

- J. Subsection 112 Stop Work Order hereby deleted in its entirety.

15.09.030 Chapter 2 amended – Definitions

Chapter 2 of the IPMC is hereby amended as follows:

- A. Subsection 202 General Definitions is hereby amended by adding the following definitions:

INTERNATIONAL BUILDING CODE. Shall mean California Building Code as adopted and amended by the City of San Clemente.

INTERNATIONAL ENERGY CONSERVATION CODE. Shall mean California Energy Code as adopted and amended by the City of San Clemente.

INTERNATIONAL FIRE CODE. Shall mean California Fire Code as adopted and amended by the City of San Clemente.

INTERNATIONAL FUEL GAS CODE. Shall mean California Mechanical Code as adopted and amended by the City of San Clemente.

INTERNATIONAL MECHANICAL CODE. Shall mean California Mechanical Code as amended by the City of San Clemente.

INTERNATIONAL PLUMBING CODE. Shall mean California Plumbing Code as adopted and amended by the City of San Clemente.

INTERNATIONAL RESIDENTIAL CODE. Shall mean California Residential Code as adopted and amended by the City of San Clemente.

INTERNATIONAL ZONING CODE. Shall mean City of San Clemente Zoning Code.

NFPA 70. Shall mean California Electrical Code as adopted and amended by the City of San Clemente.

15.09.040 Chapter 3 amended – General Requirements

Chapter 3 of the IPMC is hereby amended as follows:

- A. Subsection 302.4 is hereby amended to read in its entirety as follows:

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302.4 Weeds. All *premises* and *exterior property* shall be maintained free from weeds in excess of 1 inch. All 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 106.3 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.

- B. Subsection 303.2 is hereby amended to read in its entirety as follows:

303.2 Enclosures. Private swimming pools, hot tubs and spas, containing water more than 18 inches (457.2 mm) in depth shall be completely surrounded by a fence or barrier at least 60 inches (1524 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is a minimum of 54 inches (1371.6 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Exception: Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

- C. Subsection 304.3 is hereby amended to read in its entirety as follows:

[F] 304.3 Premises identification. Addressing of all structures in the City shall conform to the City of San Clemente Municipal Code Section 15.24.010

- D. Subsection 304.14 is hereby amended to read in its entirety as follows:

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 lightly 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.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

- E. Subsection 307.1 is hereby amended to read in its entirety as follows:

307.1 General. Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a

stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have guardrails. Handrails shall not be less than 34 inches (863.6 mm) in height or more than 36 inches (914.4 mm) in height measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 42 inches (1066.8 mm) in height above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

Exception:

1. Guards shall not be required where exempted by the adopted building code.
2. Handrails and guards installed to the specifications of the governing law at the time of installation.

15.09.050 Chapter 4 amended – Light, Ventilation and Occupancy Requirements.

Chapter 4 of the IPMC is hereby amended as follows:

- A. Section 401 is hereby amended to read in its entirety as follows:

**SECTION 401
GENERAL**

401.1 Scope. The provisions of this chapter shall govern the minimum conditions and standards for light and ventilation for buildings.

401.2 Responsibility. The owner of the structure shall provide and maintain light and ventilation requirements as adopted by the City of San Clemente. A person shall not occupy as owner-occupant, or permit another person to occupy, any premises that do not comply with the requirements of this chapter.

401.3 Alternative devices. In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the California Building Code shall be permitted.

- B. Section 404 Occupancy Limitations is hereby deleted in its entirety.

15.09.060 Chapter 6 amended – Mechanical and Electrical Requirements

Chapter 6 of the IPMC is hereby amended as follows:

- A. Subsection 602.2 is hereby amended to read in its entirety as follows:

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. Cooking appliances shall not be used, nor shall portable unvented fuel-burning space heaters be used, as a means to provide required heating.

- B. Subsection 602.3 is hereby amended to read in its entirety as follows:

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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 to maintain a minimum temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms.

C. Subsection 602.4 is hereby amended to read in its entirety as follows:

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat to maintain a minimum temperature of 68°F (20°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

Section 2: If any portion of this Ordinance, or the application of any such provision to any person or circumstance, shall be invalid, the remainder of this Ordinance to the extent it can be given effect, of the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby, and to this extent the provisions of this Ordinance are servable.

Section 3: This Ordinance shall become effective January 1, 2014.

Section 4: The City Clerk shall certify to the passage of this ordinance and cause the same to be published as required by law, and the same shall take effect as provided by law.

APPROVED AND ADOPTED this _____ day of _____, _____.

ATTEST:

City Clerk of the City of
San Clemente, California

Mayor of the City of San
Clemente, California

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STATE OF CALIFORNIA)
 COUNTY OF ORANGE) ss.
 CITY OF SAN CLEMENTE)

I, **JOANNE BAADE**, City Clerk of the City of San Clemente, California, hereby certify that Ordinance No. _____ having been regularly introduced at the meeting of _____, was again introduced, the reading in full thereof unanimously waived, and duly passed and adopted at a regular meeting of the City Council held on the ____ day of _____, _____, and said ordinance was adopted by the following vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Clemente, California, this _____ day of _____, _____.

 CITY CLERK of the City of
 San Clemente, California

APPROVED AS TO FORM:

 CITY ATTORNEY

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