

ORDINANCE NO. 1688

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, TO ADOPT, WITH AMENDMENTS, THE 2018 INTERNATIONAL PROPERTY MAINTENANCE CODE AND RELOCATE THE ADOPTED 1997 UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS TO A NEW CHAPTER 8.78, PROPERTY MAINTENANCE, OF THE SAN CLEMENTE MUNICIPAL CODE

WHEREAS, in Title 15, Building, Chapters 15.09 and 15.10 of the San Clemente Municipal Code, the City of San Clemente has adopted the 2012 edition of the International Property Maintenance Code, and the 1997 edition of the Uniform Code for the Abatement of Dangerous Buildings, respectively; and

WHEREAS, the City Council desires to adopt the 2018 edition of the International Property Maintenance Code in order to protect the health, safety, general welfare and the property of the people of San Clemente; and

WHEREAS, the City Council desires to establish a new chapter in Title 8, Health and Safety, of the San Clemente Municipal Code, Chapter 8.78, entitled Property Maintenance; and

WHEREAS, the City Council desires to amend the San Clemente Municipal Code Titles 8 and 15 to adopt the 2018 edition of the International Property Maintenance Code, with amendments, relocate the 1997 edition of the Uniform Code for the Abatement of Dangerous Buildings and to incorporate both into Chapter 8.78.

NOW, THEREFORE, the City Council of the City of San Clemente, California, hereby ordains as follows:

The City of San Clemente adopts, amends and relocates the 2018 International Property Maintenance Code, and the adopted 1997 Uniform Code for the Abatement of Dangerous Buildings from Title 15 into a new chapter 8.78 in Title 8 of the San Clemente Municipal Code entitled "Property Maintenance" as follows:

Section 1. Findings. The City Council here incorporates and adopts the foregoing recitals and accompanying staff report as findings as though they were fully set forth herein.

Section 2: Chapter 15.09, Property Maintenance Code, is hereby deleted in its entirety.

Section 3: Chapter 15.10, Abatement of Dangerous Buildings Code, is hereby deleted in its entirety.

Section 4: Title 8, Health and Safety, Chapter 8.78, Property Maintenance, of the San Clemente Municipal Code is hereby established to read in its entirety as follows:

Chapter 8.78 – PROPERTY MAINTENANCE

ARTICLE I – PROPERTY MAINTENANCE CODE

8.78.010 – 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) 2018 Edition including Appendix A, published by the International Code Council with modifications set forth below for the purpose of regulating 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 office of the Code Compliance Division.

8.78.020 – Chapter 1 amended – Scope and Application.

Chapter 1 of the 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 International Property Maintenance Code of the 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 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 [A] 102.3 is hereby amended in its entirety as follows:

[A] Application to other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the International Building Code, International Energy Conservation Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Residential Code, International Plumbing Code and NFPA 70. Nothing in this code shall be construed to cancel, modify or set aside any provisions of the International Zoning Code.

- D. Section 103 Heading is hereby amended to read as follows:
- Section 103.** Division of Code Compliance.
- E. Subsection [A] 103.1 is hereby amended to read in its entirety as follows:
- [A] 103.1 Administration.** The Code Compliance Manager, or designee, is hereby authorized to enforce and administer the provisions of this code and the Code Compliance Manager shall be known as the code official – as referenced throughout this code. The term “Division of Code Compliance” shall replace the term “Department of Property Maintenance” wherever it appears in this code.
- F. Subsection 103.4 is hereby amended to read in its entirety as follows:
- [A] 103.4 Liability.** The code official, hearing officer, employee or member of a board of appeals charged with the enforcement of this 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.
- G. 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 Code Compliance Division in carrying out its responsibilities under this code shall be set forth in the City of San Clemente Fee Resolution and Title 1- General Provisions of the San Clemente Municipal Code.
- H. Subsection 107.1 is hereby amended to read in its entirety as follows:
- 107.1 Notice to Legal Property Owner – Responsible Parties.** Whenever possible the code official, including appointed designee(s), determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Section 107.2 and 107.3 to the legal property owner, and any other responsible parties identified for the violations as specified in this code. Notices for condemnation procedures shall comply with Section 108.3.
- I. Subsection 107.2 is hereby amended to read in its entirety as follows:
- 107.2 Form.** Such notice prescribed in Section 107.1 shall be in accordance with San Clemente Municipal Code Chapter 1.20.
- J. Subsection 107.3 is hereby amended to read in its entirety as follows:

107.3 Method of Service. Such notice shall be deemed to be properly served if done in compliance with San Clemente Municipal Code Chapter 1.20.

K. Subsection 107.5 is hereby amended to read in its entirety as follows:

107.5 Penalties. Penalties for noncompliance with orders and notices shall be set forth in City of San Clemente Municipal Code Title 1.

L. Subsection 109.6 is hereby amended to read in its entirety as follows:

109.6 Hearing. Any person ordered to take emergency measures shall comply with such order forthwith and any person requesting a hearing shall do so in accordance with San Clemente Municipal Code Chapter 1.20.

M. Section 111 is hereby amended to read in its entirety as follows:

[A] 111.1 Application for appeal. Any person issued a notice or order under this code shall have the right to appeal in accordance with the City of San Clemente Municipal Code Chapter 1.20.

N. Subsection [A] 112.4 is hereby amended to read in its entirety as follows:

[A] 112.4 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, by the code official, or their designee, to remove a violation or unsafe condition, shall be liable of a fine in accordance with 1.20 of the San Clemente Municipal Code.

8.78.030 – Chapter 2 amended – Definitions.

Chapter 2 of the IPMC is hereby amended as follows:

A. Subsection 201.3 is hereby amended to read in its entirety as follows:

Subsection 201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the International Building Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Plumbing Code, International Residential Code, San Clemente Zoning Code, and NFPA 70, such terms shall have the meanings ascribed to them as stated in those codes.

B. Subsection 201.4 is hereby amended to read in its entirety as follows:

201.4 Terms not defined. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies. Where ambiguity remains, the code official shall have the authority to interpret terms.

C. Subsection 202 is hereby amended to read in its entirety as follows:

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 and repair. Costs shall include, but not be 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 from recovering of the cost of emergency repairs or to obtain or enforce an order of demolition made by the code official, a hearing officer, the governing body, or a board of building appeals.

D. Subsection 202 is hereby amended to include the following definitions:

INTERNATIONAL BUILDING CODE. Shall mean the 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 adopted 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.

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

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

WEEDS. Weeds, as used in this code, shall mean the following: (1) weeds which bear seeds of a downy or wingy nature; (2) Sagebrush, Chaparral, and any other brush or weeds which attain such large growth as to become, when dry, a fire menace to adjacent improved property as identified by the

Orange County Fire Authority; (3) weeds which are otherwise noxious or dangerous; (4) Poison Oak and Poison Ivy when the conditions of growth are such as to constitute a menace to the public health and; (5) dry grass, stubble, brush, litter, or other flammable material which endangers the public safety by creating a fire hazard as identified by the Orange County Fire Authority.

8.78.040 – 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:

302.4 Weeds. All developed properties shall be maintained free from dead, dry weeds and live weeds in excess of one (1) inch. All noxious weeds shall be prohibited.

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

303.2 Enclosures. Private swimming pools, hot tubs, spas, shall be completely surrounded by a fence or barrier as required and regulated by the adopted City of San Clemente Building Code.

C. Subsection [F] 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, where applicable.

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 where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tight 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 devise 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 shall have a handrail or guard rail as required and regulated by the adopted City of San Clemente Building Code.

F. Subsection 309.1 is hereby amended to read in its entirety as follows:

309.1 Infestation. Structures shall be kept free from insect and rodent infestation as determined and defined by Orange County Vector Control.

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

Chapter 4 of the IPMC is hereby amended as follows:

- A. Subsection 401.1 is hereby amended to read in its entirety as follows:

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

- B. Subsection 402.2 is hereby amended to read in its entirety as follows:

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.

- C. Subsection 401.3 is hereby amended to read in its entirety as follows:

401.3. Alternative devices. In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical complying with the City of San Clemente Municipal Codes and all adopted codes, including the California Building Code shall be permitted.

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

8.78.060 – 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 facilitates capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms. Cooking appliances, including indoor barbeques, fire places, portable space heaters or indoor fuel burning heaters shall not be utilized as a means to provide the required heating.

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

602.3 Heat Supply. Every property owner and building operator 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, 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 condition for business operations.
2. Areas in which persons are primarily engaged in vigorous physical activities

ARTICLE II – ABATEMENT OF DANGEROUS BUILDINGS CODE

8.78.070 – Abatement of Dangerous Buildings Code Adopted - Where filed.

For the purpose of prescribing a just, equitable and practicable method, to be cumulative with and in addition to any other remedy provided by law, whereby buildings or structures which from any cause endanger the life, limb, health, property, safety or welfare of the general public or their occupants may be required to be repaired, vacated or demolished, the City Council of the City of San Clemente hereby adopts by reference the Uniform Code of Abatement of Dangerous Buildings, 1997 Edition. A copy of the Uniform Code for the Abatement of Dangerous Buildings will be on file for public examination in the office of the Code Compliance Division.

8.78.080 – Amendments, additions and deletions.

A.Section 301 of Chapter 3 of the Uniform Code for the Abatement of Dangerous Buildings is hereby amended to modify the definition of "Building Code: as follows:

BUILDING CODE is the California Building promulgated by the International Code Council, and as adopted and modified by the City of San Clemente.

Section 5: 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

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