



Town Council Agenda Report

Date: May 28, 2019 Item No. 10

To: Honorable Mayor and Town Council

Subject: INTRODUCE ORDINANCE NO. 209 – AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, AMENDING CHAPTER 8.28 OF THE APPLE VALLEY MUNICIPAL CODE AS IT RELATES TO THE REPLACEMENT OF THE UNIFORM HOUSING CODE WITH THE INTERNATIONAL PROPERTY MAINTENANCE CODE

From: Douglas Robertson, Town Manager

Submitted by: Guy Eisenbrey, Code Enforcement Manager
Code Enforcement

Budgeted Item: Yes No N/A

RECOMMENDED ACTION

- A. **Find** that the proposed adoption of Ordinance No. 209 is not subject to and is exempt from CEQA based upon a finding that, under section 15061(b)(3) of the CEQA Guidelines, it can be seen with certainty that there is no possibility that the proposed amendment may have a significant effect on the environment.
- B. **Move** to waive the reading of Ordinance No. 209 in its entirety and read by title only.
- C. **Move** to introduce Ordinance No. 209 amending Chapter 8.28 as it relates to the replacement of the Uniform Housing Code with the International Property Maintenance Code.
- D. **Direct** staff to file a Notice of Exemption.

SUMMARY

It is necessary to review the language of the Town's Municipal Code from time to time to ensure that it aligns with state law and best business practices, as determined by professional and expert staff. This amendment serves to replace the Uniform Housing Code, as adopted by the Municipal Code, with the International Property Maintenance

Code for the following reasons: the Uniform Housing Code and its supplementary Abatement of Dangerous Buildings Code have not been updated since 1997; the International Property Maintenance Code is updated every three years and is the predominant standard code used nationwide; to allow Town Code Enforcement Officers to more effectively and efficiently enforce the Town's Municipal Code; and to uphold the Town Council's intent. As a result of this review, the following changes are proposed to be made to the Municipal Code.

BACKGROUND

The Code Enforcement profession has changed significantly since the inception of the Town's Municipal Code and state law has equally changed to address and abate elements of blight and issues related to substandard housing that plague California's communities.

The amendments seek to bring the Town's Municipal Code up to date with a code that is being regularly updated and ideally worded to address property maintenance violations, including issues that may lead to substandard postings and possible demolitions.

None of these proposed changes intends to alter the Town Council's overarching intent of the Code itself.

{A ~~striketrough~~ in the municipal code text shows proposed deletions and **bold with underline** text shows proposed additions to the code sections}

ATTACHMENTS

- A. Ordinance No. 509
- B. True copy of primary code; International Property Maintenance Code 2018 edition.
Available for review in the Town Clerk's Office.

ORDINANCE NO. 509

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, AMENDING CHAPTER 8.28 OF THE APPLE VALLEY MUNICIPAL CODE AS IT RELATES TO THE REPLACEMENT OF THE UNIFORM HOUSING CODE WITH THE INTERNATIONAL PROPERTY MAINTENANCE CODE.

WHEREAS, the amendments are necessary because the Uniform Housing Code and its supplementary Abatement of Dangerous Buildings Code have not been updated since 1997;

WHEREAS, the International Property Maintenance Code is updated every three years and is the predominant standard code used nationwide; and

WHEREAS, the amendments are also necessary to allow Town Code Enforcement Officers to more effectively and efficiently enforce the Town's Municipal Code; and

WHEREAS, the amendments are necessary to uphold the Town Council's intent of the Code;

WHEREAS, it is in the best interest of the Town to delete the provisions of Chapter 8.28 (entitled "Uniform Housing Code") of Title 8 of the Apple Valley Municipal Code;

WHEREAS, it is also in the best interest of the Town to replace it with Chapter 8.28 (entitled "International Property Maintenance Code") of Title 8 of the Apple Valley Municipal Code; and

WHEREAS, it is the objective of the Town of Apple Valley through code enforcement efforts to preserve and enhance properties located within the Town limits.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY DOES ORDAIN AS FOLLOWS:

Section 1. Section 8.28.010 of Chapter 8.28 of Title 8 of the Town of Apple Valley Municipal Code is hereby amended to read in its entirety as follows:

"8.28.010 - ~~Adopted.~~ Adoption of the 2018 Property Maintenance Code.

~~The Uniform Housing Code, 1997 Edition, prepared and published by the International Conference of Building Officials, is hereby adopted and made a part of this Chapter by reference with the following modifications:~~

- ~~(1) Chapter 1, Section 104 is deleted.~~
- ~~(2) Chapter 2, Section 203 is deleted.~~

(3) A new Subsection 3 is added to Section 1103 to read as follows:

~~"3. If the building or structure is in a condition which constitutes an immediate hazard or threat of harm and the situation calls for abatement sooner than the abatement procedures herein otherwise allow, the Building Official or Code Enforcement Supervisor may take or cause emergency abatement of such nuisance with such notice of parties concerned, or without notice, as the particular circumstances reasonably allow."~~

One copy of the 2018 edition of the International Property Maintenance Code having been filed in the office of the Town Clerk, such code hereinafter modified, is designated and adopted by reference as the Town of Apple Valley Property Maintenance Code, thereafter referred to as "this code" and as modified in this Chapter."

Section 2. Section 8.28.020 of Chapter 8.28 of Title 8 of the Town of Apple Valley Municipal Code is hereby added to read in its entirety as follows:

"8.28.020 - Deletion of Chapter 1 Except.

Chapter 1 of the International Property Maintenance Code is deleted, except Sections 101.1 through 102.5, Sections 102.8 through 102.10. Sections 104.1 through 109.4, Sections 110.1 through 110.4. and Sections 112.1 through 112.4. Sections 102.3, 106.4, 112.4, 201.3, 202, 303.2, 307.1, 602.3, and 602.4 are amended in the following Sections."

Section 3. Section 8.28.030 of Chapter 8.28 of Title 8 of the Town of Apple Valley Municipal Code is hereby added to read in its entirety as follows:

"8.28.030 - Amendment to Section 102.3 - Application and Other Codes.

Section 102.3 is amended to read as follows:

Repairs, additions or alterations to a structure or changes of occupancy shall comply with standards contained within the current California Building Standards Code, or Title 24 of the California Code of Regulations, Part 1 through 12.

In all instances within this adopted International Property Maintenance Code wherein it references the International Building Code, International Fire Code, International, Existing Building Code, International Fuel Gas Code, International Mechanical Code, International Plumbing Code and International Zoning Code, those references shall be replaced with the current corresponding codes in Title 24."

Section 4. Section 8.28.040 of Chapter 8.28 of Title 8 of the Town of Apple Valley Municipal Code is hereby added to read in its entirety as follows:

"8.28.040 - Amendment to Section 106.4 - Violations and Penalties.

Section 106.4 is amended to read as follows:

Violations and Penalties of the adopted Town of Apple Valley Property Maintenance Code shall be enforced in accordance with the provisions set forth in Title 1 of this code.

Section 5. Section 8.28.050 of Chapter 8.28 of Title 8 of the Town of Apple Valley Municipal Code is hereby added to read in its entirety as follows:

“8.28.050 - Amendment to Section 112.4 - Failure to Comply.

Section 112.4 is amended to read as follows:

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 liable to maximum administrative fine as listed in Section 1.01.200 of this code.”

Section 6. Section 8.28.060 of Chapter 8.28 of Title 8 of the Town of Apple Valley Municipal Code is hereby added to read in its entirety as follows:

“8.28.060 - Amendment to Section 201.3 -Terms Defined in Other Codes.

Section 201.3 is amended to read as follows:

Where terms are not defined in this Code and are defined in Title 24, Apple Valley Development Code or Apple Valley Municipal Code, such terms shall have the meanings ascribed to them as stated in those codes.”

Section 7. Section 8.28.070 of Chapter 8.28 of Title 8 of the Town of Apple Valley Municipal Code is hereby added to read in its entirety as follows:

“8.28.070 - Addition and Amendment to Section 202 - General Definitions.

Section 202 is amended to read as follows:

INOPERABLE MOTOR VEHICLE For the purposes of this definition, the words and phrases, when used in this Chapter in relation to any Section in the International property Maintenance Code, shall have the meaning ascribed to them by the definition within the Apple Valley Municipal Code.”

Section 8. Section 8.28.080 of Chapter 8.28 of Title 8 of the Town of Apple Valley Municipal Code is hereby added to read in its entirety as follows:

“8.28.080 - Amendment to Section 302.4 – Weeds.

Section 302.4 is amended to read as follows:

Premises and exterior property shall be maintained free from weeds listed in the California Invasive Plant Inventory and USDA database, including but not limited to all forms of tumbleweed and Russian Thistle.

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 Title 1 of the Apple Valley Municipal Code. 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.”

Section 9. Section 8.28.090 of Chapter 8.28 of Title 8 of the Town of Apple Valley Municipal Code is hereby added to read in its entirety as follows:

“8.28.090 - Amendment to Section 303.2 – Enclosures.

Section 303.2 is amended to read as follows:

Private Swimming pool, hot tub and spas containing water more than 18 inches (457mm) in depth shall comply with applicable standards contained within the current California Building Standards Code, or Title 24 of the California Code of Regulations, Part 1 through 12.

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

Section 10. Section 8.28.100 of Chapter 8.28 of Title 8 of the Town of Apple Valley Municipal Code is hereby added to read in its entirety as follows:

“8.28.100 - Amendment to 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 25mm), 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.”

Section 11. Section 8.28.110 of Chapter 8.28 of Title 8 of the Town of Apple Valley Municipal Code is hereby added to read in its entirety as follows:

“8.28.110 - Amendment to Section 307.1 – General.

Section 307.1 is amended to read as follows:

Every exterior and interior flight of stairs having more than four risers shall comply with applicable standards contained within the current California Building Standards Code, or Title 24 of the California Code of Regulations, Part 1 through 12.

Exception: Guards shall not be required where exempted by the adopted Current California Building Code.”

Section 12. Section 8.28.120 of Chapter 8.28 of Title 8 of the Town of Apple Valley Municipal Code is hereby added to read in its entirety as follows:

“8.28.120 - Deletion of Section 602.3 - Heat Supply.

Section 602.3 is deleted.”

Section 13. Section 8.28.130 of Chapter 8.28 of Title 8 of the Town of Apple Valley Municipal Code is hereby added to read in its entirety as follows:

“8.28.130 - Deletion of Section 602.4 - Occupiable Work Spaces.

Section 602.4 is deleted.”

Section 14. Except as expressly amended hereby, all other provisions of Title 8 of the Town of Apple Valley Municipal Code shall remain in effect.

Section 15. Invalidation. The amendment by this Ordinance of Chapter 8.28 of the Town of Apple Valley Municipal Code as previously in effect shall not be construed to invalidate any entitlement exercised or proceeding taken pursuant to either of said Chapters while the same was in effect.

Section 16. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications, and to this end the provisions of this Ordinance are declared to be severable.

Section 17. Effective Date. This Ordinance shall become effective thirty days from and after its adoption.

Section 18. Notice of Adoption. The Town Clerk of the Town of Apple Valley shall certify to the adoption of this Ordinance and cause publication to occur in a newspaper of general circulation and published and circulated in the Town in a manner permitted under section 36933 of the Government Code.

APPROVED and **ADOPTED** by the Town Council and signed by the Mayor and attested by the Town Clerk this ____ day of _____, 2019.

Larry Cusack, Mayor

ATTEST:

La Vonda M-Pearson, Town Clerk

APPROVED AS TO FORM:

Thomas Rice, Town Attorney

APPROVED AS TO CONTENT:

Douglas B. Robertson, Town Manager