



City of San Leandro

Meeting Date: December 5, 2016

Ordinance

File Number: 16-619 **Agenda Section:** CONSENT CALENDAR

Agenda Number: 8.I.

TO: City Council

FROM: Chris Zapata
City Manager

BY: Cynthia Battenberg
Community Development Director

FINANCE REVIEW: Not Applicable

TITLE: ORDINANCE Repealing Article 3 and Replacing Article 3 to Chapter 5 of Title VII of the San Leandro Municipal Code, Amending the State-Mandated California Building Standards Code, and Adopting by Reference the 2015 International Property Maintenance Code, as Amended, and Shall Be Known as the "City of San Leandro Property Maintenance Code"

The City Council of the City of San Leandro does **ORDAIN** as follows:

Section 1. Article 3 of Chapter 5 of Title VII of the San Leandro Municipal Code is hereby repealed in its entirety.

Section 2. Article 3 is hereby added to Chapter 5 of Title VII of the San Leandro Municipal Code to read as follows:

ARTICLE 3. PROPERTY MAINTENANCE CODE

Section 7-5-300: ADOPTION. Except as hereinafter specifically set forth, the "California Building Standards Code, 2016 edition" is amended and that certain document entitled "2015 International Property Maintenance Code", published by the International Code Council is hereby adopted as the "Property Maintenance Code of the City of San Leandro. However, in accordance with California Government Code Section 50022.4, no penalty clauses are adopted by reference. In the event an amendment to the California Building Standards Code results in differences between these building standards and the California Building Standards Code, the text of these building standards shall govern. In accordance with California Health and Safety Code Section 17958.7, express findings that modifications to the California Building Standards Code are reasonably necessary because of local climatic, geological or topographical conditions are either already on file with the California Building Standards Commission, or will be filed prior to the effective date of this Ordinance. In accordance with California Government Code Section 50022.6, at least one true copy of the Uniform Housing Code has been on file with the San

Leandro City Clerk since fifteen days prior to enactment of this Ordinance. While this Ordinance is in force, a true copy of the California Property Maintenance Code shall be kept for public inspection in the office of the San Leandro Building Division.

Section 7-5-305: ENFORCEMENT AND ABATEMENT PROCEDURES. Enforcement and abatement procedures set forth in The San Leandro Building Code or Articles 11, 12, and 13 of this Chapter shall apply to this Article.

Section 7-5-310: REFERENCED STANDARDS AND APPENDICES. Referenced Standards and Appendices in this code are not adopted, but authorized for use by the Building Official.

Section 7-5-315: BOARD OF APPEALS. The Board of Appeals created under Section 7-5-113 of the San Leandro Building Code shall hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of this Code. The Board shall function as described in said Section of the San Leandro Building Code.

Section 7-5-320: FEES. All fees shall be determined in accordance with Title 7, Chapter 5, Article 1, Section 109 of the San Leandro Municipal Code.

Section 7-5-325: SUBSTANDARD BUILDING; CONDITIONS. Any building or portion thereof including any dwelling unit, guest room or suite of rooms or the premises on which the same is located, in which there exists any of the following listed conditions to an extent that endangers the life, limb, health, property, safety, or welfare of the public or the occupants thereof shall have deemed and hereby is declared to be a substandard building:

- (a) Inadequate sanitation shall include, but not be limited to, the following:
 - (1) Lack of, or improper water closet, lavatory, or bathtub or shower in a dwelling unit.
 - (2) Lack of, or improper water closets, lavatories, and bathtubs or showers per number of guests in a hotel.
 - (3) Lack of, or improper kitchen sink.
 - (4) Lack of hot and cold running water to plumbing fixtures in a hotel.
 - (5) Lack of hot and cold running water to plumbing fixtures in a dwelling unit.
 - (6) Lack of adequate heating.
 - (7) Lack of, or improper operation of required ventilating equipment.
 - (8) Lack of minimum amounts of natural light and ventilation required by this code.
 - (9) Room and space dimensions less than required by this code.

- (10) Lack of required electrical lighting.
- (11) Dampness of habitable rooms.
- (12) Infestation of insects, vermin, or rodents as determined by the health officer.
- (13) General dilapidation or improper maintenance.
- (14) Lack of connection to required sewage disposal system.
- (15) Lack of adequate garbage and rubbish storage and removal facilities as determined by the health officer.

(b) Structural hazards shall include, but not be limited to, the following:

- (1) Deteriorated or inadequate foundations.
- (2) Defective or deteriorated flooring or floor supports.
- (3) Flooring or floor supports of insufficient size to carry imposed loads with safety.
- (4) Members of walls, partitions, or other vertical support that split, lean, list, or buckle due to defective material or deterioration.
- (5) Members of walls, partitions, or other vertical supports that are of insufficient size to carry imposed loads with safety.
- (6) Members of ceilings, roofs, ceilings and roof supports, or other horizontal members that sag, split, or buckle due to defective material or deterioration.
- (7) Members of ceiling, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety.
- (8) Fireplaces or chimneys that list, bulge, or settle due to defective material or deterioration.
- (9) Fireplaces or chimneys that are of insufficient size or strength to carry imposed loads with safety.

(c) Any nuisance.

(d) All wiring, except that which conformed with all applicable laws in effect at the time of installation if it is currently in good and safe condition and working properly.

(e) All plumbing, except that which conformed with all applicable laws in effect at the time of installation and that has been maintained in good condition, or that may not have

conformed with all applicable laws in effect at the time of installation but is currently in good and safe condition and working properly, and which is free of cross connections and siphonage between fixtures.

- (f) All mechanical equipment, including vents, except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good and safe condition, or which may not have conformed with all applicable laws in effect at the time of installation but is currently in good and safe condition and working properly.
- (g) Faulty weather protection, which shall include, but not be limited to, the following:
 - (1) Deteriorated, crumbling, or loose plaster.
 - (2) Deteriorated or ineffective waterproofing of exterior walls, roof, foundations, or floors, including broken windows or doors.
 - (3) Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other approved protective covering.
 - (4) Broken, rotted, split, or buckled exterior wall coverings or roof coverings.
- (h) Any building or portion thereof, device, apparatus, equipment, combustible waste, or vegetation which, in the opinion of the chief of the fire department or his deputy, is in such a condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause.
- (i) All materials of construction, except those which are specifically allowed or approved by this code, and which have been adequately maintained in good and safe condition.
- (j) Those premises on which an accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rodent harborages, stagnant water, combustible materials, and similar materials or conditions constitute fire, health, or safety hazards.
- (k) Any building or portion thereof which is determined to be an unsafe building due to inadequate maintenance, in accordance with the Building Code.
- (l) All buildings or portions thereof not provided with adequate exit facilities as required by this code, except those buildings or portions thereof whose exit facilities conformed with all applicable laws at the time of their construction and which have been adequately maintained and increased in relation to any increase in occupant load, alteration or addition, or any change in occupancy.

When an unsafe condition exists through lack of, or improper location of, exits,

additional exits may be required to be installed.

- (m) All buildings or portions thereof which are not provided with the fire-resistive construction or fire-extinguishing systems or equipment required by this code, except those buildings or portions thereof which conformed with all applicable laws at the time of their construction and whose fire-resistive integrity and fire-extinguishing systems or equipment have been adequately maintained and improved in relation to any increase in occupant load, alteration or addition, or any change in occupancy.
- (n) All buildings or portions thereof occupied for living, sleeping, cooking, or dining purposes which were not designed or intended to be used for such occupancies.
- (o) Inadequate structural resistance to horizontal forces.

However, a condition which would require displacement of sound walls or ceilings to meet height, length, or width requirements for ceilings, rooms, and dwelling units shall not by itself be considered sufficient existence of dangerous conditions making a building a substandard building, unless the building was constructed, altered, or converted in violation of such requirements in effect at the time of construction, alteration, or conversion.”

Section 3. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of the Ordinance is for any reason held to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part hereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of the Ordinance irrespective of the fact that one or more of them would be declared unconstitutional or invalid. To this end, the provisions of the Ordinance are declared to be severable.

Section 4. Effective Date and Publication. This ordinance shall take effect on January 1, 2017 and the title thereof shall be published twice prior to adoption pursuant to California Government Code Section 50022.3, which permits enactment of City Ordinances that adopt codes or statutes, including codes of the State of California, by reference and notice of the adoption by reference was published in accordance with Government Code Sections 50022.3 and 6066. Said notice was sufficient to give notice to interested persons of the purpose of this ordinance and the subject matter thereof.

Section 5. The City Council finds that adoption of this ordinance is exempt from the California Environmental Quality Act (Public Resources Code §§ 21000 et seq., “CEQA,” and 14 Cal. Code Reg. §§ 15000 et seq., “CEQA Guidelines”) under the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment, and in this case it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment (CEQA Guidelines § 15061(b)(3)).