

CITY OF CLEARLAKE

ORDINANCE NO. ORD-102-01

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLEARLAKE
AMENDING CHAPTER IX, "BUILDING AND HOUSING" ADDING
PROVISIONS FOR RENTAL HOUSING UNIT INSPECTIONS**

**THE CITY COUNCIL OF THE CITY OF CLEARLAKE HEREBY ORDAINS AS
FOLLOWS:**

Sections:

- 9-4.1 Purpose and intent.**
- 9-4.2 Exempt**
- 9-4.3 Authority and enforcement**
- 9-4.4 Definitions**
- 9-4.5 Registration Requirements**
- 9-4.6 Inspection**
- 9-4.7 Inspection Certificate**
- 9-4.8 Order to Correct Violation and Re-inspection**
- 9-4.9 Notice of Appeal**
- 9-4.10 Violation - Penalty**
- 9-4.11 Enforcement alternatives**
- 9-4.12 Fees - Adopted by Resolution**
- 9-4.13 Business Licenses**
- 9-4.14 Refuse Disposal**
- 9-4.15 Severability**
- 9-4.16 Effective date**

9-4.1 Purpose and Intent

There are many dilapidated dwelling units throughout the City, many of which are clearly anything but decent, safe, and sanitary. This ordinance will force those landlords that are currently unwilling to improve their own housing stock to do just that. This ordinance covers all dwelling units offered for rent or lease.

This ordinance provides a system of regulation for the maintenance, sanitation, occupancy, and safety of single or multi-unit residential structures, apartments and apartment houses, motels, hotels, lodging houses, and rental housing units and any common areas associated therewith, in the city for the public health, safety and general welfare. In accordance with the provisions of the Uniform Housing Code, it is not the intent of this ordinance to require mandatory retrofit of existing units built, constructed or installed according to such code requirements in effect at the time the building, structure, or units were built and occupied, constructed or installed, if such units have been

maintained in a good and safe manner, unless the retrofitting is otherwise required by state or local law.

The intent of this ordinance is also to detect, and remedy, code violations of all applicable city codes, ordinances, the Uniform Building Code, the Uniform Fire Code, State Housing Law (Health and Safety Code Section 17920.3), and other applicable state laws and regulations and conditions in single or multi-unit residential structures, apartments and apartment houses, motels, hotels, lodging houses, and rental housing units and any common areas that constitute an immediate hazard or present a clear and present threat to human life, limb, health, property, safety, or general welfare of the public or the occupants thereof.

Furthermore, conditions that could result in serious dilapidation or deterioration will be subject to full enforcement proceedings. However, a reasonable period of time will be permitted for compliance with code violations toward the goal of making the units, common areas, and facilities safe for human occupation and use. The goal is to achieve rental housing that meets minimum housing and property maintenance standards as set forth in local and State law.

9-4.2 Exempt. This ordinance shall not apply to any owner-occupied housing unit, jail, hospital, extended care facility, convalescent home, licensed board and care facility; asylum, sanitarium, orphanage, prison, dormitory that is owned and operated by an educational institution or other buildings that are licensed by the State in which human beings are housed and/or detained under legal restraint, nor shall it apply to vacation homes used exclusively by the owner and never offered for rent or lease.

9-4.3 Authority and enforcement. The provisions of this ordinance shall be administered and enforced by the City of Clearlake Community Development Department, or division thereof.

Nothing contained in this ordinance shall prevent an owner, tenant, or permit applicant from voluntarily requesting an inspection at any time for the purpose of determining whether the premises or dwelling units comply with this ordinance. A fee for such inspection shall be fixed pursuant to Section 9-4.12.

In the performance of their duties, officers shall, upon presentation of proper credentials, have the right to enter, at reasonable times, any building, structure, premises, or dwelling unit in the city to perform any duty imposed upon them by this ordinance.

Nothing in this ordinance shall prohibit an interior inspection of any dwelling unit where an owner or lawful occupant grants entry to the dwelling unit. Entry into any dwelling unit shall be made by the enforcement officer with permission from either an owner or

occupant, or upon the issuance of an inspection warrant pursuant to California Code of Civil Procedure Section 1822.50 et. seq., except in the event of emergency.

It shall be considered a public nuisance and unlawful to construct, alter, convert, maintain, permit occupancy, or otherwise use for human occupation, any multi-unit residential building, structure, apartment and apartment house, motel, hotel, lodging house, rental housing unit or similar facility which fails to comply with state and local laws as they relate to housing standards, property maintenance, building and fire codes or local zoning requirements. The remedies available under California Civil Code Section 3491 et seq., may be used, to correct a public nuisance in addition to other remedies available by the Clearlake Municipal Code. The inspection shall be at reasonable times during daylight hours, except in the event of emergency.

9-4.4 Definitions. Except as otherwise provided in this ordinance, terms and words used in this ordinance are defined as listed in the California Health and Safety Code, Division 13, Part 1.5, Section 17920 et seq.; and the California Code of Regulations, Title 25 Chapter 1, Article 1 and Article 2, and the applicable articles adopted pursuant thereto, and the following words are defined as follows:

- a. **"Apartment"** means a rental dwelling unit.
- b. **"Certificate of inspection"** means a certificate, issued to an owner of a multi-dwelling unit structure, motel, hotel, lodging house, rental housing unit or similar facility which signifies that at the time of issuance, the residential dwelling structure met the requirements for human occupancy.
- c. **"City"** means the City of Clearlake, or its authorized agent.
- d. **"Code Enforcement"** means a division operated and under the control of the City of Clearlake Community Development which is designated by the Community Development Department Director to be responsible for the enforcement of the provisions set forth in this ordinance.
- e. **"Dwelling unit"** means any building or portion thereof, including a manufactured home or portion thereof, which contains living facilities, including provisions for sleeping, eating, cooking and sanitation as required by the Uniform Building Code for not more than one family, including domestic employees of such family.
- f. **"Motel/hotel"** means a building or buildings each containing one or more guest rooms or dwelling units or combination thereof, designed, used and intended wholly, or in part, for the accommodation of transients. This term does not include a jail, hospital, extended care facility, convalescent home, licensed board and care facility; asylum, sanitarium, orphanage, prison, dormitory that is owned and operated by an educational institution or other buildings in which human beings are housed and detained under legal restraint.

- g. “**Occupant**” means any person who occupies a dwelling unit, whether as a tenant or subtenant.
- h. “**Owner**” means that person or entity, including the duly appointed agent of the owner, holding a vested interest in a given property and appearing as a legal owner of record on the most current deed recorded in the county recorder’s office on the day of the inspection or re-inspection.
- i. “**Person**” means an individual, partnership, limited partnership, corporation, association, or public entity or corporation.
- j. “**Premises**” include all buildings located on continuous parcels of land under common ownership.
- k. “**Reasonable times**” means 8:00 A.M. to 6:00 P.M., Monday through Friday unless another time is mutually agreed upon.
- l. “**Rental dwelling unit**” means a dwelling unit in a multi-unit residential building or structure including motels, hotels, rooming and boarding houses and similar living accommodations, which unit is held out for or is rented, leased, subleased, or otherwise permitted to be occupied by other than the owner on a rental basis for one or more days in any given calendar year.
- m. “**Rental housing unit**” means any residential dwelling in a single structure, or in a group of attached or detached structures containing one or more such dwelling units on the same parcel of land under common ownership that (a) contains one or more rooms with a single kitchen designated for living and sleeping purposes as an independent housekeeping unit, and (b) is occupied or intended to be occupied on a rental basis for one or more days in any given calendar year.

9-4.5 Registration of rental units.

- a. **Registration requirement and time.** The owner of every building or structure containing one or more rental dwelling or rental housing unit shall register such building or structure, and each rental dwelling unit therein, with the City of Clearlake Community Development Department pursuant to the following:
 - 1. Within 90 days of the effective date of this ordinance; or
 - 2. Within 30 days of the date of issuance of a certificate of occupancy for a new construction; or;
 - 3. Prior to the first day that the unit or units are first offered for rent
- b. **Application Form.** Registration shall be accomplished by filing with the Community Development Department a completed application form as provided by the Community Development Department.

9-4.6 Inspection

- a. **Initial Inspection.** Following the registration of each rental unit an officer shall inspect each rental dwelling unit or in the case of multi-units inspect a percentage of the units as determined by City enforcement officer. If the officer determines that the unit is in compliance, the officer shall issue an inspection certificate.
- b. **Inspection of converted units.** Any dwelling unit, converted from owner occupied to a rental unit, is required to be inspected prior to being occupied by a renter.
- c. **Annual Inspection.** Following the initial inspection, all rental units shall be subject to an annual inspection at the City's discretion. Prior to the expiration of each inspection certificate, the owner shall remit an inspection fee to the City and shall allow an officer to inspect each rental dwelling unit to determine whether the units comply with all applicable city codes, ordinances, the Uniform Building Code, the Uniform Fire Code, State Housing Law (Health and Safety Code Section 17920.3), and other applicable state laws and regulations. If the officer determines that the unit is in compliance, the officer shall issue an inspection certificate providing all fees have been paid. In addition the property will be removed from the annual inspection list and placed on a triennial inspection list. If during the three year period a founded complaint is received the property will be placed on the annual inspection list. If any unit is found to be in violation an order to correct the violation shall be issued pursuant to section 9-4.8 of the Clearlake Municipal Code. Any newly constructed rental unit/units shall be placed on the triennial inspection list upon issuance of a Certificate of Occupancy by the Building Inspector. If a founded complaint is received during the three (3) year period, the Code Enforcement Officer may require subsequent annual inspections.
- d. **Notice of inspection.** At least ten calendar days prior to any routine inspection or re-inspection, the Community Development Department, or division thereof, shall mail, by first class postage prepaid, a notice setting forth the following:
 1. The address or other identification of the property to be inspected;
 2. The date of the inspection;
 3. A range of time, not to exceed four hours, during which time the inspection will be made;
 4. All inspections will be scheduled between eight a.m. and five p.m., Monday through Friday, inclusive, or at such other time as the owner, agent or occupant may consent.

9-4.7 Inspection Certificate.

- a. **Inspection Certificate.** No person or entity shall permit to be occupied a rental dwelling unit, or operate a hotel, motel, rental housing unit, apartment or similar facility, without possessing an unexpired, unrevoked, unsuspended, valid inspection certificate, for each rental unit, which has been issued pursuant to this ordinance and paying all applicable fees as adopted pursuant to Section 9-4.12.

- b. **Inspection Certificate, Form.** The inspection certificate shall contain the following:
 1. The date of issuance;
 2. The lawful use of the property;
 3. The address of the property;
 4. The property owner's name, address and telephone number;
 5. The duly authorized owner's agent, if any, and his/her/its name, address and telephone number;
 6. The expiration date;
 7. The signature of the issuing officer;
 8. The amount of the fee paid;
 9. Any other pertinent information.

9-4.8 Order to Correct Violation and Re-inspection. If inspection reveals a violation of housing standards, property maintenance, building and fire codes or local zoning requirements, the property owner shall be provided with a written notice describing the violation, its location, a demand for its correction and a reasonable time for correcting the violation. Thereafter, the enforcing officer shall re-inspect the building, structure, units or premises to ascertain that the violation has been corrected. No inspection certificate shall be issued until all violations are corrected. A re-inspection fee will be charged as provided for pursuant to Section 9-4.12 of this ordinance.

If an owner fails to correct the violations discovered during any inspection within a reasonable period of time, there may be an imposition of a penalty. The reasonable period of time for purposes of this section shall be the time reasonably necessary to correct the violation as determined by the Enforcement Officer, which time generally shall not exceed thirty days from service of the Notice of Violation. Except in those cases, which constitute an immediate danger to health or safety, the reasonable period of time for the proposed abatement shall be the time reasonably necessary to correct the violation, as determined by the Enforcement Officer. The time generally allowed for abatement shall

not exceed thirty (30) days from service of the Notice of Violation. If the violation is not abated the application filed to obtain an inspection certificate shall lapse, and the owner shall be subject to the administrative penalties ordinance. Further, failure to correct conditions that pose an immediate threat to human limb, life, health and safety, may result in condemnation of the building, structure, premises, or dwelling unit, as provided for by law, or the application of other remedies as provided in the Municipal Code.

The owner shall be notified of the date and time of any re-inspection and shall be responsible for making the unit available for re-inspection by the City. The owner shall be notified of the date and time of the re-inspection and shall be requested to receive the occupant's permission to enter the unit for re-inspection by the City. If the occupant denies access to the unit to the enforcing officer, then a warrant, as provided for by the California Code of Civil Procedure Section 1822.50 et seq., may be obtained by the enforcing officer. If a violation results in the need to obtain a building permit, a re-inspection fee shall not be assessed.

9-4.9-Notice of Appeal. The recipient of a notice to Correct a Violation may appeal the notice by filing a written Notice of Appeal as stipulated by Section 1-9 of the Clearlake Municipal Code.

9-4.10-Violation / Penalty. Any person who violates the provisions of this ordinance is subject to general penalties as set forth in section 1-5 of the Clearlake Municipal Code and/or Administrative Penalties as set forth in section 1-9 of the Clearlake Municipal Code.

9-4.11 Enforcement alternatives. The city may enforce this ordinance pursuant to section 1-8 of the Clearlake Municipal Code.

9-4.12 Fees --- Adopted by Resolution. The City Council may adopt, and amend, from time to time, by resolution, a schedule of fees required under this ordinance.

9-4.13 Business License. Any person or persons offering a dwelling unit or units for rent must obtain a business License, pursuant to the Municipal Code.

9-4.14 Refuse Disposal. The owner of each rental unit will provide either a refuse receptacle for each unit or a dumpster provided by a franchised refuse handler to be used for multiple units and weekly trash removal by a franchised refuse handler. A solid gated fence, six feet in height and built to City standards, will enclose dumpsters.

9-4.15 Severability. If any section, subsection, clause, sentence, work or phrase of this title is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the remaining portions of the title. The City Council declares that it would have passed and adopted this

ordinance and each of the provisions thereof irrespective of the fact that any one or more such provisions be declared invalid and/or unconstitutional.

9-4.16 Effective. This ordinance shall take effect on the 24th day of November, 2001 and before the expiration of fifteen (15) calendar days after its passage it shall be published at least once in a newspaper of general circulation in the City of Clearlake.

INTRODUCED by the City Council of the City of Clearlake, County of Lake, State of California on the 11th day of October, 2001 and **PASSED AND ADOPTED** on this 25th day of October, 2001 by the following vote:

AYES: Mayor Malley, Vice Mayor Sanchez, Council Members Bennett, McMurray and Mingori

NOES: None

ABSENT OR NOT VOTING: None



Robert C. Malley, Mayor

ATTEST:



Sharon L. Goode, City Clerk