

ORDINANCE NO. 2023-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS AMENDING TITLE 12 OF THE MUNICIPAL CODE BY ADDING CHAPTER 12.72 TO ADOPT BY REFERENCE THE 2021 INTERNATIONAL PROPERTY MAINTENANCE CODE PUBLISHED BY THE INTERNATIONAL CODE COUNCIL.

WHEREAS, the International Code Council (ICC), an internationally recognized association of professionals, maintains, amends, and updates elective model codes and standards used by local jurisdictions related to building design, construction, and compliance processes; and

WHEREAS, the ICC model codes and standards include an International Property Maintenance Code; and

WHEREAS, the City utilizes the International Property Maintenance Code as a basis for its local property maintenance code; and

WHEREAS, the City reviews the ICC model codes every three years for amendments; and

WHEREAS, the City's wishes to adopt the 2021 International Property Maintenance Code in its entirety with certain local amendments; and

WHEREAS, the City held a public hearing on June 13, 2023 and June 27, 2023 at which time all interested persons had the opportunity to appear and be heard on the matter of adopting the Codes as amended herein; and

WHEREAS, the City published notice of the aforementioned public hearing pursuant to California Government Code Section 6066 on June 13, 2023 and June 27, 2023; and

WHEREAS, the Ordinance amendments set forth below have been reviewed and considered by the City Council in accordance with the provisions of the California Environmental Quality Act of 1970, as amended ("CEQA"), and the guidelines promulgated thereunder and, further, said Council finds that it can be seen with certainty that there is no possibility that said amendments may have a significant effect on the environment and said amendments are therefore exempt from the requirements of the CEQA pursuant to the provisions of Section 15061(b)(3) of Division 6 of Title 14 of the California Code of Regulations.

NOW THEREFORE, the City Council of the City of Los Altos does hereby ordain as follows:

SECTION 1. AMENDMENT OF CODE:

TITLE 12. BUILDINGS AND CONSTRUCTION

SECTION 2. AMENDMENT OF CODE: Title 12, Chapter 12.72 of the Municipal Code is hereby added to read as follows:

Chapter 12.72 PROPERTY MAINTENANCE CODE

Section 12.72.010 Title.

This chapter shall be known and may be cited as the “Los Altos Property Maintenance Code” or “LAPMC” and will be referred to in this chapter as “this code.”

Section 12.72.020 Adoption of the 2021 International Property Maintenance with Amendments.

The 2021 Edition of the International Property Maintenance Code as published by the International Code Council is adopted as the property maintenance code of the city of Los Altos, California, as if fully set out in this chapter, and is amended as provided in this chapter. A copy of the 2021 LAPMC shall be maintained on file in the office of the Building Official.

Section 12.72.030 Amendment of 2021 IPMC Section 102 (Applicability).

Section 102 of the 2021 IPMC is amended as follows:

102.1-102.7 {IPMC text not modified}

102.8.1 Conflicts. Where conflicts occur between the provision of this code and the referenced standards, the provisions of this code shall apply. Where conflicts occur between the provisions of this code and California Statutes, the provisions of the latter shall apply.

102.8.2-102.11 {IPMC text not modified}

Section 12.72.040 Amendment of 2021 IPMC Section 103 (Code Compliance Agency).

Section 103 Code Compliance Agency of the 2021 IPMC is amended as follows:

103.1 Creation of agency. The Code Enforcement Division of the Development Services Department shall be responsible for the implementation, administration, and enforcement of the provisions of this code. The building official in charge of the Los Altos Building & Safety Division of the Development Services Department shall be known as the code official in this chapter.

103.2 {IPMC text not modified}

103.3 Deputies. The code official shall have the authority to appoint 1 or more deputies. Such employees shall have the powers as delegated by the code official.

Section 12.72.050 Amendment of 2021 IPMC Section 105 (Duties and Powers of the Code Official).

Section 105 of the 2021 IPMC is amended as follows:

105.1-105.2 {IPMC text not modified}

105.3 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or whenever the code official has reasonable cause to believe that there exists in a structure or upon a premises a condition in violation of this code, the code official is

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authorized to enter the structure or premises at reasonable times to inspect or perform the duties imposed by the code, provided that if such structure or premises is occupied the code official shall present credentials to the occupant and request entry. If such structure or premises is unoccupied, the code official shall first make a reasonable effort to locate the owner, owner's authorized agent, or other person having charge or control of the structure or premises and request entry. If entry is refused, the code official shall have recourse to the remedies provided by law to secure entry.

105.4 – 105.7.1 {IPMC text not modified}

Section 12.72.060 Amendment of 2021 IPMC Section 107 (Means of Appeal).

Section 107 of the 2021 IPMC is amended as follows:

107.1 Application for appeal. Any person directly affected by a decision of the code official or a notice or order issued under this code may appeal that decision, notice or order by filing an appeal with the city clerk within fourteen (14) calendar days of the date of service of that decision, notice, or order. The appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means. The appeal shall identify the real property, state the grounds for the appeal, and state all material facts in support of the appeal.

107.2 Notice of hearing. Notice of hearing and the hearing shall be conducted as provided for in Chapter 1.12 of the Los Altos Municipal Code.

107.3 Court review. Judicial review of the hearing officer's decision shall be commenced in accordance with Cal. Code of Civil Procedure § 1094.6 no later than ninety (90) calendar days after the decision is signed. Cal. Code of Civil Procedure § 1094.6 is hereby adopted for purposes of this Title. Review shall be in accordance with Cal. Code of Civil Procedure § 1094.5.

Section 12.72.070 Amendment of 2021 IPMC Section 109 (Violations).

Section 109 of the 2021 IPMC is amended as follows:

109.1 Unlawful acts. It is hereby declared to be unlawful and a public nuisance for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any premises, building, structure or building service equipment, or cause or permit the same to be done in violation of this code or this division.

109.2 Notice of violation. The code official shall serve a notice of violation in accordance with Section 111.4.

109.3 Prosecution of violation. Any person failing to comply with a notice of violation served in accordance with Section 111.4 shall be deemed guilty of a misdemeanor but may be charged with an infraction at the discretion of the city attorney, or civil infraction enforceable under Chapter 1.20 of the Los Altos Municipal Code as determined by the city and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the code Ordinance No. 2023-XX

official shall institute the appropriate administrative, civil, or criminal proceeding to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of this code or of the order or direction made pursuant thereto.

109.4 Violation Penalties. Each day during any portion of which any violation of this ordinance is committed or continued by such person shall constitute a separate offense and shall be punishable as provided in this code and Title 1 of the Los Altos Municipal Code.

109.5 Abatement of violation. The city may abate a violation of this code pursuant to the abatement process set forth in the Los Altos Municipal Code.

Section 12.72.080 Amendment of 2021 IPMC Section 110 (Stop Work Order).

Section 110 of the 2021 IPMC is amended as follows:

110.1 – 110.3 {IPMC text not modified}

110.4 Failure to comply. Any person who continues 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 for civil penalties pursuant to the Los Altos Municipal Code Chapter 1.20.

SECTION 3. CEQA. The City Council hereby finds and determines that this Ordinance has been assessed in accordance with the California Environmental Quality Act (Cal. Pub. Res. Code, § 21000 et seq.) (“CEQA”) and the State CEQA Guidelines (14 Cal. Code Regs. § 15000 et seq.) and is categorically exempt from CEQA under CEQA Guidelines, § 15061(b)(3), which exempts from CEQA any project where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. Adoption of the proposed Ordinance would not be an activity with potential to cause significant adverse effect on the environment because the changes made to the California Green Buildings Standards Code within are enacted to provide more protection to the environment, and therefore is exempt from CEQA. It is also exempt from CEQA pursuant to CEQA Guidelines, § 15308 which exempts actions taken by regulatory agencies for the enhancement and protection of the environment. As such, the Ordinance is categorically exempt from CEQA, and none of the circumstances set forth in CEQA Guidelines Section 15300.2 applies.

SECTION 4. The City Clerk is hereby directed to file a copy of this Ordinance with the California Building Standards Commission of the State of California.

SECTION 5. CONSTITUTIONALITY. If any section, subsection, sentence, clause, or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 6. PUBLICATION. This ordinance shall be published as provided in Government Code section 36933.

SECTION 7. EFFECTIVE DATE. This ordinance shall be effective upon the commencement of the thirty-first day following the adoption date.

The foregoing ordinance was duly and properly introduced at a regular meeting of the City Council of the City of Los Altos held on June 13, 2023, and was thereafter, at a regular meeting held on June 27, 2023, passed and adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Sally Meadows, MAYOR

Attest:

Melissa Thurman, CITY CLERK