



Council Communication

Office of the City Manager

Date April 23, 2007

Agenda Item No. 49
Roll Call No. 07-
Communication No. 07-245
Submitted by: Larry Hulse, Community
Development Director

AGENDA HEADING:

Amending Chapter 60 of the Municipal Code regarding Housing Code.

SYNOPSIS:

Recommend approval for change to Chapter 60, Housing Code, Article I, Neighborhood Inspections Rental Code and Article II, Residential Public Nuisance Code. The purpose of these changes is to clarify language that has come into issue since the code was last amended. The recommended action will replace the 2000 International Property Maintenance Code with the 2006 International Property Maintenance Code and includes language requested by the Council pertaining to administrative extensions of time for structures that have become public nuisances as a result of a fire.

FISCAL IMPACT: NONE

ADDITIONAL INFORMATION:

A detailed presentation of the recommended changes has been attached to the roll call. The following offers a brief overview of these changes and why staff deems them necessary.

Article I:

Sec. 60-2 changes from the 2000 International Property Maintenance Code to the 2006 International Property Maintenance Code.

Sec. 60-5, 60-6, 60-300, 60-301, 60-304, 60-308, 60-309, and 60-310 are changes to reflect residential and/or accessory structures to insure that all structures on a residential lot are covered by this code. Before this addition, it was possible to read the code and assume that garages sheds or structures other than the residence were not covered by the ordinance.

Sec. 60-54 adds language (Paragraph 5) to insure that all legal inspections are billed based on the schedule of fees. The code did not give the authority to bill for inspections done for legal purposes. Paragraph (5) adds "structures referred to the legal department for prosecution will be inspected as necessary to enforce the code and will be billed as set out in the schedule of fees adopted by the city council by resolution."

Sec. 60-56 clarifies the exception for notice of violations when a municipal infraction is filed. An issue arose when the City filed a municipal infraction for an illegal rental; by strict interpretation of the code, prior notice of the violation had to be mailed to the violator before the infraction could be filed. This was

not the intention of the code. The intention of the code was only that notice of violations would be given to the owner pursuant to an inspection, not when illegal rentals were discovered.

Sec. 60-103 clarifies language in regards to when the owner or agent fails to appear before the Housing Appeals Board; the change requires the Board to send the matter to the Legal Department with the penalty fine by adding the language: "if an owner or agent fails to appear before the board the property will be referred to the Legal Department for enforcement action with the full penalty fine."

Sec. 60-123 (c) and (d) clarifies who is responsible for extermination in single family and multi unit structures. In a single family home, the tenant is responsible while in all multi-unit structures, the landlord is responsible.

Article II

Sec. 60-306 adds the word "used" to this section further defining "occupied" in the Approval for Occupancy Section. "Occupied" has been interpreted by the court to mean "lived in," thus creating an increased burden of proof for staff. Adding the word "used" therefore adds any use of the property to the definition of prohibited activities and reduces the burden of proof.

Sec 60-307 requires the filling of the excavation and leveling of the lot after a public nuisance structure is demolished. The word "leveling" had been left out of the code when it was rewritten. To date, excavations have been filled, but not leveled; this leaves an unsightly appearance on the lot.

Sec. 60-311, added at Council request, extends the amount of time before a public nuisance process is initiated on a fire damaged public nuisance structure when the following apply: the owner has shown that the insurance is sufficient to repair the structure; a contractor has been hired; permits will be pulled; and repairs will completed within 180 days. This time extension should reduce charges to owners of public nuisances caused by fire if the legal process is not initiated.

PREVIOUS COUNCIL ACTION(S):

Date: February 10, 2003

Roll Call Number: 03-316, 03-317, 03-318

Action:

03-316 60. Approving Building Code fees for filings, appeals, inspections, exams and licenses to be included in the Schedule of Fees. Moved by Vlassis to adopt. Motion Carried 6-1.

03-317 (A) First consideration of ordinance amending Chapter 26 of the Municipal Code regarding Building and Building Regulations. Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 6-1.

03-318 (B) Final consideration of ordinance above, (waiver requested by Community Development Department), requires 6 votes. Moved by Vlassis that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be

finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #14,206. Motion Carried 6-1.

BOARD/COMMISSION ACTION(S):

Date: April 11, 2007

Roll Call Number: N/A

Action: The Housing Appeals Board approved these changes regarding Chapter 60 of the Municipal Code - Housing Code.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE