

ORDINANCE NO. 2022-1104

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YORBA LINDA AMENDING CHAPTER 15.22 OF THE YORBA LINDA MUNICIPAL CODE AND ADOPTING BY REFERENCE THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS, 1997 EDITION, WITH CERTAIN AMENDMENTS, AND REPEALING ORDINANCE NO. 2019-1073

WHEREAS, California Government Code Section 50022.1 *et seq.* authorizes the City to adopt by reference the Uniform Code For The Abatement Of Dangerous Buildings, 1997 Edition, published by the International Conference of Building Officials, with certain amendments; and

WHEREAS, California Health and Safety Code Section 17958 *et seq.* and 18941.5 authorizes cities to adopt codes with modifications determined to be reasonably necessary because of local climatic, geological or topographical conditions; and

WHEREAS, the City of Yorba Linda desires to adopt the Uniform Code For The Abatement Of Dangerous Buildings, 1997 Edition, with certain amendments to assure the Codes are tailored to the particular safety needs of the City of Yorba Linda as required by its unique climatic, geological and topographical conditions; and

WHEREAS, the City Council held a public hearing on December 6, 2022 at which time all interested persons had the opportunity to appear and be heard on the matter of adopting the Uniform Code For The Abatement Of Dangerous Buildings, 1997 Edition, as amended herein; and

WHEREAS, the City published notice of the aforementioned public hearing pursuant to California Government Code Section 6066 on November 24, 2022 and December 1, 2022; and

WHEREAS, any and all other legal prerequisites relating to the adoption of this Ordinance have occurred.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF YORBA LINDA DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Findings. To the extent legally necessary, that the following changes and modifications to the Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, that are more restrictive than the standards contained therein are justified by local conditions and reasonably necessary as outlined and determined in City Council Resolution No. 2022-5828.

Section 2. Chapter 15.22 of the Yorba Linda Municipal Code is amended to read as follows:

CHAPTER 15.22

CODE FOR ABATEMENT OF DANGEROUS BUILDINGS

Sections:

15.32.010 Uniform Code for the Abatement of Dangerous Buildings Adopted.

15.32.020 Chapter 1, Title and Scope - Amended

15.32.030 Chapter 2 - Amended

15.32.040 Chapter 3, Definitions – Amended

15.32.050 Section 401.2 (4), Notice and Order - Amended

15.32.010. Uniform Code for the Abatement of Dangerous Buildings Adopted.

There is hereby adopted by reference, as the Code for Abatement of Dangerous Buildings of the City, the Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, with certain amendments, published by the International Conference of Building Officials, one certified copy of which is on file in the office of the City Clerk for public inspection, and is adopted with the same force and effect as though set out herein in full. The Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, as adopted herein, is amended as set forth in Sections 15.22.020 through 15.22.050.

15.22.020. Chapter 1, Title and Scope - Amended

Section 103 – Alterations, Additions and Repairs, is amended to read as follows:

All buildings or structures which are required to be repaired under the provisions of this code shall be subject to the provisions of the California Existing Building Code and all other adopted codes, as applicable.

15.22.030. Chapter 2 - Amended

Section 201.4 Enforcement is added to read as follows:

201.4 Enforcement. When the Building Official, the Health Officer, or their authorized representative shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other person having charge, care or control of any building or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the Building Official, the Health Officer, or their authorized representatives for the purpose

of inspection and examination pursuant to this Code. Any person violating this subdivision shall be guilty of a misdemeanor.

Section 203, Violations is amended to read as follows:

203.1 Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct alter, extend, repair, move remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

203.2 Notice of violation. The building official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this code, or in violation of a detail statement or a plan approved thereunder, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

203.3 Prosecution of violation. If the notice of violation is not complied with in the time prescribed by such notice, the building official is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

203.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directives of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to the penalties as prescribed by law.

Section 204, Inspection of Work is amended to read as follows:

All buildings or structures within the scope of this code and all construction or work for which a permit is required shall be subject to inspection by the building official in accordance with and in the manner provided by this code and Sections 110 and 1704 of the California Building Code.

15.22.040. Chapter 3, Definitions - Amended

Section 301, General is amended to read as follows:

BUILDING CODE is the California Building Code, The California Existing Building Code or the California Residential Code as adopted by the City.

ELECTRICAL CODE is the California Electrical Code as adopted by the City.

MECHANICAL CODE is the California Mechanical Code as adopted by the City.

PLUMBING CODE is the California Plumbing Code as adopted by the City.

DANGEROUS BUILDING is any building or structure deemed to be dangerous under the provisions of Section 302 of this code.

HOUSING CODE is the Uniform Housing Code, 1997 Edition, as adopted by the City.

15.22.050. Section 401.2(4), Notice and Order - Amended

Section 401.2 (4) is amended to read as follows:

4. Statements advising that if any required repair or demolition work (without vacation also being required) is not commenced within the time specified, the building official (i) will order the building vacated and posted to prevent further occupancy until the work is completed, and (ii) may proceed to cause the work to be done and charge the costs thereof plus ten (10) percent administrative overhead against the property or its owner.”

Section 3. Ordinance No. 2019-1073 is hereby repealed in its entirety.

Section 4. CEQA. The City Council hereby finds and determines that it can be seen with certainty that there is no possibility that this ordinance may have a significant adverse effect on the environment, since it adopts updated building and safety standards, which the City had previously adopted in substantial form. Thus, the adoption of this ordinance is exempt from the requirements of the California Environmental Quality Act (“CEQA”) pursuant to Section 15061(b)(3) of the CEQA Guidelines. Staff is directed to file a Notice of Exemption with the Orange County Clerk’s Office within five (5) working days of the approval of this ordinance.

Section 5. Severability. If any section, subsection, sentence, clause, phase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases or portions might subsequently be declared invalid or unconstitutional.

Section 6. **Effective Date.** This ordinance shall take effect on January 1, 2023. The City Clerk shall certify to the adoption of this ordinance and shall cause this ordinance or a summary thereof to be published in the manner required by law.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Yorba Linda on this 6th day of December, 2022.

, MAYOR
CITY OF YORBA LINDA

ATTEST:

MARCIA BROWN, CITY CLERK
CITY OF YORBA LINDA

APPROVED AS TO FORM:
RUTAN & TUCKER LLP

CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.

I, MARCIA BROWN, City Clerk of the City of Yorba Linda, California, **DO HEREBY CERTIFY** that the foregoing Ordinance was adopted at a regular meeting of the City Council of the City of Yorba Linda held on this 6th day of December, 2022 and was carried by the following roll call vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS: None
ABSENT: COUNCILMEMBERS: None

MARCIA BROWN, CITY CLERK
CITY OF YORBA LINDA