

## **ORDINANCE NO. 2022-1103**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YORBA LINDA AMENDING CHAPTER 15.20 OF THE YORBA LINDA MUNICIPAL CODE AND ADOPTING BY REFERENCE THE UNIFORM HOUSING CODE, 2019 EDITION, WITH CERTAIN AMENDMENTS, AND REPEALING ORDINANCE NO. 2019-1072**

**WHEREAS**, California Government Code Section 50022.1 *et seq.* authorizes the City to adopt by reference the Uniform Housing Code, 2019 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 Housing Code, 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 Housing Code, 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 Housing Code, 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 15.20 of the Yorba Linda Municipal Code is amended in its entirety to read as follows:

**“CHAPTER 15.20**

**HOUSING STANDARDS**

**Sections:**

- 15.20.010 Uniform Housing Code Adopted.**
- 15.20.020 Chapter 1, Title and Scope Amended.**
- 15.20.030 Chapter 2, Enforcement, Amended.**
- 15.20.040 Chapter 3, Permits and Inspections – Amended.**
- 15.20.050 Chapter 4, Definitions – Amended.**
- 15.20.060 Chapter 5, Space and Occupancy Standards – Amended.**
- 15.20.070 Chapter 7, Mechanical Requirements – Amended.**
- 15.20.080 Chapter 8, Exits – Amended.**
- 15.20.090 Chapter 10, Substandard Buildings – Amended.**
- 15.20.100 Chapter 15, Performance of Work of Repair or Demolition – Amended.**

**15.20.010. Uniform Housing Code Adopted.**

There is hereby adopted by reference, as the code governing housing standards, the Uniform Housing Code, 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 Housing code, 1997 Edition, as adopted herein, is amended as set forth in Sections 15.22.020 through 15.22.100

**15.20.020. Chapter 1, Title and Scope – amended**

**Section 104.1, Additions, Alterations or Repairs**, is amended to read as follows:

**104.1 Additions, Alterations or Repairs.** For Additions, alterations or repairs, see the California Existing Building Code and all other adopted codes, as applicable.

**15.20.030. Chapter 2, Enforcement – amended**

**Section 204, Violations**, is amended to read as follows:

**204.1 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.

**204.2 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.

**204.3 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.

**204.4 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.

**15.20.040. Chapter 3, Permits and Inspection - amended**

**Section 301, General,** is amended to read as follows:

No building or structure regulated by this code shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished unless a separate permit for each building or structure has first been obtained from the building official in the manner and according to the applicable conditions prescribed in Section 105 of the California Building Code or Section R105 of the California Residential Code.

**Section 302, Fees,** is amended to read as follows:

When a building permit is required by Section 301 of this code, there shall be charged and paid, a fee as established by resolution by the City Council, and at the rate provided for each classification shown therein.

**Section 303, Inspections,** 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 1704A of the California Building Code and Section R109 of the California Residential Code.

**15.20.050. Chapter 4, Definitions – amended**

**Section 401, Definitions,** 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.

**BOARD MEMBER(S)** is the individual or members delegated by the City Manager.

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

**HEARING EXAMINER** is an individual delegated by the City Manager.

**HOUSING ADVISORY AND APPEALS BOARD** is the City Manager or his/her delegated individual and/or members.

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

**PLUMBING CODE** is the California Plumbing code as adopted by the City.

**RESIDENTIAL CODE** is the California Residential Code as adopted by the City

**15.20.060. Chapter 5, Space and Occupancy Standards - amended**

**Section 501, Location on Property**, is amended to read as follows:

All buildings shall be located with respect to property lines and to other buildings on the same property as required by the California Building Code or the California Residential Code as adopted by the City.

**Section 502, Yards and Courts**, is amended to read as follows:

All yards or courts shall conform to the requirements of Section 1205 of the California Building Code or the California Residential Code as adopted by the City.

**Section 503, Room Dimensions**, is amended to read as follows:

All rooms and spaces shall conform to the requirements Section 1207 of the California Building Code or Sections R304 and R305 of the California Residential Code for required room dimensions as adopted by the City.

**Section 504, Light and Ventilation**, is amended to read as follows:

All rooms and spaces shall be provided with light and ventilation as required in Sections 1202 and 1204 of the California Building Code and Section R303 of the California Residential Code as adopted by the City.

**Section 505.5, Sanitation**, is amended to read as follows:

All commercial and residential uses shall be provided with facilities as required in Chapter 4 of the California Plumbing Code, Section 1209 of the California Building Code or Sections R306 and R307 in the California Residential Code as adopted by the City.

**15.20.070, Mechanical Requirements – amended.**

**Section 701.1 Heating and Ventilation**, is amended to read as follows:

**701.1 Heating.** When the winter design temperature in Table R301.2(1) of the California Residential Code is below 60 degrees F, every dwelling unit shall be provided with heating facilities capable of maintaining a minimum room temperature of 68 degrees F at a point three (3) feet above the floor and two (2) feet from exterior walls in all habitable rooms at the design temperature. The installation of one or more portable space heaters shall not be used to achieve compliance with this section.

**15.20.080. Chapter 8, Exits – amended.**

**Section 801, General**, is amended to read as follows:

**Section 801 – General.** Dwelling units and commercial buildings shall be provided with means of egress. The means of egress shall comply with the requirements of either Chapter 10 of the California Building Code or Section R311 of the California Residential Code as adopted by the City.

Basements and every sleeping room below the fourth story shall have at least one operable emergency and rescue opening. Emergency and rescue openings shall conform to the requirements of Section R310 of the California Residential Code as adopted by the City.

**15.20.090. Chapter 10, Substandard Buildings – amended.**

**Section 1001.1, General**, is amended to read as follows:

Any building or portion thereof that is determined to be an unsafe building in accordance with Section 116 of the California Building Code, or any building or portion thereof, including any dwelling unit, sleeping room or commercial building, or the premises on which the same is located, in which there exists any of the conditions referenced in this chapter to an extent that endangers the life, limb, health, property, safety or welfare of the public or the occupants thereof, shall be deemed and hereby are declared to be a substandard building.

**15.20.100. Chapter 15, Performance of Work of Repair or Demolition – amended.**

**Section 1501.2, Costs**, is amended to read as follows:

**1501.2 Costs.** The cost of such work plus ten percent (10%) of paid cost for administrative overhead thereof shall be paid from the repair and demolition fund, and shall be made a special assessment against the property involved, or shall be made a personal obligation of the property owner, whichever the City Council shall determine is appropriate.”

Section 3. Ordinance No. 2019-1072 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 6<sup>th</sup> day of December, 2022.

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, MAYOR  
CITY OF YORBA LINDA

ATTEST:

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MARCIA BROWN, CITY CLERK  
CITY OF YORBA LINDA

APPROVED AS TO FORM:  
RUTAN & TUCKER LLP

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CITY ATTORNEY

**STATE OF CALIFORNIA )**

**COUNTY OF ORANGE )** <sup>ss.</sup>

**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 6<sup>th</sup> day of December, 2022, and was carried by the following roll call vote:

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

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MARCIA BROWN, CITY CLERK  
CITY OF YORBA LINDA