

CITY OF SOUTH LAKE TAHOE

ORDINANCE NO. 1022

AN ORDINANCE OF THE CITY OF SOUTH LAKE TAHOE CITY COUNCIL AMENDING CITY CODE CHAPTER 14A- MULTIPLE FAMILY DWELLING INSPECTION AND MAINTENANCE PROGRAM SECTIONS 14A-2, 14A-3, 14A-3A, 14A-4, 14A-5, 14A-7, 14A-8, 14A-9, 14A-10, 14A-13, 14A-14, 14A-15, 14A-16 REGARDING EXPANSION OF SCOPE OF MULTI-FAMILY INSPECTION PROGRAM

The City Council of the City of South Lake Tahoe does hereby ordain as follows:

Section 1. Enactment. Chapter 14A of the South Lake Tahoe City Code is hereby amended as designated in **Exhibit "A"** attached hereto and incorporated herein by reference.

Section 2. Conflicting Ordinances Repealed. All other ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. Summary Publication. Pursuant to Government Code §36933(c)(1), a summary of said ordinance was published at least five (5) days prior to its final adoption as required by law, and a certified copy of the full text of the proposed ordinance was posted in the Office of the City Clerk. Within fifteen (15) days after adoption, a summary of said ordinance with the names of those City Councilmembers voting for and against shall be published as required by law, and a certified copy of the full text of the ordinance shall be posted in the Office of the City Clerk.

Section 4. Effective Date. This ordinance shall take effect thirty (30) days after its adoption.

FIRST READING: November 16, 2010

SECOND READING: December 14, 2010

PASSED AND ADOPTED by the City Council of the City of South Lake Tahoe at a regular meeting held on December 14, 2010 by the following vote:

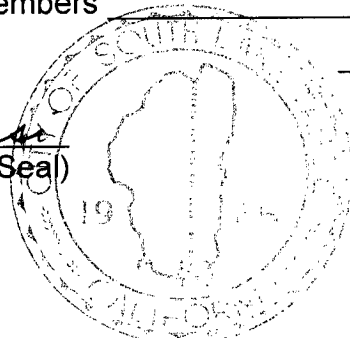
AYES: Councilmembers COLE, FORTIER, DAVIS & SWANSON

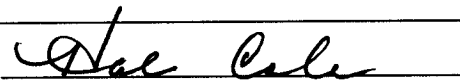
NOES: Councilmembers _____

ABSENT: Councilmembers GREGO

ABSTAIN: Councilmembers _____

ATTEST: 
Susan Alessi, City Clerk (City Seal)





, Mayor

Chapter 14A

MULTIPLE-FAMILY DWELLING INSPECTION AND MAINTENANCE PROGRAM

Sections:

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14A-3 Scope.

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14A-4 Exemptions.

14A-5 Inspections authorized – Compliance with applicable codes and standards.

14A-6 Voluntary inspections.

14A-7 Interior, exterior and site maintenance standards.

14A-8 City Wide Design and other agency standards.

14A-9 Notification of inspection – Inspection procedure.

14A-10 Annual service fee.

14A-11 Re-inspection fee.

14A-12 Delinquent fees – Penalty for late payment.

14A-13 Violations.

14A-14 Enforcement.

14A-15 Relocation of tenants.

14A-16 Appeal.

§ 14A-1 Title.

This chapter shall be known as the “Multiple-Family Dwelling Inspection and Maintenance Program” of the city of South Lake Tahoe. (Ord. 948 § 1; Ord. 969 § 1)

§ 14A-2 Purpose.

The purpose of this chapter is to identify blighted and deteriorated housing stock and to provide for the rehabilitation of housing that does not meet minimum building, housing and property maintenance code standards, and site maintenance standards as well as City Wide Design standards, or is not safe to occupy, and further, to preserve and enhance the quality of life for residents of the city living in multifamily dwelling units. (Ord. 948 § 1; Ord. 969 § 1)

§ 14A-3 Scope.

This chapter shall apply to all multiple-family residential dwellings having 8 units or more on one parcel or site including congregate residences with 8 or more sleeping rooms. Site improvements such as parking lots, driveways, landscaping, accessory structures, fences, signs and walls are also subject to the provisions of this chapter. (Ord. 948 § 1; Ord. 969 § 1)

§ 14A-3a Definitions.

“Congregate residence” is any building or portion thereof that contains facilities for living, sleeping and sanitation, as required by the building code, and may include facilities for eating and cooking, for occupancy by other than a family, but does not include hotels or lodging houses.

“Dwelling unit” is any building or portion thereof that contains living facilities, including provisions for sleeping, eating, cooking and sanitation, as required by the building code, for not more than one family, or a congregate residence for 10 or less persons.

“Hotel” or “motel” is any building containing six or more guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied, or which are occupied for sleeping purposes by guests. “Lodging house” is any building or portion thereof containing not more than five guest rooms where rent is paid in money, goods, labor or otherwise.

“Long term” is any term of residency for any given occupant that exceeds thirty (30) days.

“Multifamily dwelling” is considered for purposes of this ordinance to be any long term residential rental property that contains eight or more dwelling units on a single parcel or site, Configuration of the buildings on the property (SFD, duplex, triplex, etc), attached or detached is irrelevant, so long as the aggregate number is 8 or more distinct dwellings.

“Site” is any group of buildings or buildings that are on separate parcels with shared parking or common facilities such as trash containers, pools, laundry facilities or common courtyards.

“Tenant” is a long term (>30 days) occupant of a dwelling unit. (Ord. 969 § 1)

§ 14A-4 Exemptions.

A. Hotels, motels, lodging houses including bed and breakfasts, and similar occupancies are specifically excluded from the requirements of this chapter

B. Newly constructed buildings shall be exempt from this chapter for a period of three years from the date the building division issues a certificate of occupancy. This exemption terminates upon receipt of subsequent verifiable complaints or deterioration of the property.

C. Properties certified under this program for three (3) successive years AND in compliance with the following other department and agency standards:

1. Defensible Space
2. BMPs
3. Dumpster Enclosures (where applicable)
4. Landscaping and drainage standards

Shall be deemed eligible for self-certification and subject to reduced frequency of city inspection (tri-annual) and a reduction of annual MFD fees (50%). This exemption terminates upon receipt of subsequent verifiable complaints or deterioration of the property. (Ord. 948 § 1; Ord. 969 § 1)

§ 14A-5 Inspections authorized – Compliance with applicable codes and standards.

A. Inspections – Conformance with Standards.

1. The City Manager or the City Manager's designated representative(s), hereinafter referred to as "inspector(s)," may inspect rental dwelling units containing 8 units or more and their associated site improvements to determine whether such properties comply with all previous conditions of approval and agreements and all applicable provisions of the currently adopted versions of the following codes:

- a) California Building, Electrical, Plumbing, Mechanical and Fire Codes
- b) International Property Maintenance Code
- c) California Health and Safety Code
- d) City of South Lake Tahoe Municipal Code

2. When inspections are made, buildings shall be required to be in conformance and maintained in accordance with the code standard that was in effect at the time the building was constructed, as well as any additional requirements mandated by the city code or state law.

B. Inspections shall generally be performed annually or tri-annually. However, the Building Official shall promulgate regulations determining when a building or dwelling unit shall be inspected more frequently because it poses a substantial risk to health and safety, based on the following considerations:

1. The current condition of the premises, including the number, nature and severity of violations found;

2. The history of the property in the previous three years, including whether it has been the subject of orders by other city or county agencies relating to health and safety, or orders imposed by the building official or others pursuant to the city code;

3. The age of the premises;

4. Whether the master-metered property has delinquent utility bills in excess of six months;

5. Whether the owner has a valid business license for the property;

6. Any other criteria determined by the building official to be indicative of the existence of health or safety violations; and

7. If the tenant requests, due to evidence of deterioration. (Ord. 948 § 1; Ord. 969 § 1)

§ 14A-6 Voluntary inspections.

Nothing herein contained shall prevent an owner of rental property or tenant from voluntarily requesting an inspection at any time for the purpose of determining whether the premises or tenant spaces comply with this chapter. (Ord. 948 § 1; Ord. 969 § 1)

§ 14A-7 Interior, exterior and site maintenance standards.

In addition to the Codes described in SLTCC 14A-5 and in order to avoid a substantial risk to health and safety, affected multiple-family dwellings shall meet the following interior/exterior and site maintenance standards:

A. Exterior doors of rental dwelling units shall be solid core or equivalent.

B. All parking areas shall be kept free of potholes, cracks or other deterioration. No parking on dirt is allowed. All motor vehicle parking shall be on paved surfaces. All dirt areas not approved for paved parking shall be re-

vegetated and have parking barriers. All striping and signage, including parking signage and fire lane or access signage, shall be maintained in good condition and clearly legible.

§ 14A-8 City Wide Design and other agency standards.

Multifamily residential rental buildings shall meet the following site maintenance standards:

A. All landscaped and non-landscaped areas shall be maintained so as not to constitute a public safety hazard and all dead or severely damaged plant materials shall be removed. The owner then has the option of restoring the originally approved plant material or submitting a landscape plan to the planning division for approval. Landscape areas are defined as the general landscape area, rights-of-way and detention or pond areas. Driveways, hardscape parking areas, patios or walks are not included as landscape areas;

B. Where determined by the inspector to be practical refuse enclosures shall be installed and maintained in accordance with Chapter 5 SLTCC, Article VI, City-Wide Design Standards. All refuse shall be kept inside the enclosure. Oversized trash that will not fit within the refuse enclosure shall be removed from the property;

C. All properties subject to inspection shall be in compliance with approved drainage standards and/or improvements required by the city or other regulatory agencies. (Ord. 948 § 1; Ord. 969 § 1)

§ 14A-9 Notification of inspection – Inspection procedure.

A. A letter of intent to inspect a property shall be mailed (certified mail), or emailed when possible, to the owner of the property stating the date and time of inspection and a notice will be posted on the property. Such notification shall give a minimum of 14 days' notice. An inspection checklist will be mailed with the letter so that the owner will have advance notice of what the city will be inspecting and in turn will prepare for the inspection.

B. It shall be the responsibility of the owner to notify the individual tenants of the inspection and ensure access to the units to be inspected. Whenever possible, inspections conducted by multiple agencies will be coordinated to minimize disruption to the tenants.

C. In the event an owner or tenant in possession of the property to be inspected refuses access to said property, the city attorney or district attorney is authorized to obtain from a court of competent jurisdiction any warrant necessary to cause the inspection to take place. (Ord. 948 § 1; Ord. 969 § 1)

§ 14A-10 Annual service fee.

Owners of all buildings subject to inspection shall pay an annual service fee in the amount set forth in the resolution establishing fees and charges for various city services. The fee will be used to finance the full cost of inspection and enforcement. A city business license shall be applied for and issued to the owner of all Multi-Family Dwellings and the annual MFD fee shall be collected at the same time as payment of the business and professions tax. Should the owner fail to pay the required fees, the city will recover it, plus accrued interest

and penalties, utilizing any remedies provided by law including nuisance abatement or municipal tax lien procedures established by ordinance or state law. Failure to pay may also be considered a violation of this chapter. This fee shall be known as the multiple-family dwelling inspection and maintenance program fee. (Ord. 948 § 1; Ord. 969 § 1)

§ 14A-11 Re-inspection fee.

Upon inspection, the inspector may instruct the owner of the facility to perform work, take action, or refrain from action to ensure compliance with said codes. If the inspector discovers upon re-inspection that the work, action, or inaction requested was not performed, the owner of the facility shall be charged a re-inspection fee to the extent set forth in the resolution establishing fees and charges for various city services. Should the owner fail to pay the required fee, the city will recover it, plus accrued interest and penalties, utilizing any remedies provided by law including nuisance abatement or municipal tax lien procedures established by ordinance or state law. Violations that were not noted on the initial inspection report due to oversight by the inspector and are corrected within the period specified in the report of inspection shall not be subject to a re-inspection fee. (Ord. 948 § 1; Ord. 969 § 1)

§ 14A-12 Delinquent fees – Penalty for late payment.

The multiple-family dwelling rental inspection and maintenance program fee shall be collected at the time of the business license renewal. If an owner of a building subject to inspection under this chapter fails to pay the service fee when due, the owner shall be required to pay the service fee plus penalties and interest as set forth in SLTCC 15-20. (Ord. 948 § 1; Ord. 969 § 1)

§ 14A-13 Violations.

A. Notice of Violation. Whenever the inspector determines that a violation of this chapter exists, the inspector shall give notice of violation and order the owner to correct the violation. The notice shall be in writing and shall describe with reasonable detail the violation so that the owner has the opportunity to correct said violation.

B. Time for Correction. The notice shall provide a reasonable time for correction, ranging from 24 hours to up to 120 days, depending upon the severity of the violation. The owner may request an extension of time, which may be granted if the inspector determines that substantial progress is being made to correct the violation.

C. Service of Notice. Notice shall be mailed (certified mail) or hand delivered to the owner at the address shown on county records. Such notice shall be effective three days after mailing.

D. Report of Inspection. Upon completion of the property inspection report the inspector shall deliver or mail written notice of results of the inspection to the owner and/or manager, or tenant, or post such notice on the property. The notice shall contain an itemization of any violation(s) and set a period of time for correction ranging from 24 hours to up to 120 days.

E. Formal Notice of Noncompliance. A formal report of the inspection results shall be mailed to the property owner and/or manager within 15 days of the completion of an inspection. Such a formal report shall include the results of the previous inspection, the period of time for correction, and the scheduled re-inspection date and time.

F. Building Permits. Building permits for the correction of violations shall be as required by the California Building Codes, including the building, housing, fire, electrical, plumbing, and mechanical codes.

G. Re-inspections. Re-inspections will be conducted to verify that the violations identified on the initial inspection have been corrected. The property owner shall be responsible for scheduling required re-inspections. (Ord. 948 § 1; Ord. 969 § 1)

§ 14A-14 Enforcement.

If, after notice and order to correct, an owner fails to correct the violation or if an owner fails to pay the required Business and Professions Tax or annual service fee, the city may issue administrative citations, schedule a hearing for abatement or a complaint and summons for prosecution in a court of competent jurisdiction and/or file of noncompliance with the county recorder. Further, the city intends to utilize the provisions of Revenue and Taxation Code Section 24436.5 to encourage the elimination of substandard conditions in rental housing. Said section provides for the disallowance for state income tax purposes of interest, depreciation, taxes, or amortization deductions which are derived from the ownership of rental housing which is not in compliance. The city is also authorized to use the remedies set forth in the California Building Code and the International Property Maintenance Code. (Ord. 948 § 1; Ord. 969 § 1)

§ 14A-15 Relocation of tenants.

If any rental unit is found to be unsafe to occupy, due to imminent danger to health and safety of the resident(s), the costs and expenses of relocation of any tenant from that unit shall be the responsibility of the owner, pursuant to the provisions of Health and Safety Code Section 17975 et seq. (Ord. 948 § 1; Ord. 969 § 1)

§ 14A-16 Appeal.

Any person aggrieved by a determination of the building official may appeal to the building board of appeals within 20 days of service of notice in the manner provided in the International Property Maintenance Code. The board of appeals shall have no authority relative to interpretation of the administrative provisions of the codes, nor shall the board be empowered to waive requirements of the codes. (Ord. 948 § 1; Ord. 969 § 1)

Summary of Ordinance Amending City Code Chapter 14A – Multiple-Family Dwelling Inspection and Maintenance Program, Sections 14A-2, 14A-3, 14A-3a, 14A-4, 14A-5, 14A-7, 14A-8, 14A-9, 14A-10, 14A-13, 14A-14, 14A-15, 14A-16, Regarding the Expansion of Scope of the Multi-Family Dwelling Inspection and Maintenance Program

The Ordinance amends the City Code as follows:

- 1) Addition of new definitions and clarification of ordinance language regarding properties to be included in this ordinance
- 2) Change of MFD threshold (inclusion) level from multi-family rental properties of 12 units or greater to 8 units or greater
- 3) Addition of incentives in the form of reduced inspections and discounted fees for certain highly qualified properties
- 4) Removal of reference to Uniform Housing Code and addition of reference to International Property Maintenance Code
- 5) Removal of redundant language regarding exterior maintenance
- 6) Language clarification regarding fees and payment requirements

This ordinance is scheduled for second reading and adoption at the December 14, 2010, City Council Meeting to be held at 9:00 a.m. in the Council Chambers at 1901 Airport Road, South Lake Tahoe, California. If you would like a copy or additional information on the ordinance, please visit the South Lake Tahoe City Hall during normal business hours or call (530) 542-6046. A copy may be viewed and printed on the South Lake Tahoe website at www.cityofslt.us.