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ORDINANCE NO. O-05-12

**AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF COLTON, CALIFORNIA ADDING CHAPTER
15.49 TO THE COLTON MUNICIPAL CODE RELATING
TO THE RENTAL HOUSING REGISTRATION AND
INSPECTION PROGRAM**

**THE CITY COUNCIL OF THE CITY OF COLTON,
CALIFORNIA DOES ORDAIN AS FOLLOWS:**

SECTION 1: Chapter 15.49 is hereby added to the Colton Municipal Code to read as follows:

“Chapter 15.49

RENTAL HOUSING REGISTRATION AND INSPECTION PROGRAM

Sections:

15.49.010	Purpose.
15.49.020	Definitions.
15.49.030	Application of Chapter; Exemptions.
15.49.040	Registration Requirement.
15.49.050	Registration Prerequisite to Utility Connection.
15.49.060	Registration Process.
15.49.070	Annual Inspection.
15.49.080	Reinspections.
15.49.090	Interior Inspections.
15.49.100	Certificate Availability.
15.49.110	Certificate Transferability.
15.49.120	Other Actions, Prosecutions, Court Cases.
15.49.130	Appeals.
15.49.140	Violations; Penalty.
15.49.150	Public Nuisance.
15.49.160	Time for Compliance and Schedule for Initial Inspections.
15.49.170	Late Filing Penalties.
15.49.180	Maintenance of Records.

15.49.010 Purpose.

The city council recognizes a need for an organized inspection program of residential rental units within the city in order to upgrade rental units to meet city and state life, safety, health, fire and zoning codes within the city and to provide a more efficient system for compelling both absentee and local landlords to correct violations and to maintain, in proper condition, rental property within the city. The city council recognizes that the most efficient system to provide for rental inspections is the

1 creation of a program requiring the registration of all residential rental units within the
2 city so that orderly inspection schedules can be made by city officials.

3 **15.49.020 Definitions.**

4 A. "Chief" means the chief of police.

5 B. "Division" means the code enforcement division of the city's police
6 department.

7 B. "Dwelling Unit" means a building or portion thereof designed and used
8 exclusively for residential occupancy with permanent provisions for living, sleeping,
9 eating, cooking and sanitation. Dwelling unit shall not include hotels, motels,
10 boarding homes or convalescent care facilities. The existence of a permitted home
11 occupation within a dwelling unit will not limit the application of this chapter if such
12 dwelling unit is otherwise subject to the provisions of this chapter.

13 C. "Occupant" means any person occupying a dwelling unit, whether as a tenant
14 or permittee of the owner.

15 D. "Owner" means the record owner of a dwelling unit subject to the requirements
16 of this chapter including the agent of the owner.

17 E. "Person" means any natural individual, firm, partnership, association, joint
18 stock company, joint venture, public or private corporation, or receiver, executor,
19 trustee, conservator or other representative appointed by order of any court.

20 **15.49.030 Application of Chapter; Exemptions.**

21 A. The provisions of this chapter shall apply only to a dwelling unit that is rented,
22 leased or otherwise let to a person other than the owner of the dwelling unit.

23 B. The provisions of this chapter shall not apply to the following:

- 24 1. Dwelling units occupied by the record owner of such dwelling unit.
- 25 2. Mobilehomes within mobilehome parks.
- 26 3. Second units or "granny units," occupied by a family member of the
27 owner of the primary dwelling unit, that are legally constructed on the
28 same lot as the primary unit and conform with the provisions, standards
and criteria of Government Code § 65852.2 and 65852.1, respectively.
4. Condominiums, townhouses or single-family homes that are covered by
a homeowners association ("HOA") which actively and effectively
enforces covenants, codes and restrictions ("CC&Rs").

15.49.040 Registration Requirement.

1 No person shall rent, lease, or otherwise permit another person to occupy a
2 dwelling unit within the city unless such dwelling unit is registered with the city's code
enforcement division as required by this chapter.

3 **15.49.050 Registration Prerequisite to Utility Connection.**

4 No connection of city utilities, including water and electricity, shall be made
5 for any dwelling unit which is proposed to be rented, leased or otherwise occupied by a
6 person other than the owner of the dwelling unit until such dwelling unit is registered
7 as required in this chapter and the owner presents proof of registration to the city
utility department.

8 **15.49.060 Registration Process.**

9 A. The owner or designated local property manager of every dwelling unit subject
10 to the requirements of this chapter shall obtain an annual registration certificate from
11 the code enforcement division and shall pay an annual registration fee and inspection
fee, which shall be established by resolution of the city council.

12 B. Registration shall be made upon forms furnished by the code enforcement
13 division for such purpose and shall specifically require the following minimum
information:

- 14 1. Name, address and phone number of the owner.
- 15 2. Name, address and phone number of the designated local property
16 manager if the owner lives outside the city.
- 17 3. The street address of the property on which the dwelling unit is located.
- 18 4. The number and types of dwelling units on the property (e.g. single
19 family, multifamily).
- 20 5. The maximum number of occupants permitted for each dwelling unit.
- 21 6. The name, phone number and address of the person authorized to make
or order made repairs or services for the dwelling unit, if in violation of city or state
22 codes, if the person is different than the owner or local manager.

23 C. Upon receipt of the registration form required by subsection (B) and payment
24 of the required registration and inspection fees, the division shall issue the owner a
25 registration certificate which shall state the following:

- 26 1. The date of issue.
- 27 2. The legal use of the property on which the dwelling unit is located.
- 28 3. The address of the property on which the dwelling unit is located.
4. The owner's name and address.
5. A registration number.
6. The date of expiration.
7. Any other pertinent information as determined by city.

D. The registration certificate shall expire one year from issuance or upon a
change of ownership of the dwelling unit.

1 **15.49.070 Annual Inspection.**

2 A. The division shall cause each registered dwelling unit to be inspected at least
3 once annually for compliance with applicable state and city laws relating to zoning,
4 building, health, safety and property maintenance. The division shall prepare an
5 inspection schedule which provides at least thirty (30) days' notice to the owner prior
6 to initial inspection.

7 B. Inspection shall include, but not limited to, all common area hallways,
8 stairways, lobbies, utility rooms, laundry rooms, storage rooms, recreation rooms,
9 grounds, refuse areas, parking areas, building extensions, signs and other areas
10 designated as common areas for the purpose of identifying any threats to safety or
11 health, including property maintenance standards. The division shall prepare
12 inspection guidelines to be used in determining whether a certificate of inspection will
13 be issued for a registered dwelling unit. The inspection guidelines shall be provided to
14 the owner and shall be made available free of charge to the general public.

15 C. If, upon completion of the annual inspection, the dwelling unit is found to be in
16 compliance with all applicable state and city laws, the city shall issue a certificate of
17 inspection for the dwelling unit.

18 D. If, upon completion of the inspection, the dwelling unit is found to be in
19 violation of one or more provisions of applicable state or city laws, the city shall
20 provide written notice of such violations and shall set a reinspection date before which
21 such violations shall be corrected. If such violations have been corrected within that
22 period, the city shall issue a certificate of inspection for the dwelling unit. If such
23 violations have not been corrected within that period, the city shall not issue the
24 certificate of inspection and may take any action necessary to enforce compliance with
25 applicable state and city codes.

26 E. Nothing in this section shall preclude the inspection of a dwelling unit more
27 frequently than once a year or upon receipt of a complaint regarding that dwelling unit.

28 **15.49.080 Reinspections.**

 If reinspections of a dwelling unit are necessitated by the existence of
violations of this chapter or any other state or city law relating to zoning, building,
health, safety and property maintenance, the owner shall pay all costs incurred by the
city in obtaining compliance with the provisions of this chapter.

15.49.090 Interior Inspections.

Where the exterior inspection provided for in this chapter reveals evidence of
possible interior defects or an extreme state of exterior dilapidation exists, the city may
make an interior inspection of the dwelling unit. The city shall be authorized to
inspect the interior of any dwelling unit for the purpose of enforcing state or city laws
only if:

- 1 1. Such inspection is at the request of or with the consent of the occupant
 or owner; or
- 2 2. Unit is vacant or between occupancies, if authorized by law; or
- 3 3. Pursuant to a warrant or other court order.

4 **15.49.100 Certificate Availability.**

5 Upon the request of the city or an existing or prospective occupant, the owner
6 of a dwelling unit shall produce the registration certificate and the certificate of
7 inspection.

8 **15.49.110 Certificate Transferability.**

9 A registration certificate and a certificate of inspection issued pursuant to this
10 chapter shall not be transferable to succeeding owners.

11 **15.49.120 Other Actions, Prosecutions, Court Cases.**

12 Nothing in this chapter shall prevent the city from taking action under any of its
13 fire, housing, zoning or other health safety codes for violations thereof to seek
14 injunctive relief or criminal prosecution of such violations. The enforcement of this
15 chapter by a criminal, civil or administrative action shall not relieve the owner of the
16 obligations under this chapter.

17 **15.49.130 Appeals.**

18 Any dispute arising between the city and the owner of a dwelling unit
19 registered and inspected pursuant to this chapter may be reviewed by or appealed to
20 the Code Enforcement and Housing Advisory Appeals Board established pursuant to
21 City Council Resolution R-27-94. The appeal must be filed in writing within seven
22 days after notification of the city's actions and must state with particularity the reason
23 for the appeal. The owner shall have the right to appear and to be represented by
24 counsel. The Code Enforcement and Housing Advisory Appeals Board, after due and
25 proper hearing, shall issue its order of decision in writing within 30 days of receipt of
26 the written appeal. The decision of the Code Enforcement and Housing Advisory
27 Appeals Board may be appealed to a court of competent jurisdiction in the manner
28 provided by state law.

15.49.140 Violations; Penalty.

 Any violations of this chapter shall be deemed a misdemeanor and shall be
 punished as provided in section 15.04.010 of this code.

15.49.150 Public Nuisance.

1 Any violation of this chapter is hereby declared to be a public nuisance. The
2 Chief shall have the authority to require correction of any violations identified through
3 inspection by using the procedures set forth in chapter 8.04 of this code, Health and
4 Safety Code Section 17980, Revenue and Taxation Code Sections 17274 and 24436.5
5 and any other applicable state or federal law. In addition to any other relief provided
6 by this chapter, the city attorney may apply to a court of competent jurisdiction for an
7 injunction to prohibit the continuation of any violation of this chapter. Such
8 application for relief may include seeking a temporary restraining order, temporary
9 injunction and permanent injunction.

10
11 **15.49.160 Time for Compliance.**

12 All dwelling units subject to the requirements of this chapter shall register with
13 the city's code enforcement division within 60 days of the effective date of this
14 chapter. In the event of a change of ownership of a dwelling unit subject to the
15 requirements of this chapter, the new owner must register such dwelling unit with the
16 city's code enforcement division within 30 days of such change of ownership. No
17 inspection fee shall be required of the new owner after a change of ownership provided
18 that the previous owner has paid all inspection fees and has complied with all
19 requirements of this chapter and any notices from the city concerning violations of
20 health, fire, safety, building or zoning codes of the city. Notwithstanding the
21 foregoing, upon a change of ownership, the new owner shall be required to pay a
22 registration fee.

23 **15.49.170 Late Filing Penalties.**

24 Any owner who fails to register a dwelling unit as required by this chapter shall
25 pay a penalty of ten percent (10%) of the registration and inspection fee established by
26 resolution of the city council for each month or part thereof after the date such
27 registration is required.

28 **15.49.180 Maintenance of Records.**

All records, files and documents pertaining to the requirements of this chapter,
except business licenses, shall be maintained by the code enforcement division and
made available to the public as allowed or required by state law or city ordinance."

SECTION 2: The City Council hereby finds that this Ordinance is
categorically exempt from further environmental review pursuant to the California
Environmental Quality Act (Pub. Resources Code, sec. 21000 *et seq.*) ("CEQA")
because, pursuant to Section 15321(a), Class 21, Category (a) of the State CEQA
Guidelines, the Ordinance constitutes the enforcement of a law administered or
adopted by the City as a regulatory agency. City staff is hereby directed to file a
Notice of Exemption with the County Clerk within three (3) days following the
adoption of this Ordinance.

1 STATE OF CALIFORNIA)

2 COUNTY OF SAN BERNARDINO) ss
3 CITY OF COLTON)

4
5 I, EILEEN C. GOMEZ, City Clerk of the City of Colton, California, do hereby
6 certify under penalty of perjury that the foregoing is a full, true and correct copy of
7 ORDINANCE NO. O-05-12, and was duly passed, approved, and adopted by the City
8 Council of the City of Colton at its Regular Meeting held on the 17th day of July,
9 2012, by the following vote to wit:

10	AYES:	COUNCILMEMBER	Gonzales, Yzaguirre, Oliva, Perez,
11			and Mayor Zamora
12	NOES:	COUNCILMEMBER	Toro, Bennett
13	ABSTAIN:	COUNCILMEMBER	None
14	ABSENT:	COUNCILMEMBER	None

15
16 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the
17 official seal of the City of Colton, California, this 25th day of July, 2012.

18
19 
20 _____
21 EILEEN C. GOMEZ, CMC
22 City Clerk
23 City of Colton, California

24
25
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27
28 (SEAL)