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

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

15.49.020 Definitions.

A. "Chief" means the chief of police.

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

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

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

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

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

15.49.030 Application of Chapter; Exemptions.

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

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

1. Dwelling units occupied by the record owner of such dwelling unit.
2. Mobilehomes within mobilehome parks.
3. Second units or "granny units," occupied by a family member of the owner of the primary dwelling unit, that are legally constructed on the 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.

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

15.49.050 Registration Prerequisite to Utility Connection.

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

15.49.060 Registration Process.

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

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

1. Name, address and phone number of the owner.
2. Name, address and phone number of the designated local property manager if the owner lives outside the city.
3. The street address of the property on which the dwelling unit is located.
4. The number and types of dwelling units on the property (e.g. single family, multifamily).
5. The maximum number of occupants permitted for each dwelling unit.
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 codes, if the person is different than the owner or local manager.

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

1. The date of issue.
2. The legal use of the property on which the dwelling unit is located.
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.

15.49.070 Annual Inspection.

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

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

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

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

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

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

15.49.100 Certificate Availability.

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

15.49.110 Certificate Transferability.

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

15.49.120 Other Actions, Prosecutions, Court Cases.

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

15.49.130 Appeals.

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

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

15.49.160 Time for Compliance.

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

15.49.170 Late Filing Penalties.

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

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.

SECTION 3: The City Clerk shall certify to the passage of this Ordinance and cause the same or a summary thereof to be published within fifteen (15) days after adoption in a newspaper of general circulation, printed and published in Colton, California, and the Ordinance shall take effect thirty (30) days after its enactment in accordance with the provisions of California law.

PASSED, APPROVED, AND ADOPTED, this 17th day of July, 2012.

SARAH S. ZAMORA, Mayor

ATTEST:

EILEEN C. GOMEZ, CMC
City Clerk

STATE OF CALIFORNIA)

COUNTY OF SAN BERNARDINO) ss
CITY OF COLTON)

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

AYES:	COUNCILMEMBER	Gonzales, Yzaguirre, Oliva, Perez, and Mayor Zamora
NOES:	COUNCILMEMBER	Toro, Bennett
ABSTAIN:	COUNCILMEMBER	None
ABSENT:	COUNCILMEMBER	None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Colton, California, this _____ day of _____, _____.

_____
EILEEN C. GOMEZ, CMC
City Clerk
City of Colton, California

(SEAL)