

ORDINANCE NO. 2008-532

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VILLA PARK AMENDING CHAPTER VI PUBLIC NUISANCES ADDING ARTICLE 6-8 MAINTENANCE OF REAL PROPERTY.

WHEREAS, the City Council of the City of Villa Parks so desires to maintain the high quality of residential housing and community aesthetics currently associated with living in Villa Park; and

WHEREAS, the specific setting of property maintenance standards by ordinance in the past has been sporadic, un-coordinated, and has not created a central location for property maintenance standards that can be made well known to residents for better understanding of said standards; and

WHEREAS, property maintenance is known to be directly tied to property values and the City Council is determined to maintain the community characteristics exemplified by higher standards of residential living, to include front yard upkeep, building appearances which reflect care and concern by property owners or occupants, and landscape maintenance which does not contribute to nuisance or unsafe conditions, among other property maintenance responsibilities; and

WHEREAS, the addition of property maintenance standards directly related to residential rental property will benefit neighbors, renters, owners, and the City in general through the understanding of property standards, development of property maintenance checklists, and creation of enforcement tools to ensure that all properties, regardless of ownership standing, are consistent with the expectations of residents and high quality nature of housing stock within the City; and

WHEREAS, responsiveness to resident concerns regarding property maintenance, community aesthetics and property values is best served by implementing higher property maintenance standards than currently codified.

NOW THEREFORE, the City Council of the City of Villa Park does ordain as follows:

Section 1. Villa Park Municipal Code Chapter VI is amended.

Villa Park Municipal Code Chapter VI entitled "Public Nuisance" is hereby amended by adding in its entirety Article 6-8 to read:

ARTICLE 6-8. MAINTENANCE OF REAL PROPERTY

Section 6-8.1. Purpose and Intent

The purpose of this chapter is to establish minimum property maintenance standards for and to specifically identify any condition or use of premises or of building exterior that is not safe, a health hazard, unsightly by reason of its condition, and/or detrimental to the property of others; and to establish procedures for the prosecution and abatement of public nuisance conditions identified in this chapter.

Section 6-8.2. Findings

The City Council has determined that the quality of life in Villa Park is linked to the character and condition of all properties within the City. The maintenance of residential and nonresidential properties in a manner inconsistent with Article 6-8 is found to create a condition tending to reduce the value of private property, to promote blight and deterioration, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of residents, tenants and their guests, and to be injurious to the health, safety and general welfare. Therefore, any residential or nonresidential property that is not maintained by a responsible party in a manner consistent with this chapter, that is not safe, or is a health hazard, unsightly by reason of its condition and/or detrimental to the property of others, is hereby declared to constitute a public nuisance which may be abated as such in accordance with the provisions of this chapter.

Section 6-8.3. Standards for Residential and Nonresidential Property Maintenance

All residential and nonresidential property in the city shall be maintained at a level not less than the following standards.

- a. *Building Exterior Maintenance.* Surfaces shall be maintained and painted, free of any significant cracks visible by the general public, neighbors and those passing by, missing materials and/or warping due to dry rot, pest infestation, fungus, and the like, which either threaten the structural integrity or result in a dilapidated, decaying, disfigured, or partially ruined appearance and/or a state of disrepair.
- b. *Paint.* Painted surfaces on buildings, structures, enclosures, and walls shall be maintained to prevent decay, excessive checking, cracking, peeling and chalking, that render structures unsound or unsightly, or present a potential health hazard through possible lead based paint exposure.
- c. *Stucco.* Stucco shall remain in the same condition as it was when it was first applied, less normal wear to the building or structure. Stucco that has faded, significantly cracked, or fallen from the wall must be replaced in a timely manner and painted to match the remaining stucco.

d. *Masonry Units.* All brick, rock, stone and tile work shall be maintained as originally installed (if installed as approved), less normal wear. Masonry units that have fallen into disrepair, including missing pieces, “slumping” cracking pieces, or those areas that appear to be separating from the building or structure, shall be repaired or replaced to meet current building codes.

e. *Parking areas, Parking Lots, Private Sidewalks, Driveways, Walkways, and Private Alleys.* Parking areas, parking lots, private sidewalks, driveways, walkways, private alleys and other vehicular and pedestrian access and travel areas shall be maintained free of potholes, breaks, surface lifting, and/or deteriorated conditions. Striping in parking lots shall be visible and shall conform to the approved parking layout. Such areas shall be maintained in a clean manner.

f. *Roofing.* Roof tiles shall be uniform in type and shape. Missing roof tiles shall be replaced with a similar material or tile as the missing piece(s). Roofs shall be maintained in good condition and kept free of tarps and plastic coverings with exception to temporary placement of such coverings, not to exceed ten (10) days, while the roof is being repaired during the rainy season. Excluded from the time limitation requirement are new homes and homes being re-constructed.

g. *Landscaping.* The front yards of all residential properties shall conform to the standards in Article 23-24, as well as meeting the following requirements: All landscaped areas shall be maintained in a healthy and growing condition and shall receive regular mowing and trimming. All irrigation systems shall be kept operable, including adjustments, replacements, in a manner that does not allow water to spray off of the property. All landscaped areas shall be kept free of weeds and waste material. For residential property, maintenance of any landscaping between the curb of any street abutting the parcel and the property line shall be the responsibility of the owner of that parcel.

h. *Vacant Lots.* All vacant lots shall be kept free of any visible weeds. Lots shall also be kept free of debris, including any accumulation of tree limbs, yard waste, grass clippings, building materials, abandoned vehicles and trailers, abandoned structures, and similar items. Unless otherwise exempted by the City, vacant lots shall be screened from the public right of way with suitable screening to include fencing, in conformance with Section 23-25.4, landscaping, or a combination thereof. Such fencing or landscaping shall be reviewed and approved by the City Manager or any designee for security purposes.

i. *Signs.* Signs within zones that permit signage shall be maintained in conformance to Article 23-16. Signs shall also be kept in such a manner as to prevent deterioration, disrepair, and unsightliness, and shall be legible and painted equal in quality and design to the originally permitted sign.

j. *Walls, Fences, Equipment and Screening (includes trash enclosures).* Walls, fences, and equipment screening (including trash enclosures) shall be kept free of significant surface cracks, dry rot, warping and deterioration, leaning, or missing panels or blocks, or an inadequate footing which threatens structural integrity or results in a dilapidated, decaying, disfigured, or partially ruined appearance. All instances of graffiti shall be removed by property owner within twenty-four (24) hours and area shall be re-finished to match original appearance.

k. *Trash, Trash Bins and Dumpsters.* Household trash must be placed in a trash bin or dumpster that has been scheduled for regular pick up. Discarded household items, such as (but not limited to) old furniture and appliances, left over building materials, or any similar items, must be picked up within three days, and shall not be placed on the street or a sidewalk. Single family homes shall keep and maintain trash collection bins out of the front yard setback, and may be placed within the side yard setback or within an enclosed structure. Trash collection bins may be placed on the street for no more twenty-four (24) hours prior to and following the scheduled collection time. Trash bins and dumpsters for commercial uses shall be covered at all times by either the bin or dumpster's lid or a roof over the building or enclosure in which it is stored. No overflow of waste material shall be permitted. Enclosure areas shall be maintained in a clean and sanitary condition. The responsible party with respect to a nonresidential property shall provide an adequate number of collections to prevent overflow of waste material from bins.

l. *Windows and Window Screens.* Broken windows, and the use of materials other than glass or window equivalent glazing material as a replacement for a window, are prohibited. Screens, if used, shall be maintained free of tears, rips and holes. Windows shall not be boarded up or covered with any other material other than a glass approved by building code. Windows visible from any city street covered from the inside or outside of a structure shall not be covered with plywood, tinfoil, paint, or any material that is not easily movable so as to let natural light into the structure or home. Windows may be covered by shutters, awnings, or similar materials recognized by the Building Code, used in a decorative manner.

m. *Lighting.* Outdoor lighting shall be maintained and installed so that direct rays are primarily confined to the property of origin and adjacent properties are protected from light spillage and glare. Exterior light fixtures shall be maintained in good working order, free of broken lamps, lenses and light bulbs. In commercial areas, structural integrity of supporting poles and mounting fixtures shall be maintained, and poles painted to match their approved colors. Residential lighting shall not be directed skyward with exception to typical landscape lighting meant to accent architectural features of structures, trees and shrubs. The use of floodlighting is discouraged for use in the front yard setback areas, or in areas that will cause glare into adjacent properties or onto a city street. Holiday lighting shall not be installed not more than four (4) weeks prior to a recognized holiday nor left installed more than two (2) weeks after a recognized holiday.

n. *Permitted Outdoor Storage and Equipment Areas.* Where permitted, storage items shall be screened from public view and maintained in neat and orderly condition. With exception to temporary storage of building materials on a construction site, the use of tarps or plastic is prohibited for the purpose of storage. The use of canopy enclosures, including tents, for permanent storage shall also be prohibited.

o. *Unauthorized Structures.* Unauthorized structures include any structure that has been erected without a building permit, storage containers (roll-away or otherwise), and trailers for the use of long term storage. These unauthorized structures shall be prohibited for the use of long term storage or shelter. Storage containers may be approved on a temporary basis for the loading or unloading of household belongings during the moving process or for the storage of construction equipment, landscaping materials, or similar construction materials during a construction project. Such structures shall not remain on site for more than 30 days total during a one year period. The purpose is to allow a reasonable loading and unloading time period.

p. *Excavations.* Excavations shall be properly secured to prevent access by unauthorized persons. Significant excavations require review and approval by the city per Article 10 of this Code.

q. *Vehicle Parking, Storage.* All vehicles, recreational vehicles, boats, RV's, busses or trailers parked on private property shall be subject to Section 23-15.3.b. of this Code. Vehicles, including any of the aforementioned, or any motorized equipment, shall be parked on a paved parking surface within the front yard area or interior side-yard setback, unless otherwise prohibited. Parking may also occur on paved surface adjacent to the driveway. Parking within the front yard area or street side yard setback not in conformance with the requirements described herein, is prohibited. Parking on unpaved areas, or parking on front yard area or street side-yard lawns is also prohibited.

r. *Satellite Dishes, Antennas, Electrical and Related Equipment.* Satellite dishes and antennas shall conform to Section 23-6.8 (g). Satellite dishes should not be placed on a roof where it is obviously visible from a public street. The preferred placement of a Satellite dish is on the rear portion of the home or on the rear slope of the roof facing away from the front of the home. Support structures and wiring shall be effectively screened from view of adjoining properties and/or the public right of way. This requirement does not apply to homes located on flag lots where the home is not visible from a public street. Antennas may be placed on the top of the roof, on a chimney, or on a rear sloping section of a roof. Roof mounted electrical equipment, including roof mounted air conditioners, shall be located in the rear of the home or on the rear slope of the roof facing away from public view or a public street.

s. *Prohibited Outside Activities in Residential and Nonresidential Properties.* Commercial activities not approved by the City shall be prohibited on private and public properties. Such activities include commercial vehicle repair and washing, commercial vending, rummage sales that exceed the allotted yard-sale time period, and similar activities. Exemptions include charitable carwashes in compliance with all water quality regulations and special events at schools that are clearly incidental and temporary. The use of private driveways to repair vehicles by the owner or a professional is permitted when work is necessary and it is intended to move the car from the premises for further repair.

t. *Commercial Vehicles and Equipment.* The parking or placement of commercial equipment on private property within a residential zone is prohibited except on an approved construction site. One minor commercial vehicle owned and operated by the resident of a home may be kept on the premises so long as the vehicle does not exceed nineteen (19) feet in length and ten (10) feet in height. “Big-rig” tractor trailers and large delivery vehicles are prohibited from being parked in residential zones with exception to incidental short term deliveries and loading or unloading. A minor commercial vehicle is defined as a vehicle with permanent advertising on either the rear or side of the vehicle, and is less than nineteen (19) feet in length and ten (10) feet in height. Trailers intended for commercial use by the occupant of a residence may be kept on the premises as long as the equipment is outside of the public view, such as behind a fence within the interior side-yard, or inside of an enclosed parking structure, such as a garage.

Section 6-8.4. Compliance Responsibility

Compliance with the standards contained in this article shall be at the sole cost of the responsible party for the residential or nonresidential property, and shall not limit the remedies or recovery of costs for the abatement of any real property condition found to be in violation of this Code.

Section 6-8.5. Abatement Authorized

- a. In the event that a residential or nonresidential property violates any of the provisions of this Article within this Code, the City Manager or any assigned designee shall make a reasonable effort to contact the responsible party to correct the violations of this chapter and grant the responsible party reasonable time, as warranted, but not less than 14 days, to abate the violation. Following such reasonable effort, the City Manger or said designee are authorized to abate, or cause to be abated, any conditions found to be in violation of this chapter, and such abatement action may include, but is not limited to, the implementation of standards in this Chapter and the Administrative Fine process as described in Article 1-8.
- b. In the event that a residential or nonresidential property violates any of the provisions of this Article of this Code, the City Manager or said designee shall serve

notice upon the responsible party in the manner set forth in this Code. Upon serving such notice, the City Manager or said designee shall make a reasonable effort to contact the responsible party and to seek abatement of the violation, and the City Manager may, by written notice, grant the responsible party a reasonable period of time, as determined by the City Manager, to abate the violation.

Section 6-8.6. Rental Property - Definitions

The following words and phrases, whenever used in this chapter shall be construed as defined in this section:

- a. "Applicable Laws" includes, but is not limited to, the City's adoption of California and uniform Housing and Building Codes, the City Zoning Ordinance, other City ordinances, and other laws or regulations relating to the health or safety of City residents or the public.
- b. "Deficiency" means any failure by a Unit subject to this chapter to comply with Applicable Laws.
- c. "Occupant" means an individual, partnership, corporation or association or agent of any of them lawfully residing in a Unit.
- d. "Unit" means a dwelling unit within the City, including a room within a single-family home, single-family homes, secondary units and similar living accommodations.
- e. "Owner" means the owner of record as shown on the last equalized assessment roll or such Owner's authorized agent.
- f. "Rental Unit" means a Unit occupied by or intended for occupancy by other than the Owner of the Unit.

Section 6-8.7. Rental Property - Residential Property Maintenance Standards

- a. Notwithstanding the ability of the City to enforce any applicable laws to include property maintenance standards pursuant to Section 6-8.3, any known rental unit which shows deficiency in at least four subsections of Section 6-8.3, specifically a., b., c., d., e., f., g., j., k., l., and o., as determined by using a standard checklist of exterior maintenance standards approved by the City Manager and on file with the City Clerk, shall be subject to an interior inspection.
- b. Interior inspection shall be by standard interior checklist using housing quality standards and/or applicable interior residential standards common to rental property owners, approved by the City Manager and on file with the City Clerk pursuant to proper notice of inspection.

Section 6-8.8. Rental Property - Notice of Inspection.

The building inspector, or his or her designee, shall (except for issues of safety) give a minimum of twenty-one (21) days advance written notice of the date and time of the inspection to the owner of the unit. Such notice shall provide the address and phone number where additional information concerning the inspection may be obtained. Notice to the unit's owner shall be mailed by first class mail to the owner's address as found within the owner's business license information or, if no business license is held, the last known address as it appears in the records of the county assessor and to the unit's occupants. Owners of units shall provide notice to tenants as prescribed by state noticing requirements.

Section 6-8.9. Rental Property - Inspection Consent.

Owners shall make every effort to make Units available, and to provide notice to all occupants requesting access as required by California Code, for City inspection. If Owners or non-Owner Occupants do not consent to City entry for inspection pursuant to this chapter, the Building Official may not force or otherwise attempt to gain entry except in accordance with a valid inspection warrant issued in accordance with applicable law.

Section 6-8.10. Rental Property - Violations.

If an inspection of a unit or its premises, conducted pursuant to this chapter, reveals any violations of applicable City ordinances or other laws relating to rental units, including the substandard housing provisions of the California and uniform codes contained in Chapter IX of the Villa Park Municipal Code, the violation must be cured within forty-five (45) days. If a good faith effort is made to complete the repairs, with progress noted, the City can allow additional time for compliance. The City may charge a re-inspection fee for the third and subsequent re-inspections. If it is determined a good faith effort to correct the problems, has not been made the City's code enforcement officials may seek any remedies permitted by law, including obtaining an inspection warrant pursuant to Section 1822.50 and following of the California Code of Civil Procedure, denial or revocation of a business license pursuant to Chapter XIII of the Villa Park Municipal Code, administrative citations pursuant to Article 1-8 of the Villa Park Municipal Code, abatement proceedings pursuant to Chapter XI of the Villa Park Municipal Code, as well as other civil or criminal proceedings.

Section 6-8.11 Rental Property - Immediate Health and Safety Threats.

Nothing in this ordinance shall limit the City's ability to inspect properties and issue citations for property-related conditions that may constitute an immediate health or safety threat.

Section 6-8.12. Abandoned And Foreclosed Properties.

The property maintenance standards outlined in this Article shall apply with equal force and effect to abandoned or foreclosed property. The beneficiary/trustee who holds a

deed of trust on property that has been abandoned or has been foreclosed shall be responsible for the upkeep of the property and compliance with this Article. The property shall be maintained in a secure manner so as not to be accessible to unauthorized persons. Secure manner includes, but is not limited to, the closure and locking of windows, doors, gates, and any other opening of such size that may allow a child to access the interior of the property and or structures(s).

Section 2. Severability.

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of this ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this ordinance are severable. The City Council of the City of Villa Park hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

Section 3. Effective Date.

In accordance with California Government Code Section 36937, this ordinance shall take effect and be in force on the thirty-first day after adoption.

Section 4. Publication.

Within fifteen days after the passage of this ordinance the City Clerk shall cause this ordinance or a summary thereof to be published or to be posted in at least three public places in the City of Villa Park in accordance with the requirements of California Government Code Section 36933.

PASSED AND ADOPTED by the City Council of the City of Villa Park at a regular meeting held on the 22nd day of July, 2008.

Brad Reese, Mayor
City of Villa Park

ATTEST:

Kenneth A. Domer, City Clerk
City of Villa Park

STATE OF CALIFORNIA
COUNTY OF ORANGE
CITY OF VILLA PARK } **SS**

I, KENNETH A. DOMER, City Clerk of the City of Villa Park **DO HEREBY CERTIFY** that the foregoing Ordinance was duly adopted by the City Council of the City of Villa Park on the 22nd day of July, 2008, and was carried by the following roll call vote, to wit:

AYES:	COUNCILMEMBERS:	Rheins, Ulmer, Pauly, Reese
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None

Kenneth A. Domer, City Clerk
City of Villa Park