

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING STOCKTON MUNICIPAL CODE TITLE 15, CHAPTERS 15.24 AND 15.28 OF THE STOCKTON MUNICIPAL CODE BY REPEALING AND REPLACING BOTH CHAPTERS WITH TITLE 15, CHAPTER 24, “PROPERTY MAINTENANCE CODE” BY ADOPTING THE 2024 INTERNATIONAL PROPERTY MAINTENANCE CODE; AND AMENDING TITLE 15, CHAPTER 15.04; AND TITLE 15, CHAPTER 15.12; AND TITLE 15, CHAPTER 15.64; AND TITLE 15, CHAPTER 15.68; AND TITLE 1, CHAPTER 1.32, SECTION 1.32.040; AND 15.32, SECTION 15.32.090 TO COMPLY WITH STATE LAW AND CORRECT INCONSISTENCIES IN EXISTING CODE**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STOCKTON, AS FOLLOWS:

### **SECTION I. FINDINGS AND INTENT**

The City Council of the City of Stockton finds adopting the property maintenance standards, rules, and regulations established in the 2024 Edition of the International Property Maintenance Code, will adequately protect the health, safety, and welfare of the public and occupants and will better align with other existing adopted Codes and State Law, and shall be adopted and hereby incorporated by reference into the Stockton Municipal Code, Title 15, Chapter 15.24, and shall be known as the Property Maintenance Code.

The City Council also finds Stockton Municipal Code, Title 1, Chapter 1.32, Administrative Citations, Title 15, Chapter 15.04, Administrative Provisions for Construction Codes, Title 15, Chapter 15.32, Maintenance, Security, and Rehabilitation or Abandoned and Vacant Property, regarding appeal provisions, conflicts with the intent of State Law, and shall hereby be amended.

The City Council also finds, when Stockton Municipal Code, Title 15, Chapter 15.12, California Fire Code was adopted, an appendix within the code was mistakenly adopted, and shall hereby be amended.

The City Council also finds, when Stockton Municipal Code, Title 15, Chapter 15.64, International Swimming Pool and Spa Code was adopted, an appendix within the code was mistakenly adopted, and shall hereby be amended.

### **SECTION II. AMENDMENT OF CODE**

Title 15, Chapters 15.24 and 15.28 are hereby amended by repealing the entire Chapters as follows:

**~~Chapter 15.24 HOUSING CODE~~**

**~~15.24.010 Adoption of Uniform Housing Code.~~**

~~On July 13, 1999, there were filed in the office of the City Clerk three (3) copies of the Uniform Housing Code, 1997 Edition, as published by the International Conference of Building Officials. Pursuant to Title 25 of the California Code of Regulations, only Chapters 4, 5, and 6 and Sections 701.2 and 701.3 of the Uniform Housing Code are hereby incorporated in this code by reference.~~

**~~15.24.020 Health Officer.~~**

~~15. Section 401 of the Uniform Housing Code is hereby amended by changing the definition of "Health Officer" to the following:~~

~~B. Health Officer shall be the administrative officer in charge of San Joaquin County Health Department or an authorized representative.~~

~~C. In addition, the City Manager may designate any City official or employee who, as City Health Officer, may take whatever measures as may be necessary to preserve and protect the public health in the incorporated area of the City consistent with State statutes relating to public health.~~

**~~15.24.030 Substandard buildings.~~**

~~Section 1001 of the Uniform Housing Code is hereby amended to read as follows:~~

~~(a) Substandard Building Defined. Pursuant to Health and Safety Code Section 17920.3, substandard buildings include any building or portion thereof including any dwelling unit, guest room or suite of rooms, or the premises on which the same is located, in which there exists any of the following listed conditions to an extent that endangers the life, limb, health, property, safety, or welfare of the public or the occupants thereof and the same shall be deemed and hereby is declared to be a substandard building.~~

~~(b) Conditions constituting substandard buildings:~~

~~1. Inadequate sanitation shall include, but not be limited to, the following:~~

~~i. Lack of, or improper water closet, lavatory, or bathtub or shower in a dwelling unit.~~

~~ii. Lack of, or improper water closets, lavatories, and bathtubs or showers per number of guests in a hotel.~~

~~iii. Lack of, or improper kitchen sink.~~

~~iv. Lack of hot and cold running water to plumbing fixtures in a hotel.~~

- ~~\_\_\_\_\_ v. Lack of hot and cold running water to plumbing fixtures in a dwelling unit.~~
- ~~\_\_\_\_\_ vi. Lack of adequate heating.~~
- ~~\_\_\_\_\_ vii. Lack of, or improper operation of required ventilating equipment.~~
- ~~\_\_\_\_\_ viii. Lack of minimum amounts of natural light and ventilation required by applicable codes.~~
- ~~\_\_\_\_\_ ix. Room and space dimensions less than required by applicable codes.~~
- ~~\_\_\_\_\_ x. Lack of required electrical lighting.~~
- ~~\_\_\_\_\_ xi. Dampness of habitable rooms.~~
- ~~\_\_\_\_\_ xii. Infestation of insects, vermin, or rodents as determined by the Health Officer.~~
- ~~\_\_\_\_\_ xiii. General dilapidation or improper maintenance.~~
- ~~\_\_\_\_\_ xiv. Lack of connection to required sewage disposal system.~~
- ~~\_\_\_\_\_ xv. Lack of adequate garbage and rubbish storage and removal facilities as determined by the Health Officer.~~
- ~~\_\_\_\_\_ 2. Structural hazards shall include, but not be limited to, the following:~~
  - ~~\_\_\_\_\_ i. Deteriorated or inadequate foundations.~~
  - ~~\_\_\_\_\_ ii. Defective or deteriorated flooring or floor supports.~~
  - ~~\_\_\_\_\_ iii. Flooring or floor supports of insufficient size to carry imposed loads with safety.~~
  - ~~\_\_\_\_\_ iv. Members of walls, partitions, or other vertical supports that split, lean, list, or buckle due to defective material or deterioration.~~
  - ~~\_\_\_\_\_ v. Members of walls, partitions, or other vertical supports that are of insufficient size to carry imposed loads with safety.~~
  - ~~\_\_\_\_\_ vi. Members of ceilings, roofs, ceilings and roof supports, or other horizontal members which sag, split, or buckle due to defective material or deterioration.~~
  - ~~\_\_\_\_\_ vii. Members of ceiling, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety.~~
  - ~~\_\_\_\_\_ viii. Fireplaces or chimneys which list, bulge, or settle due to defective material~~

or deterioration.

~~ix. Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety.~~

~~3. Any nuisance.~~

~~4. All wiring, except that which conformed with all applicable laws in effect at the time of installation if it is currently in good and safe condition and working properly.~~

~~5. All plumbing, except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good condition, or which may not have conformed with all applicable laws in effect at the time of installation but is currently in good and safe condition and working properly, and which is free of cross connections and siphonage between fixtures.~~

~~6. All mechanical equipment, including vents, except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good and safe condition, or which may not have conformed with all applicable laws in effect at the time of installation but is currently in good and safe condition and working properly.~~

~~7. Faulty weather protection, which shall include, but not be limited to, the following:~~

~~i. Deteriorated, crumbling, or loose plaster.~~

~~ii. Deteriorated or ineffective waterproofing of exterior walls, roof, foundations, or floors, including broken windows or doors.~~

~~iii. Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other approved protective covering.~~

~~iv. Broken, rotted, split, or buckled exterior wall coverings or roof coverings.~~

~~8. Any building or portion thereof, device, apparatus, equipment, combustible waste, or vegetation which, in the opinion of the Chief of the Fire Department or deputy, is in such a condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause.~~

~~9. All materials of construction, except those which are specifically allowed or approved by applicable codes, and which have been adequately maintained in good and safe condition.~~

~~10. Those premises on which an accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rodent harborages, stagnant water, combustible~~

~~materials, and similar materials or conditions constitute fire, health, or safety hazards.~~

~~11. Any building or portion thereof which is determined to be an unsafe building due to inadequate maintenance, in accordance with the latest edition of the Uniform Building Code and local modifications thereof.~~

~~12. All buildings or portions applicable thereof not provided with adequate exit facilities as required by applicable codes, except those buildings or portions thereof whose exit facilities conformed with all applicable laws at the time of their construction and which have been adequately maintained and increased in relation to any increase in occupant load, alteration or addition, or any change in occupancy.~~

~~When an unsafe condition exists through lack of, or improper location of, exits, additional exits may be required to be installed.~~

~~13. All buildings or portions thereof which are not provided with the fire-resistive construction or fire extinguishing systems or equipment required by applicable codes, except those buildings or portions thereof which conformed with all applicable laws at the time of their construction and whose fire-resistive integrity and fire extinguishing systems or equipment have been adequately maintained and improved in relation to any increase in occupant load, alteration or addition, or any change in occupancy.~~

~~14. All buildings or portions thereof occupied for living, sleeping, cooking, or dining purposes which were not designed or intended to be used for such occupancies.~~

~~15. Inadequate structural resistance to horizontal forces.~~

~~16. "Substandard building" includes a building not in compliance with applicable fire and panic safety rules and regulations.~~

~~(c) Exception: However, a condition which would require displacement of sound walls or ceilings to meet height, length, or width requirements for ceilings, rooms, and dwelling units shall not by itself be considered sufficient existence of dangerous conditions making a building a substandard building, unless the building was constructed, altered, or converted in violation of such requirements in effect at the time of construction, alteration, or conversion.~~

#### ~~15.24.040 Violation.~~

~~It is a violation of this code for any person to allow, maintain or cause a property located within the City limits to exist with any of the substandard conditions set forth in Section 15.24.030.~~

#### ~~15.24.050 Notice and order.~~

~~Sections 101.2.3, 3.1 and 3.3 of the Uniform Housing Code are hereby amended~~

to read as follows:

~~3.1 If the Building Official has determined that the building or structure must be repaired, the order shall require that all required permits be secured therefor and the work physically commenced within such time (not to exceed 30 days from the date of the order) and completed within such time as the Building Official shall determine is reasonable under all of the circumstances.~~

~~3.3 If the Building Official has determined that the building or structure must be demolished, the order shall require that the building be vacated within such time as the Building Official shall determine reasonable (not to exceed 30 days from the date of the order); that all required permits be secured therefor within 30 days from the date of the order, and that the demolition be completed within such time as the Building Official shall determine is reasonable.~~

#### **15.24.060 Report transmitted to Council.**

~~Upon receipt of said report, the City Clerk shall present it to the City Council for consideration. The City Council shall fix a time, date and place for hearing said report, and any protests or objections thereto. The City Clerk shall cause notice of said hearing to be posted upon the property involved and served by certified mail, postage prepaid, addressed to the owner of the property as his or her name and address appear on the last equalized assessment roll of the County, if such so appear, or as known to the Clerk. Such notice shall be given at least 10 days prior to the date set for hearing and shall specify the day, hour, and place when the Council will hear and pass upon the Building Official's report, together with any objections or protests which may be filed as hereinafter provided by any person interested in or affected by the proposed change.~~

### **Chapter 15.28 ABATEMENT OF DANGEROUS BUILDINGS CODE**

#### **Article I. Administration**

#### **15.28.010 Adoption of Uniform Code for the Abatement of Dangerous Buildings.**

~~On July 13, 1999, there were filed in the office of the City Clerk, three (3) copies of the Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, as published by the International conference of Building Officials. Said code is hereby incorporated in this code by reference.~~

#### **15.28.020 Procedure.**

~~Section 801(a) of the Uniform Code for the Abatement of Dangerous Buildings is hereby amended to read as follows:~~

~~Sec. 801(a) Procedure. When any work of repair or demolition is to be done pursuant to Section 701(c)3 of this code, the Building Official shall cause the work to be~~

~~accomplished by City Personnel or by private contract under the direction of the Building Official. Plans and specifications therefor may be prepared by the Building Official, or he or she may employ such architectural and engineering assistance on a contract basis as he or she may deem reasonably necessary.~~

~~——(b)—— Costs. The cost of such work shall be paid from the Repair and Demolition Fund, and may be made a special assessment against the property involved, or be made a personal obligation of the property owner, whichever the City Council shall determine is appropriate.~~

#### **15.28.030 Repair and demolition fund.**

~~——Section 802(a) of the Uniform Code for the Abatement of Dangerous Buildings is hereby amended to read as follows:~~

~~——Sec. 802(a) General. The City Council shall establish a repair revolving fund to be designated as the Repair and Demolition Fund. Payments shall be made out of said fund upon the demand of the Building Official to defray the costs and expenses which may be incurred by the City in doing or causing to be done the necessary work of repair or demolition of dangerous buildings.~~

~~——(b)—— Maintenance of Fund. The Council may at any time transfer to the Repair and Demolition Fund, out of any money in the General Fund of the City, such sums as it may deem necessary in order to expedite the performance of the work of repair or demolition, and any sum so transferred shall be deemed a loan to the Repair and Demolition Fund and shall be repaid out of the proceeds of the collections hereinafter provided for. All funds collected under the proceedings hereinafter provided for shall be paid to the City Treasurer who shall credit the same to Repair and Demolition Funds.~~

#### **15.28.040 Account of expense—Report.**

~~——Section 901 of the Uniform Code for the Abatement of Dangerous Buildings is hereby amended to read as follows:~~

~~——Sec. 901. The Director shall keep an itemized account of the expense incurred by the City in the repair or demolition of any building done pursuant to the provisions of Section 701(c)3 of this code.~~

~~——Upon the completion of the work or repair or demolition, said Director shall prepare and file a report specifying the work done, the itemized and total cost of the work, a description of the real property upon which the building or structure is or was located, and the names and addresses of the persons entitled to notice pursuant to Subsection (c) of Section 401.~~

#### **15.28.050 Hearing on costs.**

~~Section 902 of the Uniform Code for Abatement of Dangerous Buildings is hereby amended to read as follows:~~

~~Sec. 902. Upon receipt of said report, the Director shall set a hearing before an Administrative Hearing Officer as provided in Chapter 1.44 to hear said report, and any protests or objections thereto. The Director shall cause notice of said hearing to be posted upon the property involved and served by certified mail, postage prepaid, addressed to the owner of the property as his or her name and address appear on the last equalized assessment roll of the County, if such so appear, or as known to the Director. Such notice shall be given at least 10 days prior to the date set for hearing and shall specify the day, hour, and place when the hearing will take place.~~

## ~~Article II. Securing of Unsafe Buildings~~

### ~~15.28.060 Existence of unsecured buildings—A public nuisance.~~

~~It is hereby found and expressly declared that the existence of an unsecured building within the City is a public nuisance and dangerous to the health and safety of the inhabitants of said City. An unsecured building is hereby defined and when so designated by the Director of Community Development as any unoccupied house, garage, building or any other structure which is unoccupied and into which free entry may be made through the existence of any unsecured opening, including broken and unboarded windows and doorways.~~

### ~~15.28.070 Unlawful not to secure after notice.~~

~~It is unlawful for any owner, agent, lessee or person having charge or control of any unsecured building within the City of Stockton to refuse or neglect to secure said building hereinbefore declared to be a public nuisance within a period of 10 days after such owner, agent, lessee or other person above described has been given notice as provided in Sections 15.28.080 and 15.28.090, which shall order that the building be secured and the public nuisance thereby abated. Said Notice shall order that the building be secured in a manner approved by the Director of Community Development and the public nuisance thereby abated.~~

### ~~15.28.080 Service or notice to secure building.~~

~~The notice described in Section 15.28.070 may be given by either of the following methods:~~

~~A. Delivery of a written notice personally to the owner, agent, lessee or other person having charge or control of the unsecured building or to any person 18 years of age or older residing at the residence of said owner, agent, lessee or other person above described;~~

~~B. Mailing of said notice to such person at his or her last known address as it~~



~~appears on the last equalized assessment roll of the City of the County.~~

~~**15.28.090 Contents of notice to secure building.**~~

~~\_\_\_\_\_The notice to secure building shall:~~

~~\_\_\_\_\_A.\_\_\_\_\_ Contain the address of the premises on which the unsecured building is situated, if such address is ascertainable;~~

~~\_\_\_\_\_B.\_\_\_\_\_ Contain a legal description of premises on which the unsecured building is situated as such description is found in the San Joaquin County Assessor's office;~~

~~\_\_\_\_\_C.\_\_\_\_\_ State that the enforcing officer has found the building to be unsecured and dangerous to the health and safety of the inhabitants of the City and therefore a public nuisance;~~

~~\_\_\_\_\_D.\_\_\_\_\_ Order that owner, agent, lessee or person having charge or control of the unsecured building to secure the building in such a manner that it may not be freely entered;~~

~~\_\_\_\_\_E.\_\_\_\_\_ Advise the person receiving said notice that if he or she fails to secure said building within 10 days that the City will enter upon such premises and itself secure that building, and that the cost of this work will be charged to the owner of the unsecured building and may result in a lien against the premises on which the building is situated;~~

~~\_\_\_\_\_F.\_\_\_\_\_ Notify the person receiving said notice that failure to secure a building within the City is a misdemeanor.~~

~~**15.28.100 Posting of notice to secure building.**~~

~~\_\_\_\_\_A copy of the notice described in the preceding Section 15.28.090 shall, on or before the day of service of said notice, be conspicuously posted on the unsecured building which the enforcing officer is seeking to secure.~~

~~**15.28.110 Securing by City after ten-day period.**~~

~~\_\_\_\_\_In the event such owner, agent, lessee or other person having charge or control of an unsecured building fails, refuses, or neglects within said 10-day period to secure an unsecured building hereinbefore declared to be a public nuisance, then the City may cause said building to be secured and the cost of such work shall be paid forthwith by such owner, agent, lessee or other person.~~

~~**15.28.120 Liability for cost of work.**~~

~~\_\_\_\_\_Liability to the City for the cost of securing said building shall attach only to the person who was the owner, agent, lessee or person having charge or control of the~~

~~building at the time the work was done by the City; provided, however, that this chapter shall not be construed to impair any lien which shall exist under Section 15.28.140.~~

**~~15.28.130 Repair by City—Record of costs.~~**

~~—In the event that the securing of any such unsecured building hereinbefore declared to be a public nuisance is done by the City, the Director of Community Development or designated agent shall compute from records the costs of work done attributable to the premises on which the building is situated. The director shall then cause notice of said cost to be given in the manner specified herein for the giving of notice to secure, which notice shall specify the day, hour, and place when the hearing before the Administrative Hearing Officer concerning the cost of securing together with any objection or protests, if any, which may be raised by any person liable to be assessed for the cost of such securing. Any other interested person may be heard.~~

**~~15.28.140 Report—Contents—Filing.~~**

~~—In the event that the securing of such buildings is done by the City, the City Manager or designated agent shall prepare and file a report specifying the work which has been done, its cost, a description of the building on which the work was done, a description of the real property upon which the work was done and the assessment against each lot, parcel or premises of land to be levied to pay the costs thereof. Any such report may include work done on any number of parcels whether contiguous to each other or not.~~

**~~15.28.150 Report—Hearing and finality of decision.~~**

~~—Upon the day and hour fixed for the hearing, the Administrative Hearing Officer shall hear and pass upon the report of the Director of Community Development or designated agent together with any objections or protests which may be raised by any of the persons liable to be assessed for the work done and any other interested persons. Thereupon, the Hearing Officer may make such revision, correction or modification in the report as it may deem just, after which, by motion or resolution, the report as submitted or as revised, corrected, or modified shall be confirmed. The Hearing Officer may adjourn the hearings from time to time for a period not to exceed 30 days. The decision of the Hearing Officer on all protests and objections which may be made shall be final and conclusive.~~

**~~15.28.160 Assessment of costs—Time for payment—Failure to pay lien.~~**

~~—The costs of the securing of said buildings may be assessed by the Administrative Hearing Officer against the parcel of property upon which such work was done, and such costs so assessed, if not paid within five (5) days after its confirmation by the Administrative Hearing Officer, shall constitute a special assessment against that parcel of property and shall be a lien on the property for the amount thereof, which lien shall continue until the assessment, and all interest thereon is paid, or until it is discharged off~~

record.

**~~15.28.170 Cost of securing to constitute special assessment.~~**

~~Five (5) days after confirmation of said report, a copy shall be turned over to the Assessor and the Tax Collector of the City, whereupon it shall be the duty of said officer to add the amounts of the respective unpaid assessments to the next regular bills for taxes levied against the said respective lots and parcels of land for municipal purposes. Thereafter, said amounts shall be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and the same procedure under foreclosure and sale in case of delinquency, as provided for ordinary municipal taxes.~~

**~~15.28.180 Cancellation or refund of special assessment.~~**

~~All or any portion of the special assessment herein mentioned shall be canceled, or if collected, be refunded by the Director of Finance pursuant to such procedures as may be adopted from time to time by resolution of the City Council, and subject to any limitations which may be imposed by any such resolution.~~

**~~15.28.190 Right of entry.~~**

~~It is unlawful for any person, owner, agent, lessee, or person having charge or control of an unsecured building to refuse to allow representatives of the City to enter upon any property between 6:00 a.m. and 8:00 p.m. where any public nuisance as defined in Section 15.28.060 hereof is reasonably believed to exist, for the purpose of inspection, and where such nuisance exists, for the purpose of securing same as provided in Section 15.28.110 hereof, after notice has been given as provided in Sections 15.28.080 and 15.28.100 hereof, or to interfere with said representatives of the City in any manner whatsoever in the securing of said nuisances. If the section or any portion thereof is held to be invalid, or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not effect the validity of Sections 15.28.060 through 15.28.180.~~

**SECTION III. AMENDMENT OF CODE**

Title 15, Chapters 15.24 "Housing Code" is hereby adopted and amended and shall read as follows:

**CHAPTER 15.24 PROPERTY MAINTENANCE CODE**

**Article I. Administration**

**15.24.010 Adoption of International Property Maintenance Code.**

On ~~Month XX, XXXX~~April 4, 2025, there was filed in the office of the City Clerk, one (1) copy of the International Property Maintenance Code, 2024 Edition, as published

by the International Code Council. Said code is hereby incorporated in this code by reference.

#### **15.24.020 Purpose.**

The purpose of the code is to provide minimum maintenance standards for existing buildings including minimum maintenance standards for basic equipment, light, ventilation, heating, sanitation, and fire safety. The International Property Maintenance Code provides for the regulation and safe use of existing structures and premises in the interest of public health, safety, and welfare.

#### **15.24.030 Amendments.**

Notwithstanding the provisions of Stockton Municipal Code, Section 15.24.010, the International Property Maintenance Code is amended as follows:

A. Chapter 1, Section 101.1 "Title" is hereby amended and shall read as follows:

These regulations shall be known as the Property Maintenance Code of **[NAME OF JURISDICTION]**City of Stockton, hereinafter referred to as "this code."

B. Chapter 1, Section 101.1.1 "Code official" is hereby added and shall read as follows:

Whenever the term "code official" is used herein, it shall be construed to mean the Director, Community Development Department or the Deputy Director, Building and Safety Division or any duly delegated representative (or) Director as defined in Title 1 of the Stockton Municipal Code.

C. Chapter 1, Section 102.3 "Application of other codes" is hereby amended and shall read as follows:

Repairs, additions, or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the International California Building Code, International California Existing Building Code, International California Energy Code, International California Fire Code, International Fuel Gas Code, International California Mechanical Code, International California Plumbing Code, NFPA 70 California Electrical Code, California Historical Building Code, California Green Building Standards Code and International Swimming Pool and Spa Code. Nothing in this code shall be construed to cancel, modify, or set aside any provision of the International Zoning Code Stockton Municipal Code Title 16, Development Code.

D. Chapter 1, Section 102.8 "Referenced codes and standards" is hereby amended and shall read as follows:

The codes and standards referenced in this code shall be those that are listed in Chapter 8 and Section 15.24.030C of the Stockton Municipal Code and considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.8.1 and 102.8.2.

Exception: Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing shall apply.

E. Chapter 1, Section 103 “Code compliance agency” is hereby amended and shall read as follows:

Section 103.1: Agency.

The ~~[INSERT NAME OF DEPARTMENT]~~ is hereby created and the official in charge thereof shall be known as the ~~code official~~. The function of the agency shall be the implementation, administration and enforcement of the provisions of this code. The Director, Community Development Department, or duly appointed designee, shall be the official in charge and shall be known as the code official. The function of the code official shall be the implementation, administration, and enforcement of the provisions of this code.

F. Chapter 1, Section 106.1 “General” is hereby amended and shall read as follows:

In order to hear and decide appeals of orders, decisions or determinations made by the code official relative to the application and interpretation of the code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the applicable governing authority and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the code official.

Exceptions: Appeals for the following Sections shall be heard in accordance with Stockton Municipal Code, Title 1, Chapter 1.44 ‘Administrative Hearings’:

Section 301.3: Vacant structures and land.

Section 302.1: Sanitation.

Section 302.3: Sidewalks and driveways.

Section 302.4: Weeds.

Section 302.5: Rodent Harborage.

Section 302.8: Motor vehicles.

Section 302.9: Defacement of property.

Section 308 et seq.: Rubbish and garbage.

Section 309 et seq.: Pest elimination.

G. Chapter 1, Section 107.2 “Notice of violation” is hereby amended and shall read as follows:

The code official shall serve a notice of violation or order in accordance with Section 109.4 Title 1, Chapters 1.28 and 1.32 of the Stockton Municipal Code.

H. Chapter 1, Section 107.3 "Prosecution of violation" is hereby amended and shall read as follows:

Any person failing to comply with a notice of violation or order served in accordance with Section 109.4 Title 1 of the Stockton Municipal Code shall be deemed guilty of a misdemeanor or civil infraction as determined by the local municipality, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the code official shall 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 structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate. Notwithstanding any of the remedies outlined above, whenever a person fails to comply with a notice of violation or order, the code official may use administrative remedies including but not limited to issuing administrative citations, notice and orders, and civil penalties.

I. Chapter 1, Section 109.5 "Hazardous structure or premises" is hereby amended and shall read as follows:

For the purpose of this code, any structure or premises that has any or all of the conditions or defects described as follows shall be considered to be hazardous:

1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved building or fire code of the jurisdiction as related to the requirements for existing buildings.
2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
3. Any building, structure or portion thereof that is dangerous.
4. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy. Pursuant to Health and Safety Code, Sections 17920 and 17920.3, by definition, this shall include substandard buildings; which is any building or portion thereof, including any building used for human habitation regardless of zoning designation or approved uses of the building, including any dwelling unit, guest room or suite of rooms, or the premises on which the same is located, wherein there exists any conditions to an extent that it endangers the life, limb, health, property, safety, or welfare of the occupants

of the building, nearby residents, or the public and the same shall be deemed and hereby is declared to be a substandard building.

5. The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.
6. Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the approved building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.
7. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the code official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease. This shall include extensive visible mold growth, as determined by a health officer or a code enforcement officer, excluding the presence of mold that is minor and found on surfaces that can accumulate moisture as part of their properly functioning and intended use.
8. Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the code official to be a threat to life or health.
9. Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

J. Chapter 1, Section 109.4 "Notice" is hereby amended and shall read as follows:

Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 109.4.1 and 109.4.2 Title 1 of the Stockton Municipal Code to the owner or the owner's authorized agent, for the violation as specified in this code. Notices for condemnation procedures shall comply with this section.

K. Chapter 1, Section 109.9 "Restoration or abatement" is hereby amended



and shall read as follows:

The structure or equipment determined to be unsafe by the code official is permitted to be restored to a safe condition. The owner, owner's authorized agent, operator or occupant of a structure, premises or equipment deemed unsafe by the code official shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action. To the extent that repairs, alterations, or additions are made, or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions, or change of occupancy shall comply with the requirements of the International California Existing Building Code. Pursuant to the California Health and Safety Code (HSC), Sections 17980(c)(2) and 17980(d), in deciding whether to require vacation of the building, or to repair as necessary, the City shall give preference to the repair of the building whenever it is economically feasible to do so without having to repair more than 75 percent of the dwelling and shall give full consideration to the needs for housing as expressed in the City's housing element and, if the City determines that a building or portion thereof is substandard under this section based solely on the building or portion thereof being illegally occupied, the City shall not commence court proceedings to abate the violation by repair if all of the following conditions are met:

- A. The owner declares under penalty of perjury that the occupant is illegally occupying the building.
- B. The owner filed and is diligently prosecuting an unlawful detainer action against the occupant, or the occupant is being removed pursuant to Section 602 of the Penal Code.
- C. The City determines the building poses no risk to tenants, nearby residents, or the public.

L. Chapter 1, Section 110.6 "Hearing" is hereby amended and shall read as follows:

Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, in accordance with Section 106 shall be afforded a hearing as described therein.

M. Chapter 2, Section 201.3, "Terms defined in other codes" is hereby amended and shall read as follows:

Where terms are not defined in this code and are defined in the International California Building Code, International California Existing Building Code, International California Fire Code, International Fuel Gas Code, International California Mechanical Code, International California Plumbing Code, International California Residential Code, International Zoning Code Stockton Municipal Code, Title 16, Development Code or NFPA 70 California Electrical Code, California Historical Building Code, California Green Building Standards Code and International Swimming Pool and Spa Code such terms shall have the meanings ascribed to them as stated in those codes.



N. Chapter 2, Section 202 “General definitions” is hereby amended, and the following definition shall be added:

HEALTH OFFICER. The legally designated head of the County Department of Health or the designated Health Official of the City of Stockton.

O. Chapter 3, Section 301.2 “Responsibility” is hereby amended and shall read as follows:

The owner of the premises shall maintain the structures and exterior property in compliance with these requirements and the code under which the building was constructed, except as otherwise provided for in this code. The owner or owner’s agent shall be responsible to ensure that any repairs, additions or alterations to the building or portion thereof are performed or constructed in accordance with the California International–Building Code, California International–Residential Code or California International–Existing Building Code. A person shall not occupy as owner-occupant or permit another person to occupy premises that are not in a sanitary and safe condition and that do not comply with the requirements of this chapter. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises they occupy and control. The owner and occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for not allowing any condition to exist upon the property, or within the structure, any nuisance that may be determined to affect the safety or well-being of the general public.

P. Chapter 3, Section 304.1.1 “Potentially unsafe conditions” is hereby amended and shall read as follows:

The following conditions shall be considered to be potentially unsafe, shall be assessed and shall be addressed in compliance with the California International–Existing Building Code, the California International–Residential Code or the California International–Building Code:

Q. Chapter 3, Section 304.14 “Insect screens” is hereby amended and shall read as follows:

During the period from [DATE] to [DATE], Every door, window and other outside opening required for *ventilation* of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with *approved* tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other *approved* means, such as air

curtains or insect repellent fans, are employed.

R. Chapter 3, Section 305.1.1 “Potentially unsafe conditions” is hereby amended and shall read as follows:

The following conditions shall be considered to be potentially unsafe, shall be assessed and shall be addressed in compliance with the California-International Existing Building Code, the California-International Residential Code, or the California-International Building Code:

S. Chapter 3, Section 306.1.1 “Potentially unsafe conditions” is hereby amended and shall read as follows:

Where any of the following conditions cause the component or system to be beyond its limit state, the component or system shall be considered to be unsafe and shall be addressed in compliance with the California-International Existing Building Code, the California-International Residential Code or the California-International Building Code:

T. Chapter 4, Section 401.3 “Alternative Devices” is hereby amended and shall read as follows:

In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the California-International Building Code shall be permitted.

U. Chapter 5, Section 502.5 “Public toilet facilities” is hereby amended, respectively and shall read as follows:

Public toilet facilities shall be maintained in a safe, sanitary and working condition in accordance with the California-International Plumbing Code. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during occupancy of the premises.

V. Chapter 5, Section 505.1 “Abandonment of systems” is hereby amended and shall read as follows:

Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. Kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the California-International Plumbing Code.

W. Chapter 6, Section 602.2 “Residential occupancies” is hereby amended and shall read as follows:

Dwellings shall be provided with heating facilities capable of maintaining a room

temperature of ~~68~~ 65°F (20-18°C) in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality indicated in Appendix D of the ~~California International~~ Plumbing Code. Cooking appliances shall not be used, nor shall portable unvented fuel-burning space heaters be used, as a means to provide required heating. The installation of one or more portable space heaters shall not be used to achieve compliance with this section.

~~Exception: In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.~~

X. Chapter 6, Section 602.3 "Heat supply" is hereby amended and shall read as follows:

Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat ~~during the period from [DATE] to [DATE]~~ to maintain a minimum temperature of ~~68~~65°F (20-18°C) in all habitable rooms, bathrooms and toilet rooms.

**Exceptions:**

~~1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code.~~

~~2. In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.~~ Y. Chapter 6, Section 602.4 "Occupiable workspaces" is hereby amended and shall read as follows:

Indoor occupiable work spaces shall be supplied with heat ~~during the period from [DATE] to [DATE]~~ to maintain a minimum temperature of 65°F (18°C) during the period the spaces are occupied.

**Exceptions:**

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

Z. Chapter 6, Section 604.2, "Service" is hereby amended and shall read as follows:

The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with ~~NFPA 70~~ California Electrical Code. Dwelling units shall be served by a three-wire, 120/240 volt, single-phase

electrical service having a minimum rating of 60 amperes.

AA. Chapter 6, Section 604.3.1.1 "Electrical equipment" is hereby amended and shall read as follows:

Electrical distribution equipment, motor circuits, power equipment, transformers, wire, cable, flexible cords, wiring devices, ground fault circuit interrupters, surge protectors, molded case circuit breakers, low-voltage fuses, luminaires, ballasts, motors and electronic control, signaling and communication equipment that have been exposed to water shall be replaced in accordance with the provisions of the ~~International~~ California Building Code.

**Exception:** The following equipment shall be allowed to be repaired where an inspection report from the equipment manufacturer or *approved* manufacturer's representative indicates that the equipment has not sustained damage that requires replacement:

1. Enclosed switches, rated not more than 600 volts or less.
2. Busway, rated not more than 600 volts.
3. Panelboards, rated not more than 600 volts.
4. Switchboards, rated not more than 600 volts.
5. Fire pump controllers, rated not more than 600 volts.
6. Manual and magnetic motor controllers.
7. Motor control centers.
8. Alternating current high-voltage circuit breakers.
9. Low-voltage power circuit breakers.
10. Protective relays, meters and current transformers.
11. Low- and medium-voltage switchgear.
12. Liquid-filled transformers.
13. Cast-resin transformers.
14. Wire or cable that is suitable for wet locations and whose ends have not been exposed to water.

15. Wire or cable, not containing fillers, that is suitable for wet locations and whose ends have not been exposed to water.
16. Luminaires that are listed as submersible.
17. Motors.
18. Electronic control, signaling and communication equipment.

BB. 604.3.2.1 “Electrical equipment” is hereby amended and shall read as follows:

Electrical switches, receptacles and fixtures, including furnace, water heating, security system and power distribution circuits, that have been exposed to fire, shall be replaced in accordance with the provisions of the California ~~International~~ Building Code.

Exception:

Electrical switches, receptacles and fixtures that shall be allowed to be repaired where an inspection report from the equipment manufacturer or *approved* manufacturer’s representative indicates that the equipment has not sustained damage that requires replacement.

CC. Chapter 7, Section 702.3 “Locked doors” is hereby amended and shall read as follows:

Means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the California ~~International~~ Building Code.

DD. Chapter 7, Section 703.7 “Vertical shafts” is hereby amended and shall read as follows:

Interior vertical shafts, including stairways, elevator hoistways and service and utility shafts, which connect two or more stories of a building shall be enclosed or protected as required in Chapter 11 of the ~~International~~ California Fire Code. New floor openings in existing buildings shall comply with the California ~~International~~ Building Code.

EE. Chapter 7, Section 704.1 “Inspection, testing and maintenance” is hereby amended and shall read as follows:

Fire protection and life safety systems shall be maintained in accordance with the California ~~International~~ Fire Code in an operative condition at all times, and shall be replaced or repaired where defective.

FF. Chapter 7, Section 704.1.1 “Fire protection and life safety systems” is hereby amended and shall read as follows:

Fire protection and life safety systems shall be installed, repaired, operated and maintained in accordance with this code the ~~California~~~~International~~ Fire Code and the ~~International~~~~California~~ Building Code.

GG. Chapter 7, Section “Required fire protection and life safety systems” is hereby amended and shall read as follows:

Fire protection and life safety systems required by this code, the ~~California~~~~International~~ Fire Code or the ~~California~~~~International~~ Building Code shall be installed, repaired, operated, tested and maintained in accordance with this code. A fire protection and life safety system for which a design option, exception or reduction to the provisions of this code, the ~~California~~~~International~~ Fire Code or the ~~California~~~~International~~ Building Code has been granted shall be considered to be a required system.

HH. Chapter 7, Section 704.1.3 “Fire protection systems” is hereby amended and shall read as follows:

Fire protection systems shall be inspected, maintained and tested in accordance with the following ~~California~~ ~~International~~ Fire Code requirements.

1. Automatic sprinkler systems, see Section 903.5.
2. Automatic fire-extinguishing systems protecting commercial cooking systems, see Section 904.14.5.
3. Automatic water mist extinguishing systems, see Section 904.11.3.
4. Carbon dioxide extinguishing systems, see Section 904.8.
5. Carbon monoxide alarms and carbon monoxide detection systems, see Section 915.6.
6. Clean-agent extinguishing systems, see Section 904.10.
7. Dry-chemical extinguishing systems, see Section 904.6.
8. Fire alarm and fire detection systems, see Section 907.8.
9. Fire department connections, see Sections 912.4 and 912.7.
10. Fire pumps, see Section 913.5.
11. Foam extinguishing systems, see Section 904.7.
12. Halon extinguishing systems, see Section 904.9.

13. Single- and multiple-station smoke alarms, see Section 907.2.9.2.
14. Smoke and heat vents and mechanical smoke removal systems, see Section 910.5.
15. Smoke control systems, see Section 909.22.
16. Wet-chemical extinguishing systems, see Section 904.5.
17. Duct and air transfer openings, see Section 706.1.

II. Chapter 7, Section 704.2.1 “Records” is hereby amended and shall read as follows:

Records shall be maintained of all system inspections, tests and maintenance in accordance with Section 109.3 of the California International Fire Code.

JJ. Chapter 7, Section 704.3 “Systems out of service” is hereby amended and shall read as follows:

Where a required fire protection system is out of service, the fire department and the fire code official shall be notified immediately and, where required by the fire code official, either the building shall be evacuated or an approved fire watch shall be provided for all occupants left unprotected by the shutdown until the fire protection system has been returned to service. Where utilized, fire watches shall be provided with not less than one approved means for notification of the fire department and shall not have duties beyond performing constant patrols of the protected premises and keeping watch for fires. Actions shall be taken in accordance with Section 901.7 of the California International Fire Code to bring the systems back in service.

Exception: Facilities with an approved notification and impairment management program. The notification and impairment program for water-based fire protection systems shall comply with NFPA 25.

KK. Chapter 7, Section 704.3.1 “Emergency impairments”

Where unplanned impairments of fire protection systems occur, appropriate emergency action shall be taken to minimize potential injury and damage. The impairment coordinator shall implement the steps outlined in Section 901.7.4 of the California International Fire Code.

LL. Chapter 7, Section 704.4.2 “Removal of existing occupant-use hose lines” is hereby amended and shall read as follows:

The fire code official is authorized to permit the removal of existing occupant-use

hose lines where all of the following apply:

1. The installation is not required by the ~~California~~~~International~~ Fire Code or the ~~International~~ ~~California~~ Building Code.
2. The hose line would not be utilized by trained personnel or the fire department.
3. The remaining outlets are compatible with local fire department fittings.

MM. Chapter 7, Section 704.4.3 "Termination of monitoring service" is hereby amended and shall read as follows:

For fire alarm systems required to be monitored by the ~~California~~~~International~~ Fire Code, notice shall be made to the fire code official whenever alarm monitoring services are terminated. Notice shall be made in writing by the provider of the monitoring service being terminated.

NN. Chapter 7, Section 704.5.1 "Fire department connection access" is hereby amended and shall read as follows:

Ready access to fire department connections shall be maintained at all times and without obstruction by fences, bushes, trees, walls or any other fixed or movable object. Access to fire department connections shall be approved by the fire chief.

Exception: Fences, where provided with an access gate equipped with a sign complying with the legend requirements of Section 912.5 of the ~~California~~~~International~~ Fire Code and a means of emergency operation. The gate and the means of emergency operation shall be approved by the fire chief and maintained operational at all times.

OO. Chapter 7, Section 704.6.4 "Smoke detection system" is hereby amended and shall read as follows:

Smoke detectors listed in accordance with UL 268 and provided as part of the building's fire alarm system shall be an acceptable alternative to single- and multiple-station smoke alarms and shall comply with the following:

1. The fire alarm system shall comply with all applicable requirements in Section 907 of the ~~California~~ ~~International~~ Fire Code.
2. Activation of a smoke detector in a dwelling or sleeping unit shall initiate alarm notification in the dwelling or sleeping unit in accordance with Section 907.5.2 of the ~~California~~~~International~~ Fire Code.
3. Activation of a smoke detector in a dwelling or sleeping unit shall not activate alarm notification appliances outside of the dwelling or sleeping unit, provided that a supervisory signal is generated and monitored in accordance with Section



907.6.6 of the California International Fire Code.

PP. Chapter 7, Section 705.1 "General" is hereby amended and shall be read as follows:

Carbon monoxide alarms shall be installed in dwellings in accordance with Section 1103.9 of the International Fire Code, except that alarms in dwellings covered by the California International Residential Code shall be installed in accordance with Section R311 of that code.

#### **15.24.040 Repair and demolition fund - report**

A. General. The City Council shall establish a repair revolving fund to be designated as the Repair and Demolition Fund. Payments shall be made out of said fund upon the demand of the Building Official to defray the costs and expenses which may be incurred by the City in doing or causing to be done the necessary work of repair or demolition of dangerous buildings.

B. Maintenance of Fund. The Council may at any time transfer to the Repair and Demolition Fund, out of any money in the General Fund of the City, such sums as it may deem necessary in order to expedite the performance of the work of repair or demolition, and any sum so transferred shall be deemed a loan to the Repair and Demolition Fund and shall be repaid out of the proceeds of the collections hereinafter provided for. All funds collected under the proceedings hereinafter provided for shall be paid to the City Treasurer who shall credit the same to Repair and Demolition Funds.

C. Account of Expenses - Report. The Director shall keep an itemized account of the expense incurred by the City in the repair or demolition of any building done pursuant to this Code. Upon the completion of the work or repair or demolition, said Director shall prepare and file a report specifying the work done, the itemized and total cost of the work, a description of the real property upon which the building or structure is or was located, and the names and addresses of the persons entitled to notice.

### **Article II. Securing of Unsafe Buildings**

#### **15.24.050 Existence of unsecured buildings—A public nuisance.**

It is hereby found and expressly declared that the existence of an unsecured building within the City is a public nuisance and dangerous to the health and safety of the inhabitants of said City. An unsecured building is hereby defined and when so designated by the code official as any unoccupied house, garage, building or any other structure which is unoccupied and into which free entry may be made through the existence of any unsecured opening, including broken and unboarded windows and doorways.

#### **15.24.060 Unlawful not to secure after notice.**

A. It is unlawful for any owner, agent, lessee or person having charge or control of any unsecured building within the City of Stockton to refuse or neglect to secure said building hereinbefore declared to be a public nuisance within a period of ten (10) days after such owner, agent, lessee or other person above described has been given notice as provided in Stockton Municipal Code, Title 1, Chapter 1.24 et seq., or Chapter 1.28 et seq., or Chapter 1.32 et seq., which shall order that the building be secured and the public nuisance thereby abated. Said Notice shall order that the building be secured pursuant to Stockton Municipal Code, Title 15, Chapter 15.32, or in a manner approved by the code official. Any person entitled to appeal a securing action by the City may appeal the Notice or any action of the code official specific to the securing action, by requesting an Administrative Hearing in accordance with Stockton Municipal Code, Title 1, Chapter 1.44.

#### **15.24.070 Securing by City after ten-day period.**

In the event such owner, agent, lessee or other person having charge or control of an unsecured building fails, refuses, or neglects within said 10-day period to secure an unsecured building in accordance to the provisions of Chapter 15.32.050 or as approved by the Building Official, hereinbefore declared to be a public nuisance, then the City may cause said building to be secured and the cost of such work shall be paid forthwith by such owner, agent, lessee or other person.

#### **15.24.080 Liability for cost of work.**

Liability to the City for the cost of securing said building shall attach only to the person who was the owner, agent, lessee or person having charge or control of the building at the time the work was done by the City; provided, however, that this chapter shall not be construed to impair any lien which shall exist under Stockton Municipal Code, Section 15.24.130.

#### **15.24.090 Repair by City—Record of costs.**

In the event that the securing of any such unsecured building hereinbefore declared to be a public nuisance is done by the City, the code official or designated agent shall compute from records the costs of work done attributable to the premises on which the building is situated. The director code official shall then cause notice of said cost to be given in the manner specified herein for the giving of notice to secure, which notice shall specify the day, hour, and place when the hearing before the Administrative Hearing Officer concerning the cost of securing together with any objection or protests, if any, which may be raised by any person liable to be assessed for the cost of such securing. Any other interested person may be heard.

#### **15.24.100 Appeal of cost of securing**

Any person entitled to appeal the cost of securing by the City may appeal the cost by requesting an Administrative Hearing pursuant to Stockton Municipal Code, Title 1,

Chapter 1.44.**15.24.110 Report—Contents—Filing.**

In the event that the securing of such buildings is done by the City, the City Manager or designated agent shall prepare and file a report specifying the work which has been done, its cost, a description of the building on which the work was done, a description of the real property upon which the work was done and the assessment against each lot, parcel or premises of land to be levied to pay the costs thereof. Any such report may include work done on any number of parcels whether contiguous to each other or not.

**15.24.120 Assessment of costs—Time for payment—Failure to pay lien.**

The costs of the securing of said buildings may be assessed by the Administrative Hearing Officer against the parcel of property upon which such work was done, and such costs so assessed, if not paid within five (5) days after its confirmation by the Administrative Hearing Officer, shall constitute a special assessment against that parcel of property and shall be a lien on the property for the amount thereof, which lien shall continue until the assessment, and all interest thereon is paid, or until it is discharged off record.

**15.24.130 Cost of securing to constitute special assessment.**

Five (5) days after confirmation of said report, a copy shall be turned over to the Assessor and the Tax Collector of the City, whereupon it shall be the duty of said officer to add the amounts of the respective unpaid assessments to the next regular bills for taxes levied against the said respective lots and parcels of land for municipal purposes. Thereafter, said amounts shall be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and the same procedure under foreclosure and sale in case of delinquency, as provided for ordinary municipal taxes.

**15.24.140 Cancellation or refund of special assessment.**

All or any portion of the special assessment herein mentioned shall be canceled, or if collected, be refunded by the Director of Finance pursuant to such procedures as may be adopted from time to time by resolution of the City Council, and subject to any limitations which may be imposed by any such resolution.

**15.24.150 Right of entry.**

It is unlawful for any person, owner, agent, lessee, or person having charge or control of an unsecured building to refuse to allow representatives of the City to enter upon any property between 6:00 a.m. and 8:00-6:00 p.m. where any public nuisance as defined in Stockton Municipal Code, Section 15.24.050 hereof is reasonably believed to

exist, for the purpose of inspection, and where such nuisance exists, for the purpose of securing same as provided in Stockton Municipal Code, Section 15.32., after notice has been given in accordance with Stockton Municipal Code, Title 1, Chapter 1.24, or Chapter 1.28, or Chapter 1.32, or to interfere with said representatives of the City in any manner whatsoever in the securing of said nuisances. If the section or any portion thereof is held to be invalid, or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not effect the validity of Stockton Municipal Code, Sections 15.24.050 through 15.24. 140.

#### **15.24.160 Repayment of repair and demolition fund**

All money recovered by payment of the charge, or assessment, or from the sale of the property at foreclosure sale, shall be paid to the treasurer of this jurisdiction, who shall credit the same to the repair and demolition fund.

### **SECTION IV. AMENDMENT OF CODE**

Title 15, Chapter 15.04, Administrative Provisions for Construction Codes, Article II, Organization and Enforcement, is hereby adopted and amended and shall be read as follows:

#### **15.04.140 Building Board of Appeals.**

~~A. The Building Board of Appeals shall hear and decide appeals concerning denials of requests to use alternative construction materials. The Building Board of Appeals shall have no authority relative to the interpretation of the administrative provisions of this code nor shall the Building Board of Appeals be empowered to waive requirements of this code.~~ In order to hear and decide appeals of orders, decisions or determinations made by the building official and/or fire code official relative to the application and interpretation of this code, there shall be and is hereby created a Board of Appeals. The Board of Appeals shall be appointed by the applicable governing authority and shall hold office at its pleasure.

Exception: Pursuant to the California Historical Building Code, Title 24, this Chapter does not pertain to structures and premises which are designated as qualified historical buildings or properties.

B. Notwithstanding any other provisions of this code, this article shall govern the organization and administration of the Building Board of Appeals.

~~(Prior code § 13-204; Ord. 026-07 C.S. § 2)~~

#### **15.04.150 Definitions.**

Unless the context otherwise requires, the article set forth in this chapter govern the construction of this article.

"Board" means the Building Board of Appeals.

"Building Code Official" means the officer or other designated authority charged with the administration and enforcement of this code, or a duly authorized representative.

"Code" means Stockton Municipal Code Title 15, and any adopted provisions of the California Building Code, California Fire Code, ~~Uniform Housing Code, the Uniform Code for the Abatement of Dangerous Buildings~~International Property Maintenance Code, California Existing Building Code, International Swimming Pool and Spa Code, Uniform Building Security Cod California Green Building Standards Code, California Energy Code, California Plumbing Code, California Mechanical Code, California Electric Code, and any other code or regulation hereinafter adopted by the City in furtherance of the provisions hereof.

"Fire Code Official" means the fire chief or other designated authority charged with the administration and enforcement of the Fire Code, or a duly authorized representative.

"Member" means a member of the Building Board of Appeals.  
(~~Prior code § 13-204.1; Ord. 026-07 C.S. § 2~~)

#### **15.04.160 Organization and membership.**

A. The Building Board of Appeals shall be comprised of ~~seven~~five members, of which one will be a resident of the lay community, appointed by the Mayor with the advice and consent of the City Council ~~Director of the Community Development Department~~. The Mayor with the advice and consent of the City Council~~Director~~ may also appoint two alternate members to the Board. The Deputy Director of the Community Development Department/Building and Safety Division shall serve as ex officio secretary of the Board but shall not vote. The members of the Board shall be qualified by experience and training to pass on matters pertaining to building construction, hazards of fire, or fire protection systems, and shall not be employees of the City of Stockton.

- ~~1. One member shall be a general building contractor;~~
- ~~2. One member shall be a plumbing contractor;~~
- ~~3. One member shall be an electrical contractor;~~
- ~~4. One member shall be a mechanical contractor;~~
- ~~5. One member shall be an engineer or architect;~~
- ~~6. One member shall be selected from the lay community; and~~
- ~~7. One member shall be a fire protection engineer or fire protection contractor with at least 10 years of experience which shall have been in responsible charge of work.~~

B. The term of office for each member shall be four years. Vacancies occurring during a term shall be filled for the unexpired period of the term by the Mayor with

the approval of the City Council. Terms shall be staggered to provide continuity. ~~Members shall serve at the pleasure of the City Council and may be removed from office without cause upon an affirmative vote of the City Council.~~ A member shall be removed from the Board prior to the end of their terms only for cause. Any member with continued absence from regular meeting of the Board may be removed at the discretion of the chief appointing authority consistent with Council Policy 3.03 Attendance Policy for Appointees. A member may remove themselves from the Board without cause. Upon removal from the Board, an alternate member may be appointed by the chief appointing authority to replace the removed member.

C. Board members shall be residents of San Joaquin County ~~the City~~ at the time of application for appointment and continuously thereafter. Failure to reside within the City County shall result in automatic forfeiture of the appointment. Written notice of any change of residence shall immediately be filed with the City Clerk. Any unexpired term shall be filled as provided herein.

D. A member shall be neither an elected officer nor an employee of the City, but shall not be disqualified by membership on, or employment by, any other Board, commission, agency or authority of, or created by or for the City.

E. No member shall knowingly acquire any interest in any property which is the subject of any action or appeal before the Board. A member having any interest in property which is the subject of an action or appeal before the Board shall make immediate disclosure of the fact of an interest to the Board, and the member shall be disqualified from all deliberations by the Board relating to that property.

F. The Board shall elect a chairperson ~~and vice chairperson~~ from among its members. The term of office of the chairperson ~~and vice chairperson~~ shall be for the calendar year or its balance should they be elected to fill a vacancy. The time, place, and frequency of its meetings shall be fixed by the Board.

G. A majority of the total number of members appointed to the Board, excluding alternates, shall constitute a quorum at any regular or special meeting of the Board. The chairperson of the Board is authorized to fill a vacant seat of an absent member of the Board with an alternate member, only at the commencement of a hearing of the appeal, and the alternate member shall then hear the entirety of the appeal upon being seated on the Board.

H. The minimum number of concurring votes required to transact business or decide any matter before the Board shall be a majority of the total authorized membership of the Board excluding alternates. The petition, appeal, request, or other matter shall be deemed denied absent the required number of votes.

I. Compensation of members shall be determined by law or as established by resolution of the City Council from time to time.

J. The City shall furnish to the Board adequate secretarial, ~~and executive,~~ and legal assistance, meeting space, and upon the Board's request, make available service and advice of the administrative departments.

~~(Prior code § 13-204.2; Ord. 026-07 C.S. § 2; Ord. 001-11 C.S. § 2, eff. 2-24-11)~~

#### **15.04.170 Powers and duties.**

The Board's function is:

A. To hear appeals of ~~decisions made by the Building Official relative to the denials of requests to use alternative methods and materials~~ decisions or determinations made by the building code official or fire code official relative to the application and interpretation of this code and from aggrieved parties relative to the application of the California Code of Regulations, Title 24, and other related Codes and regulations ~~of~~ as adopted by the City.

Notwithstanding any other provisions of this code, the Board, whenever there are practical difficulties involved in carrying out the provisions of the above-mentioned model codes or related regulations of the City, may grant modifications for individual cases, provided it shall first find that a special individual reason makes compliance with the strict letter of these codes and regulations impractical and that the modification is in conformity with their intent and purpose. The Board shall not have authority to waive the requirements of this code or interpret the administration of this code.

#### **B. Conduct of Appeals.**

1. The Board shall exercise its powers in such a manner that substantial justice is done most nearly in accord with the intent and purpose of this code, the California Code of Regulations, Title 24, and related regulations of the City of Stockton to provide relief where possible to aggrieved parties which is consistent with the security of the public welfare.

2. The Board shall adopt rules of procedure for the conduct of appeals, make provisions for adequate notice of hearing to all parties, provide for public hearing of all appeals to be commenced not less than 10 nor more than ~~60~~ 45 days from the date of filing of the petition for appeal, record minutes of all its proceedings, and provide copies of such minutes for inspection as a public record.

3. The Board shall hear appeals as soon as is possible in those cases where the enforcing officer has acted under the emergency provisions of Section 15.04.120(l) of this code.



### C. Procedure on Petition for Hearing of Appeals.

1. Upon filing of the petition, the Secretary shall set the matter on the agenda for consideration by the Board.
2. Notice in writing of not less than seven days shall be given the applicant or petitioner specifying the time and place of the hearing. In an emergency situation, notice shall be given as soon as possible before the date of the hearing.
3. At the hearing, the petitioner shall be given an opportunity to be heard and present witnesses and any other evidence to support the petitioner's request.
4. Any notice which is not appealed within 10 days of the date of service shall automatically become an order and a permit suspended by a notice not appealed within 10 days of service is deemed revoked.
5. If the Board sustains or modifies a notice, determination, or action which has been appealed, a notice shall become an order and any other determination or action shall be final.

### D. Decisions.

1. No later than 30 days after hearing, the Board shall formally report its findings of fact and, together with the reasons, its decision in writing. The Board may sustain, modify, withdraw, or reverse any notice, determination, decision, or action which has been appealed.
2. The findings shall order the petition or application either granted or denied and specify any conditions of limitations imposed.
3. A copy of the findings and decisions shall be forwarded to the petitioner or the petitioner's representative at the address shown upon the petition on file within 30 days of the issuance of the findings.

E. A copy of the report shall be forwarded to the administrative office whose decision has been appealed.

F. The Board shall file the original of its findings in its permanent records.

G. The findings and decisions of the Board upon an appeal shall be final and conclusive, but nothing in this code shall be construed to deprive any person of recourse to the courts as such person may be entitled to under the law.

~~(Prior code § 13-204.3; Ord. 026-07 C.S. § 2; Ord. 001-11 C.S. § 2, eff. 2-24-11)~~



**15.04.180 Right of appeal.**

Any person aggrieved by any notice or administrative decision concerning the decisions or determinations made by the building code official and/or fire code official relative to the application and interpretation of this code and the use of alternative building materials may request a hearing on the matter before the Building Board of Appeals by filing in the office of the Community Development Department a written petition setting forth a brief statement of the grounds of protest within 10 days from the date the notice was served or the decision, determination, or order was rendered. An application for appeal shall be based on a claim that the intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. Upon receipt of the petition, the Building Official shall forward the petition forthwith to the Board who shall set a time and place for the hearing giving the petitioner notice thereof by mail of not less than seven days. At such hearing, the petitioner shall be given an opportunity to be heard and to show cause why such notice, order, decision, or determination shall be modified or withdrawn. The hearing shall be commenced not less than 10 or more than 60 45 days from the date the petition is filed.  
(Prior code § 13-204.4; Ord. 026-07 C.S. § 2)

**ARTICLE III Handicap Access Access Board of Appeals****15.04.200 ~~Handicapped Access~~ Accessibility Board of Appeals.**

The Accessibility Board of Appeals is hereby created pursuant to Health and Safety Code Section 19957.5 to hear written appeals brought by any person regarding action taken by the Building Division of the Community Development Department of the City in enforcing the requirements of Part 5.5 (commencing with Section 19955) of Division 13 of the Health and Safety Code requiring access to public accommodations by physically ~~handicapped disabled~~ persons, including the exceptions contained in Section 19957.  
(Prior code § 13-210)

**15.04.210 Definitions.**

For purposes of this article, the following words and phrases are defined:

"Board" means the ~~Handicapped Access~~ Accessibility Board of Appeals.

"Building Official" means the Director of Community Development, or the Deputy Director in charge of the Building and Safety Division, or a duly authorized representative.

"Member" means a member of the ~~Handicapped Access~~ Accessibility Board of Appeals.  
(Prior code § 13-211; Ord. 001-11 C.S. § 2, eff. 2-24-11)

### 15.04.220 Organization and membership.

- A. The Handicapped Access Accessibility Board of Appeals shall be comprised of five members appointed by the Mayor with the advice and consent of the City Council. The Deputy Director of Community Development/ Building Division shall serve as ex officio secretary to the Board.
1. Two members shall be handicapped-disabled persons suffering from an orthopedic or physical disability which impairs their personal mobility to such an extent that they require special facilities for access to public accommodations.
  2. Two members shall be members of the Building Board of Appeals experienced in construction, i.e., those members appointed pursuant to Section 15.04.160(A)(1), (2), (3), (4) or (5).
  3. One member shall be a public member selected from the community at large.
- B. The term of office for each member shall be four years. Vacancies occurring during a term shall be filled for the unexpired period of the term by the appointing authority. Terms shall be staggered to provide continuity.

Members shall serve at the pleasure of the City Council and may be removed from office without cause upon an affirmative vote of the City Council. A member shall be removed from the Board prior to the end of their terms only for cause. Any member with continued absence from regular meeting of the Board may be removed at the discretion of the chief appointing authority consistent with Council Policy 3.03 Attendance Policy for Appointees. A member may remove themselves from the Board without cause. Upon removal from the Board, an alternate member may be appointed by the chief appointing authority to replace the removed member.

In the event membership on the Building Board of Appeals of a member appointed under subsection (A)(2) of this section terminates for any reason, membership on the Handicapped Access Accessibility Board of Appeals shall automatically terminate and another member of the Building Board of Appeals shall immediately be appointed to fill such unexpired term.

- C. Board members shall be residents of the City San Joaquin County at the time of application for appointment and continuously thereafter. Failure to reside within the County City shall result in automatic forfeiture of the appointment. Written notice of any change of residence shall immediately be filed with the City Clerk. Any unexpired term shall be filled as provided herein.
- D. A member shall be neither an elected officer nor an employee of the City, but shall not be disqualified by membership on or employment by any other board, commission, agency or authority of or created by or for the City.
- E. No member shall knowingly acquire any interest in any property which is the subject of any action or appeal before the Board. A member having any interest in such

property shall make immediate disclosure of the fact of an interest to the Board, and shall be disqualified from all deliberations by the Board relating to that property.

- F. The Board shall elect a chairperson ~~and vice chairperson~~ from among its members. The term of office of the chairperson ~~and vice chairperson~~ shall be for the calendar year or its balance should they be elected to fill a vacancy. The time, place and frequency of its meetings shall be fixed by the Board.
- G. Three members of the Board including at least one ~~disabled~~ ~~handicapped~~ ~~disabled~~ member shall constitute a quorum at any regular or special meeting of the Board.
- H. The minimum number of concurring votes required to transact business or decide any matter before the Board shall be a majority of the total authorized membership of the Board. The petition, appeal, request or other matter shall be deemed denied absent the required number of votes.
- I. Compensation of the members shall be determined by law or as established by resolution of the City Council from time to time.
- J. The City shall furnish to the Board adequate secretarial, ~~and~~ executive, and legal assistance and meeting space and, upon the Board's request, make available services and advice of various administrative departments.  
(~~Prior code § 13-212; Ord. 026-07 C.S. § 2~~)

## SECTION V AMENDMENT OF CODE

Title 15, Chapter 15.12, Fire Code is hereby amended and shall read as follows:

### 15.12.010 Adoption of California Fire Code.

On January 1, 2023, there was filed in the office of the City Clerk one copy of the California Fire Code, 2022 Edition including Appendix ~~A, B~~, BB, C, CC, D, E, F, G, H, I, J, K, L, M, N, O, P (see California Fire Code Section 101.2.1, 2022 Edition), as published by the International Code Council. Said code is hereby adopted and incorporated in this code by reference, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling, and use of hazardous substances, materials, and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions, and terms of said Fire Code on file in the office of the City of Stockton and hereby referred to, adopted, and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions, and changes, if any, prescribed in this chapter.

(~~Ord. 2019-11-19-1102-02 § 2; Ord. 2022-11-15-1203 C.S. § 2~~)

## SECTION VI. AMENDMENT OF CODE

Title 15, Chapter 15.64.010 is hereby amended and shall read as follows:

**15.64.010 Adoption of the International Swimming Pool and Spa Code.**

On January 1, 2023, there were filed in the office of the City Clerk, one copy of the International Swimming Pool and Spa Code, 2021 Edition ~~excluding Appendix A~~, as published by the International Code Council. Said code is hereby incorporated in this code by reference.

~~(Prior code § 14-1000; Ord. 2019-11-19-1102-01 § 2; Ord. 2022-11-15-1203 C.S. § 2)~~

**SECTION VII. AMENDMENT OF CODE**

Title 15, Chapter 15.68 Building Security Regulations is hereby repealed as follows:

~~15.68.010 Adoption of Uniform Building Security Code.~~

~~15.68.010 Adoption of Uniform Building Security Code.~~

~~On July 13, 1999, there were filed in the office of the City Clerk three copies of the Uniform Building Security Code, 1997 Edition, as published by the International Conference of Building Officials. Said code is hereby incorporated in this code by reference.~~

~~(Prior code § 14-1300)~~

**SECTION VIII. AMENDMENT OF CODE**

Title 1, Chapter 1.32, Administrative Citations is hereby amended and shall be read as follows:

**1.32.040 Appeal of Administrative Citation.**

An appeal from the issuance of an administrative citation shall follow the procedures set forth in Chapter 1.44 or Chapter 15.04, as may be applicable of this title.

~~(Prior code § 1-056)~~

**SECTION IX. AMENDMENT OF CODE**

Title 15, Chapter 15.32 is hereby amended and shall be read as follows:

**15.32.090 Appeals**

Any person aggrieved by any of the requirements of this chapter may appeal, in accordance with the provisions of Section ~~1.32.040~~. 1.44 or Chapter 15.04, as may be applicable.

~~(Prior code § 14-528; Ord. 009-08 C.S. § 2)~~

**SECTION X. SEVERABILITY**

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this article or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this article or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective.

**SECTION XI. EFFECTIVE DATE**

This ordinance shall be in full force and take effect 30 days after its passage.

ADOPTED: \_\_\_\_\_

EFFECTIVE: \_\_\_\_\_

\_\_\_\_\_  
CHRISTINA FUGAZI  
Mayor of the City of Stockton

ATTEST:

\_\_\_\_\_  
KATHERINE ROLAND, CMC, CPMC  
City Clerk of the City of Stockton