ITEM 11.C.

ORDINANCE NO. 337

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, AMENDING THE MOORPARK MUNICIPAL CODE BY ADDING CHAPTER 15.34 (RENTAL HOUSING INSPECTION) TO TITLE 15 (BUILDINGS AND CONSTRUCTION)

WHEREAS, the City Council wishes to safeguard the inventory of decent, safe, and sanitary rental housing units within the City and to protect persons entering or residing in them by providing for annual inspection of rental housing units and associated common buildings and areas to ensure compliance with the provisions of Title 15 (Building and Construction) and Title 17 (Zoning) of the Moorpark Municipal Code; and

WHEREAS, at its meeting of May 17, 2006, the City Council conducted a hearing on this ordinance to add Chapter 15.34 to the Moorpark Municipal Code related to the inspection of rental housing, received public testimony, and after receiving oral and written public testimony reached a decision; and

WHEREAS, the City Council concurs with the Community Development Director's determination that this ordinance is exempt from the provisions of the California Environmental Quality Act by the general rule that CEQA only applies to projects that may have a significant effect on the environment.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOORPARK DOES ORDAIN AS FOLLOWS:

SECTION 1. Chapter 15.34 of the Moorpark Municipal Code is hereby added, in its entirety, as shown in Exhibit A.

SECTION 2. If any section, subsection, sentence, clause, phrase, part or portion of this ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses, phrases, parts or portions be declared invalid or unconstitutional.

SECTION 3. This ordinance shall become effective thirty (30) days after its passage and adoption.

SECTION 4. The City Clerk shall certify to the passage and adoption of this ordinance; shall enter the same in the book of original ordinances of said City; shall make a minute of the passage and adoption thereof in the records of the proceedings of the City Council at which the same is passed and adopted; and shall, within fifteen (15) days after the passage and adoption thereof, cause the same to be published once in the Moorpark Star a newspaper of general circulation, as defined in Section 6008 of the Government Code, for the City of Moorpark, and which is hereby designated for that purpose.

PASSED AND ADOPTED this 7th day of June, 2006.

Patrick Hunter, Mayor

ATTEST:

Deborah S. Traffenstedt, City Clerk

Exhibit A: Chapter 15.34 of the Moorpark Municipal Code

EXHIBIT A

RENTAL HOUSING INSPECTION

CHAPTER 15.34

Sections:

15.34.010 Purpose.
15.34.020 Scope.
15.34.030 Rental authorization permit.
15.34.040 Inspections.
15.34.050 Smoke detectors required.
15.34.060 Revocation.
15.34.070 Appeals.

Section 15.34.010 Purpose.

The purpose of this chapter is to safeguard the inventory of decent, safe, and sanitary rental housing units within the City and to protect persons entering or residing in them by providing for annual inspection of rental housing units and associated common buildings and areas to ensure compliance with the provisions of Title 15 (Building and Construction) and Title 17 (Zoning) of the Moorpark Municipal Code.

Section 15.34.020 Scope.

The provisions of this chapter shall apply to single-family dwellings, two-family dwellings, multiple family dwellings, second dwellings, boardinghouses, bed-and-breakfast inns, hotels, and motels as defined in Title 17. The following uses are specifically exempt from this chapter:

a. Owner-occupied housing units not operated as boardinghouses or bed-and-breakfast inns.
b. Second dwellings not occupied by person(s) paying rent or providing other goods or services in-lieu of a rent payment.
c. Accommodations in any hospital, extended care facility, residential care facility, convalescent home, hospice, or state-licensed community care facility.
d. Mobile homes within mobile home parks.
e. On-campus dormitories operated by secondary schools, colleges, or universities.

Section 15.34.030 Rental authorization permit.

No person shall rent or lease a housing unit unless a valid rental authorization permit has been obtained. The application for a rental authorization permit shall be made on a form provided by the community development director with payment of a fee as

established by resolution of city council. The permit shall be valid for a period of one (1) year, unless revoked for cause. Renewal is the responsibility of the property owner, with an application for renewal of the rental authorization permit required to be filed at least fifteen (15) calendar days prior to expiration if the housing unit is to continue to be rented. A valid city business registration permit is also required for any person engaged in the rental of housing units.

Section 15.34.040 Inspections.

a. Prior to issuance of the initial rental authorization permit as well as each annual renewal, the community development director shall cause the subject rental housing units(s) to be inspected for compliance with applicable municipal code sections relating to building, housing, zoning and property maintenance.
b. Inspections shall be made by appointment with the property owner. The property owner shall be responsible for making the rental housing unit(s) available for inspection. If the owner or tenant denies the city inspector access to the rental housing unit, an authorization to rent permit shall not be issued. If the rental housing unit is occupied, the city may pursue any remedy available to the city under the laws of the State of California, including but not limited to, obtaining an inspection warrant.
c. The initial inspection shall include an inspection of both the exterior and interior of the rental housing unit. Annual permit renewal inspections shall be made of the exterior of the rental housing unit, unless the exterior inspection gives evidence of possible interior violations, in which case the interior of the rental housing unit may be inspected.
d. Where inspection reveals a violation, the property owner shall be provided with a written notice describing the violation, location and a reasonable time for compliance. A rental authorization permit shall not be issued until all violations have been corrected and re-inspected by the city. A re-inspection fee as established by resolution of City Council shall apply.

Section 15.34.050 Smoke detectors required.

At the time of the application for a rental authorization permit, the property owner shall certify that each rental housing unit has at least one (1) working smoke detector in each bedroom and one (1) working smoke detector in the area outside of the bedroom (i.e. hallway). Where required by the building code, smoke detectors shall be hard-wired with battery back-ups. All smoke detectors shall be tested by city inspectors as part of the interior inspection, when interior inspections are required.

Section 15.34.060 Revocation

A rental authorization permit may be revoked by the community development director at any time if municipal code violations are discovered on the property that make the rental housing unit unsafe or unfit for occupancy.

Section 15.34.070 Appeals.

Any person aggrieved by the determination of the community development director under this chapter may appeal to the planning commission in accordance with the appeal procedures in Chapter 17.44.