

ORDINANCE O2023-__

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NAPA, STATE OF CALIFORNIA, AMENDING THE NAPA MUNICIPAL CODE TO ADD A NEW CHAPTER 15.10 "INTERNATIONAL PROPERTY MAINTENANCE CODE" WITH MODIFICATIONS AND DETERMINING THE ACTIONS AUTHORIZED BY THIS ORDINANCE ARE EXEMPT FROM CEQA

WHEREAS, the 2021 International Property Maintenance Code ("IPMC") establishes minimum requirements for the maintenance of existing buildings through model code regulations that contain clear and specific property management and property improvement provisions. The IPMC is promulgated by the International Code Council every three years with comprehensive updates and may be accessed at [Digital Codes \(iccsafe.org\)](https://www.iccsafe.org); and

WHEREAS, the City Council finds that the addition of Napa Municipal Code Chapter 15.10 is warranted to adopt chapters of the 2021 IPMC and modify those chapters to conform to the unique administrative requirements of the City; and

WHEREAS, the actions authorized by this ordinance are exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to: (a) CEQA Guidelines Section 15305, since this ordinance establishes land use regulations that may result in a minor alteration of land use; (b) CEQA Guidelines Section 15308, since this ordinance establishes regulations that will assure the maintenance, restoration, enhancement, or protection of the environment; (c) CEQA Guidelines Section 15060(c)(2), since the ordinance includes components that will have no potential for resulting in a direct or reasonably foreseeable indirect physical change in the environment, because the proposed amendments are regulatory in nature; and (d) CEQA Guidelines Section 15060(c)(3), since the ordinance is not a project as defined in CEQA Guidelines Section 15378(b)(5), since the ordinance includes organizational or administrative activities that will not result in direct or indirect physical changes in the environment; and

WHEREAS, the City Council hereby finds that the facts and findings set forth in the recitals to this Ordinance accurately reflect the findings and determinations of the City Council, and form the basis for adoption of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Napa as follows:

SECTION 1: Adoption. Napa Municipal Code Chapter 15.10 is hereby adopted as set forth below. Accordingly, the Table of Contents for Napa Municipal Code Title 15 is hereby amended to add the reference to Chapter 15.10 "International Property Maintenance Code."

Chapter 15.10 International Property Maintenance Code**15.10.010 Adoption of International Property Maintenance Code, as amended.**

The International Property Maintenance Code, 2021 Edition, as published by the International Code Council, Inc. (hereinafter "IPMC"), is hereby adopted and incorporated herein by reference, except such portions as are deleted, modified, or amended by this Chapter 15.10.

15.10.020 Amendments to the International Property Maintenance Code.**A. IPMC Section 101.1 of Chapter 1 Part 1 is hereby amended by deleting the existing text and replacing it with:**

"Title" – These regulations shall be known as the International Property Maintenance Code of the City of Napa ("Napa IPMC"). As used in the IPMC, the word "code" shall mean the IPMC.

- (1) Note that the word "code" is used to refer to the "Napa Municipal Code" ("NMC"), as defined at Section 1.04.030; however, the word "code" is used in this Chapter 15.10 to refer to the IPMC.
- (2) Similarly, as used in this Chapter 15.10, the word "chapter" is used to refer to chapters of the IPMC, unless there is a more particular reference to a chapter of the NMC (such as a reference to this Chapter 15.10).
- (3) Similarly, as used in this Chapter 15.10, the word "section" is used to refer to sections of the IPMC, unless there is a more particular reference to a section of the NMC.

B. IPMC Section 102.2 of Chapter 1 is hereby amended by deleting the existing text and replacing it with:

"Maintenance" -- Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. A responsible person, as defined by Napa Municipal Code Section 1.16.010, shall not cause any service, facility, equipment or utility that is required under this section to be removed from, shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the responsible person shall be responsible for the maintenance of buildings, structures and premises.

C. IPMC Section 102.3 of Chapter 1 Part 1 is hereby amended by deleting the existing text and replacing it with:

"Application of other codes" -- Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the California Building Code, California Existing Building Code,

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California Fire Code, California Fuel Gas Code, California Mechanical Code, California Plumbing Code, California Residential Code, or NFPA 70.

D. IPMC Section 102.7 of Chapter 1 Part 1 is hereby amended by deleting the existing text and replacing it with:

“Historic buildings” -- To the extent that the Code Official determines that any historic resource, as defined by Napa Municipal Code Section 15.52.020, is in violation of this chapter, any alteration or demolition of the historic resource must comply with the requirements of the Historic Preservation Ordinance (NMC Chapter 15.52).

E. IPMC Section 103.1 of Chapter 1 Part 2 is hereby amended by deleting the existing text and replacing it with:

“Creation of Agency” – This section is deleted in its entirety.

F. IPMC Section 103.2 of Chapter 1 Part 2 is hereby amended by deleting the existing text and replacing it with:

“Appointment” – The Code Official shall be the Enforcement Officer as defined in Napa Municipal Code Section 1.24.020.

G. IPMC Section 103.3 of Chapter 1 Part 2 is hereby amended by deleting the existing text and replacing it with:

“Deputies” – This section is deleted in its entirety.

H. IPMC Section 104.1 of Chapter 1 is hereby amended by deleting the existing text and replacing it with:

“Fees” – The City shall establish fees by resolution or ordinance for services rendered under this code (including fees for plan check and inspection). Fees shall be established, implemented, and enforced in accordance with Napa Municipal Code Chapter 3.04.

I. IPMC Section 104.2 of Chapter 1 is hereby amended by deleting the existing text and replacing it with:

“Refunds” – Refund policies shall be established, implemented, and enforced in accordance with Napa Municipal Code Chapter 3.04.

J. IPMC Section 105.1 of Chapter 1 is hereby amended by deleting the existing text and replacing it with:

“General” -- The Code Official is hereby authorized and directed to enforce the provisions of this code. The Code Official shall have the authority to render interpretations of this code in order to clarify the application of its provisions. Such interpretations shall be done in compliance with the intent and purpose of this code. Such interpretations shall not have the effect of waiving requirements specifically provided for in this code.

K. IPMC Section 105.6 of Chapter 1 is hereby amended by deleting the existing text and

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replacing it with:

“Department Records” -- The Code Official shall keep official records of all business and activities of the department in accordance with the City’s adopted retention schedules.

L. IPMC Section 105.7 (including subsection 105.7.1) of Chapter 1 is hereby amended in its entirety by deleting the existing text and replacing it with:

“Liability” – This section is deleted in its entirety.

“Legal defense” – This section is deleted in its entirety.

M. IPMC Section 106.1 of Chapter 1 is hereby amended by deleting the existing text and replacing it with:

“Modifications” -- Whenever there are practical difficulties involved in carrying out the provisions of this code, the Code Official shall have the discretion to not enforce certain provisions for individual cases upon application of the responsible person provided that the Code Official shall first find that special individual reason makes the strict letter of this code impractical. Discretion shall be exercised in compliance with the intent and purpose of this code and any such exercised of discretion shall not lessen health, life and fire safety requirements.

N. IPMC Section 107 of Chapter 1 is hereby amended by deleting the existing text and replacing it with:

“Means of Appeal” -- Appeals arising from orders, decisions or determinations made by the Code Official relative to the application and interpretation of this code shall be heard by the Napa Building and Fire Code Board of Appeals in accordance with Napa Municipal Code Section 15.04.100.

O. IPMC Section 108 of Chapter 1 is hereby amended by deleting the existing text and replacing it with:

“Board of Appeals” -- This section is deleted in its entirety.

P. IPMC Section 109.2 of Chapter 1 is hereby amended by deleting the existing text and replacing it with:

“Notice” – If a violation of this code occurs, the Code Official shall provide notice of said violation in accordance with Napa Municipal Code Section 1.24.100.

Q. IPMC Section 109.3 of Chapter 1 is hereby amended by deleting the existing text and replacing it with:

“Prosecution of violation” – Napa Municipal Code Chapter 1.16 shall apply to the enforcement of the IPMC.

R. IPMC Section 110.4 of Chapter 1 is hereby amended by deleting the existing text and replacing it with:

“Failure to comply” – This section is deleted in its entirety.

S. IPMC Section 111.1.4 of Chapter 1 is hereby amended by deleting the existing text and

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replacing it with:

“Unlawful structure” -- An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under the Napa Municipal Code, or was erected, altered or occupied contrary to law.

T. IPMC Section 111.2.1 of Chapter 1 is hereby amended by deleting the existing text and replacing it with:

“Authority to disconnect service utilities” -- The Code Official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in Section 102.8 in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without approval. The Code Official shall notify the serving utility and, whenever possible, the owner or owner’s authorized agent and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection the owner, owner’s authorized agent or occupant of the building structure or service system shall be notified in writing as soon as practical thereafter.

U. IPMC Section 111.4 of Chapter 1 is hereby amended by deleting the existing text and replacing it with:

“Notice” – Notices issued under the IPMC shall comply with Napa Municipal Code Chapter 1.24.

V. IPMC Section 111.4.1 of Chapter 1 is hereby amended by deleting the existing text and replacing it with:

“Form” -- This section is deleted in its entirety.

W. IPMC Section 111.4.2 of Chapter 1 is hereby amended by deleting the existing text and replacing it with:

“Method of Service” – This section is deleted in its entirety.

X. IPMC Section 112.3 of Chapter 1 is hereby amended by deleting the existing text and replacing it with:

“Closing Streets” -- When necessary for public safety, the Code Official may direct the responsible person to request the temporary closure of structures and/or to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized, pursuant to Napa Municipal Code Section 12.08.120.

Y. IPMC Section 112.5 of Chapter 1 is hereby amended by deleting the existing text and replacing it with:

“Costs of emergency repairs” -- Costs incurred in the performance of emergency work shall be paid by the jurisdiction. Recovery of fines and enforcement costs shall be collected in accordance with Napa Municipal Code Section 1.16.050.

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Z. IPMC Section 112.6 of Chapter 1 is hereby amended by deleting the existing text and replacing it with:

“Hearings” -- Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall, thereafter, upon petition directed to the Building and Fire Code Board of Appeals, be afforded a hearing as described in Napa Municipal Code Section 15.04.100.

AA. IPMC Section 113.1 of Chapter 1 is hereby amended by deleting the existing text and replacing it with:

“General” -- The Code Official shall order the owner or owner’s authorized agent of any premises upon which is located any structure, which in the Code Official’s judgment (which may be based in part by information provided by the owner’s authorized agent) after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the owner’s option; or where there has been a cessation of normal construction of any structure for a period of more than two years, the Code Official shall order the owner or owner’s authorized agent to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond one year, unless approved by the building official.

BB. IPMC Section 201.3 of Chapter 2 is hereby amended by deleting the existing text and replacing it with:

“Terms Defined in Other Codes” – Where terms are not defined in this code and are defined in the California Building Code, California Existing Building Code, California Fire Code, California Fuel Gas Code, California Mechanical Code, California Plumbing Code, California Residential Code, or NFPA 70, such terms shall have the meanings ascribed to them as stated in those codes.

Exception: When used within this code, the terms unsafe and dangerous shall have only the meanings ascribed to them in this code and shall not have the meanings ascribed to them by the California Existing Building Code.

CC. IPMC Section 302.4 of Chapter 3 is hereby amended by deleting the existing text and replacing it with:

“Weeds” – This section is deleted in its entirety.

DD. IPMC Section 304.3 of Chapter 3 is hereby amended by deleting the existing text and replacing it with:

“Premises Identification” -- This section is deleted in its entirety.

EE. IPMC Section 304.14 of Chapter 3 is hereby amended by deleting the existing text

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and replacing it with:

“Insect Screens” – This chapter is deleted in its entirety.

FF. IPMC Section 306.1.1 of Chapter 3 is hereby amended by deleting the existing text and replacing it with:

“Unsafe conditions” – This section is deleted in its entirety.

GG. IPMC Section 308 of Chapter 3 is hereby amended by deleting the existing text and replacing it with:

“Rubbish and Garbage” – This section is deleted in its entirety.

HH. IPMC Chapter 4 is hereby amended by deleting the existing text and replacing it with:

“Light, Ventilation and Occupancy Limitations” – This Chapter is deleted in its entirety.

II. IPMC Chapter 5 is hereby amended by deleting the existing text and replacing it with:

“Plumbing Facilities and Fixture Requirements” – This Chapter is deleted in its entirety.

JJ. IPMC Chapter 6 is hereby amended by deleting the existing text and replacing it with:

“Mechanical and Electrical Requirements” – This Chapter is deleted in its entirety.

EE. IPMC Chapter 7 is hereby amended by deleting the existing text and replacing it with:

“Fire Safety Requirements” – This chapter is deleted in its entirety.

FF. IPMC Appendix A “Boarding Standards” contains optional provisions, and the entire Appendix A is hereby specifically adopted.

GG. IPMC Appendix B “Board of Appeals” contains optional provisions, and it is hereby amended by deleting the existing text and replacing it with:

“Board of Appeals” -- This appendix is deleted in its entirety.

15.10.030 IPMC Available for Inspection.

One copy of the code, as adopted by Section 15.10.010, and all amendments thereto, shall at all times be kept on file in the office of the City Clerk for inspection by the public.

SECTION 3: Severability. If any section, sub-section, subdivision, paragraph, clause or phrase in this Ordinance, or any part thereof, is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections or portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, sub-section, subdivision, paragraph, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more sections, sub-

