



City of Biggs

Agenda Item Staff Report For the Council Meeting: September 12, 2017

TO: Honorable Mayor and Members of the City Council
FROM: City Administrator
SUBJECT: Introduction of Ordinances related to Building without Permits

Background:

In pursuit of public safety and to limit liability to the City, the City of Biggs seeks to comply with and enforce the California Building Code. The City contracts with the Butte County Building Department for Building Services, however, code enforcement rests with the City.

To assist with Code Enforcement in this area staff believes that clarification of the Biggs Municipal Code is in order.

The BMC provides that unpermitted property improvements shall be deemed an infraction and shall be punishable by fine in section 11.10.060. However, it does not appear that a fine amount was established. The first proposed ordinance seeks to correct this situation.

Turning to Chapter 6.25 (Health and Safety and Neighborhood Nuisance Abatement), the second ordinance seeks to clarify and specifically include building without permits.

The first line of effort is to simply ask property owners to obtain the necessary building permits, build to the California building code, obtain the inspections and the final. The ordinance, code enforcement actions and potential fine are intended for those situations where correction action fails to occur in a timely fashion.

Recommendation: Approve

AN ORDINANCE OF THE CITY OF BIGGS AMENDING SECTION 11.10.060 OF THE BIGGS MUNICIPAL CODE ESTABLISHING AN ADMINISTRATIVE FINE FOR THE IMPROVEMENT OF PROPERTY WITHOUT PRIOR APPROVAL

AN ORDINANCE OF THE CITY OF BIGGS AMENDING TITLE SIX OF THE BIGGS MUNICIPAL CODE DECLARAING AS A NUISANCE THE IMPROVEMENT OF PROPERTY WITHOUT PRIOR APPROVAL

Mark Sorensen, City Administrator

ORDINANCE NO. 411

AN ORDINANCE OF THE CITY OF BIGGS AMENDING SECTION 11.10.060 OF THE BIGGS MUNICIPAL CODE ESTABLISHING AN ADMINISTRATIVE FINE FOR THE IMPROVEMENT OF PROPERTY WITHOUT PRIOR APPROVAL

WHEREAS, the City of Biggs may impose fines, penalties and forfeitures, with a penalty in the form of a fine not exceeding \$1,000.00, as provided in Government Code Section 36901; and,

WHEREAS, the City of Biggs hereby declares and determines that improvement of private property without prior approval is a violation of Chapter 11.10 of the Biggs Municipal Code and subjects the violator to an administrative fine as established by Chapter 11.10; and,

WHEREAS, by this Ordinance, the City of Biggs hereby establishes that any person in violation of Chapter 11.10 shall be liable for the administrative fine herein established and that the City of Biggs is authorized to recover the fine by a civil lawsuit, pursuant to Government Code section 36901 and 53069.4.

NOW, THEREFORE, BE IT ORDAINED, that the City Council of the City of Biggs hereby amends section 11.10.060 of Chapter 11.10 (Property Improvements) of the Biggs Municipal Code as follows:

11.10.060 Violations.

Any violation of this chapter shall be deemed an infraction and shall be punishable by a fine. In the alternative, any violation of this chapter shall subject the violator to an administrative fine of up to \$1,000.00 per violation.

I HEREBY CERTIFY that the above and foregoing Ordinance was duly and regularly introduced and read at a regular meeting held on the 12th day of September 2017, and was passed and adopted by the City Council of the City of Biggs at a regular meeting thereof duly held on the October 10, 2017, by the following vote, to wit:

YES: COUNCILMEMBER: _____

NOES: COUNCILMEMBER: _____

ABSENT: COUNCILMEMBER: _____

ABSTAIN: COUNCILMEMBER: _____

ATTEST:

APPROVED:

Roben Benish
CITY CLERK

Angela M. Thompson
MAYOR

ORDINANCE NO. 412

AN ORDINANCE OF THE CITY OF BIGGS AMENDING TITLE SIX OF THE BIGGS MUNICIPAL CODE DECLARING AS A NUISANCE THE IMPROVEMENT OF PROPERTY WITHOUT PRIOR APPROVAL

WHEREAS, the City of Biggs may declare conduct to be a public nuisance for regulatory purposes a nuisance per se as provided in Government Code Section 38771; and,

WHEREAS, the City of Biggs hereby declares and determines that improvement of private property without prior approval as required by Chapter 11.10 of the Biggs Municipal Code and as required by other applicable authority constitutes a public nuisance per se.

NOW, THEREFORE, BE IT ORDAINED, that the City Council of the City of Biggs hereby amends Chapter 6.25 (Health and Safety Nuisance Abatement) of the Biggs Municipal Code by adding section 6.25.035 as follows:

6.25.035 Unlawful property nuisance – Private property

It shall be unlawful for any person owning, leasing, renting, occupying or having charge or possession of private property in the City to cause, allow, permit, maintain or to allow to be maintained upon such property any improvement upon such property without prior approval by the City pursuant to Chapter 11.10 of this Code or without prior approval by any other applicable public entity authority.

I HEREBY CERTIFY that the above and foregoing Ordinance was duly and regularly introduced and read at a regular meeting held on the 12th day of September 2017, and was passed and adopted by the City Council of the City of Biggs at a regular meeting thereof duly held on the October 10, 2017, by the following vote, to wit:

YES: COUNCILMEMBER: _____

NOES: COUNCILMEMBER: _____

ABSENT: COUNCILMEMBER: _____

ABSTAIN: COUNCILMEMBER: _____

ATTEST:

APPROVED:

Roben Benish
CITY CLERK

Angela M. Thompson
MAYOR