

ORDINANCE NO. 898 N.S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
ADDING CHAPTER 17.35 TO THE EL PASO DE ROBLES MUNICIPAL CODE
RELATING TO SEISMIC SAFETY

WHEREAS, Chapter 12.2 of the California Government Code (Gov. Code §8875 *et seq.*) requires and authorizes local building departments to take certain steps to identify and establish a program for mitigation of identified buildings whose construction is unlikely to be earthquake resistant; and

WHEREAS, Chapter 12.2 of the California Government Code requires that certain notices be posted on unreinforced masonry buildings, or contained in certain rental or lease agreements for tenancies in unreinforced masonry buildings; and

WHEREAS, any property owner who does not comply with such notification requirements may be subject to administrative fines levied by the local Building Official.

NOW, THEREFORE, the City of El Paso de Robles does hereby ordain as follows:

SECTION 1. Chapter 17.35 is hereby added to the El Paso de Robles Municipal Code as follows:

Chapter 17.35

SEISMIC SAFETY

17.35.010 Warning Statement; Violations

The City Council of the City of El Paso de Robles intends to secure compliance with the provisions of Chapter 12.2 of the California Government Code regarding building earthquake safety. The City Building Official is required to identify potentially hazardous buildings, must establish and implement a mitigation program for such potentially hazardous buildings, and may establish a schedule of fees to carry out such mitigation program. In addition, the City Building Official is hereby authorized to notify the owner of any building identified as potentially hazardous and to levy administrative fines pursuant to and in accordance with the provisions of Chapter 12.2 of the California Government Code.

SECTION 2. Publication. The City Clerk shall cause this Ordinance to be published once within fifteen (15) days after its passage in a newspaper of general circulation, printed, published, and circulated in the City in accordance with Section 36933 of the Government Code.

SECTION 3. Severability. If any section, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

The City Council hereby declares that it would have passed and adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

SECTION 4. Inconsistency. To the extent that the terms or provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior City ordinance, motion, resolution, rule or regulation governing the same subject matter thereof, such inconsistent and conflicting provisions or prior ordinances, motions, resolutions, rules and regulations are hereby repealed.

SECTION 5. Effective Date. This Ordinance shall take effect and be in full force and effect as of 12:01 a.m. on the 31st day after its passage.

Introduced at a regular meeting of the City Council held on April 5, 2005, and passed and adopted by the City Council of the City of El Paso de Robles on the 19th day of April 2005 by the following roll call vote:

AYES: Heggarty, Nemeth, Picanco, Strong, and Mecham
NOES: None
ABSTAIN: None
ABSENT: None

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk