

been made safe as directed by the Building Official; or until a permit has been issued and the work has been inspected and approved by the Building Official.

112.3.2 Authority to Disconnect Gas Utility. The Building Official is hereby empowered to disconnect or to require in writing the discontinuance of gas utility service to buildings, structures or premises, or portions thereof, or to appliances, devices or materials where such buildings, structures or premises, or portions thereof, are determined to be a hazard to life, health and/or property, or where they lack permits and required inspection approvals.

The Building Official is hereby empowered to disconnect or to require in writing the discontinuance of gas utility service as a means of preventing, restraining, correcting or abating any violation of this code, or other relevant laws, ordinances, rules or regulations.

The gas service shall remain disconnected or gas utility service shall remain discontinued until the code violation has been abated to the satisfaction of the Building Official, or until the installation of such appliances, devices or materials have been made safe as directed by the Building Official; or until a permit has been issued and the work has been inspected and approved by the Building Official.

112.3.3 Authority to Disconnect Water Utility. The Building Official is hereby empowered to disconnect or to require the property owner to disconnect the water utility service to buildings, structures or premises, or portions thereof, or to fixtures, devices or materials where such buildings, structures or premises, or portions thereof, are determined to be a hazard to life, health, property or to the environment, or where they lack permits and required inspection approvals.

The Building Official is hereby empowered to disconnect or to require the property owner to disconnect the water utility service as a means of preventing, restraining, correcting or abating any violation of this code, or other relevant laws, ordinances, rules or regulations.

The water service shall remain disconnected or water utility service shall remain discontinued until the code violation has been abated to the satisfaction of the Building Official, or until the installation of such appliances, devices or materials have been made safe as directed by the Building Official; or until a permit has been issued and the work has been inspected and approved by the Building Official.

- r) Delete Section 113 of Chapter 1, Division II in its entirety.
- s) Amend Sections 114.1, and 114.4 of Chapter 1, Division II, to read as follows:

114.1 Unlawful Acts. It is unlawful for any property owner and/or other responsible person to erect, construct, alter, extend, repair, move, remove, demolish, or occupy any building or structure, as well as any regulated equipment, system or installation,

or cause same to be done, in conflict with this code. It is unlawful for any for any property owner and/or other responsible person to maintain, whether due to action or inaction, any building or structure, as well as any regulated equipment, system or installation in violation of this code.

114.4 Violation Penalties. Any person who violates a provision of this Code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law as follows:

(a) Any person, firm, partnership, association, corporation or joint venture violating any of the provisions of the California Building Standards Code or other code(s) adopted in Article VIII of the Agoura Municipal Code shall be guilty of a misdemeanor. Any person violating a stop work order issued pursuant to Section 115 of this chapter shall be guilty of a misdemeanor. Any person who continues to occupy or any person who enters a structure which has been posted "unsafe" by the building official pursuant to Section 116 of this chapter shall be guilty of a misdemeanor.

(b) Each day that person, firm, association, corporation or joint venture violates any of the provisions of the California Building Standards Code or other code(s) adopted in Article VIII of the Agoura Municipal Code is a separate offense and shall be punishable thereof as provided in the Agoura Hills Municipal Code.

t) Amend Section 115.1 of Chapter 1, Division II, to read as follows:

115.1 Authority. Whenever the building official finds any work regulated by this code being performed in a manner either contrary to the provisions of this code or without permit, or dangerous, or unsafe, the building official is authorized to issue a notice of violation or a stop work order.

u) Amend Section 116.1, add sections 116.3.1 and 116.6 and delete Sections 116.4 and 116.5 of Chapter 1, Division II, to read as follows:

116.1 Conditions. Any building or structure that has any or all of the conditions hereinafter described shall constitute an unsafe or dangerous building or structure:

(a) Structural inadequacies, damage, deficiencies, defects or deterioration, as well as nearby hazardous embankments or excavations, that could cause a building or structure to partially or completely collapse or fail.

(b) Electrical, plumbing or mechanical work or installations, which because of a defect in materials or installation, or due to some other faulty operating or other condition, pose a risk of explosion or fire.

- (c) Unsanitary or unhealthful conditions that are present in a building or structure.
- (d) All forms of construction, as well as electrical, plumbing or mechanical work, systems, fixtures, appliances or other installations for which all required permits and inspection approvals have not been obtained from the Building Official.
- (e) Occupancy or use for which a building or structure was not designed or intended, or that results in a change in the occupancy classification thereof.
- (f) Inadequate egress from a building or structure.
- (g) A vacant building or structure that is not secured against unauthorized entry.
- (h) Any condition that violates any regulation in Article VIII of the Agoura Hills Municipal Code.

Any or all of the foregoing conditions endanger the health, safety or welfare of occupants, persons who may enter the premises, or the public.

Section 116.3.1 Orders to Vacate. Notwithstanding any other provision of this code, if the building official or a designee thereof, determines a condition is present in a building or structure or on premises that constitutes an immediate danger or hazard to the health, safety or welfare of occupants or to the public, the Building Official may order persons to vacate buildings, structures, premises, or portions thereof. Such orders may include orders to not re-enter, as well as authorize limited entry subject to written conditions. Conditions may include, but not be limited to, requiring buildings, structures and premises to be secured from entry or access by means that are acceptable to the Building Official. Orders shall advise persons of their appeal rights as discussed in this subsection.

Orders may be personally served on an occupant, or served by first class mail and posted on the premises containing the immediate danger or hazard. If an owner does not occupy said premises, a copy of the order shall be also sent by first class mail to the owner as identified by Los Angeles County Assessor records. For owner-occupied properties, the issuance date of an order is the date of its personal service. For non-owner occupied properties, the issuance date of an order is the date an order to the owner and any occupant(s), or a copy thereof, are deposited in a U.S. Postal Service mail container and posted on the premises. Failure of any person to receive an order shall not affect its validity, or the appeal period. When identifying a mailing address for an owner, the Building Official shall consider such information as shown in Los Angeles County Assessor records.

Orders issued pursuant to this subsection, and any conditions thereof, are appealable by a property owner or occupant on a City-approved form that must be received by the City Clerk's Office within ten days of an order's issuance. Appellants

shall state all grounds for their appeal in said form. A fee is not charged for such appeals. Failure to tender an appeal in a timely manner constitutes a waiver of the right to appeal, in which case an order is final.

If a timely appeal is made, the Building & Safety Department shall provide ten days advance written notice to the appealing party or parties of the date, time and place of the hearing. A timely appeal does not stay an order, or any conditions thereof. Failure of any person to receive a notice of hearing shall not affect its validity.

Timely appeals shall be heard by the City Manager, or a designee thereof. The boards established by this code do not have jurisdiction to consider, decide or rule on orders that are authorized by this subsection. Appeal hearings are informal and rules of evidence do not apply. Failure of an appellant or appellants to appear at a hearing constitutes a waiver of the right to appeal, in which case the order is final. The hearing officer shall, within ten days following the hearing, issue a written decision upholding, modifying, or reversing the order or conditions thereof, notice of which shall be sent to the appellant(s) by first class mail. Such decisions are not appealable. The notice of decision shall contain the following statement: "The Hearing Officer's decision is final, and judicial review of this decision is subject to the provisions and time limits set forth in Cal. Code of Civil Procedure §§ 1094.5 and 1094.6."

Orders may be accompanied by, or combined with, Notices of Violations (which are not appealable). Orders shall be rescinded in writing when the Building Official determines that the immediate danger or hazard has been fully corrected or abated with all permits, approvals and inspections as required by the Agoura Hills Municipal Code.

Section 116.6 Violations. It is unlawful and a public nuisance for any person to maintain an unsafe or dangerous building or structure. Each and every day that a building or structure is maintained in an unsafe or dangerous condition is a new violation of this code. It is a violation of this code and unlawful for any person to fail to comply with an order to vacate, as well as all conditions thereof. Each such violation shall be a misdemeanor."

SECTION 2. Chapter 2 of Article VIII (Building Regulations) of the Agoura Hills Municipal Code is hereby repealed provided that such repeal shall not affect or excuse any violation of said Chapter occurring prior to the effective date of this Ordinance. A new Chapter 2 is hereby added to Article VIII (Building Regulations) of the Agoura Hills Municipal Code to read as follows:

"Chapter 2 – CONSTRUCTION CODES

8200. Modifications of the California Building Code.