

# EXHIBIT A

## TITLE 9 BUILDING REGULATIONS

### CHAPTER 1 BUILDING

#### Article 2. ~~Dangerous or Substandard Buildings~~ Property Maintenance

##### 9-1-2-100.1 Findings

9-1-2-100.2: Adoption of 2009 International Property Maintenance Code

9-1-2-101.1: Title

9-1-2-102.3: Application of Other Codes

9-1-2-103.1: Authority Having Jurisdiction

##### 9-1-2-103.4.1 Remedies of Private Parties

9-1-2-103.5: Fees

9-1-2-103.5.1 Account of Abatement Costs

9-1-2-103.5.2 Procedure for Special Assessment

9-1-2-103.5.3 Hearing on Proposed Assessment

9-1-2-103.5.4 Contest of Assessment

9-1-2-103.5.5 Notice of Lien: Form and Contents

9-1-2-103.5.6 Collection with Regular Taxes Procedure

9-1-2-104.1.1 General Powers and Duties

9-1-2-104.3.1 Entry on Private Property

9-1-2-106.1.1: Duty to Report Violations

9-1-2-106.1.2 Public Nuisance

9-1-2-106.5.1 Performance of Abatement

9-1-2-106.5.2 Procedures for Abatement of Unlawful Conditions

9-1-2-107.1.1: Extension of Time of Notice and Order

9-1-2-107.3.2: Recordation

9-1-2-108.6.1 Additional Proceedings for Abatement of Imminently Dangerous Public

##### Nuisances

9-1-2-109.5.1: Procedure for Assessment of Cost of Emergency Repairs

9-1-2-110.3.1: Procedure for Assessment of Cost of Demolition

9-1-2-111: Means of Appeal

9-1-2-111.1: Application for Appeal

9-1-2-111.2: Membership of the Board

9-1-2-111.3: Notice of Meeting

9-1-2-111.4.1.2: Additional Inspections and Reports

9-1-2-111.9: Duties of the City Attorney

9-1-2-112.4: Failure to Comply

##### 9-1-2-202 Definitions

9-1-2-201.3: Terms Defined in Other Codes

##### 9-1-2-301.2.1 Buildings

9-1-2-302.4: Weeds

9-1-2-302.5: Rodent Harborage

9-1-2-302.7: Accessory Structures

~~9-1-2-302.8: Motor Vehicles~~

9-1-2-302.9: Defacement of Property

9-1-2-303: Swimming Pools, Spas and Hot Tubs

9-1-2-303.1: Swimming Pools

- [9-1-2-303.2:](#) Enclosures and Safety Devices
- [9-1-2-304.1.1:](#) Unsafe Conditions
- [9-1-2-304.14:](#) Insect Screens
- [9-1-2-305.1.1:](#) Unsafe Conditions
- [9-1-2-306.1.1:](#) Unsafe Conditions
- [9-1-2-308.1.1:](#) Accumulation of Rubbish and Garbage
- [9-1-2-309:](#) Extermination
- [9-1-2-401.3:](#) Alternative Devices
- [9-1-2-502.5:](#) Public Toilet Facilities
- [9-1-2-505.1:](#) General - Water System
- [9-1-2-602.2:](#) Residential Occupancies
- [9-1-2-602.3:](#) Heat Supply
- [9-1-2-604:](#) Electrical Facilities
- [9-1-2-604.2:](#) Service - Electrical Facilities
- [9-1-2-604.3.1.1:](#) Electrical Equipment
- [9-1-2-604.3.2.1:](#) Electrical Equipment
- [9-1-2-605:](#) Electrical Equipment
- [9-1-2-605.1:](#) Installation
- [9-1-2-605.2:](#) Receptacles
- [9-1-2-605.3:](#) Luminaires
- [9-1-2-606:](#) Elevators, Escalators, and Dumbwaiters
- [9-1-2-606.2:](#) Elevators
- [9-1-2-702:](#) Means of Egress
- [9-1-2-702.1:](#) General
- [9-1-2-702.2:](#) Aisles
- [9-1-2-702.3:](#) Locked Doors
- [9-1-2-704:](#) Fire Protection Systems

### ~~Article 3. Property Maintenance~~

- ~~[9-1-3-301:](#) Title~~
- ~~[9-1-3-302:](#) Findings~~
- ~~[9-1-3-303:](#) Definitions~~
- ~~[9-1-3-304:](#) Responsibility for Enforcement~~
- ~~[9-1-3-305:](#) Prohibited Activities~~
- ~~[9-1-3-306:](#) Public Nuisance~~
- ~~[9-1-3-307:](#) Enforcement~~
- ~~[9-1-3-308:](#) Procedures for Abatement of Unlawful Conditions~~
- ~~[9-1-3-309:](#) Performance of Abatement~~
- ~~[9-1-3-310:](#) Entry on Private Property~~
- ~~[9-1-3-311:](#) Additional Proceedings for Abatement of Imminently Dangerous Public Nuisances~~
- ~~[9-1-3-312:](#) Account of Abatement Costs~~
- ~~[9-1-3-313:](#) Procedure for Special Assessment~~
- ~~[9-1-3-314:](#) Hearing on Proposed Assessment~~
- ~~[9-1-3-315:](#) Contest of Assessment~~
- ~~[9-1-3-316:](#) Notice of Lien: Form and Contents~~
- ~~[9-1-3-317:](#) Collection with Regular Taxes Procedure~~
- ~~[9-1-3-318:](#) Remedies of Private Parties~~

**ARTICLE 2. ~~DANGEROUS OR SUBSTANDARD BUILDINGS~~ PROPERTY MAINTENANCE**

**9-1-2-100.1: FINDINGS:**

The Council finds and determines as follows:

A. The City has a history and reputation for well-kept properties and the property values and the general welfare of the community are founded, in part, upon the appearance and maintenance of private properties.

B. There is a need for further emphasis on property maintenance and sanitation in that certain conditions, as described in this article, have been found from place to place throughout the City.

C. The existence of such conditions as described in this article is injurious and inimical to the public health, safety, and welfare of the residents of the City and contributes substantially and increasingly to the deterioration of neighborhoods.

D. Unless corrective measures are undertaken to alleviate such existing conditions and assure the avoidance of future problems in this regard, the public health, safety, and general welfare, and specifically the social and economic standards of the community, will be depreciated.

E. The abatement of such conditions will improve the general welfare and image of the City.

F. The abatement procedures set forth in this article are reasonable and afford due process to all affected persons.

G. The uses and abuses of property as described in this article reasonably relate to the proper exercise of police power to protect the health, safety, and general welfare of the public. [Added by Ord. No. 2957; Formerly Numbered Section 7-41; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3797, eff. 12/3/10; 3733, 2194.]

REASON: Administrative. Relocated from Section 9-1-3-302.

**9-1-2-100.2: ADOPTION OF 2009 INTERNATIONAL PROPERTY MAINTENANCE CODE:**

**A. ADOPTION OF CODE**

The International Property Maintenance Code, 2009 Edition, together with the appendix thereof, with the exception of Sections 304.14, 404.5, 503.3 and 602.4, which provides requirements for the maintenance of existing structures and minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupant; and the occupancy of existing structures and premises is hereby adopted and by this reference made a part of this Code with the same force and effect as though set out herein in full and that such changes and modifications are reasonably necessary because of climatic, geographical, and topographical conditions which pertain to the City of Burbank as stated in Section 9-1-1(b) of the Burbank Municipal Code. Such changes and modifications are herein more particularly set forth in this article. The International Property Maintenance Code, 2009 Edition, is on file and open to public inspection in the office of the City Clerk.

REASON: Administrative. Change in section number for sequencing.

## B. APPLICABILITY TO GOVERNMENT BUILDINGS.

The provisions of this article shall apply to all buildings, structures, or land owned, operated, or controlled by any governmental entity or political subdivision, agency, or district thereof, but shall not apply to buildings, structures, or land exempted by the provisions of Section 9-1-1-105.2 of the Burbank Municipal Code and Section 105.2, Chapter 1, of the California Building Code.

## C. NUMBERING OF CODE.

In order to provide consistency between this article and the provisions of the International Property Maintenance Code, the section, subsection, and paragraph numbers or designations of the California Property Maintenance Code shall be retained in this article and shall be preceded by the prefix "9-1-2-". Such prefix refers to this article and chapter of the Burbank Municipal Code.

## D. WARNING AND DISCLAIMER.

The degree of protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Accidents and disasters can and will occur on rare occasions. Risks may be increased by man-made or natural causes. This article does not imply that work done pursuant to this article or occupations permitted by this article will be free from damages. This article shall not create liability on the part of the City, any officer or employee thereof, for any damages that result from reliance on this article or any administrative decision lawfully made thereunder. [Added by Ord. No. 3733, eff. 12/21/07; Amended by Ord. No. 3797, eff. 12/3/10 (Enforcement Date: 1/1/11).]

### **9-1-2-101.1: TITLE:**

These regulations shall be known as the Property Maintenance Code of the City of Burbank, hereinafter referred to as "this code." [Added by Ord. No. 3733, eff. 12/21/07; Amended by Ord. No. 3797, eff. 12/3/10.]

### **9-1-2-102.3: 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 Residential Code, California Energy Code, California Plumbing Code, California Electrical Code, California Mechanical Code and the Burbank Municipal Code. [Added by Ord. No. 3733, eff. 12/21/07; Amended by Ord. No. 3797, eff. 12/3/10.]

### **9-1-2-103.1: AUTHORITY HAVING JURISDICTION:**

The officer or other designated authority charged with the administration and enforcement of this code shall be the "Building Official" or a duly authorized representative. "Building Official" shall be synonymous with the term "Assistant Community Development Director/Building Official" or "Building Director" or "Code Official" of the City. [Added by Ord. No. 3733, eff. 12/21/07; Amended by Ord. No. 3797, eff. 12/3/10.]

### **9-1-2-103.4.1: REMEDIES OF PRIVATE PARTIES:**

The provisions of this article shall in no way adversely affect the right of the owner, lessee, or occupant of any such lot to recover all costs and expenses required by this article from any person causing such nuisance. [Added by Ord. No. 2957; Formerly Numbered Section 7-57;

Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3797, eff. 12/3/10; 3733, 2194.]

REASON: Administrative. Relocated from Section 9-1-3-318

**9-1-2-103.5: FEES:**

Fees shall be assessed in accordance with the provisions of this section and as set forth in the Burbank Fee Resolution. [Added by Ord. No. 3733, eff. 12/21/07; Amended by Ord. No. 3797, eff. 12/3/10.]

**9-1-2-103.5.1: ACCOUNT OF ABATEMENT COSTS:**

The Building Official shall keep an itemized account of the costs incurred by the City in the abatement of any public nuisance under this article. Upon completion of the abatement work, the Building Official shall prepare a report specifying the work done, the itemized costs of the work for each property, including direct and indirect costs, a description of the real property, and the names and addresses of the persons entitled to service pursuant to Section 9-1-3-308. Any such report may include costs on any number of properties, whether or not contiguous to each other. Each person named in the notice shall be jointly and severally liable for such abatement costs and the amount of such costs shall be a debt owed to the City. [Added by Ord. No. 2957; Formerly Numbered Section 7-51; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3797, eff. 12/3/10; 3733, 2194.]

REASON: Administrative. Relocated from Section 9-1-3-312.

**9-1-2-103.5.2: PROCEDURE FOR SPECIAL ASSESSMENT:**

**A. CITY CLERK.**

When any charges levied pursuant to this article remain unpaid for a period of sixty (60) days or more after the date on which they were billed, the Building Official, in his discretion, may forward the abatement costs report described in Section 9-1-3-308 to the City Clerk.

**B. HEARING NOTICE.**

Upon receipt of the abatement costs report, the Clerk shall fix a time and place for hearing and passing upon the report. The Clerk shall cause notice of the amount of the proposed assessment, shown in this report, to be given in the manner and to the persons specified in Section 9-1-3-308. Such notice shall contain a description of the property sufficient to enable the persons served to identify it, and shall specify the day, hour, and place when the Council will hear and pass upon the report, together with any objections or protests which may be raised by any landowner liable to be assessed for the costs of such abatement. Notice of the hearing shall be given not less than fifteen days prior to the time fixed by the Clerk for the hearing, and shall also be published once, at least fifteen (15) days prior to the date of the hearing, in a newspaper of general circulation published in the County of Los Angeles.

**C. PROTEST.**

Any interested person may file a written protest with the City Clerk at any time prior to the time set for the hearing on the report of the Building Official. Each such protest shall contain a description of the property in which the person signing the protest is interested and the grounds of such protest. The City Clerk shall endorse on every such protest the date and time of filing,

and shall present such protest to the Council at the time set for hearing. [Added by Ord. No. 2957; Formerly Numbered Section 7-52; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3797, eff. 12/3/10; 3733, 2194.]

REASON: Administrative. Relocated from Section 9-1-3-313.

**9-1-2-103.5.3: HEARING ON PROPOSED ASSESSMENT:**

Upon the day and hour fixed for the hearing the Council shall consider the report of the Building Official, together with any protests which have been filed with the City Clerk. The Council may make such revision, correction, or modification in the report as it may deem just, and when the Council is satisfied with the correctness of the assessment, the report, and proposed assessment, as submitted or as revised, corrected, or modified, shall be confirmed. The decision of the Council on the report and the assessment and on all protests shall be final and conclusive. The Council may adjourn the hearing from time to time. [Added by Ord. No. 2957; Formerly Numbered Section 7-53; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3797, eff. 12/3/10; 3733, 2194.]

REASON: Administrative. Relocated from Section 9-1-3-314.

**9-1-2-103.5.4: CONTEST OF ASSESSMENT:**

The validity of any assessment levied under the provisions of this article shall not be contested in any action or proceeding unless such action or proceeding is commenced within thirty (30) days after the assessment is confirmed by the Council. [Added by Ord. No. 2957; Formerly Numbered Section 7-54; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3797, eff. 12/3/10; 3733, 2194.]

REASON: Administrative. Relocated from 9-1-3-315.

**9-1-2-103.5.5: NOTICE OF LIEN: FORM AND CONTENTS:**

**A. NOTICE OF LIEN.**

Immediately upon the confirmation of the assessment by the Council, the Building Official shall execute and file in the Office of the County Recorder a certificate in substantially the following form:

**NOTICE OF LIEN**

Pursuant to the authority vested in the Building Official by the provisions of Article 3, Title 9 Chapter 1 of the Burbank Municipal Code, said Building Official on or about the \_\_\_\_\_ day \_\_\_\_\_ of , 20\_\_\_\_, caused the abatement of a nuisance on real property, and the Council for the City of Burbank, on the \_\_\_\_\_ day \_\_\_\_\_ of, 20\_\_\_\_, assessed the cost of such abatement upon said real property and the same has not been paid nor any part thereof, and the City of Burbank does hereby claim a lien on said real property for the net expense of the doing of said abatement in the amount of \$ \_\_\_\_\_, and this amount shall be a lien upon said real property until the sum has been paid in full and discharged of record. The real property hereinbefore mentioned, and upon which a lien is claimed, is that certain parcel of land in the City of Burbank, County of Los Angeles, State of California, and particularly described as follows:

(DESCRIPTION)

Dated: This \_\_\_\_\_ day \_\_\_\_\_ of , 20 \_\_\_\_\_.

BUILDING OFFICIAL OF THE CITY OF BURBANK

(ACKNOWLEDGEMENT)

B. RECORDATION:

Immediately upon the recording of the notice of lien the assessment shall constitute a lien on the real property assessed. Such lien shall, for all purposes, be upon a parity with the lien of state and local taxes. [Added by Ord. No. 2957; Formerly Numbered Section 7-55; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3797, eff. 12/3/10; 3733, 3604, 2194.]

REASON: Administrative. Relocated from Section 9-1-3-316.

**9-1-2-103.5.6: COLLECTION WITH REGULAR TAXES PROCEDURE:**

A. ASSESSMENT BOOK.

The notice of lien, after recording, shall be delivered to the Auditor of Los Angeles County, who shall enter the amount on the county assessment book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The notice of lien shall be delivered to the Auditor before the date fixed by law for the delivery of the assessment book to the County Board of Equalization.

B. COLLECTION.

Thereafter the amount set forth in the notice of lien shall be collected at the same time and in the same manner as ordinary City taxes are collected, and shall be subject to the same penalties and interest and to the same procedure under foreclosure and sale in case of delinquency as provided for ordinary City taxes. All laws applicable to the levy, collection and enforcement of City taxes are hereby made applicable to such assessment.

C. REFUNDS.

The Council may order a refund of all or part of a tax paid pursuant to this article if it finds that all or part of the tax has been erroneously levied. A tax or part thereof shall not be refunded unless a claim is filed with the City Clerk on or before November 1 after the tax became due and payable. The claim shall be verified by the person who paid the tax, or the legal representative of such person. [Added by Ord. No. 2957; Formerly Numbered Section 7-56; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3797, eff. 12/3/10; 3733, 2194.]

REASON: Administrative. Relocated from Section 9-1-3-317.

**9-1-2-104.1.1: GENERAL DUTIES AND POWERS**

A. RESPONSIBILITY FOR ENFORCEMENT:

The Building Official shall be responsible for the administration and enforcement of this article. The Building Official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretation, policies and procedures shall be in compliance with the intent and purpose of this code. Such

policies and procedures shall not have the effect of waiving requirements specifically provided for in this code. For purposes of declaring and abating fire hazards pursuant to the provisions of this article, the Building Official is also authorized to perform the duties imposed on the Fire Chief and Fire Marshall pursuant to the provisions of the California Fire Code as adopted and amended by this jurisdiction. [Added by Ord. No. 2957; Formerly Numbered Section 7-43; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. 3797, eff. 12/3/10; 3733, 3604, 2194.]

REASON: Administrative. Relocated from Section 9-1-3-304

**B. ENFORCEMENT:**

Enforcement of this article may be accomplished by the Building Official in any manner authorized by law. The procedures set forth in this article shall not be exclusive and shall not in any manner limit or restrict the City from enforcing other City ordinances or abating public nuisances in any other manner provided by law. [Added by Ord. No. 2957; Formerly Numbered Section 7-46; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3797, eff. 12/3/10; 3733, 2194.]

REASON: Administrative: Relocated from Section 9-1-3-307

**9-1-2-104.3.1: ENTRY ON PRIVATE PROPERTY:**

The Building Official may enter upon private property to abate the nuisance pursuant to the provisions of this article. No person shall obstruct, impede, or interfere with any officer, employee, contractor or authorized representative of the City whenever such person is engaged in the work of abatement, pursuant to the provisions of this article, or in performing any necessary act preliminary to or incidental to such work as authorized or directed pursuant to this article. [Added by Ord. No. 2957; Formerly Numbered Section 7-49; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3797, eff. 12/3/10; 3733, 2194.]

REASON: Administrative. Relocated from Section 9-1-3-310.

**9-1-2-106.1.1: DUTY TO REPORT VIOLATIONS:**

The Fire Chief, City Planner, Public Works Director and all other department heads shall make reports in writing to the Building Official of any building or structure which is believed to be a dangerous or substandard building within the terms of this article whenever the facts thereof shall come to the attention of such officer. [Formerly Numbered 7-216 and Amended by Ord. no. 3733, eff. 12/21/07; Formerly Numbered Section 7-25; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3797, eff. 12/3/10; 2957, 2194.]

**9-1-2-106.1.2: PUBLIC NUISANCE:**

It is hereby declared a public nuisance for any landowner or person leasing, occupying, directly controlling, or having possession of any property in this City to maintain any condition described in Section 9-1-2-302.4 and Section 9-1-2-308 of this Code or to maintain any attractive nuisance. [Added by Ord. No. 2957; Formerly Numbered Section 7-45; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3797, eff. 12/3/10; 3733, 2194.]

REASON: Administrative. Relocated from Section 9-1-3-306.

**9-1-2-106.5.1: PERFORMANCE OF ABATEMENT:**

Abatement of the nuisance may in the discretion of the Building Official be performed by City forces or by a contractor retained pursuant to the provisions of this Code. [Added by Ord. No. 2957; Formerly Numbered Section 7-48; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3797, eff. 12/3/10; 3733, 2194.]

REASON: Administrative. Relocated from Section 9-1-3-309.

**9-1-2-106.5.2: PROCEDURES FOR ABATEMENT OF VIOLATIONS OR UNLAWFUL CONDITIONS:**

**A. NOTICE AND ORDER OF BUILDING OFFICIAL.**

Whenever the Building Official has inspected or caused to be inspected any property and has found and determined that conditions constituting a public nuisance exist thereon, the Building Official may use the procedures set forth in this section for the abatement of such nuisance.

1. The Building Official shall issue a notice and order and mail a copy of such notice and order to the landowner and the person, if other than the landowner, occupying or otherwise in real or apparent charge and control of the property. The notice and order shall contain:

- a. The street address and a legal description sufficient for identification of the property on which the condition exists.
- b. A statement that the Building Official has determined that a public nuisance is being maintained on the property with a brief description of the conditions which render the property a public nuisance.
- c. An order to secure all appropriate permits and to physically commence, within ten (10) days from the date of service of the notice and order, and to complete within thirty (30) days from such date, the abatement of the described conditions.
- d. A statement advising that the disposal of material involved in public nuisances shall be carried forth in a legal manner.
- e. A statement advising that if the required work is not commenced within the time specified, the Building Official will proceed to cause the work to be done, and bill the persons named in the notice for the abatement costs and/or assess the costs against the property.
- f. A statement advising that any person having any interest or record title in the property may appeal from the notice and order or any action of the Building Official within ten (10) days from the date of service of the notice and order.
- g. A statement advising that the notice and order will be recorded against the property in the Office of the County Recorder.

2. The notice and order, and any amended notice and order, shall be mailed by first class mail, postage prepaid, to each person as required pursuant to the provisions of

Subsection (a) of this section at the address as it appears on the last equalized assessment roll of the County or as known to the Building Official. The address of owners shown on the assessment roll shall be conclusively deemed to be the proper address for the purpose of mailing such notice. The failure of the Building Official to make or attempt service on any person required in this section to be served shall not invalidate any proceedings hereunder as to any other person duly served. Service by mail in the manner herein provided shall be effective on the date of mailing. The failure of any person entitled to receive such notice shall not affect the validity of any proceedings taken under this article.

3. Proof of service of the notice and order shall be documented at the time of service by a declaration under penalty of perjury executed by the person effecting service, declaring the time and manner in which service was made.

4. At the time the notice and order is served, the Building Official shall file in the Office of the County Recorder a certificate legally describing the property and certifying that a public nuisance exists on the property and the owner has been so notified. The Building Official shall file a new certificate with the County Recorder that the nuisance has been abated whenever the corrections ordered shall have been completed so that there no longer exists a public nuisance on the property described in the certificate; or the notice and order is rescinded by the Board of Building and Fire Code Appeals upon appeal; or whenever the City abates the nuisance and the abatement costs have been paid.

#### B. EXTENSION OF TIME TO PERFORM WORK.

Upon receipt of a written request from any person required to comply with the order, the Building Official may grant an extension of time within which to complete said abatement, if the Building Official determines that such an extension of time will not create or perpetuate a situation imminently dangerous to life or property. The Building Official shall have the authority to place reasonable conditions on any such extensions.

#### C. APPEAL.

Any person aggrieved by the action of the Building Official in issuing a notice and order pursuant to the provisions of this article may appeal to the Board of Building and Fire Code Appeals in accordance with the provisions of Article 2 of this chapter. If no appeal is filed within the time prescribed, the action of the Building Official shall be final. [Added by Ord. No. 2957; Formerly Numbered Section 7-47; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3797, eff. 12/3/10; 3733, 2194.]

REASON: Administrative. Relocated from Section 9-1-3-308.

#### **9-1-2-107.1.1: EXTENSION OF TIME OF NOTICE AND ORDER:**

The Building Official shall have discretionary power, upon receipt of an application from a person required to comply with a notice and order and a written agreement binding such person to comply with said order. The Building Official's authority to extend time is limited to the physical repair, rehabilitation, or demolition of the premises and will not in any way affect or extend the time to appeal any notice and order. [Added by Ord. No. 3733, eff. 12/21/07; Formerly Numbered 9-1-2-107.6 and Amended by Ord. No. 3797, eff. 12/3/10.]

**9-1-2-107.3.2: RECORDATION:**

At the time the notice and order is served, the Building Official shall file in the Office of the County Recorder a certificate legally describing the property and certifying that the building is a dangerous building and the owner has been so notified, or set aside, by the Board upon appeal, so that the building no longer exists as a dangerous building on the property described in the certificate, the Building Official shall file a new certificate with the County Recorder that the building has been demolished or removed or is no longer dangerous. [Formerly Numbered 7-207 and Amended by Ord. No. 3733, eff. 12/21/07; Formerly Numbered Section 7-16; Renumbered by Ord. No. 3058; Amended by Ord. No. 3797, eff. 12/3/10; 3519, 2957, 2289, 2194.]

**9-1-2-108.6.1: ADDITIONAL PROCEEDINGS FOR ABATEMENT OF IMMINENTLY DANGEROUS PUBLIC NUISANCES:**

Whenever the Building Official determines that a public nuisance is so imminently dangerous to life or adjacent property that such condition must be immediately corrected, or isolated, the Building Official may institute the following procedures.

A. NOTICE.

The Building Official shall attempt to make contact through a personal interview, or by telephone with the landowner or the person, if any, occupying or otherwise in real or apparent charge and control thereof. In the event contact is made, the Building Official shall notify such person, or persons, of the danger involved and require that such condition be immediately removed, repaired or isolated so as to preclude harm to any person or property.

B. ABATEMENT.

In the event the Building Official is unable to make contact as hereinabove noted, or if the appropriate persons, after notification by the Building Official, do not take action as specified by such official, within seventy-two (72) hours, then the Building Official may, with the approval of the City Manager, take all steps deemed necessary to remove or isolate such dangerous condition, or conditions, with the use of City forces or a contractor retained pursuant to the provisions of this Code.

C. COST.

The Building Official shall keep an itemized account of the costs incurred by the City in removing or isolating such condition, or conditions. Such costs may be recovered in the same manner that abatement costs are recovered pursuant to this article. [Added by Ord. No. 2957; Formerly Numbered Section 7-50; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3797, eff. 12/3/10; 3733, 2194.]

REASON: Administrative. Relocated from Section 9-1-3-311.

**9-1-2-109.5.1: PROCEDURE FOR ASSESSMENT OF COST OF EMERGENCY REPAIRS:**

**A. FILING OF REPORT.**

The Building Official shall keep an itemized account of the net expense involved in the repair or demolition of a building or structure. Upon the completion of the repair or demolition, the

Building Official shall prepare and file with the City Clerk in duplicate a report specifying the work done.

#### B. REPORT TRANSMITTED TO COUNCIL AND SETTING FOR HEARING.

Upon receipt of the report, the City Clerk shall present it to the Council for consideration. The Council shall cause notice of the cost of the repair or demolition to be given in the manner and to the persons specified in Section 107 of the International Property Maintenance Code. Such notice shall specify the day, hour and place when the Council will hear and pass upon the report, together with any objections or protests which may be raised by any property owner liable to be assessed for the cost of such repair or demolition and any other interested persons. Notice of hearing provided by this subsection shall be published at least 10 days prior to the date of hearing by one insertion in a newspaper of general circulation published in the County of Los Angeles.

#### C. PROTESTS AND OBJECTIONS: HOW MADE.

Any person interested and affected by the proposed assessment may file written protests or objections with the City Clerk at any time prior to the time set for the hearing.

#### D. HEARING OF PROTESTS.

Upon the day and hour fixed for the hearing the Council shall hear and pass upon the report of the Building Official, together with any objections or protests which may be raised by any of the property owners liable to be assessed for the cost of the repair or demolition and any other interested persons.

#### E. ASSESSMENT TO BE TRANSMITTED TO BUILDING OFFICIAL.

Upon the confirmation of the assessment, the City Clerk shall transmit the report as modified to the Building Official.

#### F. RECORDATION OF ASSESSMENT.

The Building Official shall record the assessment as confirmed in a suitable book to be kept for that purpose in his office, and shall append thereto his certificate of the date of such recording.

#### G. ASSESSMENT LIEN.

Immediately upon the recording of the assessment, the cost so assessed shall constitute a lien on the real property described in the report. Such lien shall for all purposes be on parity with the lien of state, county, and municipal taxes. All such assessments remaining unpaid for 30 days from the date of recording shall become delinquent and bear interest at the rate of one percent per month computed on the date of delinquency and on the first day of each month thereafter. The lien shall continue until the amount thereof and interest are paid or until it is discharged of record.

#### H. FILING OF LIEN: FORM AND CONTENTS.

The Building Official shall file in the Office of the County Recorder of Los Angeles County a certificate substantially in the following form, to wit:

## NOTICE OF LIEN

Pursuant to the authority vested in the Building Official of the City of Burbank, California, by the provisions of Article 2, Title 9 Chapter 1 of the Burbank Municipal Code, said Building Official, on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_ , caused the building or structure on the real property hereinafter described to be repaired or demolished (as the case may be) in order to abate a nuisance on said real property, and the Council of the City of Burbank, on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_ , assessed the cost of such repair or demolition (as the case may be) upon the real property hereinafter described, and the same has not been paid nor any part thereof, and the City does hereby claim a lien on said real property for the net expense of the doing of said repairs or demolition (as the case may be) in the sum of \$\_\_\_\_\_ , and the amount shall be alien upon said real property for the net expense of the doing of said repairs of demolition (as the case may be) in the sum of \$\_\_\_\_\_ , and the amount shall be a lien upon said real property until the said sum, with interest at the rate of one percent per month computed upon the date of delinquency and on the first day of each month subsequent to the expiration of 30 days from the \_\_\_\_ day of \_\_\_\_\_ , (insert day of recording of assessment), has been paid in full and discharged of record. The real property upon which a lien is claimed is that certain parcel of land lying and being in the City of Burbank, County of Los Angeles, State of California, and particularly described as follows, to wit:

(DESCRIPTION)

Dated this \_\_\_\_\_ day \_\_\_\_\_ of , 20\_\_\_\_\_,

BUILDING OFFICIAL

(ACKNOWLEDGEMENT)

### I. FORECLOSURE.

If the sum assessed is not paid to the Building Official within 30 days after the date of the recording of the assessment, the Building Official shall report such nonpayment to the Council, and the Council may instruct the City Attorney to bring an action in the name of the City to foreclose the lien of the assessment. [Formerly numbered 7-219 and Amended by Ord. No. 3733, eff. 12/21/07; Formerly Numbered Section 7-28; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3797, eff. 12/3/10; 3604, 2957, 2248, 2194.]

#### **9-1-2-110.3.1: PROCEDURE FOR ASSESSMENT OF COST OF DEMOLITION:**

The procedure for assessment of cost of demolition shall comply with Section 109.5 of the California Building Code. [Added by Ord. No. 3733, eff. 12/21/07; Amended by Ord. No. 3797, eff. 12/3/10.]

#### **9-1-2-111: MEANS OF APPEAL:**

##### **9-1-2-111.1: APPLICATION FOR APPEAL:**

Any person, directly affected by a decision of the Building Official or a Notice or Order shall have the right to appeal to the Board of Building and Fire Code Appeals in accordance with Section 9-1-1-112.4 of the Burbank Municipal Code. [Added by Ord. No. 3733, eff. 12/21/07; Amended by Ord. No. 3797, eff. 12/3/10.]

**9-1-2-111.2: MEMBERSHIP OF THE BOARD:**

Membership of the Board of Building and Fire Code Appeals shall comply with Article 4, Title 2 Chapter 1 of the Burbank Municipal Code. [Added by Ord. No. 3733, eff. 12/21/07; Amended by Ord. No. 3797, eff. 12/3/10.]

**9-1-2-111.3: NOTICE OF MEETING:**

The Board shall meet in accordance with the procedures defined in Section 9-1-1-112.4. [Added by Ord. No. 3733, eff. 12/21/07; Amended by Ord. No. 3797, eff. 12/3/10.]

**9-1-2-111.4.1.2: ADDITIONAL INSPECTIONS AND REPORTS:**

Whenever in the course of any proceedings taken hereunder the Board shall have cause to require additional evidence, the Board may request that the same be inspected by any officer of the City who may provide information pertinent to the proceedings. The officer to which such request is directed shall cause the building or structure to be inspected and a report thereof in writing shall be transmitted to the Board. [Added by Ord. No. 3733, eff. 12/21/07; Amended by Ord. No. 3797, eff. 12/3/10.]

**9-1-2-111.9: DUTIES OF THE CITY ATTORNEY:**

The City Attorney shall:

A. APPEARANCE AT BOARD MEETINGS.

Appear at the request of the Board at any hearing before that Board in regard to dangerous buildings or substandard buildings.

B. TAKING LEGAL ACTION.

Take such legal action as is necessary to carry out the terms and provisions of this article. [Added by Ord. No. 3733, eff. 12/21/07; Amended by Ord. No. 3797, eff. 12/3/10.]

**9-1-2-112.4: FAILURE TO COMPLY:**

Any person who shall continue any work after having been served a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fee as set forth in the Burbank Fee Resolution. [Added by Ord. No. 3797, eff. 12/3/10.]

**9-1-2-202: DEFINITIONS:**

The General Definitions in Section 202 of the International Property Maintenance Code shall be amended to include the following words and phrases. The following words and phrases, whenever used in this article, shall be construed as defined in this section, unless from the context a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

ATTRACTIVE NUISANCE: Shall mean any condition, instrumentality, or machine which is unsafe and unprotected and thereby dangerous to young children by reason of their inability to appreciate the peril therein, and which may reasonably be expected to attract young children to the premises and risk injury by playing with, in, or on it.

LANDOWNER: Shall mean the person to whom land is assessed as shown on the last equalized assessment roll of the county.

PARKWAY: Shall mean that portion of a street right-of-way which lies between the property line and the outside edge of a gutter or gutter lip, including a driveway approach. Where no curb exists, "parkway" shall mean the area of property from the property line to the edge of the pavement.

PROPERTY: Shall mean any lot or parcel of land. For the purposes of this definition, "lot or parcel of land" shall include any alley, sidewalk, parkway, or unimproved public easement abutting such lot or parcel of land. [Added by Ord. No. 2957; Formerly Numbered Section 7-42; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3797, eff. 12/3/10; 3733, 2194.]

Reason: Administrative. Relocated definitions from Section 9-1-3-303.

**9-1-2-201.3: TERMS DEFINED IN OTHER CODES:**

Where terms are not defined in this code and are defined in the California Building Code, California Residential Code, California Energy Code, California Green Building Standards Code, California Plumbing Code, California Electrical Code or California Mechanical Code, such terms shall have the meanings ascribed to them as stated in those codes. [Added by Ord. No. 3733, eff. 12/21/07; Amended by Ord. No. 3797, eff. 12/3/10.]

**9-1-301.2.1: BUILDINGS.**

It shall be unlawful for any landowner or person leasing, occupying, or having charge or possession of any property in the City to maintain on such property any of the following:

1. Buildings which are abandoned, partially destroyed, or partially constructed or incomplete after building permits have expired.
2. Buildings with deteriorating or peeling paint that allows the exterior building coverings to deteriorate or to permit the effects of sun and water penetration so as to encourage decay, dry rot, warping, cracking, or any other form of deterioration.
3. Broken windows, doors, attic vents, and under floor vents.
4. Building exteriors (walls, roofs, appendages, and other architectural and structural elements), and site improvements (walls, fences, driveways, or walkways, and other site elements) which are cracked, broken, defective, deteriorated, in disrepair, or defaced due to any writing, inscription, figure, scratches, or other markings commonly referred to as "graffiti." [Added by Ord. No. 2957; Formerly Numbered Section 7-44; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3797, eff. 12/3/10; 3733, 3604, 2194.]

REASON: Administrative. Relocated from Section 9-1-3-305 (B).

**9-1-2-302.4: WEEDS:**

~~See Article 3 for property maintenance requirements for weeds~~

A. It shall be unlawful for any landowner, and person leasing, occupying, or having charge or possession of any property in the City to keep, maintain, or deposit on such property any of the following:

1. The following weeds:

- a. Weeds which bear seeds of a downy or wingy nature.
- b. Sagebrush, chaparral, and any brush or weeds which attain such large growth as to become, when dry, a menace to adjacent property.
- c. Weeds which are otherwise noxious or dangerous.
- d. Puncture vines and tumble weed.
- e. Poison oak and poison ivy when the conditions of growth are such as to constitute a menace to the public health.

2. Dry grass and grass likely to become dry; stubble; brush; litter; or other flammable material which endangers the public safety creating a fire hazard, as defined in the California Fire Code.

3. Dead, decayed, or hazardous trees or other vegetation; residue from a fire; or demolition such as concrete or brick foundations and flat work; and overgrown vegetation which is unsightly and likely to harbor rats or vermin, and which constitute an unsightly appearance, a fire hazard, or are dangerous to public health and welfare.

B. Upon failure of the owner or agent having charge of a property to cut or destroy weeds after service of a Notice of Violation, the owner or agent shall be subject to further enforcement in accordance with the provisions of this Article.

[Added by Ord. No. 3733, eff. 12/21/07; Amended by Ord. No. 3797, eff. 12/3/10.]

REASON: Administrative. Relocated from Section 9-1-3-305(A) 1-5

**9-1-2-302.5: RODENT HARBORAGE:**

See Section 4-1-401 of the Burbank Municipal Code for property maintenance requirements for rodent harborage. [Added by Ord. No. 3733, eff. 12/21/07; Amended by Ord. No. 3797, eff. 12/3/10.]

**9-1-2-302.7: ACCESSORY STRUCTURES:**

All accessory structures, including detached garages, shall be maintained structurally sound and in good repair. [Added by Ord. No. 3733, eff. 12/21/07; Amended by Ord. No. 3797, eff. 12/3/10.]

**~~9-1-2-302.8: MOTOR VEHICLES:~~**

~~See Article 3 for property maintenance requirements for motor vehicles. [Added by Ord. No. 3733, eff. 12/21/07; Amended by Ord. No. 3797, eff. 12/3/10.]~~

REASON: Administrative. List of prohibited activities specifically related to motor vehicles appears in Section 9-1-2-308.1.1.

**9-1-2-302.9: DEFACEMENT OF PROPERTY:**

See Article 3, Title 9 Chapter 3 of the Burbank Municipal Code for property maintenance requirements for defacement of property. [Added by Ord. No. 3733, eff. 12/21/07; Amended by Ord. No. 3797, eff. 12/3/10.]

### **9-1-2-303: SWIMMING POOLS, SPAS AND HOT TUBS:**

#### **9-1-2-303.1: SWIMMING POOLS:**

Swimming Pools shall be maintained in a clean and sanitary condition and in good repair. [Added by Ord. No. 3733, eff. 12/21/07; Amended by Ord. No. 3797, eff. 12/3/10.]

#### **9-1-2-303.2: ENCLOSURES AND SAFETY DEVICES:**

Enclosures and safety devices shall comply with the provisions of the California Building Code. No existing pool, spa or hot tub enclosure or safety device shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier. [Added by Ord. No. 3733, eff. 12/21/07; Amended by Ord. No. 3797, eff. 12/3/10.]

#### **9-1-2-304.1.1: UNSAFE CONDITIONS:**

The conditions listed in International Property Maintenance Code Section 304.1.1 shall be determined as unsafe and shall be repaired or replaced to comply with the California Building Code or the California Residential Code as required for existing buildings. [Added by Ord. No. 3797, eff. 12/3/10.]

#### **9-1-2-304.14: INSECT SCREENS:**

See Los Angeles County Public Health Code for requirements for insect screens, as adopted in Title 4 Chapter 1 of the Burbank Municipal Code. [Added by Ord. No. 3733, eff. 12/21/07; Amended by Ord. No. 3797, eff. 12/3/10.]

#### **9-1-2-305.1.1: UNSAFE CONDITIONS:**

The conditions listed in International Property Maintenance Code Section 305.1.1 shall be determined as unsafe and shall be repaired or replaced to comply with the California Building Code or California Residential Code. [Added by Ord. No. 3797, eff. 12/3/10.]

#### **9-1-2-306.1.1: UNSAFE CONDITIONS:**

Where any of the conditions listed in International Property Maintenance Code Section 306.1.1 cause the component or system to be beyond its limit state, the component or system shall be determined as unsafe and shall be repaired or replaced to comply with the California Building Code or California Residential Code as required for existing buildings. [Added by Ord. No. 3797, eff. 12/3/10.]

#### **9-1-2-308.1.1: ACCUMULATION OF RUBBISH AND GARBAGE:**

See Article 3 for property maintenance requirements for rubbish and garbage. It shall be unlawful for any landowner, and person leasing, occupying, or having charge or possession of any property in the City to keep, maintain, or deposit on such property any of the following:

1. Rubbish or junk, including, but not limited to, refuse, garbage, scrap metal or lumber, concrete, asphalt, tin cans, tires, and piles of earth.

2. Abandoned, discarded, or unused furniture, stoves, sinks, toilets, cabinets, or other fixtures or equipment which are not stored within an entirely enclosed space.

3. Combustible material likely to become easily ignited or debris resulting from any fire and which constitutes a fire hazard, as defined in the California Fire Code.

4. Inoperative, abandoned, or dismantled motor vehicles, trailers, campers, and boats which are not stored within an entirely enclosed space or carport.

5. Trash, garbage, or refuse cans, bins, boxes or other such containers stored in front or side yards visible from public streets. [Added by Ord. No. 2957; Formerly Numbered Section 7-44; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3797, eff. 12/3/10; 3733, 3604, 2194.]

REASON: Administrative. Relocated from Section 9-1-3-305 (A) 1-5

**9-1-2-309: EXTERMINATION:**

See Article 4, Title 4 Chapter 1, of the Burbank Municipal Code for property maintenance requirements for extermination. [Added by Ord. No. 3733, eff. 12/21/07; Formerly Numbered 9-1-2-308 and Amended by Ord. No. 3797, eff. 12/3/10.]

**9-1-2-401.3: ALTERNATIVE DEVICES:**

In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the California Building Code or the California Residential Code shall be permitted. [Added by Ord. No. 3733, eff. 12/21/07; Amended by Ord. No. 3797, eff. 12/3/10.]

**9-1-2-502.5: PUBLIC TOILET FACILITIES:**

Public toilet facilities shall be maintained in a safe sanitary and working condition in accordance with the California Plumbing Code. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all time during occupancy of the premises. [Added by Ord. No. 3797, eff. 12/3/10.]

**9-1-2-505.1: GENERAL - WATER SYSTEM:**

Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the California Plumbing Code. [Added by Ord. No. 3733, eff. 12/21/07; Amended by Ord. No. 3797, eff. 12/3/10.]

**9-1-2-602.2: RESIDENTIAL OCCUPANCIES:**

Dwellings shall be provided with heating facilities capable of maintaining a room temperature in accordance with the code in effect at the time of issuance of the construction permit. [Added by Ord. No. 3733, eff. 12/21/07; Amended by Ord. No. 3797, eff. 12/3/10.]

**9-1-2-602.3: HEAT SUPPLY:**

Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a temperature in accordance with the code in effect at the time of issuance of the construction permit. [Added by Ord. No. 3733, eff. 12/21/07; Amended by Ord. No. 3797, eff. 12/3/10.]

**9-1-2-604: ELECTRICAL FACILITIES:**

**9-1-2-604.2: SERVICE - ELECTRICAL FACILITIES.**

The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the California Electrical Code. Dwelling units shall be served with an electrical service in accordance with the code in effect at the time of issuance of the construction permit. [Added by Ord. No. 3733, eff. 12/21/07; Amended by Ord. No. 3797, eff. 12/3/10.]

**9-1-2-604.3.1.1: ELECTRICAL EQUIPMENT:**

Electrical distribution equipment, motor circuits, power equipment, transformers, wire, cable, flexible, cords, wiring devices, ground fault circuit interrupters, surge protectors, molded case circuit breakers, low-voltage fuses, luminaires, ballasts, motors, and electronic control, signaling and communication equipment that have been exposed to water shall be replaced in accordance with the provisions of the California Building Code, California Residential Code, and the California Electrical Code with exceptions as listed in Section 604.3.1.1 of the International Property Maintenance Code. [Added by Ord. No. 3797, eff. 12/3/10.]

**9-1-2-604.3.2.1: ELECTRICAL EQUIPMENT:**

Electrical switches, receptacles and fixtures, including furnace, water heating, security system and power distribution circuits, that have been exposed to fire, shall be replaced in accordance with the provisions of the California Building Code, California Residential Code, and the California Electrical Code with the exceptions as listed in Section 604.3.2.1 of the International Property Maintenance Code. [Added by Ord. No. 3797, eff. 12/3/10.]

**9-1-2-605: ELECTRICAL EQUIPMENT:**

**9-1-2-605.1: INSTALLATION:**

All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner. [Added by Ord. No. 3733, eff. 12/21/07; Amended by Ord. No. 3797, eff. 12/3/10.]

**9-1-2-605.2: RECEPTACLES:**

Every habitable space in a dwelling shall contain receptacle outlets in accordance with the code in effect at the time of issuance of the construction permit. [Added by Ord. No. 3733, eff. 12/21/07; Amended by Ord. No. 3797, eff. 12/3/10.]

**9-1-2-605.3: LUMINAIRES:**

Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain luminaires in accordance with the code in effect at the time of issuance of the construction permit. [Added by Ord. No. 3733, eff. 12/21/07; Amended by Ord. No. 3797, eff. 12/3/10.]

**9-1-2-606: ELEVATORS, ESCALATORS, AND DUMBWAITERS:**

**9-1-2-606.2: ELEVATORS:**

In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied.

EXCEPTION: Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing. [Added by Ord. No. 3733, eff. 12/21/07; Amended by Ord. No. 3797, eff. 12/3/10.]

**9-1-2-702: MEANS OF EGRESS:**

**9-1-2-702.1: GENERAL:**

A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall be maintained in accordance with the code in effect at the time of issuance of the construction permit. [Added by Ord. No. 3733, eff. 12/21/07; Amended by Ord. No. 3797, eff. 12/3/10.]

**9-1-2-702.2: AISLES:**

The required width of aisles shall be maintained in accordance with the code in effect at the time of issuance of the construction permit. [Added by Ord. No. 3733, eff. 12/21/07; Amended by Ord. No. 3797, eff. 12/3/10.]

**9-1-2-702.3: LOCKED DOORS:**

All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, and shall be maintained in accordance with the code in effect at the time of issuance of the construction permit. [Added by Ord. No. 3733, eff. 12/21/07; Amended by Ord. No. 3797, eff. 12/3/10.]

**9-1-2-704: FIRE PROTECTION SYSTEMS:**

See Title 9 Chapter 2 of the Burbank Municipal Code for smoke alarm, power source, and interconnection requirements in existing Group R occupancies. [Added by Ord. No. 3733, eff. 12/21/07; Amended by Ord. No. 3797, eff. 12/3/10.]

**ARTICLE 3. PROPERTY MAINTENANCE**

**9-1-3-301: TITLE:**

~~This article shall be known as the “City of Burbank Property Maintenance Ordinance.” [Added by Ord. No. 2957; Formerly Numbered Section 7-40; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3797, eff. 12/3/10; 3733, 2194.]~~

REASON: Administrative. Removal of redundant section which also appears in Section 9-1-2-101.1

**9-1-3-302: FINDINGS:**

~~The Council finds and determines as follows:~~

~~A. The City has a history and reputation for well-kept properties and the property values and the general welfare of the community are founded, in part, upon the appearance and maintenance of private properties.~~

~~B. There is a need for further emphasis on property maintenance and sanitation in that certain conditions, as described in this article, have been found from place to place throughout the City.~~

~~C. The existence of such conditions as described in this article, is injurious and inimical to the public health, safety, and welfare of the residents of the City and contributes substantially and increasingly to the deterioration of neighborhoods.~~

~~D. Unless corrective measures are undertaken to alleviate such existing conditions and assure the avoidance of future problems in this regard, the public health, safety, and general welfare, and specifically the social and economic standards of the community, will be depreciated.~~

~~E. The abatement of such conditions will improve the general welfare and image of the City.~~

~~F. The abatement procedures set forth in this article are reasonable and afford due process to all affected persons.~~

~~G. The uses and abuses of property as described in this article reasonably relate to the proper exercise of police power to protect the health, safety, and general welfare of the public. [Added by Ord. No. 2957; Formerly Numbered Section 7-41; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3797, eff. 12/3/10; 3733, 2194.]~~

REASON: Administrative: Relocated to Section 9-1-2-100.1

**9-1-3-303: DEFINITIONS:**

~~The following words and phrases, whenever used in this article, shall be construed as defined in this section, unless from the context a different meaning is specifically defined and more particularly directed to the use of such words or phrases:~~

~~ATTRACTIVE NUISANCE: Shall mean any condition, instrumentality, or machine which is unsafe and unprotected and thereby dangerous to young children by reason of their inability to appreciate the peril therein, and which may reasonably be expected to attract young children to the premises and risk injury by playing with, in, or on it.~~

~~LANDOWNER: Shall mean the person to whom land is assessed as shown on the last equalized assessment roll of the county.~~

~~PARKWAY: Shall mean that portion of a street right-of-way which lies between the property line and the outside edge of a gutter or gutter lip, including a driveway approach. Where no curb exists, "parkway" shall mean the area of property from the property line to the edge of the pavement.~~

~~PROPERTY: Shall mean any lot or parcel of land. For the purposes of this definition, "lot or parcel of land" shall include any alley, sidewalk, parkway, or unimproved public easement abutting such lot or parcel of land. [Added by Ord. No. 2957; Formerly Numbered Section 7-42; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3797, eff. 12/3/10; 3733, 2194.]~~

REASON: Administrative. Relocated to Definitions in Section 9-1-2-202.

~~**9-1-3-304: RESPONSIBILITY FOR ENFORCEMENT:**~~

~~The Building Official shall be responsible for the administration and enforcement of this article. For purposes of declaring and abating fire hazards pursuant to the provisions of this article, the Building Official is also authorized to perform the duties imposed on the Fire Chief and Fire Marshall pursuant to the provisions of the California Fire Code as adopted and amended by this jurisdiction. [Added by Ord. No. 2957; Formerly Numbered Section 7-43; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. 3797, eff. 12/3/10; 3733, 3604, 2194.]~~

REASON: Administrative. Relocated to new section number 9-1-2-104.1 (A).

~~**9-1-3-305: PROHIBITED ACTIVITIES:**~~

~~**A. RUBBISH AND VEGETATION:**~~

~~It shall be unlawful for any landowner, and person leasing, occupying, or having charge or possession of any property in the City to keep, maintain, or deposit on such property any of the following:~~

~~1. Rubbish or junk, including, but not limited to, refuse, garbage, scrap metal or lumber, concrete, asphalt, tin cans, tires, and piles of earth.~~

~~2. Abandoned, discarded, or unused furniture, stoves, sinks, toilets, cabinets, or other fixtures or equipment which are not stored within an entirely enclosed space.~~

~~3. Combustible material likely to become easily ignited or debris resulting from any fire and which constitutes a fire hazard, as defined in the California Fire Code.~~

~~4. Inoperative, abandoned, or dismantled motor vehicles, trailers, campers, and boats which are not stored within an entirely enclosed space or carport.~~

~~5. Trash, garbage, or refuse cans, bins, boxes or other such containers stored in front or side yards visible from public streets.~~

~~6. The following weeds:~~

~~(i) Weeds which bear seeds of a downy or wingy nature.~~

~~(ii) Sagebrush, chaparral, and any brush or weeds which attain such large growth as to become, when dry, a menace to adjacent property.~~

~~(iii) Weeds which are otherwise noxious or dangerous.~~

~~(iv) Puncture vines and tumble weed.~~

~~(v) Poison oak and poison ivy when the conditions of growth are such as to constitute a menace to the public health.~~

~~7. Dry grass and grass likely to become dry; stubble; brush; litter; or other flammable material which endangers the public safety creating a fire hazard, as defined in the California Fire Code.~~

~~8. Dead, decayed, or hazardous trees or other vegetation; residue from a fire; or demolition such as concrete or brick foundations and flat work; and overgrown vegetation which is unsightly and likely to harbor rats or vermin, and which constitute an unsightly appearance, a fire hazard, or are dangerous to public health and welfare.~~

REASON: Administrative. Items 1-5 relocated to 9-1-2-308.1.1 on Rubbish and Garbage. Items 6-8 relocated to Section 9-1-2-302.4 on Weeds.

## ~~B. BUILDINGS.~~

~~It shall be unlawful for any landowner or person leasing, occupying, or having charge or possession of any property in the City to maintain on such property any of the following:~~

~~1. Buildings which are abandoned, partially destroyed, or partially constructed or incomplete after building permits have expired.~~

~~2. Buildings with deteriorating or peeling paint that allows the exterior building coverings to deteriorate or to permit the effects of sun and water penetration so as to encourage decay, dry rot, warping, cracking, or any other form of deterioration.~~

~~3. Broken windows, doors, attic vents, and under floor vents.~~

~~4. Building exteriors (walls, roofs, appendages, and other architectural and structural elements), and site improvements (walls, fences, driveways, or walkways, and other site elements) which are cracked, broken, defective, deteriorated, in disrepair, or defaced due to any writing, inscription, figure, scratches, or other markings commonly referred to as "graffiti." [Added by Ord. No. 2957; Formerly Numbered Section 7-44; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3797, eff. 12/3/10; 3733, 3604, 2194.]~~

REASON: Administrative. Relocated to new section number 9-1-2-301.2.1 (B).

**~~9-1-3-306: PUBLIC NUISANCE:~~**

~~It is hereby declared a public nuisance for any landowner or person leasing, occupying, directly controlling, or having possession of any property in this City to maintain any condition described in Section 9-1-3-305 of this Code or to maintain any attractive nuisance. [Added by Ord. No. 2957; Formerly Numbered Section 7-45; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3797, eff. 12/3/10; 3733, 2194.]~~

REASON: Administrative. Relocated to new section number 106.1.1.2.

**~~9-1-3-307: ENFORCEMENT:~~**

~~Enforcement of this article may be accomplished by the Building Official in any manner authorized by law. The procedures set forth in this article shall not be exclusive and shall not in any manner limit or restrict the City from enforcing other City ordinances or abating public nuisances in any other manner provided by law. [Added by Ord. No. 2957; Formerly Numbered Section 7-46; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3797, eff. 12/3/10; 3733, 2194.]~~

REASON: Administrative. Relocated to new section number 9-1-104.1.1 (B).

**~~9-1-3-308: PROCEDURES FOR ABATEMENT OF UNLAWFUL CONDITIONS:~~**

**~~A. NOTICE AND ORDER OF BUILDING OFFICIAL:~~**

~~Whenever the Building Official has inspected or caused to be inspected any property and has found and determined that conditions constituting a public nuisance exist thereon, the Building Official may use the procedures set forth in this section for the abatement of such nuisance.~~

~~1. The Building Official shall issue a notice and order and mail a copy of such notice and order to the landowner and the person, if other than the landowner, occupying or otherwise in real or apparent charge and control of the property. The notice and order shall contain:~~

~~(i) The street address and a legal description sufficient for identification of the property on which the condition exists.~~

~~(ii) A statement that the Building Official has determined that a public nuisance is being maintained on the property with a brief description of the conditions which render the property a public nuisance.~~

~~(iii) An order to secure all appropriate permits and to physically commence, within ten (10) days from the date of service of the notice and order, and to complete within thirty (30) days from such date, the abatement of the described conditions.~~

~~(iv) A statement advising that the disposal of material involved in public nuisances shall be carried forth in a legal manner.~~

~~(v) A statement advising that if the required work is not commenced within the time specified, the Building Official will proceed to cause the work to be done, and bill the persons named in the notice for the abatement costs and/or assess the costs against the property.~~

~~(vi) A statement advising that any person having any interest or record title in the property may appeal from the notice and order or any action of the Building Official within ten (10) days from the date of service of the notice and order.~~

~~(vii) A statement advising that the notice and order will be recorded against the property in the Office of the County Recorder.~~

~~2. The notice and order, and any amended notice and order, shall be mailed by first class mail, postage prepaid, to each person as required pursuant to the provisions of Subsection (a) of this section at the address as it appears on the last equalized assessment roll of the County or as known to the Building Official. The address of owners shown on the assessment roll shall be conclusively deemed to be the proper address for the purpose of mailing such notice. The failure of the Building Official to make or attempt service on any person required in this section to be served shall not invalidate any proceedings hereunder as to any other person duly served. Service by mail in the manner herein provided shall be effective on the date of mailing. The failure of any person entitled to receive such notice shall not affect the validity of any proceedings taken under this article.~~

~~3. Proof of service of the notice and order shall be documented at the time of service by a declaration under penalty of perjury executed by the person effecting service, declaring the time and manner in which service was made.~~

~~4. At the time the notice and order is served, the Building Official shall file in the Office of the County Recorder a certificate legally describing the property and certifying that a public nuisance exists on the property and the owner has been so notified. The Building Official shall file a new certificate with the County Recorder that the nuisance has been abated whenever the corrections ordered shall have been completed so that there no longer exists a public nuisance on the property described in the certificate; or the notice and order is rescinded by the Board of Building and Fire Code Appeals upon appeal; or whenever the City abates the nuisance and the abatement costs have been paid.~~

#### ~~B. EXTENSION OF TIME TO PERFORM WORK.~~

~~Upon receipt of a written request from any person required to comply with the order, the Building Official may grant an extension of time within which to complete said abatement, if the Building Official determines that such an extension of time will not create or perpetuate a situation imminently dangerous to life or property. The Building Official shall have the authority to place reasonable conditions on any such extensions.~~

#### ~~C. APPEAL.~~

~~Any person aggrieved by the action of the Building Official in issuing a notice and order pursuant to the provisions of this article may appeal to the Board of Building and Fire Code Appeals in accordance with the provisions of Article 2 of this chapter. If no appeal is filed within the time prescribed, the action of the Building Official shall be final. [Added by Ord. No. 2957; Formerly Numbered Section 7-47; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3797, eff. 12/3/10; 3733, 2194.]~~

REASON: Administrative. Relocated to new section number 9-1-2-106.5.2.

~~**9-1-3-309: PERFORMANCE OF ABATEMENT:**~~

~~Abatement of the nuisance may in the discretion of the Building Official be performed by City forces or by a contractor retained pursuant to the provisions of this Code. [Added by Ord. No. 2957; Formerly Numbered Section 7-48; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3797, eff. 12/3/10; 3733, 2194.]~~

REASON: Administrative. Relocated to new section number 9-1-106.5.1.

~~**9-1-3-310: ENTRY ON PRIVATE PROPERTY:**~~

~~The Building Official may enter upon private property to abate the nuisance pursuant to the provisions of this article. No person shall obstruct, impede, or interfere with any officer, employee, contractor or authorized representative of the City whenever such person is engaged in the work of abatement, pursuant to the provisions of this article, or in performing any necessary act preliminary to or incidental to such work as authorized or directed pursuant to this article. [Added by Ord. No. 2957; Formerly Numbered Section 7-49; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3797, eff. 12/3/10; 3733, 2194.]~~

REASON: Administrative. Relocated to new section number 9-1-2-104.3.1.

~~**9-1-3-311: ADDITIONAL PROCEEDINGS FOR ABATEMENT OF IMMINENTLY DANGEROUS PUBLIC NUISANCES:**~~

~~Whenever the Building Official determines that a public nuisance is so imminently dangerous to life or adjacent property that such condition must be immediately corrected, or isolated, the Building Official may institute the following procedures:~~

~~**A. NOTICE.**~~

~~The Building Official shall attempt to make contact through a personal interview, or by telephone with the landowner or the person, if any, occupying or otherwise in real or apparent charge and control thereof. In the event contact is made, the Building Official shall notify such person, or persons, of the danger involved and require that such condition be immediately removed, repaired or isolated so as to preclude harm to any person or property.~~

~~**B. ABATEMENT.**~~

~~In the event the Building Official is unable to make contact as hereinabove noted, or if the appropriate persons, after notification by the Building Official, do not take action as specified by such official, within seventy-two (72) hours, then the Building Official may, with the approval of the City Manager, take all steps deemed necessary to remove or isolate such dangerous condition, or conditions, with the use of City forces or a contractor retained pursuant to the provisions of this Code.~~

~~**C. COST.**~~

~~The Building Official shall keep an itemized account of the costs incurred by the City in removing or isolating such condition, or conditions. Such costs may be recovered in the same manner that abatement costs are recovered pursuant to this article. [Added by Ord. No. 2957; Formerly Numbered Section 7-50; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3797, eff. 12/3/10; 3733, 2194.]~~

REASON: Administrative. Relocated to new section number 9-1-2-108.6.1.

**~~9-1-3-312: ACCOUNT OF ABATEMENT COSTS:~~**

~~The Building Official shall keep an itemized account of the costs incurred by the City in the abatement of any public nuisance under this article. Upon completion of the abatement work, the Building Official shall prepare a report specifying the work done, the itemized costs of the work for each property, including direct and indirect costs, a description of the real property, and the names and addresses of the persons entitled to service pursuant to Section 9-1-3-308. Any such report may include costs on any number of properties, whether or not contiguous to each other. Each person named in the notice shall be jointly and severally liable for such abatement costs and the amount of such costs shall be a debt owed to the City. [Added by Ord. No. 2957; Formerly Numbered Section 7-51; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3797, eff. 12/3/10; 3733, 2194.]~~

REASON: Administrative. Relocated to new section number 9-1-2-103.5.1

**~~9-1-3-313: PROCEDURE FOR SPECIAL ASSESSMENT:~~**

**~~A. CITY CLERK.~~**

~~When any charges levied pursuant to this article remain unpaid for a period of sixty (60) days or more after the date on which they were billed, the Building Official, in his discretion, may forward the abatement costs report described in Section 9-1-3-308 to the City Clerk.~~

**~~B. HEARING NOTICE.~~**

~~Upon receipt of the abatement costs report, the Clerk shall fix a time and place for hearing and passing upon the report. The Clerk shall cause notice of the amount of the proposed assessment, shown in this report, to be given in the manner and to the persons specified in Section 9-1-3-308. Such notice shall contain a description of the property sufficient to enable the persons served to identify it, and shall specify the day, hour, and place when the Council will hear and pass upon the report, together with any objections or protests which may be raised by any landowner liable to be assessed for the costs of such abatement. Notice of the hearing shall be given not less than fifteen days prior to the time fixed by the Clerk for the hearing, and shall also be published once, at least fifteen (15) days prior to the date of the hearing, in a newspaper of general circulation published in the County of Los Angeles.~~

**~~C. PROTEST.~~**

~~Any interested person may file a written protest with the City Clerk at any time prior to the time set for the hearing on the report of the Building Official. Each such protest shall contain a description of the property in which the person signing the protest is interested and the grounds of such protest. The City Clerk shall endorse on every such protest the date and time of filing, and shall present such protest to the Council at the time set for hearing. [Added by Ord. No. 2957; Formerly Numbered Section 7-52; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3797, eff. 12/3/10; 3733, 2194.]~~

REASON: Administrative. Relocated to new section number 9-1-2-103.5.2

**~~9-1-3-314: HEARING ON PROPOSED ASSESSMENT:~~**

~~Upon the day and hour fixed for the hearing the Council shall consider the report of the Building Official, together with any protests which have been filed with the City Clerk. The Council may make such revision, correction, or modification in the report as it may deem just, and when the~~

~~Council is satisfied with the correctness of the assessment, the report, and proposed assessment, as submitted or as revised, corrected, or modified, shall be confirmed. The decision of the Council on the report and the assessment and on all protests shall be final and conclusive. The Council may adjourn the hearing from time to time. [Added by Ord. No. 2957; Formerly Numbered Section 7-53; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3797, eff. 12/3/10; 3733, 2194.]~~

REASON: Administrative. Relocated to new section number 9-1-2-103.5.3

**~~9-1-3-315: CONTEST OF ASSESSMENT:~~**

~~The validity of any assessment levied under the provisions of this article shall not be contested in any action or proceeding unless such action or proceeding is commenced within thirty (30) days after the assessment is confirmed by the Council. [Added by Ord. No. 2957; Formerly Numbered Section 7-54; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3797, eff. 12/3/10; 3733, 2194.]~~

REASON: Administrative. Relocated to new section number 9-1-2-103.5.4

**~~9-1-3-316: NOTICE OF LIEN: FORM AND CONTENTS:~~**

**~~A. NOTICE OF LIEN:~~**

~~Immediately upon the confirmation of the assessment by the Council, the Building Official shall execute and file in the Office of the County Recorder a certificate in substantially the following form:~~

**~~NOTICE OF LIEN~~**

~~Pursuant to the authority vested in the Building Official by the provisions of Article 3, Title 9 Chapter 1 of the Burbank Municipal Code, said Building Official on or about the \_\_\_\_\_ day \_\_\_\_\_ of, 20\_\_\_\_, caused the abatement of a nuisance on real property, and the Council for the City of Burbank, on the \_\_\_\_\_ day \_\_\_\_\_ of, 20\_\_\_\_, assessed the cost of such abatement upon said real property and the same has not been paid nor any part thereof, and the City of Burbank does hereby claim a lien on said real property for the net expense of the doing of said abatement in the amount of \$\_\_\_\_\_, and this amount shall be a lien upon said real property until the sum has been paid in full and discharged of record. The real property hereinbefore mentioned, and upon which a lien is claimed, is that certain parcel of land in the City of Burbank, County of Los Angeles, State of California, and particularly described as follows:~~

~~(DESCRIPTION)~~

~~Dated: This \_\_\_\_\_ day \_\_\_\_\_ of, 20\_\_\_\_.~~

~~BUILDING OFFICIAL OF THE CITY OF BURBANK~~

~~(ACKNOWLEDGEMENT)~~

**~~B. RECORDATION:~~**

~~Immediately upon the recording of the notice of lien the assessment shall constitute a lien on the real property assessed. Such lien shall, for all purposes, be upon a parity with the lien of state and local taxes. [Added by Ord. No. 2957; Formerly Numbered Section 7-55; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3797, eff. 12/3/10; 3733, 3604, 2194.]~~

REASON: Administrative. Relocated to new section number 9-1-2-103.5.5

~~**9-1-3-317: COLLECTION WITH REGULAR TAXES PROCEDURE:**~~

~~**A. ASSESSMENT BOOK.**~~

~~The notice of lien, after recording, shall be delivered to the Auditor of Los Angeles County, who shall enter the amount on the county assessment book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The notice of lien shall be delivered to the Auditor before the date fixed by law for the delivery of the assessment book to the County Board of Equalization.~~

~~**B. COLLECTION.**~~

~~Thereafter the amount set forth in the notice of lien shall be collected at the same time and in the same manner as ordinary City taxes are collected, and shall be subject to the same penalties and interest and to the same procedure under foreclosure and sale in case of delinquency as provided for ordinary City taxes. All laws applicable to the levy, collection and enforcement of City taxes are hereby made applicable to such assessment.~~

~~**C. REFUNDS.**~~

~~The Council may order a refund of all or part of a tax paid pursuant to this article if it finds that all or part of the tax has been erroneously levied. A tax or part thereof shall not be refunded unless a claim is filed with the City Clerk on or before November 1 after the tax became due and payable. The claim shall be verified by the person who paid the tax, or the legal representative of such person. [Added by Ord. No. 2957; Formerly Numbered Section 7-56; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3797, eff. 12/3/10; 3733, 2194.]~~

REASON: Administrative. Relocated to new section number 9-1-2-103.5.6.

~~**9-1-3-318: REMEDIES OF PRIVATE PARTIES:**~~

~~The provisions of this article shall in no way adversely affect the right of the owner, lessee, or occupant of any such lot to recover all costs and expenses required by this article from any person causing such nuisance. [Added by Ord. No. 2957; Formerly Numbered Section 7-57; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3797, eff. 12/3/10; 3733, 2194.]~~

REASON: Administrative. Relocated to new section number 9-1-2-103.4.1.