

CITY OF OJAI
ORDINANCE NO. 880

**AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF OJAI, CALIFORNIA AMENDING OJAI
MUNICIPAL CODE SECTION 9-15.12, SUBDIVISION (D)
RELATING TO VACANT BUILDING ABATEMENT
PLANS, CLARIFYING THAT APPEALS FROM
COMMUNITY DEVELOPMENT DIRECTOR DECISIONS
REGARDING SUCH PLANS ARE TO THE BUILDING
APPEALS BOARD**

WHEREAS, the City Council desires to make the following amendment to the Vacant Property Maintenance, Security, and Registration Ordinance to state that decisions of the Community Development Direction regarding vacant building abatement plans under Ojai Municipal Code section 9-15.12 are appealable to the Building Appeals Board.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OJAI CALIFORNIA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Recital. The above set-forth recital and finding is true and correct and incorporated herein by reference, as if set forth herein in full.

SECTION 2. Environmental Determination. The City Council determines that the following findings reflect the independent judgment of the City Council. The City Council finds that the adoption of the following amendments to the Ojai Municipal Code is exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines sections 15378 and 15061(b)(3) for the following reasons:

(a) Under CEQA Guidelines Section 15061(b)(3), CEQA review is not required because there is no possibility that this minor amendment to the provisions of the Ojai Municipal Code governing vacant property inspection, registration, maintenance, and remediation may have a significant effect upon the environment. Under CEQA Guidelines Section 15061(b)(3), a project is exempt when there is no possibility that it may have a significant effect on the environment. The proposed amendments provides that appeals of decisions of the Community Development Direction regarding vacant building abatement plans under Ojai Municipal Code section 9-15.12 are appealable to the Building Appeals Board, instead of the Planning Commission. The proposed amendments do not directly authorize any new construction or redevelopment of existing vacant properties. Accordingly, the City finds that these amendments

City of Ojai
Ordinance No. 880

are exempt from CEQA under Guidelines Section 15061(b)(3) because there is no possibility that this ordinance will have a significant effect on the environment.

(b) Under CEQA Guidelines Section 15378(b)(5), the proposed amendments are not a project under CEQA because they will not cause a “direct physical change in the environment” or a “reasonably foreseeable indirect physical change in the environment” because the amendments modify the City’s administrative procedures for vacant buildings and do not authorize any specific development activity or promote new construction, growth, or redevelopment of existing vacant properties. Any proposed redevelopment of existing vacant buildings will require independent review by the City, including appropriate CEQA review. Accordingly, the City finds that these amendments do not qualify as a “project” under CEQA Guidelines Section 15378(b)(5) because they constitute administrative activities of government that do not directly or indirectly result in any physical changes in the environment.

SECTION 3. Code Amendment. Ojai Municipal Code Section 9-15.12 is hereby amended to read as follows, with additions marked by underlined text and deletions by ~~struck-out text~~:

Sec. 9-15.12. Abatement plan.

(a) The director shall prepare a written abatement plan for all vacant buildings within the City. The abatement plan shall set forth, in detail, those items and actions required by the City in order to bring the vacant building into compliance with the provisions of this chapter.

(b) A copy of the abatement plan shall be served on the owner/beneficiary/trustee of each vacant building. Service shall be effectuated by personal delivery or by depositing the abatement plan in the United States Postal Service certified mail, return receipt requested. Service is deemed to have occurred within five (5) days from the date of mailing.

(c) In addition to service of the abatement plan, each owner/beneficiary/trustee shall be notified that he, she or it has ninety (90) days in which to obtain any necessary or required building or other permits and complete any and all remediation required by the abatement plan. The director, upon a showing by the owner/beneficiary/trustee of good cause, may extend the remediation period for up to an additional ninety (90) days.

(d) An owner/beneficiary/trustee may appeal any or all requirements for abatement and/or remediation set forth within the Director’s abatement plan to the ~~Planning Commission~~ Building Appeals Board within twenty-one (21) days from receipt or deemed receipt thereof, pursuant to Title 10, Chapter 2, Article 30 of this Code.

City of Ojai
Ordinance No. 880

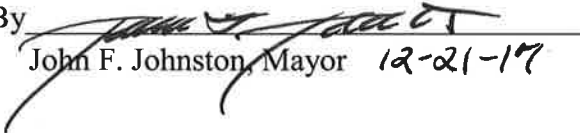
(e) Failure of the owner/beneficiary/trustee to obtain all necessary permits and complete the remediation requirements of the abatement plan within the time required by this Section 9-15.12, shall be deemed in violation thereof and subject to the provisions of Section 9-15.17 of this chapter.

SECTION 4. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have adopted this Ordinance, and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, phrases or portions might be declared invalid or unconstitutional.

SECTION 5. Certification. The City Clerk shall cause this Ordinance to be published once, within fifteen (15) calendar days after its passage, in the *Ojai Valley News*, a newspaper of general circulation, printed, published and circulated in the City, and shall cause a copy of this Ordinance and its certification, together with proof of publication, to be entered in the Book of Ordinances of the City.

SECTION 6. Effective Date. This Ordinance shall take effect 30 days after its passage and adoption pursuant to California Government Code Section 36937, shall supersede any conflicting provision of any City of Ojai ordinance, and shall continue in effect until terminated by further action of the City Council in accord with applicable law.


CITY OF OJAI, CALIFORNIA

By 
John F. Johnston, Mayor 12-21-17

ATTEST:


Gail Davis, Deputy City Clerk

APPROVED AS TO FORM:


Matthew Summers, City Attorney

City of Ojai
Ordinance No. 880

STATE OF CALIFORNIA)
COUNTY OF VENTURA)
CITY OF OJAI)

I, Gail Davis, Deputy City Clerk of the City of Ojai do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Ojai held on November 28, 2017 and adopted at a regular meeting held on December 12, 2017 by the following vote:

AYES: Blatz, Francina, Haney, Johnston, Weirick
NOES: None
ABSTAIN: None
ABSENT: None



Gail Davis
Deputy City Clerk for the City of Ojai