



The Aviles Sisters



Jasmine & Jocelyn & Stephanie.

The Aviles Law
Municipal Codes
Agenda Item 16

- 18.08.050 (18.02.050 D) Dangerous Building
- 18.16.150 (18.08.010) Certificate of Occupancy
- 18.20.080 (18.09.010) Failure to Comply with LBMC Title 18 Bldg. & Construction
- 21.31.245(C) Unlawful Dwelling
- 21.41.170 Illegal Garage Conversion
- 18.20.210 (18.20.110) Dangerous buildings or conditions
- 9.65.060 (D) (4) Administrative Citation

18.08.050 - D definitions.

"Dangerous building" means any building or structure which has any or all of the conditions or defects hereinafter described, provided that such conditions or defects exist to the extent that life, health, property, or safety of the public or its occupants are endangered or persons in the vicinity thereof:

1.

Whenever any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size, or is not so arranged as to provide safe and adequate means of exit in case of fire or panic;

2.

Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one-half times the working stress or stresses allowed in this title for new buildings of similar structure, purpose or location;

3.

Whenever any portion thereof has been damaged by fire, earthquake, wind, flood, or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of this title for new buildings of similar structure, purpose or location

4.

Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property;

5.

Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one-half of that specified in this title for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in this title for such buildings;

6.

Whenever any portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction;

7.

Whenever the building or structure, or any portion thereof, because of: (a) dilapidation, deterioration, or decay; (b) faulty construction; (c) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (d) the deterioration, decay or inadequacy of its foundation; or (e) any other cause, is likely to partially or completely collapse;

8.

Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used;

9.

Whenever the exterior walls or other vertical members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base;

10.

Whenever the building or structure, exclusive of the foundation, shows thirty-three percent (33%) or more damage or deterioration of its supporting member or members, or fifty percent (50%) damage or deterioration of its nonsupporting members, enclosing or outside walls, or coverings;

11.

Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become: (a) an attractive nuisance to children; (b) a harbor for vagrants, criminals or immoral persons; or (c) as to enable persons to resort thereto for the purpose of committing unlawful or immoral acts;

12.

Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by this title;

13.

Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any nonsupporting part, member or portion less than fifty percent (50%), or in any supporting part, member or portion less than sixty-six percent (66%) of the: (a) strength; (b) fire-resisting qualities or characteristics; or (c) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location;

14.

Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidations, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the city health officer to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease;

15.

Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the chief of the fire department to be a fire hazard;

16.

Whenever any building or structure is in such a condition as to constitute a public nuisance under common law or equity jurisprudence;

17.

Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

"Department" means the department of planning and building.

18.16.150 - Certificate required for use or occupancy.

To safeguard life and limb, health, property and public welfare, no building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a certificate of occupancy therefore as provided in this chapter.

Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this title or of other ordinances of the city. Certificates presuming to give authority to violate or cancel the provisions of this title or of other ordinances of the jurisdiction shall not be valid.

Exceptions.

1.

Unless it is specifically required by other provisions of this title, no existing building or portion thereof shall require a certificate of occupancy, provided the occupancy housed therein is the same for which the original building permit was issued and a final inspection approved.

2.

No structure, the architecture of which inhibits occupancy, shall require a certificate of occupancy.

18.20.080 - Compliance with provisions.

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, demolish, convert, equip, use or occupy or maintain any building or structure or any portion of any building or structure in the city, contrary to or in violation of any provision of this title, or to cause, permit or suffer the same to be done.

(Ord. C-7823 § 22, 2002: Ord. C-5332 § 3 (part), 1977: prior code § 8100.203).

21.31.245 - Accessory structures.

Attached and detached accessory structures shall be subject to the development standards indicated in Table 31-3 and as otherwise specified in this Section. Where no specific development standard is indicated, the standards for principal structures shall apply.

A.

Garages. This Subsection establishes the development standards for the location, height and size of a garage. The required number of parking spaces, parking stall size, turning radius and other parking standards are specified in Chapter 21.41 (Off-Street Parking and Loading Requirements) of this Title.

1.

Setbacks.

a.

If the garage takes direct access from a street, the garage shall be set back twenty feet (20') from the street property line. If the garage door does not face the street, the setback shall be the same as required for principal use structures.

b.

In the rear half of a lot, a garage may be located directly on the rear property line and on one side property line, provided the other side yard is at least three feet (3') wide (except for permitted projections, see Table 31-3). Otherwise, the standards for setbacks of the principal use structures shall apply. Garages shall not be allowed in street side yard of a corner lot.

c.

In the R-1-L Zone, the garage shall be set back fifty feet (50') from the street property line.

2. Size. Garages for single-family residences shall not exceed seven hundred (700) square feet in size and for two-family residences, shall not exceed one thousand one hundred (1,100) square feet in size.

3. Height. No garage shall exceed one-story and thirteen feet (13') in height. Mezzanines and lofts shall not be permitted.

4. Other Uses In Garage. Laundry facilities, work benches and similar uses may be located in the garage, provided such uses do not encroach into the required parking area. If such a use or room is separated from the parking area in the garage by a solid wall, the room shall be considered an additional accessory structure and shall conform to applicable standards specified in Subsection 21.31.245.C of this Title.

5. Garages In R-3 And R-4 Zones. Garages in R-3 and R-4 Zoning Districts, for projects with three (3) or more units on a lot, shall conform to the standards set forth in Table 31-7. For projects with one or two (2) units on a lot, the standards of this Subsection 21.31.245.A shall apply.

B. Common recreational room or buildings shall be permitted only in multi-family residential developments containing twenty-one (21) or more dwelling units, unless otherwise permitted by site plan review. Such rooms shall be developed in accordance with the following standards:

- 1. Setbacks.** Street, front, side and rear yard setbacks shall be the same as those established by Subsection 21.31.245.A.1 for garages in the R-3 and R-4 Districts
- 2. Size.** The size of such rooms shall be limited to five hundred (500) square feet. Larger sizes may be approved through the site plan review process

C.

Other Attached And Detached Accessory Buildings And Structures. All other permitted attached and detached accessory buildings shall be developed in accordance with the following standards:

- 1. Use.** An attached and detached accessory building shall be used as a workshop for noncommercial hobbies or amusement; for artistic endeavors; for storage; or for other similar purposes customarily related to a residential use. These structures shall not contain bathing or cooking facilities and shall not be utilized as "dwelling units" (as defined in Section 21.15.910);
- 2. Location.** An attached or detached accessory building shall be located only in the rear half of a lot. The building may be built directly on the rear property line and on one side property line, provided the other side yard is at least three feet (3') wide and has no structures or projections located in it and the structure is not located in the street side yard of a corner lot;
- 3. Size.** Such buildings shall not exceed three hundred (300) square feet or five percent (5%) of the lot area in size, whichever is smaller;
- 4. Height.** No detached accessory building shall exceed one-story and thirteen feet (13') in height. Mezzanines and lofts shall not be permitted; and
- 5. Prohibited In R-1-S, R-1-M, R-2-S And R-2-I Zones.** Detached accessory buildings are prohibited in R-1-S, R-1-M, R-2-S and R-2-I Zones.

D. Radio And Television Antennas. Development standards are contained in Chapter 21.45 (Special Development Standards).

E. Swimming Pools And Spas. Development standards are contained in Chapter 21.45 (Special Development Standards).

F. Trash Receptacles. Trash receptacles shall be provided as follows:

- 1. One To Three Units.** Adequate receptacles shall be provided for each unit.
- 2. Four Or More Units.** Common trash areas shall be provided in sufficient quantity to accommodate all refuse generated. Trash receptacle enclosures

(Ord. C-7663 § 7, 1999; Ord. C-7378 § 7, 1995; Ord. C-7326 § 10, 1995; Ord. C-7247 § 12, 1994; Ord. C-7032 §§ 21, 22, 1992; Ord. C-6933 § 22, 1991; Ord. C-6822 § 11, 1990; Ord. C-6684 § 41 (part), 1990; Ord. C-6533 § 1 (part), 1988).

Table 31-7

Garages in R-3 and R-4 Zone Districts

	Setbacks (a,*):		
Type of Garage	Front/Side Street	Side/Rear(**)	Maximum Height
1. On grade	30' from street property line(s) and shall be screened by residential use from all street frontages	In the front half of the lot: no projections into the required yard. In the rear half of the lot: 5' from property line	Projecting into required yard area-13'. Outside of required yard area- same as principal structure
2. Semi-subterranean	Required yard area***	Same as on-grade garage	Not to exceed 4' above grade***
3. Subterranean	Required yard area***	Same as on-grade garage	Below grade

Editor's note— For a. developments of 1 or 2 units on a lot, refer to Subsection 21.31.245.A.

Editor's note— For 3 * or more units, no vehicle shall be permitted to back into the street.

Editor's note— Along ** the interior property lines, a minimum of 5 feet landscaping buffer shall be provided in accordance with Section 21.42.040 (landscaping standards).

Editor's note— *** Through a site plan review process, a subterranean garage may be permitted to project into a portion of the required front or side street setback area. Further, the SPR process can be utilized to increase the maximum height of semi-subterranean garages.

(Ord. C-7326 § 11, 1995).

21.41.170 - Established uses.

The number of existing off-street parking and loading spaces shall not be reduced, or in any other way modified, below the standards required by this Title.

18.20.210 - Dangerous buildings or conditions—Summary abatement.

Where necessary in the opinion of the building official to protect life or property from an acutely dangerous condition, the building official may take emergency action to abate the hazard by city forces as provided in this chapter or may order the building immediately vacated, posted unsafe, barricaded, utilities disconnected, or other appropriate protective remedy.

9.65.060 - Issuance of administrative citation.

A.

Any responsible person who violates any provision of this title and Titles 3, 5, 8, 10, 14, 18 and 21 of the Long Beach Municipal Code may be issued an administrative citation, pursuant to this chapter, by an enforcement officer designated to issue such citations.

B.

Each and every day a violation exists constitutes a separate and distinct offense.

C.

A civil fine shall be assessed by means of an administrative citation issued by the enforcement officer and shall be payable directly to the City of Long Beach.

D.

Fines shall be assessed for code violations committed by the same responsible person as follows:

1.

A fine for each initial violation, in an amount established by the city council by resolution;

2.

A fine for each instance of a second violation of the same code section within one (1) year from the date of the first violation, in an amount established by the city council by resolution;

3.

A fine for each additional violation of the same code section within one (1) year from the date of the first violation, in an amount established by the city council by resolution;

4.

A fine for each violation of Municipal Code, Section 21.41.170 illegal garage conversions, 18.08.050 for dangerous buildings, 18.16.150 certificates of occupancy, 18.20.080 failure to comply with Title 18, and/or Subsection 21.31.245C. unlawful dwelling units, in an amount established by the city council by resolution; and

5.

A fine for each violation of Municipal Code, Section 21.51.227 relating to illegal automotive work, in an amount established by the city council by resolution.

(ORD-09-0022, § 6, 2009)