

1 units is tremendously important to the City and that the City has a very substantial interest in
2 ensuring that multi-family rental properties remain as desirable housing option for its residents.

3 The City Council also finds that over time multi-family rental properties deteriorate due to
4 intentional and unintentional neglect by property owners, managers and tenants, that such
5 deterioration often results in substandard conditions that adversely affect the quality of life of the
6 occupants and the economic values of neighboring properties, that property owners chose to not
7 make necessary repairs because of cost and tenants fail to report the deficiencies out of ignorance or
8 fear of eviction for doing so, and that such properties become hazardous to the public health and
9 safety.

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11 The City Council further finds that the public interest demands that all owners of multi-family rental
12 properties comply with the minimum standards pertaining to the health and safety of the public, that
13 California Health and Safety Code Section 13146.2 (a) requires the Fire Chief to inspect multi-
14 family rental properties annually, that the most effective way to seek universal compliance with the
15 minimum standards is through routine inspections of all multi-family rental housing properties.

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17 Therefore, it is the intent of the City Council to enact the provisions of this chapter as the basis for
18 establishing a Multi-Family Rental Property Fire Inspection Program aimed at securing city-wide
19 compliance of multi-family rental properties with the minimum building standards of the state, as
20 city-wide compliance will prevent blight and ensure that all persons who live in multi-family rental
21 dwelling units are provided decent, safe and sanitary housing.

22
23 **15.58.030. Definitions**

24 Except as otherwise provided herein and for the purpose of this chapter, the following definitions
25 shall apply:

26 "City" means the City of Rialto.

27 "Certificate of Compliance" means a certificate issued by the Fire Marshal that states a
28 specified Multi-Family Rental Property complies with this chapter.

1 “Dwelling Unit” means a building, or portion thereof, that contains one or more habitable
2 rooms used or designed for human occupancy by one family for living or sleeping purposes and that
3 contains cooking and sanitation facilities as required by the adopted edition of the California
4 Building Code.

5 “Fire Chief” means the Chief of the Rialto Fire Department as defined in Section 2.34.030.

6 “Fire Marshal” means the division head of the Rialto Fire Department Prevention Division or
7 his/her designee.

8 “Multi-Family Rental Property” means a single structure, or a group of structures on the
9 same parcel of land, that containing three or more dwelling units each of which is rented or intended
10 to be rented. For purposes of this chapter, “Multi-Family Rental Property” does not include any
11 hotel, motel or lodging house.

12 “Notice of Violation” means a notice issued to the owner of a multi-family rental property
13 that lists each violation discovered by the annual inspection of the property and the date by which
14 the owner must remedy each violation but not more than thirty (30) days from the date of the Notice
15 of Violation.

16 “Occupant” means any person who occupies a dwelling unit, whether as an owner or tenant
17 or permittee of the owner.

18 “Owner” means that person or entity, including an agent of the owner, holding a vested
19 interest in a given property and appearing as the legal owner of record on the most current deed
20 recorded in the San Bernardino County Recorder’s Office on the day of the inspection or re-
21 inspection. The term “Owner” includes the owner’s agent or representative.

22
23 **15.58.040. Registration of Multi-Family Rental Properties**

24 (a) Each owner of a multi-family rental property shall register each such property with the Fire
25 Marshal as required herein. Each owner shall register each such property within ninety (90) days
26 after the effective date of this chapter or within ninety (90) days after acquiring a multi-family rental
27 property from the effective date of this chapter. Once registered, an owner shall not be required to
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1 register the property again unless there is a change in the ownership, or form of ownership, of the
2 property.

3 (b) Unless so registered, an owner shall not rent any dwelling unit in an unregistered multi-
4 family rental property. Unless so registered, no person shall occupy any dwelling unit in an
5 unregistered multi-family rental property.

6 (c) Each owner of a multi-family rental property shall submit a registration, signed under penalty
7 of perjury, on a form prepared by the Fire Marshal for each such property that provides for the
8 following information about the owner:

9 (i) The street address and Assessor's Parcel Number of the property;

10 (ii) The number and description of each dwelling unit in the property;

11 (iii) The date when the owner acquired the property;

12 (iv) The consideration paid by the owner at the time of acquisition;

13 (v) The name and current contact information of the owner of the property;

14 (vi) The name and current contact information of the agent of the owner of the property;

15 (vii) The registration form shall require the owner to produce a copy of the deed to the
16 property or other document of title by which the owner claims an interest in or ownership of
17 the property.

18 (d) Each owner shall notify the Fire Marshal of any change in the information submitted
19 pursuant to subsection (b) hereof within 30 days of such change.

20
21 **15.58.050. Annual Inspections of Multi-Family Rental Properties**

22 (a) The Fire Chief shall annually inspect the multi-family rental properties and buildings or
23 structures accessory thereto for compliance with building standards and other regulations of the State
24 Fire Marshal relating to fire and panic safety. During said inspections, the Fire Chief also may
25 inspect such properties under the provisions of the California Building Code and the Uniform
26 Housing Code. Such inspections shall be subject to include the interior and exterior of such
27 properties, buildings and structures. The Fire Chief may delegate this duty to the Fire Marshal. The
28 Fire Marshal also may delegate this duty to any Fire Inspector.

1 (b) Upon the completion of an inspection, the Fire Marshal shall issue a Certificate of
2 Compliance or a Notice of Violation to the owner of a multi-family rental property. In the event the
3 Fire Marshal issues a Notice of Violation to the owner, the Owner shall be requested to remedy each
4 violation by the date specified in the Notice of Violation, which date shall not be less than fifteen
5 (15) days nor greater than thirty (30) days from the date of the Notice of Violation. If exigent
6 circumstances exist, the Fire Marshal shall require immediate compliance.

7 (c) Unless the Fire Marshal issues a Certificate of Compliance, an owner shall not rent any
8 dwelling unit in a multi-family rental property except during the remedy period specified in the
9 Notice of Violation. Unless the Fire Marshal issues a Certificate of Compliance, no person shall
10 occupy any dwelling unit in an unregistered multi-family rental property except during the remedy
11 period specified in the Notice of Violation.

12 (d) Upon completion of an inspection, the inspector shall provide the owner or owner's agent
13 with a copy of the written results of the inspection. The owner or owner's agent shall provide a copy
14 of the results to the occupants of each dwelling unit in the multi-family rental property.

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16 **15.58.060. Notice of Annual Inspections**

17 (a) The Fire Chief shall serve written notice of the date and time of a proposed inspection of a
18 multi-family rental property to be conducted hereunder by mailing or emailing such notice at least
19 30 calendar days prior to the date of the inspection. The notice shall be mailed or emailed to the
20 owner and to owner's agent at their last known address or email. In the case of multiple owners of a
21 property, notice to any one of the owners is sufficient notice. The owner shall mail or email a copy
22 of the inspection notice to each dwelling unit in the multi-family rental property.

23 (b) The notice shall contain all of the following information: (i) the reason for the inspection, (ii)
24 the authority to conduct the inspection under this chapter, (iii) the owner's right to be present during
25 the inspection and to designate another person to be present on behalf of the owner, (iv) the owner's
26 right to reschedule the inspection one time provided the owner so requests no later than three (3)
27 business days before the notice inspection date provided that the rescheduled date shall not be longer
28 than fourteen (14) calendar days from the notice inspection date, (v) the owner's obligation to obtain

1 access to the interior of each dwelling unit and (vi) such other information as the Fire Chief deems
2 important.

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4 **15.58.070. Duty to Provide Access**

5 Upon notice of a proposed inspection hereunder, the owner shall obtain the consent of the occupants
6 of each dwelling unit in the multi-family rental property or otherwise obtain legal access to the
7 dwelling units available to the owner under the terms of the owner's rental agreement with the
8 occupants thereof. In the event the owner refused to obtain consent to inspect the interior of any
9 dwelling unit or claims that the occupants of any dwelling have refused to provide such consent, or if
10 such consent cannot be obtained regardless of the reason, the Fire Marshal is authorized to seek an
11 inspection warrant from a court of competent jurisdiction.

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13 **15.58.080. Inspection Fees**

14 In order to offset the cost of providing the inspections and notices of violation authorized by this
15 chapter, fees are established for the cost to conduct an annual inspection, the cost to reschedule an
16 annual inspection, the cost to issue a notice of violation, the cost to inspect any property after an
17 owner alleges compliance with a notice of violation. Such fees may be establish by a resolution of
18 the City Council

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20 **15.58.090. Violations**

21 Any person who violates any provision of this chapter shall be guilty of a misdemeanor for each day
22 that the violation is found to exist. In the alternative, the Fire Chief may impose an administrative
23 fine pursuant to Chapter 1.10 of this code. In addition, the Fire Chief may seek injunctive relief and
24 available civil penalties in the superior court for a violation of any provision of this chapter. The
25 remedies provided for in this chapter shall be cumulative and not exclusive of any other remedies
26 available under any other federal, state or local law.

1 **SECTION 2. Severability**

2 If any section, subsection, sentence, clause, phrase or a portion thereof this chapter is for any reason
3 held or declared to be invalid or unconstitutional by any court of competent jurisdiction, such portion
4 shall be deemed a separate, distinct and independent provision, and such decision shall not affect the
5 validity of the remaining portions of this chapter not so invalidated or declared unconstitutional, and
6 they shall remain in full force and effect.

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8 **PASSED APPROVED AND ADOPTED** this 25th day of September, 2012.

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GRACE VARGAS, Mayor


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14 ATTEST:

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BARBARA McGEE, City Clerk

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20 **APPROVED AS TO FORM:**

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JIMMY L. GUTIERREZ, City Attorney

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1 STATE OF CALIFORNIA)
2 COUNTY OF SAN BERNARDINO) ss
3 CITY OF RIALTO)

4 I, Barbara McGee, City Clerk of the City of Rialto, do hereby certify that the foregoing
5 Ordinance No. 1514 was duly passed and adopted at a regular meeting of the City Council of the
6 City of Rialto held on the 25th day of September, 2012.

7 Upon motion of Council Member Palmer, seconded by Council Member Baca Jr.,
8 the foregoing Ordinance No. 1514 was duly passed and adopted.

9 Vote on the motion:

10 AYES: Mayor Vargas, Council Members: Scott, Robertson, Baca Jr., Palmer

11 NOES: None

12 ABSENT: None

13 IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of
14 Rialto this 2nd day of October, 2012.

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18 BARBARA MCGEE, CITY CLERK

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