

ORDINANCE NO. 2023-498

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS ADDING CHAPTER 12.72 PENALTY FOR EXPIRED PERMITS AND AMENDING CHAPTER 12.08 AND 12.10 TO TITLE 12 BUILDINGS AND CONSTRUCTION OF THE LOS ALTOS MUNICIPAL CODE

WHEREAS, the amendments was processed in accordance with the applicable provisions of the California Government Code and the Los Altos Municipal Code; and

WHEREAS, the City Council held a duly noticed public hearing on August 22, 2023, and September 12, 2023; and

WHEREAS, this Ordinance is exempt from environmental review pursuant to Section 15061(b)(3) of the State Guidelines implementing the California Environmental Quality Act of 1970, as amended; and

NOW, THEREFORE, the City Council of the City of Los Altos does hereby ordain as follows:

SECTION 1. AMENDMENT OF TITLE 12 OF THE MUNICIPAL CODE. Chapter 12.72 are hereby added of the Los Altos Municipal Code as set forth in Appendix A to this Ordinance.

SECTION 2. AMENDMENT OF TITLE 12 OF THE MUNICIPAL CODE. Chapter 12.08 and 12.10 are hereby amended of the Los Altos Municipal Code as set forth in Appendix A to this Ordinance.

SECTION 3. CONSTITUTIONALITY; AMBIGUITIES. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions hereof. Any ambiguities in the Los Altos Municipal Code created by this Ordinance shall be resolved by the Development Services Director, in their reasonable discretion, after consulting the City Attorney.

SECTION 4. PUBLICATION. This Ordinance shall be published as provided in Government Code Section 36933.

SECTION 5. EFFECTIVE DATE. This Ordinance shall be effective upon the commencement of the thirty-first day following the adoption hereof.

The foregoing Ordinance was duly and properly introduced at a regular meeting of the City Council of the City of Los Altos held on August 22, 2023, and was thereafter, at a regular meeting held on September 12, 2023, passed and adopted by the following vote:

AYES: Dailey, Fligor, Lee Eng, Meadows, Weinberg

NOES:

ABSENT:

ABSTAIN:


Sally Meadows, MAYOR

Attest:


Melissa Thurman MMC
City Clerk

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Chapter 12.72 PENALTY FOR EXPIRED PERMITS

12.72.010 Application.

This chapter shall apply to all residential, non-residential, and commercial, construction and demolition, including, but not limited to, all additions, alterations, modifications, repairs, and improvements, that require a building permit or demolition permit.

12.72.020 Timely renewal of expired permits.

In the event a permit expires under Chapter 12 of the Los Altos Municipal Code for suspension or abandonment of work, the property owner shall seek renewal of the permit within thirty (30) days following its expiration.

12.72.030 Penalty for expired permits.

A property owner shall be subject to the following penalties for violation of section 12.72.020:

<u>Time for Permit Expiration</u>	<u>Penalty</u>
<u>0 to 30 days</u>	<u>\$0</u>
<u>31st day through 60th day</u>	<u>\$200.00 per day</u>
<u>61st day through 120th day</u>	<u>\$400.00 per day</u>
<u>121st day and everyday thereafter</u>	<u>\$800.00 per day</u>

- a) For purposes of this section, if a renewed permit expires and the property owner has not advanced a project to the next level of required inspection, the calculation of penalties shall relate back to the date of the previous permit expiration.
- b) The building official may reduce or waive a penalty accrued under this chapter upon finding that the property owner acted in good faith and either: (1) the delay was attributable to circumstances beyond the property owner's control; or (2) imposition of the full accrued penalty would harm the public interest, provided, however, that and reduction or waiver of more than \$10,000 must be approved by the Development Services Director.

12.72.040 Appeal of assessed penalty.

A property owner may request a hearing to contest a citation issued under this chapter in accordance with Title 1 of the Los Altos Municipal Code.

12.72.050 Public Nuisance declared.

Any violation of this chapter shall constitute a public nuisance and, in addition to being subject to any other remedies allowed by law, may be abated as provided in Chapter 11.10 of the Los Altos Municipal Code.