

ORDINANCE NO. 2011- 008

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN BUENAVENTURA ADDING SAN BUENAVENTURA MUNICIPAL CODE CHAPTER 6.700 TO REQUIRE THAT A REPORT OF CITY BUILDING RECORDS BE DISCLOSED TO THE BUYER AT THE TIME OF ENTERING INTO AN AGREEMENT FOR THE SALE OR EXCHANGE OF ANY BUILDING

The Council of the City of San Buenaventura does ordain as follows:

Section 1. Chapter 6.700 is added to the San Buenaventura Municipal Code to read as follows:

Chapter 6.700 – Disclosure of Building Records Required Upon Building Resale

- Sec. 6.700.010. Intent.
- Sec. 6.700.020. Definitions.
- Sec. 6.700.030. Owner to Obtain; Period Valid.
- Sec. 6.700.040. Application; Fee; Content of Report.
- Sec. 6.700.050. Delivery of Report Prior to Sale.
- Sec. 6.700.060. Exemptions.
- Sec. 6.700.070. Forms; Time Limit.

Sec. 6.700.010. Intent. Pursuant to California Government Code Sections 38780, *et seq.*, it is the intent of the City Council to assure that the buyer of a building within the city is furnished a report of matters of city record pertaining to the authorized use, occupancy and zoning classification of real property prior to sale or exchange.

Sec. 6.700.020. Definitions. For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

A. Agreement of Sale. Any agreement or written instrument which provides that any ownership or interest in title to any real property is to be transferred from one owner to another owner.

B. Building. Any improved real property designed, used or permitted to be used for dwelling, commercial or industrial purposes, situated in the city, and shall include the building or structures located on such improved real property.

C. Owner. Any person, copartnership, association, corporation or fiduciary having legal or equitable title or any interest in any real property.

Sec. 6.700.030. Owner to Obtain; Period Valid. At the time of entering into an agreement of sale or exchange of any building, the owner or his authorized representative shall obtain from the city a report of the building record showing the regularly authorized use, occupancy and zoning classification of such property. Such report shall be valid for a period not to exceed six months from date of issue.

Sec. 6.700.040 Application; Fee; Content of Report.

A. Upon application of the owner, or his authorized agent, and the payment to the city of a fee as established by City Council resolution, the Building Official shall review pertinent city records and deliver to the applicant a report of building records which shall contain the following information insofar as it is available:

1. The street address and parcel number of subject property.
2. The zone classification and authorized use, as set forth in Chapter 34 of the SBMC.
3. The occupancy as indicated and established by permits of record.
4. Currently active variances, conditional use permits and other pertinent legislative acts of record.
5. Any special restrictions in use or development which may apply to the subject property due to Planning Division discretionary decisions.
6. Any known nonconforming and/or violations of building code or zoning regulations.

B. Such fees collected as provided for in this Section are intended only to cover the cost to the city for researching, preparing, and delivering the report of building records.

Sec. 6.700.050. Delivery of Report Prior to Sale. The report of building records shall be delivered by the owner, or his authorized representative to the buyer or transferee of the building prior to the consummation of the sale or exchange. The buyer or transferee shall execute a receipt therefore as furnished by the city, and the receipt shall be delivered to the City's Code Enforcement Manager as evidence of compliance with the provisions of the subchapter.

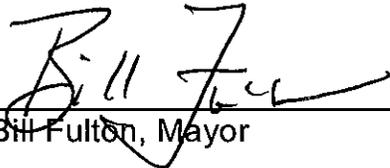
Sec. 6.700.060. Exemptions. The provisions of this subchapter shall not apply to the first sale of a building.

Sec. 6.700.070. Forms; Time Limit.

A. The Building Official shall prepare standardized forms for the report of building records. Such report shall be delivered to the owner, or his authorized agent, within seven calendar days of receipt of the application and fee; delivery shall be effected by certified mail or by the means requested and provided by the by the owner or his authorized agent.

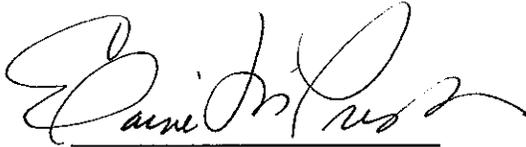
B. If the city fails to deliver, or to attempt to deliver, such report within the seven-day period, the sale, if consummated, shall not be deemed in violation of this subchapter.

PASSED AND ADOPTED this 18 day of JULY, 2011.



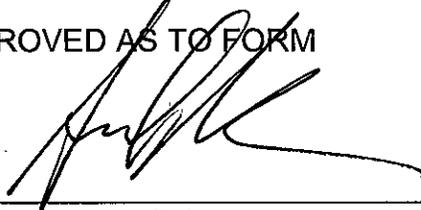
Bill Fulton, Mayor

ATTEST:



Elaine M. Preston
Interim City Clerk

APPROVED AS TO FORM

By: 

Ariel Pierre Calonne
City Attorney

STATE OF CALIFORNIA)
COUNTY OF VENTURA) ss
CITY OF SAN BUENAVENTURA)

I, ROXANNE FIORILLO, Deputy City Clerk of the City of San Buenaventura, California, certify that the foregoing Ordinance was passed and adopted by the City Council of the City of San Buenaventura, at a regular meeting on July 18, 2011, by the following vote:

AYES: Councilmembers Brennan, Weir, Morehouse, Andrews,
 Monahan, Deputy Mayor Tracy, and Mayor Fulton.

NOES: None.

ABSENT: None.

IN WITNESS WHEREOF, I have set my hand and affixed the seal of the City of San Buenaventura on July 19, 2011.


Deputy City Clerk

