

ORDINANCE NO. 1987

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
UPLAND, CALIFORNIA AMENDING VARIOUS SECTIONS OF
THE UPLAND MUNICIPAL CODE AS SPECIFIED

WHEREAS, pursuant to Article XI, Section 5 of the California Constitution and Government Code section 37100, the legislative body of a city may pass ordinances not in conflict with the Constitution and the laws of the State or the United States; and

WHEREAS, every year, City Staff conducts an annual review of the Upland Municipal Code in order to ensure that the Upland Municipal Code remains consistent with current law, City policies, and practices; and

WHEREAS, City staff and the City Attorney have reviewed the Upland Municipal Code and have determined that certain updates to the Upland Municipal Code should be implemented; and

WHEREAS, the proposed revisions are detailed in the Staff Report and indicated in the redline document provided to the City Council.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF UPLAND DOES ORDAIN AS FOLLOWS:

Section 1. The above recitals are true and correct and are hereby incorporated herein by this reference.

Section 2. Amendment of Section 1.22.070. Section 1.22.070 of Chapter 1.22 of Title 1 of the Upland Municipal Code is hereby amended to read in its entirety as follows:

“1.22.070 Hearing officer.

The city manager's designee shall establish procedures for the selection of a hearing officer required in this chapter. A hearing officer shall be a neutral third party contracted by the city and selected in a manner that avoids the potential for any bias against any parties to the hearing. The hearing officer's compensation, if any, shall be paid by the city; however, the non-prevailing party shall be liable to the city for the costs of the hearing and the hearing officer's compensation. The hearing officer's compensation shall not be directly or indirectly conditioned upon the outcome of the hearing.

The City of Upland complies with California Building Standards Code 1.8.8.1. The City of Upland has established a process to hear and decide appeals of orders, decisions, and determinations made by the City relative to the application and interpretations of the California Building Standards Code and other regulations governing construction, use, maintenance and change of occupancy. The City of Upland has established an appeals board, the members of which are not employees of the enforcing agency and are knowledgeable in the applicable building codes, regulations, and ordinances as determined by the governing body of the City. (Ord. 1936 § 3, 2020)

Section 3. Amendment of Section 2.02.070. Section 2.02.070 of Chapter 2.02 of Title 2 of the Upland Municipal Code is hereby amended to read in its entirety as follows:

"2.02.070 Salaries—Operative date.

The salary provisions of this chapter shall become operative only on and after the date upon which one or more members of the council become eligible for the salary prescribed herein by virtue of beginning a new term of office following the November 2024, general municipal election. (Prior code § 2200.6)"

Section 4. Amendment of Section 2.04.020. Section 2.04.020 of Chapter 2.04 of Title 2 of the Upland Municipal Code is hereby amended to read in its entirety as follows:

"2.04.020 Residence.

Residence in the city of a person as city manager shall not be required as a condition of appointment. (Prior code § 2310.020)"

Section 5. Removal of Sections 2.28.030 and 2.28.040. Sections 2.28.030 and 2.28.040 of Chapter 2.28 of Title 2 of the Upland Municipal Code are hereby removed in their entirety.

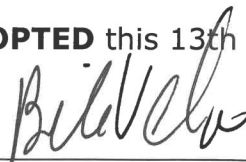
Section 6. Compliance with California Environmental Quality Act. The City Council finds that this Ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the State CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly. Further, if the activity is deemed a project this City Council finds that this Ordinance is exempt pursuant to Section 15061(b)(3) of the State CEQA Guidelines.

Section 7. Severability. If any section, subsection, subdivision, sentence, or clause or phrase in this Ordinance or any part thereof is for any reason held to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have adopted each section irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, or phrases are declared unconstitutional, invalid, or ineffective.

Section 8. Effective Date. This Ordinance shall become effective thirty (30) days from its adoption.

Section 9. Publication. The City Clerk shall certify to the adoption of this Ordinance and cause it, or a summary of it, to be published in a newspaper of general circulation printed and published within the City of Upland, pursuant to all legal requirements.

PASSED, APPROVED, AND ADOPTED this 13th day of May, 2024.



Bill Velto, Mayor

I, Keri Johnson, City Clerk of the City of Upland, California, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Upland held on the 22nd day of April, 2024, and was adopted at a regular meeting of the City Council of the City of Upland on the 13th day of May, 2024, by the following vote:

AYES: Mayor Velto, Councilmembers Breitling, Garcia, Maust, Zuniga
NOES: None
ABSENT: None
ABSTAINED: None

ATTEST:



Keri Johnson, City Clerk