

ORDINANCE NO. 2069, FOURTH SERIES

AN ORDINANCE DECLARING ALL OLD BUILDINGS OR STRUCTURES WHICH ARE DILAPIDATED BEYOND REPAIR, OR ARE STRUCTURALLY UNSAFE AND DANGEROUS TO HUMAN LIFE, TO BE PUBLIC NUISANCES, AND PROVIDING FOR THE ABATEMENT OF SUCH NUISANCES.

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1. All buildings or structures which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, old age, neglect or failure to repair, unsightliness, or abandonment, as specified in this ordinance, or any other effective ordinance, are, for the purpose of this Section hereby declared to be public nuisances.

SECTION 2. Whenever the Building Inspector shall find any building or structure so dilapidated as aforesaid, he shall give notice, in the manner hereinafter stated, directing the owner thereof to appear before the city council at a stated time and show cause why such building or structure should not be condemned as a public nuisance and said nuisance be abated as herein provided. Said notice shall be headed "NOTICE TO ABATE NUISANCE" in letters of not less than three-quarters of an inch in height, and shall be substantially in the following form:

NOTICE TO ABATE NUISANCE

The owner of the dilapidated building or structure situated at _____ in the City of Sacramento, is hereby notified to appear before the city council at its meeting to be held _____, at the Council Chamber in the City Hall in said City of Sacramento, at 915 Eye Street, at the hour of 7:30 p.m., or as soon thereafter as he may be heard, and show cause, if any he has, why said building or structure should not be condemned as a public nuisance and said nuisance be abated by reconstructing or properly repairing said building or structure, or by razing or removing the same.

Building Inspector of the City
of Sacramento

DATED: _____

The Building Inspector shall post conspicuously at least one copy of said notice on the building or structure sought to be so condemned. He shall also send another copy by registered

mail (postage prepaid) addressed to the person who is named as the owner on the books of the City Assessor, in case the address of such person is known to him, but the failure to mail such notice or the failure of any owner to receive the same shall not affect in any manner the validity of any proceedings taken hereunder, providing said notice has been posted as hereinbefore mentioned. Said notice must be posted as aforesaid at least ten days before the time fixed for the hearing before the city council

Upon giving notice as aforesaid, the Building Inspector shall file an affidavit with the City Clerk certifying to the time and manner in which the same was done. He shall also file therewith any receipt card which may have been mailed back to him in acknowledgment of the receipt of such notice by registered mail, providing he mailed said notice in addition to posting the same.

SECTION 3. At the time fixed in said notice, the council shall proceed to hear the testimony of the Building Inspector and the testimony of the owner and other competent persons, respecting the condition of the building or structure sought to be condemned, and the estimated cost of its reconstruction, repair, or removal, after which the council may condemn the same and order its razing or removal, or take such other action in the premises as they may deem advisable. The council may continue said hearing from time to time.

SECTION 4. If the owner fails to appear at the time fixed for said hearing, or the time to which said hearing may have been continued, the council shall proceed to hear the testimony of the Building Inspector and other competent persons regarding the condition of said building or structure, after which they may pass a resolution declaring said building or structure to be a public nuisance and directing the owner to abate said nuisance within thirty days from the passage of said resolution, by having said building or structure properly reconstructed or repaired, or by having the same razed or removed, and notifying him that if said nuisance is not so abated, said building or structure will be razed or removed by the Building Inspector and the expense thereof made a lien on the lot or parcel of land from which it was removed.

Upon the passage of said resolution, the Building Inspector shall post a copy thereof conspicuously on the building or structure so condemned, and mail another copy to the person named as the owner on the books of the City Assessor, if the address is known to him, after which he shall file his affidavit with the City Clerk certifying to the time and manner of posting a copy of said resolution, and also as to the mailing of a copy in case a copy was mailed.

SECTION 5. Any owner or other interested person having any objections, or feeling aggrieved at any proceeding taken by the city council in condemning any such building or structure, must bring an action in a court of competent jurisdiction within thirty days after passage of said resolution to contest the validity of the proceedings taken by the council, otherwise all objections will be deemed waived.

SECTION 6. Thirty days after posting a copy of the resolution declaring said building or structure a public nuisance as aforesaid, the Building Inspector shall be deemed to have acquired jurisdiction to abate such nuisance by razing or removing the building or structure so condemned and, unless the nuisance is abated by the owner or his agent in the meantime, the Building Inspector shall thereupon raze and remove the condemned building or structure or have the same done under his direction and supervision.

Contracts in writing for razing or removing a building or structure may be let to the lowest responsible bidder after advertising for four consecutive days in the official newspaper for sealed proposals for the work contemplated. Bids, must state the amounts, if any, the contractor will pay or allow for lumber and any other materials salvaged from such condemned building or structure and such amounts, if accepted by the City, shall be the values of such lumber and materials for the purposes of this ordinance. The City may refuse to contract with any person, firm, or corporation unless such person, firm, or corporation has been duly licensed by the Contractors' State License Board, or is the holder of a valid Specialty Contractor's License, issued pursuant to the provisions of the Business and Professions Code of California.

SECTION 7. The lumber and any other materials contained in any such condemned building or structure shall be sold by the Building Inspector at public auction, after not less than five days' notice thereof, published in a newspaper of general circulation, published and circulated in said city, either before or after said building or structure has been razed or removed, and the amount received from the sale of such lumber and materials shall be deducted from the expense of razing or removing the same.

SECTION 8. The Building Inspector shall keep an itemized account of the expenses involved in the razing or removal of the condemned building or structure, and deduct therefrom the amount received from the lumber and materials as aforesaid. He shall then post conspicuously on the property from which the building or structure was removed, a verified statement of the gross and net expense of razing or removing the building or structure, together with a notice of the time and place when and where said statement shall be submitted to the city council for approval and confirmation. He shall mail another copy of said statement and notice to the person named as the owner on the books of the City Assessor, if the address is known to him, after which he shall file his affidavit with the city clerk certifying to the time and manner of posting such statement and notice, and also as to the mailing of a copy in case a copy was mailed. The time for submitting said statement to the council for confirmation shall not be less than five days from the posting of said statement and notice as aforementioned.

SECTION 9. At the time fixed for hearing on the statement of expense the council shall consider the statement and such objections as may be offered against it, whereupon they shall modify, amend or confirm the same as submitted; provided, they may continue said hearing from time to time. When finally confirmed, the city clerk shall transmit a certified copy to the city assessor and to the controller.

Upon final confirmation of said statement, the expense of abating any such nuisance, less any money received from lumber or other materials as aforementioned, shall constitute a lien on the real property upon which the same was abated or removed, and the amount thereof shall be added to the next succeeding tax bill against said property, and shall be collectible at the same time and in the same manner as general municipal taxes are collected, and shall be subject to the same penalties and procedure in case of delinquency. Provided, that if the amount received from lumber or other materials should in any case exceed the expense of razing or removing such building or structure then in that event such excess shall be deposited with the City Treasurer to the credit of said owner and be payable to him on demand.

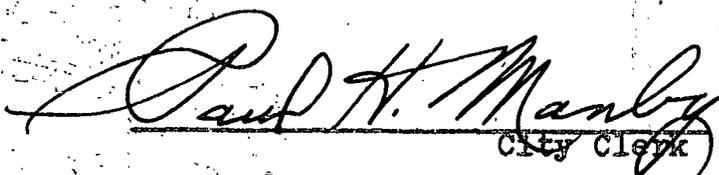
SECTION 10. For the purposes of this ordinance, the singular shall include the plural, and the masculine shall include the feminine and neuter. The word "owner" shall mean and include the person or persons owning the fee, or their agents, executors, administrators or guardians.

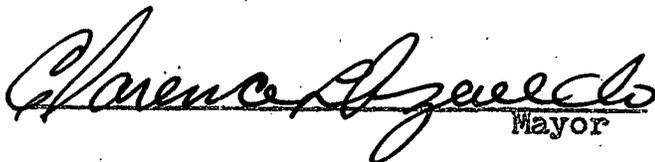
SECTION 11. This ordinance is not intended to repeal or amend similar provisions contained in the Building Code, as adopted by Ordinance No. 1873, Fourth Series, as amended, passed August 12, 1954, but is intended as an alternate or additional remedy for the abatement of nuisances as described in this ordinance.

SECTION 12. This ordinance shall be published once in the official newspaper of said City of Sacramento and shall take effect 30 days from and after its passage.

PASSED: July 17, 1958

EFFECTIVE: August 16, 1958


City Clerk


Mayor