

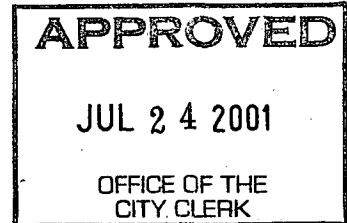


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NEIGHBORHOOD SERVICES  
DEPARTMENT

CITY OF SACRAMENTO  
CALIFORNIA

1231 I STREET, SUITE 400  
SACRAMENTO, CA  
95814



July 16, 2001

City Council  
Sacramento, California

Honorable Members in Session:

**SUBJECT: Emergency Ordinance Amending Section 8.100.860 of the Sacramento City Code to Correct an Error Made During Re-Codification**

**LOCATION AND COUNCIL DISTRICT:** Citywide.

**RECOMMENDATION:**

It is recommended that the City Council adopt the attached ordinance amending Section 8.100.860 of the Sacramento City Code to correct an error made during re-codification and declare the ordinance to be an emergency ordinance to take effect immediately.

**CONTACT PERSON:** Max Fernandez, Area Director, 264-7940

**FOR COUNCIL MEETING OF:** July 24, 2001

**SUMMARY:**

Section 8.100.860 of the Sacramento City Code relates to the enforcement of notices and orders under the Housing Code. An inadvertent numbering error was made during the re-codification of the Sacramento City Code which took effect in July 2000. The proposed amendment corrects the numbering error and is to take effect immediately upon adoption as an emergency ordinance.

**COMMITTEE/COMMISSION ACTION:** None.

**BACKGROUND:**

Section 8.100.860 of the Sacramento City Code relates to the process in which the City may recover the costs of code enforcement cases initiated under the City's Housing Code. An error was made during the re-codification of the City Code which took effect in July, 2000. The City Code currently cites an incorrect chapter number.

**FINANCIAL CONSIDERATIONS:**

Failure to correct the error in the City Code may impact the City's ability to recover the costs of code enforcement cases should the City Code be challenged as it is currently written.

**ENVIRONMENTAL CONSIDERATIONS:**

There are no environmental considerations associated with this report.

**POLICY CONSIDERATIONS:**

The City Code currently makes reference to an incorrect Chapter number. This error may cause the public some confusion regarding the process under which the City may recover the costs of code enforcement cases initiated under the City's Housing Code. Accordingly, the City Code should be amended on an emergency basis so that it causes the least amount of confusion to the public.

**E/SBD CONSIDERATIONS:**

Not applicable.

Respectfully submitted,



Max B. Fernandez, Area Director  
Neighborhood Services Department

RECOMMENDATION APPROVED:



ROBERT P. THOMAS  
City Manager

Approved:



Richard Ramirez  
Deputy City Manager



**ORDINANCE NO. 2001-028**

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF \_\_\_\_\_

**AN ORDINANCE AMENDING SECTION 8.100.860 OF THE SACRAMENTO CITY CODE TO CORRECT A ERROR MADE DURING RE-CODIFICATION AND DECLARING SAID ORDINANCE TO BE AN EMERGENCY ORDINANCE TO TAKE EFFECT IMMEDIATELY.**

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

**SECTION 1.**

Section 8.100.860 of the Sacramento City Code is hereby amended to read as follows:

8.100.860 Failure to commence work.

Whenever the required repair or demolition is not commenced, or whenever the required securing is not completed within the time specified in any final order or decision of the housing advisory and appeals board issued under this chapter the following shall apply:

A. The building official may cause the building prescribed in such notice and order to be vacated by posting at each entrance and on the front door of each unit in violation a notice reading:

SUBSTANDARD BUILDING

DO NOT OCCUPY

It is a misdemeanor pursuant to S.C.C. Section 15.120.170 to occupy this building or to remove or deface this notice.

Building Official

City of Sacramento

**FOR CITY CLERK USE ONLY**

ORDINANCE NO. \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

By \_\_\_\_\_

B. No person shall occupy any building which has been posted as specified in this subsection. No person shall remove or deface any such notice so posted until the work ordered by the building official or by the board has been completed and a certificate of occupancy issued pursuant to the provisions of the Uniform Building Code.

C. The building official may, in addition to any other remedy herein provided, cause the building to be repaired to the extent necessary to correct the conditions which render the building substandard as set forth in the notice and order; or may cause the building to be secured as set forth in the order; or, to be demolished, and the materials, rubble and debris therefrom removed and the lot cleaned and leveled. Any such work shall be accomplished and the cost thereof paid and recovered in the manner provided in Articles VIII and IX of Chapter 8.96 of this title. Any surplus realized from the sale of any such building, or from the demolition thereof, over and above the cost of demolition and of cleaning the lot shall be paid over to the person or persons lawfully entitled thereto.

D. No action shall be taken by the building official to repair, secure, vacate or demolish a building pursuant to this chapter without prior approval of the city attorney's office. (Prior code § 49.12.1203)

**SECTION 2.**

This ordinance is hereby declared to be an emergency measure to take effect immediately. The facts constituting the emergency are that the amendment corrects an inadvertent numbering error made during the re-codification of the Sacramento City Code which took effect in July 2000. This error is likely to cause the public some confusion regarding the process in which the City may recover the costs of code enforcement cases initiated under the City's Housing Code. This error is also likely to impair the City's ability to recover costs, and could subject the City to a judicial challenge of Section 8.100.860 of the Sacramento City Code as currently worded. Accordingly, the City Code is hereby amended on an emergency basis.

DATE PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

\_\_\_\_\_  
MAYOR

**FOR CITY CLERK USE ONLY**

ORDINANCE NO. \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

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ATTEST:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
**FOR CITY CLERK USE ONLY**

ORDINANCE NO. \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_