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DEPARTMENT OF
PLANNING AND DEVELOPMENT

CITY OF SACRAMENTO
CALIFORNIA

June 7, 1989

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SACRAMENTO, CA

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ECONOMIC DEVELOPMENT
ROOM 300
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NUISANCE ABATEMENT
ROOM 301
95814-3982
916-449-5948

Law and Legislation Committee
Sacramento, California 95814

Honorable Members in Session:

SUBJECT: Ordinance Amending Section 61.401 and Adding Article XIII, Sections 61.1300, 61.1301 and 61.1302 to Chapter 61 of the Sacramento City Code, Relating to the Securing of Vacant Unimproved Real Property

SUMMARY

Staff has developed an ordinance which will require a property owner to secure his or her unimproved real property when determined to be a continuous nuisance.

BACKGROUND

Many unimproved real properties in the City have been repeatedly utilized as dumping sites for litter, garbage and other types of junk and debris, in addition to discarded vehicles and vehicle parts. Existing enforcement procedures require City staff to repeatedly notify and request the owners of such properties to clean up their properties. If the order is not complied with, the City has the authority to cause that property to be cleaned up by City contractors at the property owner's expense.

DISCUSSION

The attached ordinance allows the City to require owners of such unimproved real properties to take more responsibility for the maintenance of their properties by securing it in such a manner as to prevent or minimize access to that property for purposes of dumping junk and debris and vehicle or vehicle parts.

Securing of the property as recommended by the City could be the erection of a perimeter fence or the installation of a lockable gate or other similar barrier at specific access points.

This ordinance also provides that if the barriers are not erected by the property owner within the specified time period, the owner will be ordered to attend a nuisance hearing. If the Hearing Examiner determines the property a public nuisance, a City contractor may be instructed to install a barrier at a cost determined by competitive bidding. An invoice will be issued to the owner by the City for the cost of installation of the fencing, gates, or other barriers, plus an administrative charge. Non-payment will result in a lien placed against the property.

FINANCIAL DATA

Funds to be utilized for the cost of the barriers are available in the FY 89-90 Nuisance Abatement Budget. Property owners will be billed for this service and liens will be assessed if unpaid by those owners.

POLICY CONSIDERATIONS

There are presently no City requirements for the securing of unimproved real properties. The proposed billing and lien process is consistent with existing City procedures.

MBE/WEB EFFORTS

Every effort will be made to obtain MBE/WBE contractors when requesting contractor bids for this service.

RECOMMENDATION

It is recommended that the Law and Legislation Committee recommend to the full City Council adoption of the attached ordinance pertaining to the securement of unimproved real properties.

Respectfully submitted,


MICHAEL HANAMURA
Nuisance Abatement Manager

June 15, 1989
All Districts

Contact Person to
Answer Questions:

MICHAEL HANAMURA
Nuisance Abatement Manager
449-5948

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

AN ORDINANCE AMENDING SECTION 61.401 AND ADDING ARTICLE XIII, SECTIONS 61.1300, 61.1301 AND 61.1302 TO CHAPTER 61 OF THE SACRAMENTO CITY CODE, RELATING TO THE SECURING OF VACANT UNIMPROVED REAL PROPERTY

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

SECTION 1.

Subsection (m) is hereby added to Section 61.401 of the Sacramento City Code to read as follows:

- (m) Any unimproved real property which has become a dumping ground for litter, garbage, junk, debris, or discarded vehicles, vehicle parts and/or vehicle hulks, and which real property has been subject to abatement action on one or more occasions by the City.

SECTION 2.

Article XIII is hereby added to Chapter 61 of the Sacramento City Code to read as follows:

Article XIII. Securing of Unimproved Real Property.

§ 61.1300 Securing of Unimproved Real Property.

Whenever the department head or his/her authorized representative has found that any unimproved real property within the City has reoccurring dumping problems as defined in Section 61.401(m), the department head may order the property owner(s) to secure the property to prevent further dumping on the property by requiring the owner to:

- (a) erect a fence with gate(s) to City specifications;

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- (b) erect a lockable gate at specified access points; or
- (c) install barricading to City specifications to reduce or eliminate accessibility to the property.

§ 61.1301 Notice to Owner.

- (a) The owner(s) of any unimproved property which has been found by the department head to require securing shall be notified in writing by either certified mail, postage prepaid, return receipt, or personal service. If the owner, after several attempts, cannot be served by certified mail or personal service, then the department head may make service by publication in a Sacramento newspaper of general circulation.
- (b) Upon receipt of the Notice to Secure, or upon ten (10) days after publication of the Notice, the owner(s) shall have thirty (30) days in which to secure the property.

§ 61.1302 Failure to Obey Order to Secure.

Upon expiration of the time period as set forth in Section 61.1301, and upon failure of the owner(s) to secure, the department head or his/her authorized representative may issue a Hearing Notice pursuant to the procedures set forth in Section 61.502. Abatement and securement procedures of Articles V, VII and X of this Chapter shall apply.

PASSED FOR PUBLICATION:

ENACTED:

EFFECTIVE:

MAYOR

ATTEST:

ACTING CITY CLERK

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