



(3)

**DEPARTMENT OF  
PLANNING AND DEVELOPMENT**

NEIGHBORHOOD SERVICES  
DIVISION

**CITY OF SACRAMENTO**  
CALIFORNIA

812 TENTH STREET  
SUITE 201  
SACRAMENTO, CA  
95814-2694

916-449-5948

**February 18, 1992**

Law and Legislation Committee  
Sacramento, California

Honorable Members in Session:

**SUBJECT: AN ORDINANCE AMENDING SECTION 61.301 OF ARTICLE III AND  
ADDING SECTION 61.1000 TO ARTICLE X OF CHAPTER 61 OF THE  
SACRAMENTO CITY CODE RELATING TO RECOVERY OF COSTS OF  
ABATEMENT AND SERVICE FEE**

**LOCATION: CITYWIDE**

**SUMMARY**

This report recommends that the Law and Legislation Committee approve the attached ordinance which clarifies the means by which the Neighborhood Services Division of the Department of Planning and Development (and the Finance Department) can collect the cost of abatement of public nuisances on private property, including the cost of administrative overhead, under Chapter 61 of the Sacramento City Code (Nuisance Code).

**STAFF RECOMMENDATION**

It is recommended that the Law and Legislation Committee approve the attached ordinance amending and adding sections within Articles III and X of Chapter 61 of the Sacramento City Code.

## **BACKGROUND**

If a private property owner fails to remedy conditions on his property that have been determined by administrative proceedings to constitute a public nuisance, Neighborhood Services Division may take action to abate or remove the nuisance conditions at the owner's expense. The proposed amendment would define the costs that are recoverable.

The recoverable costs are defined to include not only the cost attributable to physically removing the nuisance conditions, but also the overhead or administrative cost incurred by the City in terms of the services provided by Neighborhood Services Division in investigating the nuisance, the administrative hearing procedure and organizing the abatement process.

The inclusion of these overhead expenses is the mechanism by which the many hours of investigative and office processing time expended in code enforcement cases can be recovered. The recovery of these costs will generate revenues to support the services provided by the division from the persons who have created the violation and hence the need for the services. In addition, the amendment will provide a financial incentive for property owners to quickly correct the violation, since the amendment provides that the cost for services will increase the longer the violation exists and more of the division's resources that are devoted to it. The actual fees for the costs of services will be sent to Council under a separate report.

## **FINANCIAL DATA**

The financial impact of the amendment is positive. Costs incurred by the City in nuisance abatements will be recovered from the owner of the property on which the nuisance existed.

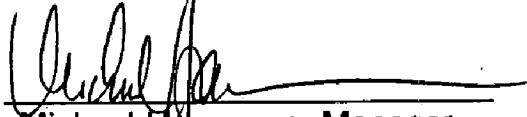
## **POLICY CONSIDERATIONS**

The policy advanced by the amendment is that owners of private property in the City be held accountable for the cost of abating nuisance conditions on their property.

**MBE/WBE EFFORTS**

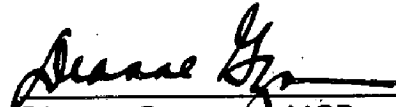
Not applicable as no goods or services are being purchased.

Respectfully submitted,



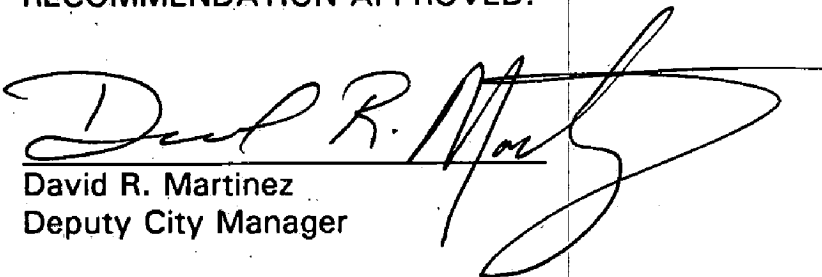
Michael Hanamura, Manager  
Neighborhood Services Division

APPROVED:



Dianne Guzman AICP  
Director, Planning and Development

RECOMMENDATION APPROVED:



David R. Martinez  
Deputy City Manager

February 18, 1992  
CITYWIDE

Contact Person: Thomas L. Long, 264-5946

# ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

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

## AN ORDINANCE AMENDING SECTION 61.301 OF ARTICLE III AND ADDING SECTION 61.1000 TO ARTICLE X OF CHAPTER 61 OF THE SACRAMENTO CITY CODE RELATING TO RECOVERY OF COSTS OF ABATEMENT AND SERVICE FEE

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

### Section 1.

Section 61.301 (j) is hereby added to Article III of Chapter 61 of the Sacramento City Code to read as follows:

(j) **Cost of abatement:** The total cost incurred by the City in connection with a public nuisance including, but not limited to:

(i) Any cost incurred in removing or remedying a public nuisance.

(ii) A service fee for administrative services rendered by the City Neighborhood Services Division in connection with the inspection, notification, prosecution and abatement procedures authorized by this code.

(a) The service fee shall be in such amounts as are determined from time to time by resolution of the City Council.

(b) The service fee will be calculated based on all services rendered by Neighborhood Services Division from the time of the initial inspection of the property made for the purpose of documenting a violation of this code until the violation is corrected.

(c) The service fee is not intended to be a penalty imposed for violation of this code or other laws.

(iii) Any cost incurred by the City in collecting the costs enumerated in Section 61.301 (b) (i) and (ii) above.

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FOR CITY CLERK USE ONLY

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

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

**Section 2.**

Section 61.1000 is hereby added to Article X of Chapter 61 of the Sacramento City Code to read as follows:

**Section 61.1000 Property Owner's Liability for Cost of Abatement**

(a) Every owner of property within the City is liable to the City for the cost of abatement of a public nuisance located on his or her premises conducted pursuant to Article VII of this code.

DATE PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

\_\_\_\_\_  
MAYOR

ATTEST:

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

**FOR CITY CLERK USE ONLY**

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

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