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DEPARTMENT OF
PLANNING AND DEVELOPMENT

NEIGHBORHOOD SERVICES
DIVISION

CITY OF SACRAMENTO
CALIFORNIA

812 TENTH STREET
SUITE 201
SACRAMENTO, CA
95814-2694

916-449-5948

September 26, 1990

Law and Legislation Committee
Sacramento, California

Honorable Members in Session:

SUBJECT: An Ordinance Amending Section 61.502 (b) of Chapter 61 of the Sacramento City Code Relating to Service of Hearing Notices.

SUMMARY

This report recommends that the Law and Legislation Committee approve the subject ordinance which is designed to add new procedures to Chapter 61 of the Sacramento City Code (Nuisance Code), relative to service of hearing notices.

BACKGROUND

Currently, code provides that a hearing notice, and any amended or supplemental notice be served either by personal delivery or by mailing a copy by certified mail, postage prepaid, return receipt requested, upon the record owner of a property at his/her/their address as it appears on the latest equalized assessment roll of Sacramento County, or as known to the department head; a copy of the notice must also be posted on the property.

The proposed amendment provides substituted service in the event that the owner refuses to accept certified mail, return receipt, or cannot be personally served. Substituted service is made by leaving a copy of the hearing notice, and any amended or supplemental notice in his/her office with a person apparently in charge during usual office hours or at the owners place of residence. In any case the notice must be delivered to a competent person at least 18 years of age, and thereafter a copy of the notice must be mailed by first-class mail to the owner at the address which it was left.

Additionally, in the event the owner refuses to accept certified mail, return receipt, or cannot be personally served and has a property manager, or rental agency overseeing the property, substituted service may be made as outlined above on the property manager or rental agency.

If the owner lives out of state and will not accept certified mail, return receipt, then service may be made by first-class mail.

In the event that an owner of the property cannot be located after a diligent search, service may be made by publication in a Sacramento newspaper of general circulation which is most likely to give actual notice to the owner.

FINANCIAL DATA

None

POLICY CONSIDERATIONS

None

MBE/WBE EFFORTS

Not Applicable

RECOMMENDATION

The Law and Legislation Committee approve the attached ordinance amending Section 61.502 (b) of Chapter 61 of the Sacramento City Code, relating to service of hearing notices and recommend to the full Council that it be enacted.

Respectfully submitted,



Michael M. Davis, Director
Planning and Development

Contact Person: Thomas L. Long
449-5946

September 26, 1990
All Districts

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

AN ORDINANCE AMENDING SECTION 61.502 (b) OF CHAPTER 61 OF THE SACRAMENTO CITY CODE RELATING TO SERVICE OF HEARING NOTICES

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

SECTION 1.

Subsection (b) of Section 61.502 of Chapter 61 of the Sacramento City Code is hereby amended to read as follows:

(b) The hearing notice and any amended or supplemental notice may be served either by personal delivery or by certified return receipt mailing upon the record owner at his/her/their address as it appears on the latest equalized assessment roll of Sacramento County, or as known to the Department Head. A copy of the notice and any amended or supplemental notice shall also be posted on the premises.

(1) In lieu of personally serving the owner or service by certified mail, service of the notice and any amended or supplemental notice may be made as follows:

(a) In the event that the owner refuses to accept certified return receipt mail or cannot be personally served, service may be made by substituted service. In lieu of personal delivery of a copy of the notice, a notice or any amended or supplemental notice may be served by leaving a copy during usual office hours in his/her office with the person who is apparently in charge, and by thereafter mailing by first-class mail a copy of the notice to the owner at the address where the copy of the notice was left. Or, a notice or any amended or supplemental notice may be served by leaving a copy at the owner's dwelling, usual place of abode, or usual place of business in the presence of a competent member of the household or a person apparently in charge of his/her office or place of business, at least 18 years of age, and thereafter mailing by first-class mail a copy of the notice to the owner at the address where the copy was left.

(b) In the event the owner refuses to accept certified return receipt mail or cannot be personally served and has a property manager, or rental agency overseeing the premises, substituted service may be made as set forth in (a) above upon the property manager or rental agency.

FOR CITY CLERK USE ONLY

ORDINANCE NO.: _____

DATE ADOPTED: _____

(c) If the owner lives out of state and will not accept certified return receipt mail, then service may be made by first-class mail.

(d) If the owner of the property cannot be located after a diligent search, service may be made by publication in a Sacramento newspaper of general circulation which is most likely to give actual notice to the owner.

DATE PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

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ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

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OF THE SACRAMENTO CITY CODE RELATING TO
SERVICE OF HEARING NOTICES**

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(1) In lieu of personally serving the owner or service by certified mail, service of the notice and any amended or supplemental notice may be made as follows:

(a) In the event that the owner refuses to accept certified return receipt mail or cannot be personally served, service may be made by substituted service. In lieu of personal delivery of a copy of the notice, a notice or any amended or supplemental notice may be served by leaving a copy during usual office hours in his/her office with the person who is apparently in charge, and by thereafter mailing by first-class mail a copy of the notice to the owner at the address where the copy of the notice was left. Or, a notice or any amended or supplemental notice may be served by leaving a copy at the owner's dwelling, usual place of abode, or usual place of business in the presence of a competent member of the household or a person apparently in charge of his/her

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office or place of business, at least 18 years of age, and thereafter mailing by first-class mail a copy of the notice to the owner at the address where the copy was left.

(b) In the event the owner refuses to accept certified return receipt mail or cannot be personally served and has a property manager, or rental agency overseeing the premises, substituted service may be made as set forth in (a) above upon the property manager or rental agency.

(c) If the owner lives out of state and will not accept certified return receipt mail, then service may be made by first-class mail.

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