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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

April 26, 1990

Law and Legislation Committee
Sacramento, California

Honorable Members in Session:

SUBJECT: An Ordinance Amending Article X (Sections 61.1001 through 61.1008) of Chapter 61 of the Sacramento City Code, Relating to Recovery of Costs of Abatements.

SUMMARY

This report recommends that the Law and Legislation Committee approve the attached ordinance amending Article X, Sections 61.1001 through 61.1008, of Chapter 61 of the Sacramento City Code, relating to Recovery of Costs of Abatements.

BACKGROUND

Certain duties previously delegated to the City Clerk and the Public Works Department (City Engineer) within Chapter 61 of the Sacramento City Code (Nuisance Code) are now the responsibility of the Director of the Department of Planning and Development. The duties for which responsibility has been transferred involve accounting for and reporting on expenses incurred for the abatement of nuisances. It is therefore necessary to amend the aforementioned sections of the code.

FISCAL DATA

None

POLICY CONSIDERATIONS

None

MBE/WBE EFFORTS

None

RECOMMENDATION

The Law and Legislation Committee approve the attached ordinance amending Article X, Sections 61.1001 through 61.1008 of Chapter 61 of the Sacramento City Code and forward it to the full Council for their approval.

Respectfully submitted,

Michael M. Davis, Director
Planning and Development

Contact Person: Thomas L. Long,
Assistant Manager, Neighborhood Services
449-5948

Law and Leg.
April 26, 1990
All Districts

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

AN ORDINANCE AMENDING ARTICLE X (SECTIONS 61.1001 THROUGH 61.1008) OF CHAPTER 61 OF THE SACRAMENTO CITY CODE, RELATING TO RECOVERY OF COSTS OF ABATEMENTS

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

Section 1.

Article X (Sections 61.1003 through 61.1008) of Chapter 61 of the Sacramento City Code are hereby amended to read as follows:

Section 61.1001 Account of expense; filing of report; contents.

(a) The Department Head shall keep an itemized account of the expense incurred by the City in abating nuisances under the provisions of this code including all administrative costs. Upon the completion of the work of abatement, such Department Head shall prepare and file with the City Clerk a report specifying the work done, the itemized and total cost of the work, a description of the real property at which the work was performed, and the names and addresses of the persons entitled to notice pursuant to Section 61.505.

(b) The Department Head shall cause notice to be given to the Department of Motor Vehicles within five (5) days after the date of removal identifying the vehicle(s) or parts thereof and any evidence of registration available, including, but not limited to, registration certificates or title or license plates.

(c) In the event the Hearing Examiner finds, pursuant to sworn statement of the owner of any premises or otherwise, that a vehicle which is ordered abated was placed on the premises without the consent of the owner, who did not later acquiesce to its presence on such premises, then the Hearing Examiner shall certify the finding to the Department Head, who shall not allocate the cost of the removal of such vehicle to the owner of the premises in the report filed with the City Clerk.

61.1002 Report transmitted to Council.

Upon receipt of the report, the City Clerk shall present it to the City Council for consideration. The City Council shall fix a time, date and place for hearing the report, and any protest or objections thereto. The Department Head shall cause notice of the hearing to be served by certified mail, postage prepaid, addressed to the persons entitled to notice as specified by the Department Head pursuant to Section 61.1001. Such notices shall be given at

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least ten (10) days prior to the date set for hearing and shall specify the day, hour and place when the Council will hear and pass upon the report of the Department Head containing the proposed charge for abatement, together with any protests or objections which may be filed as hereinafter provided by any person interested in or affected thereby.

Section 61.1003 Making of Protests and Objections.

Any person interested in or affected by the report of the proposed charge may file written protests or objections with the City Clerk at any time prior to the time set for the hearing on the report or may make an oral protest at the meeting. Each written protest or objection must contain a description of the property in which the signer thereof is interested and the grounds of such protest or objection. The City Clerk shall endorse on every such protest or objection the date it was received by the City Clerk. The City Clerk shall present such protests or objections to the City Council at the time set for the hearing.

Section 61.1004 Hearing of protests.

Upon the day and hour fixed for the hearing the City Council shall hear and pass upon the report of the Department Head together with any such protests or objections. The Council may make such revision, correction or modification of the report or the charge as it may deem just; and in the event the Council is satisfied with correctness of the charge, the Department Head's report (as submitted or as revised, corrected or modified) together with the charge, shall be confirmed or rejected. The decision of the City Council on the report and the charge and on all objections or protests shall be final and conclusive.

Section 61.1005. Nature of protests to be heard.

(a) Except as provided in subsection (b) of this section, the protests heard by the Council pursuant to section 61.1004 shall relate only to the charge to be made for abatement, and no protest concerning the action of the Department Head or the Hearing Examiner in ordering the abatement of the nuisance shall be heard at this time.

(b) Where the charge to be made is the result of summary abatement pursuant to Section 61.901, the Council may determine whether or not the action to abate was proper, and may confirm the charge or not as it may deem proper.

Section 61.1006 Personal obligation or special assessment.

(a) The City Council may order that the charge be made a personal obligation of the property owner or assess the charge against the property involved as a lien.

(b) If the Council orders that a charge shall be a personal obligation of the property owner it shall direct the City Attorney and the Finance Department to collect the charge.

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(c) If the Council orders that the charge be assessed against the property, it shall confirm the assessment and thereafter said assessment may be collected at the same time and in the same manner as ordinary municipal taxes are collected and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary municipal taxes.

(d) The assessments shall be subordinate to all existing special assessment liens previously imposed upon the same property and paramount to all other liens except state, county, and municipal taxes with which it shall be upon parity. The lien shall continue until the assessment and all interest due and payable thereon will be paid. All laws applicable to the levy, collection and enforcement of municipal taxes shall be applicable to such assessment.

Section 61.1007 Time for contest of assessment.

The validity of any assessment made under the provisions of this chapter shall not be contested in any action or proceeding unless the same is commenced within thirty (30) days after the assessment is placed upon the assessment roll as provided herein.

Section 61.1008 Filing copy of report with County Auditor.

A certified copy of the assessment shall be filed with the County Auditor on or before August 1. The descriptions of the parcels reported shall be those used for the same parcels on the map books of the County Assessor for the current year.

MAYOR

ATTEST:

CITY CLERK