REPORT TO LAW & LEGISLATION COMMITTEE
City of Sacramento

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915 I Street, Sacramento, CA 95814-2671

CONSENT
February 17, 2009

Honorable Members of the
Law and Legislation Committee

Title: An Ordinance Amending Various Sections of Title 8 of the Sacramento City Code Relating to the Dangerous Building and Housing Codes

Location/Council District: All

Recommendation: Approve and forward to City Council for adoption the attached **Ordinance** amending various sections of Chapter 8.96 and 8.100 of the Sacramento City Dangerous Building Code and Housing Code

Contact: Max Fernandez, Director of Code Enforcement, 916-808-7940; Ron O'Connor, (916) 808-8183, Randy Stratton, 916-808-6497

Presenters: Not Applicable.

Department: Code Enforcement

Division: Housing & Dangerous Buildings

Organization No.: 20001311

Description/Analysis

Issue: Portions of the current Sacramento City Code Dangerous Buildings and Housing Codes are out of date due to recent organizational changes in the City and changes in the 2007 California Building Standards Code (CBC).

Organizational changes have resulted in City engineer references becoming obsolete in Chapter 8.96. This ordinance updates all references in Chapters 8.96 and 8.100 to the "City Engineer" to "building official," and gives the Code Enforcement Manager the powers of the building official to enforce the codes contained in Title 8.

The attached proposed ordinance amends sections of Sacramento City Code Section 8 that are affected by the CBC.

The amendments to sections 8.96.150, 8.96.270, and 8.100.860, as well as the additions of sections 8.96.155 and 8.100.865 change the existing ordinance from prohibiting "occupying" a dangerous or substandard building to a prohibition against "entering" a dangerous or substandard building. In addition, it sets out the violation of "entering" in a separate section, making the ordinance clear and easy to understand.

The amendment to Section 8.100.1260 Monitoring Fee for Vacant Nuisance Properties adds a securement requirement of a vacant building to the City enforcement response for the collection of monitoring fees.

Policy Considerations: The staff recommendation is consistent with City Council priorities and policies related to compliance with the City's Codes and the City's goals to improve and expand public safety. The California Building Code provides uniform standards for building and construction.

The building code standards included in the 2007 California Building Standards Code are applicable to the City of Sacramento.

Environmental Considerations:

California Environmental Quality Act (CEQA): Under the CEQA guidelines, continuing administrative activities do not constitute a "project" as defined in Section 15378 of the CEQA Guidelines and are therefore exempt from review.

Sustainability Considerations: There are no sustainability considerations applicable to amending City Code relating to the City Building Code and adoption of local amendments to the California Building Code.

Rationale for Recommendation: The proposed ordinance would update language to the City of Sacramento Dangerous Building Code (Chapter 8.96) and Housing Code (Chapter 8.100) by making minor administrative changes and provide consistency with current City structure and the 2007 California Building Code.

Financial Considerations: None.

Emerging Small Business Development (ESBD): No goods or services are being purchased under this report.

Respectfully Submitted by: _____
MAX FERNANDEZ
Director of Code Enforcement

Recommendation Approved:

for Patti Bishopat
RAY KERRIDGE
City Manager

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Attachment 1

ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

AN ORDINANCE AMENDING SACRAMENTO CITY CODE SECTIONS 8.96.050, 8.96.150, 8.96.270, 8.96.300, 8.96.310, 8.96.320, 8.96.330, 8.96.340, 8.96.350, 8.100.070, 8.100.080, 8.100.220, 8.100.230, 8.100.240, 8.100.290, 8.100.310, 8.100.340, 8.100.360, 8.100.490, 8.100.530, 8.100.660, AND ADDING SECTIONS 8.96.155 AND 8.100.865 RELATING TO DANGEROUS AND SUBSTANDARD BUILDINGS

SECTION 1

Chapter 8.96 of the Sacramento City Code is amended as follows:

A. Section 8.96.050 is amended to read as follows:

8.96.050 Generally.

A. Authority and Administration. The building official is authorized and directed to administer and enforce all provisions of this chapter, including but not limited to the classification of buildings as dangerous or immediately dangerous. As used herein, the term "building official" shall include his or her authorized representatives and/or designee as defined in section 8.100.080, except as specifically provided otherwise.

B. Inspections. The county health officer, the city fire marshal, and the building official are authorized to make such inspections and take such actions as may be required to enforce the provisions of this chapter.

C. Right of Entry. Those persons entitled to make inspections may enter on premises to make inspections to the extent authorized by law.

B. Section 8.96.150 is amended to read as follows:

8.96.150 Notice to vacate.

A. Posting. Every notice to vacate shall, in addition to being served as provided in Section 8.96.130(C) of this chapter, be posted at or upon each exit of the building or upon any individual unit to be vacated, and shall be in substantially the following form:

DANGEROUS BUILDING

DO NOT ENTER

It is a misdemeanor pursuant to Sacramento City Code Section 8.96.155 to enter this building or to remove or deface this notice.

Building Official

City of Sacramento

By_____

B. Compliance. Whenever a notice to vacate is posted, the building official shall include facts in the notice and order under Section 8.96.130(B) specifying the conditions which necessitate an immediate notice to vacate.

C. The building official may permit occupancy of the building or individual units if the owner corrects those problems which pose an immediate danger to life, limb, property and safety of the public or occupants.

C. Section 8.96.155 is added to Chapter 8.96 of the Sacramento City Code to read as follows:

8.96.155 – Entering a Dangerous Building

A. Any person who enters any building posted under Section 8.96.150 of this chapter shall be guilty of a misdemeanor, except,

1. Entry may be made to repair, demolish or remove a building posted under Section 8.96.150 of this chapter without the consent of the building official if the person entering has a valid permit to repair or demolish the building, and has the consent of the owner of the property.

2. Entry may be made by authorized personnel of the City and/or their contractors to inspect, secure, demolish, or remove a building posted under Section 8.96.150 of this chapter.

B. A building posted under section 8.96.150 shall be construed to remain so 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 City of Sacramento Building Code, regardless of the physical presence of the posting.

C. No person shall remove or deface any notice which has been posted under Section 8.96.150 until the required repairs, demolition, or removal have been completed and a certificate of occupancy issued pursuant to the provisions of the Sacramento City Building Code. Any person violating this subsection shall be guilty of a misdemeanor.

D. Section 8.96.270 is amended to read as follows:

8.96.270 Compliance.

A. General. After any order of the building official or decision of the housing board made pursuant to this chapter is final, no person to whom any such order is directed shall fail, neglect, or refuse to obey any such order or decision. Any such person who fails to comply with any such order or decision is guilty of a misdemeanor.

B. Failure to Obey Order. If, after any order or decision made pursuant to this chapter has become final, the person(s) to whom such order is directed shall fail, neglect or refuse to obey such order, the building official may (i) cause such person to be prosecuted under subsection A of this section; (ii) institute any appropriate action to abate such building as a public nuisance; or (iii) repair, demolish or secure the building in accordance with the provisions of this chapter or as provided in the order of the housing board. In any action brought by the city to enforce the provisions of this chapter, the prevailing party shall be entitled to recover its reasonable attorney's fees and costs whether or not the matter proceeds to judgment.

C. Failure to Commence Work. Whenever the required repair or demolition is not commenced within the time limits prescribed in any final notice and order or decision of the housing board issued under this chapter, the building official shall post the building under Section 8.96.150.

D. 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 that render the building dangerous as set forth in the notice and order; may cause the building to be secured as set forth in the order; or may cause the building to be demolished and the resulting materials, rubble and debris removed and the lot cleaned and filled. Any such repair, demolition or securement work shall be accomplished and the cost thereof paid and recovered in the manner hereinafter provided in this chapter. Any surplus realized 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.

E. Section 8.96.300 is amended to read as follows:

8.96.300 Generally.

A. Procedure. When any work of repair, demolition or securement is to be done pursuant to Section 8.96.270(D) of this chapter, the building official shall accomplish the work using city personnel or by private contract under the direction of the building official. Plans and specifications therefore may be prepared by such building official, or he or she may employ such architectural and engineering assistance on a contract basis as he or she may deem reasonably necessary. If any part of the work is to be accomplished by private contract and the value of such work exceeds five thousand dollars ($5,000.00), standard public works contractual procedures shall be followed. If the value of such work is less than five thousand dollars ($5,000.00), the procedures to be followed shall be specified by resolution of the council establishing general standards for the solicitation and award of contracts of this category.

B. Costs. The cost of such repair, demolition or securement work shall be paid from the repair and demolition fund, and may be made a special assessment against the property involved and may be made a personal obligation of the property owner, as the housing board shall determine is appropriate.

F. Section 8.96.310 is amended to read as follows:

8.96.310 Repair and demolition fund.

A. General. The city council shall establish a special revolving fund to be designated as the repair and demolition fund. Payments shall be made out of the fund upon the demand of the building official to defray the costs and expenses which may be incurred by the city in doing or causing to be done the necessary work of repair, demolition or securement of dangerous buildings.

B. Maintenance of Fund. The council may at any time transfer to the repair and demolition fund, out of any money in the general fund of the city, such sums as it may deem necessary in order to expedite the performance of the work of repair, demolition or securement, and any sum so transferred shall be deemed a loan to the repair and demolition fund and shall be repaid out of the proceeds of the collections hereinafter provided for. All funds collected under the proceedings hereinafter provided for, shall be paid to the city controller who shall credit the same to the repair and demolition fund.

G. Section 8.96.320 is amended to read as follows:

8.96.320 Account of expenses—Filing of report—Contents.

The building official shall keep an itemized account of the expenses incurred by the city in the notice and order and the repair, demolition or securing of any building or structure done pursuant to the provisions of this chapter; or pursuant to the provisions of Section 8.100.860 of this title. Upon the completion of the work, such building official shall prepare and file with the city clerk a report specifying the work done, the itemized and total cost of the work and notice and order, a description of the real property upon which the building or structure is or was located and the

names and addresses of the persons entitled to notice pursuant to subsection C of Section 8.96.130 of this chapter.

H. Section 8.96.330 is amended to read as follows:

8.96.330 Report transmitted to housing board.

Upon receipt of the report, the city clerk shall present it to the housing board for consideration. The housing board shall fix a time, date and place for hearing the report, and any protests or objections thereto. The city clerk shall cause notice of the hearing to be mailed by certified mail, postage prepaid, addressed to the persons entitled to notice pursuant to subsection C of Section 8.96.130 of this chapter as their names and address appear on the last equalized roll of the county, if such so appears, or as know to the clerk. Such notices shall be mailed at least thirty (30) days prior to the date set for the hearing and shall specify the day, hour, and place when the housing board will hear and pass upon the building official's report, together with any objections or protests which may be filed as hereinafter provided by any person interested in or affected by the proposed charge. All costs associated with serviced of the notice shall be added to total expenses to be reviewed by the housing board.

I. Section 8.96.340 is amended to read as follows:

8.96.340 Making of protests and objections.

Any person interested in or affected by the proposed charge may file written protests or objections with the code enforcement department at least ten (10) days prior to the time set for the hearing on the report of the building official. 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 code enforcement department shall endorse on every such protest or objection the date it was received. The code enforcement department shall present such protests or objections to the housing board at the time set for the hearing, and no other protests or objections shall be considered. Any protests or objections not filed in writing at least ten (10) days prior to the date set for the hearing on the report of the building official and for which city staff is not prepared to address, shall be continued to the date of a future hearing on such reports for consideration by the housing board.

J. Section 8.96.300 is amended to read as follows:

8.96.350 Hearing of protests.

Upon the day and hour fixed for the hearing the housing board shall hear and pass upon the report of the building official together with any such objections or protests. The housing board may make such revision, correction or modification of the report or the charge as it may deem just; and in the event the housing board is satisfied with the correctness of the charge, the engineer's report (as submitted or as revised, corrected or modified) together with the charge, shall be confirmed or

rejected. The decision of the housing board on the report and the charge and on all protests or objections, shall be final and conclusive.

SECTION 2.

Chapter 8.100 of the Sacramento City Code is amended as follows:

A. Section 8.100.080 is amended to read as follows:

8.100.070 Authority.

The chief building official, referred to hereinafter as the "building official," is authorized and directed to administer and enforce all provisions of this chapter. As used herein, the term "building official" shall include his or her authorized representatives, except as specifically provided otherwise.

8.100.080 Code Enforcement Manager.

The director of code enforcement functions within the City, as designated by the City Manager, shall be referred to hereinafter as the "code enforcement manager." Notwithstanding Section 1.03.3 Appendix Chapter 1 to the 2007 California Building Standards Code, the code enforcement manager shall be the principal assistant of the building official and shall have the powers of the building official in matters relating to the enforcement of this chapter. As used herein, the term "code enforcement manager" shall include his or her designated representatives, except as specifically provided otherwise.

B. Section 8.100.220 is amended to read as follows:

8.100.220 Generally.

For the purpose of this chapter, certain abbreviations, terms, phrases, words, and their derivatives shall be construed as specified in Title 24 of the California Code of Regulations, as amended.

C. Section 8.100.230 is amended to read as follows:

8.100.230 Specific definitions.

As used in this chapter, the following words or terms have the following meaning:

Apartment House and Hotel. As defined in the California Building Code.

"California Building Code" means the current California Building Code as amended by Title 15 of this code.

"Efficiency living unit" means any room having cooking facilities used for combined living, dining, and sleeping purposes and meeting the requirements of Sections 8.100.310 and 8.100.320 of this chapter.

"Hot water" means water at a temperature of not less than one hundred twenty (120) degrees Fahrenheit.

Lodging House. As defined in Chapter 2 of the California Building Code.

Nuisances. The following shall be defined as nuisances:

1. Any public nuisance known at common law or in equity jurisprudence;

2. Any attractive nuisance which may prove detrimental to children whether in a building, on the premises of a building, or upon an unoccupied lot. This includes, but is not limited to, abandoned wells, shafts, basements, or excavations; abandoned refrigerators and motor vehicles; structurally unsound fences or structures; lumber, trash, fences, debris, or vegetation which may prove a hazard for inquisitive minors;

3. Conditions which are dangerous to the life, limb, health or safety of the public or building occupants;

4. Overcrowding a room with occupants;

5. Insufficient ventilation or illumination;

6. Inadequate or unsanitary sewage or plumbing facilities;

7. Uncleanliness;

8. Whatever renders air, food, or drink unwholesome or detrimental to the health, safety or welfare of human beings;

9. Any building or portion thereof which is determined to be substandard under Section 8.100.550 of this chapter as set forth in Section 8.100.110 of this chapter;

10. Any building or structure or condition existing on a property which is defined as a public nuisance under the Sacramento City Code.

"Occupied space" means the total area of all buildings or structures on any lot or parcel of ground projected on a horizontal plane excluding permitted projections as allowed by this chapter.

"State Historic Building Code" means the alternative building standards and building regulations (see 24 Cal.Code of Regs., Part 8) adopted by the State

Historical Building Safety Board pursuant to Health and Safety Code Section 18959.5, as amended from time to time.

D. Section 8.100.240 is amended to read as follows:

8.100.240 Access to public property.

All buildings shall be located with respect to property lines and to other buildings on the same property as required by the California Building Code. Each dwelling unit and each guest room in a dwelling or a lodging house shall have access to a passageway, not less than three feet in width, leading to a public street or alley. Each apartment house or hotel shall have access to a public street by means of a passageway not less than five feet in width.

E. Section 8.100.290 is amended to read as follows:

8.100.290 Projection into yards.

Eaves, cornices, unroofed landings, porches and stairs may project into any required yard as permitted by the California Building Codes based on occupancy classification.

F. Section 8.100.310 is amended to read as follows:

8.100.310 Superficial floor area.

Every dwelling unit shall have at least one room which shall have not less than one hundred twenty (120) square feet of superficial floor area. Every room which is used for both cooking and living or both living and sleeping purposes shall have not less than one hundred fifty (150) square feet of superficial floor area. Other habitable rooms shall have a net floor area of not less than seventy (70) square feet of superficial floor area. Where more than two persons occupy a room used for sleeping purposes the required superficial floor shall be increased at the rate of fifty (50) square feet for each occupant in excess of two.

G. Section 8.100.340 is amended to read as follows:

8.100.340 Natural light and ventilation.

A. Every space intended for human occupancy shall be provided with natural light by means of exterior glazed openings. The minimum net glazed area shall not be less than eight (8) percent of the floor area of the room being served.

B. The minimum openable area to the outdoors shall be four (4) percent of the floor area being served.

H. Section 8.100.360 is amended to read as follows:

8.100.360 Mechanical ventilation.

Ventilation systems in existing structures shall be maintained in accordance with the applicable laws in effect at the time of permitted construction or shall be in compliance with current California Code requirements.

Rooms containing bathtubs, showers, spas, and similar bathing fixtures shall be mechanically ventilated in accordance with the California Mechanical Code. Exception: Rooms containing bathtubs, showers, spas, and similar bathing fixtures in existing structures shall be maintained in accordance with the applicable laws in effect at time of permitted construction or shall be in compliance with current California Code requirements.

I. Section 8.100.490 is amended to read as follows:

8.100.490 Heating.

Interior spaces intended for human occupancy shall be provided with active or passive space heating systems capable of maintaining a minimum indoor temperature of 68 degrees Fahrenheit at a point three feet above the floor on the design heating day. Such facilities shall be installed and maintained in a safe condition and in accordance with the California Building and Mechanical Codes and Title 15 of this code, and all other applicable laws. No unvented fuel-burning heater shall be permitted. All heating devices or appliances shall be of an approved type.

J. Section 8.100.530 is amended to read as follows:

8.100.530 Minimum window size.

Windows with an area of not less than 5.7 square feet with no net opening dimension less than twenty (20) inches shall be deemed to meet the requirements of this section provided sill heights are not over forty-four (44) inches above the floor.

Exemption: The minimum clear opening for emergency escape and rescue grade-floor openings shall be 5 square feet.

K. Section 8.100.660 is amended to read as follows:

8.100.660 Inadequate maintenance.

Any building or portion thereof which is determined to be an unsafe building in accordance with the California Building Code shall be deemed to be inadequately maintained.

L. Section 8.100.860 is amended to read as follows:

8.100.860 Failure to commence work – Posting of a Substandard Building.

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 code advisory and appeals board issued under this chapter the following shall apply:

A. The building official may cause the building subject to the notice and order to be vacated. Every notice to vacate shall be posted at or upon each exit of the building or upon any individual unit to be vacated, and shall be in substantially the following form:

SUBSTANDARD BUILDING

DO NOT ENTER

It is a misdemeanor pursuant to S.C.C. Section 8.100.865 to enter this building or to remove or deface this notice.

Building Official

City of Sacramento

By_____

B. 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 that 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 may cause the building to be demolished, and the resulting materials, rubble and debris 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.

M. Section 8.100.865 is added to Chapter 8.100 of the Sacramento City Code to read as follows:

8.100.865 Entering a Substandard Building

A. Any person who enters any building posted under Section 8.100.860 of this chapter shall be guilty of a misdemeanor, except,

1. Entry may be made to inspect, repair, secure, demolish or remove a building posted under Section 8.100.860 of this chapter without the consent of the building official if the person entering has a valid permit to repair or demolish the building, and has the consent of the owner of the property.

2. Entry may be made by authorized personnel of the City and/or their contractors to inspect, secure, demolish, or remove a building posted under Section 8.100.860 of this chapter.

B. A building posted under section 8.100.860 shall be construed to remain so 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 Sacramento City Building Code, regardless of the physical presence of the posting.

C. No person shall remove or deface any notice which has been posted under section 8.100.860 until the required repairs, demolition, or removal have been completed and a certificate of occupancy issued pursuant to the provisions of the Sacramento City Building Code. Any person violating this subsection shall be guilty of a misdemeanor.

N. Section 8.100.1260 is amended to read as follows:

8.100.1260 Monitoring Fee for Vacant Nuisance Properties.

A. Any vacant building that also constitutes a public nuisance as defined in Chapter 8.04, 8.08, 8.96 or 8.100 of this code shall be subject to monthly monitoring fees and enforcement response fees, to recover the city's regulatory costs to monitor and respond to the vacant building. The separate monthly monitoring fee and enforcement response fee shall be set by resolution of the city council. The monitoring fee shall be applicable even in the absence of any action, administrative or otherwise, by the city pursuant to any other provision of the city code. The monitoring fee shall be imposed upon the initial determination that the vacant building constitutes a public nuisance as defined in Chapter 8.04, 8.08, 8.96 or 8.100 of this code. The fee shall thereafter be imposed in each thirty (30) day period following the imposition of the initial monitoring fee. On buildings requiring city enforcement response and securement, an additional and separate enforcement response fee shall be imposed, for each response, upon the owner. Monitoring fees shall be imposed as long as the vacant building remains a public nuisance as defined in those chapters.

B. Any monitoring fee imposed pursuant to this section may be appealed and shall be collected in the same manner as is specified in Section 1.28.010(D) of this code.

Attachment 2

ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

AN ORDINANCE AMENDING SACRAMENTO CITY CODE SECTIONS 8.96.050, 8.96.150, 8.96.270, 8.96.300, 8.96.310, 8.96.320, 8.96.330, 8.96.340, 8.96.350, 8.100.070, 8.100.080, 8.100.220, 8.100.230, 8.100.240, 8.100.290, 8.100.310, 8.100.340, 8.100.360, 8.100.490, 8.100.530, 8.100.660, AND ADDING SECTIONS 8.96.155 AND 8.100.865 RELATING TO DANGEROUS AND SUBSTANDARD BUILDINGS

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

SECTION 1

Chapter 8.96 of the Sacramento City Code is amended as follows:

A. Section 8.96.050 is amended to read as follows:

8.96.050 Generally.

A. Authority and Administration. The building official is authorized and directed to administer and enforce all provisions of this chapter, including but not limited to the classification of buildings as dangerous or immediately dangerous. As used herein, the term "building official" shall include his or her authorized representatives and/or designee as defined in section 8.100.080, except as specifically provided otherwise.

B. Inspections. The county health officer, the city fire marshal, and the building official are authorized to make such inspections and take such actions as may be required to enforce the provisions of this chapter.

C. Right of Entry. Those persons entitled to make inspections may enter on premises to make inspections to the extent authorized by law.

B. Section 8.96.150 is amended to read as follows:

8.96.150 Notice to vacate.

A. Posting. Every notice to vacate shall, in addition to being served as provided in Section 8.96.130(C) of this chapter, be posted at or upon each exit of the building or upon any individual unit to be vacated, and shall be in substantially the following form:

DANGEROUS BUILDING

DO NOT ENTER

~~UNSAFE TO OCCUPY~~

It is a misdemeanor pursuant to Sacramento City Code Section 8.96.155 to enter this building or to remove or deface this notice.

Building Official

City of Sacramento

By_____

B. Compliance. Whenever a notice to vacate is posted, the building official shall include facts in the notice and order under Section 8.96.130(B) specifying the conditions which necessitate an immediate notice to vacate.

~~C. No person shall remain in or enter any building which has been so posted, except that entry may be made to repair, demolish or remove such building under permit without the consent of the building official. No person shall remove or deface any such notice after it is posted until the required repairs, demolition, or removal have been completed and a certificate of occupancy issued pursuant to the provisions of the Sacramento city building code. Any person violating this subsection shall be guilty of a misdemeanor.~~

C.~~D.~~ The building official may permit occupancy of the building or individual units if the owner corrects those problems which pose an immediate danger to life, limb, property and safety of the public or occupants.

C. Section 8.96.155 is added to Chapter 8.96 of the Sacramento City Code to read as follows:

8.96.155 – Entering a Dangerous Building

A. Any person who enters any building posted under Section 8.96.150 of this chapter shall be guilty of a misdemeanor, except,

1. Entry may be made to inspect, repair, secure, demolish or remove a building posted under Section 8.96.150 of this chapter without the consent of the building official, if the person entering has a valid permit to repair or demolish the building, and has the consent of the owner of the property.

2. Entry may be made by authorized personnel of the City and/or their contractors to inspect, secure, demolish, or remove a building posted under Section 8.96.150 of this chapter.

B. A building posted under section 8.96.150 shall be construed to remain so 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 Sacramento City Building Code, regardless of the physical presence of the posting.

C. No person shall remove or deface any notice which has been posted under section 8.96.150 until the required repairs, demolition, or removal have been completed and a certificate of occupancy issued pursuant to the provisions of the Sacramento City Building Code. Any person violating this subsection shall be guilty of a misdemeanor.

D. Section 8.96.270 is amended to read as follows:

8.96.270 Compliance.

A. General. After any order of the building official or decision of the housing board made pursuant to this chapter is final, no person to whom any such order is directed shall fail, neglect, or refuse to obey any such order or decision. Any such person who fails to comply with any such order or decision is guilty of a misdemeanor.

B. Failure to Obey Order. If, after any order or decision made pursuant to this chapter has become final, the person(s) to whom such order is directed shall fail, neglect or refuse to obey such order, the building official may (i) cause such person to be prosecuted under subsection A of this section; (ii) institute any appropriate action to abate such building as a public nuisance; or (iii) repair, demolish or secure the building in accordance with the provisions of this chapter or as provided in the order of the housing board. In any action brought by the city to enforce the provisions of this chapter, the prevailing party shall be entitled to recover its reasonable attorney's fees and costs whether or not the matter proceeds to judgment.

C. Failure to Commence Work. Whenever the required repair or demolition is not commenced within the time limits prescribed in any final notice and order or decision of the housing board issued under this chapter, the building official shall post the building under section 8.96.150.

~~1. The building official shall cause the building(s) described in such notice and order to be vacated by posting at each entrance to the building and on the front door of each unit in violation a notice reading:~~

~~DANGEROUS BUILDING~~

~~UNSAFE TO OCCUPY~~

~~It is a misdemeanor to occupy this building or to remove or deface this notice.~~

~~Building Official~~

~~City of Sacramento~~

~~2. 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 repairs, demolition, or removal ordered by the building official or the housing board shall have been completed.~~

~~3.~~D. 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 that render the building dangerous as set forth in the notice and order; may cause the building to be secured as set forth in the order; or may cause the building to be demolished and the resulting materials, rubble and debris ~~therefrom~~ removed and the lot cleaned and filled. Any such repair, demolition or securement work shall be accomplished and the cost thereof paid and recovered in the manner hereinafter provided in this chapter. Any surplus realized 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.

E. Section 8.96.300 is amended to read as follows:

8.96.300 Generally.

A. Procedure. When any work of repair, demolition or securement is to be done pursuant to Section 8.96.270 ~~(C)(3)~~(D) of this chapter, the building official shall ~~provide the final order or decision to the city engineer and~~ accomplish the work ~~shall be accomplished by~~ using city personnel or by private contract under the direction of ~~such engineer~~ the building official. Plans and specifications therefore may be prepared by such ~~engineer~~ building official, or he or she may employ such architectural and engineering assistance on a contract basis as he or she may deem reasonably necessary. If any part of the work is to be accomplished by private contract and the value of such work exceeds five thousand dollars ($5,000.00), standard public works contractual procedures shall be followed. If the value of such work is less than five thousand dollars ($5,000.00), the procedures to be followed shall be specified by resolution of the council establishing general standards for the solicitation and award of contracts of this category.

B. Costs. The cost of such repair, demolition or securement work shall be paid from the repair and demolition fund, and may be made a special assessment against the property involved and may be made a personal obligation of the property owner, as the housing board shall determine is appropriate.

F. Section 8.96.310 is amended to read as follows:

8.96.310 Repair and demolition fund.

A. General. The city council shall establish a special revolving fund to be designated as the repair and demolition fund. Payments shall be made out of the fund upon the demand of the ~~city engineer~~ building official to defray the costs and expenses which may be incurred by the city in doing or causing to be done the necessary work of repair, demolition or securement of dangerous buildings.

B. Maintenance of Fund. The council may at any time transfer to the repair and demolition fund, out of any money in the general fund of the city, such sums as it may deem necessary in order to expedite the performance of the work of repair, demolition or securement, and any sum so transferred shall be deemed a loan to the repair and demolition fund and shall be repaid out of the proceeds of the collections hereinafter provided for. All funds collected under the proceedings hereinafter provided for, shall be paid to the city controller who shall credit the same to the repair and demolition fund.

G. Section 8.96.320 is amended to read as follows:

8.96.320 Account of expenses—Filing of report—Contents.

The ~~city engineer~~ building official shall keep an itemized account of the expenses incurred by the city in the notice and order and the repair, demolition or securing of any building or structure done pursuant to the provisions of this chapter; or pursuant to the provisions of Section 8.100.860 of this title. Upon the completion of the work, such ~~engineer~~ building official shall prepare and file with the city clerk a report specifying the work done, the itemized and total cost of the work and notice and order, a description of the real property upon which the building or structure is or was located and the names and addresses of the persons entitled to notice pursuant to subsection C of Section 8.96.130 of this chapter.

H. Section 8.96.330 is amended to read as follows:

8.96.330 Report transmitted to housing board.

Upon receipt of the report, the city clerk shall present it to the housing board for consideration. The housing board shall fix a time, date and place for hearing the report, and any protests or objections thereto. The city clerk shall cause notice of the hearing to be mailed by certified mail, postage prepaid, addressed to the persons entitled to notice pursuant to subsection C of Section 8.96.130 of this chapter as their names and address appear on the last equalized roll of the county, if such so appears, or as know to the clerk. Such notices shall be mailed at least thirty (30) days prior to the date set for the hearing and shall specify the day, hour, and place when the housing board will hear and pass upon the ~~engineer's~~ building official's report, together with any objections or protests which may be filed as hereinafter provided by any person interested in or affected by the proposed charge. All costs associated with serviced of the notice shall be added to total expenses to be reviewed by the housing board.

I. Section 8.96.340 is amended to read as follows:

8.96.340 Making of protests and objections.

Any person interested in or affected by the proposed charge may file written protests or objections with the code enforcement department at least ten (10) days prior to the time set for the hearing on the report of the ~~engineer~~ building official. 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 code enforcement department shall endorse on every such protest or objection the date it was received. The code enforcement department shall present such protests or objections to the housing board at the time set for the hearing, and no other protests or objections shall be considered. Any protests or objections not filed in writing at least ten (10) days prior to the date set for the hearing on the report of the ~~engineer~~ building official and for which city staff is not prepared to address, shall be continued to the date of a future hearing on such reports for consideration by the housing board.

J. Section 8.96.300 is amended to read as follows:

8.96.350 Hearing of protests.

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

SECTION 2.

Chapter 8.100 of the Sacramento City Code is amended as follows:

A. Section 8.100.080 is amended to read as follows:

8.100.070 Authority.

The chief building official, referred to hereinafter as the "building official," is authorized and directed to administer and enforce all provisions of this chapter. As used herein, the term "building official" shall include his or her authorized representatives, except as specifically provided otherwise.

8.100.080 Code Enforcement Manager.

~~The code enforcement manager of the neighborhood services department, referred to hereinafter as the "code enforcement manager," shall be the principal assistant of the building official in matters relating to the enforcement of this chapter. As used herein, the term "code enforcement manager" shall include his or her designated representatives, except as specifically provided otherwise. (Prior code § 49.02.202)~~

The director of code enforcement functions within the City, as designated by the City Manager, shall be referred to hereinafter as the "code enforcement manager." Notwithstanding Section 1.03.3 Appendix Chapter 1 to the 2007 California Building Standards Code, the code enforcement manager shall be the principal assistant of the building official and shall have the powers of the building official in matters relating to the enforcement of this chapter. As used herein, the term "code enforcement manager" shall include his or her designated representatives, except as specifically provided otherwise.

B. Section 8.100.220 is amended to read as follows:

8.100.220 Generally.

For the purpose of this chapter, certain abbreviations, terms, phrases, words, and their derivatives shall be construed as specified in ~~Chapter 2 of the Uniform Building Code.~~ Title 24 of the California Code of Regulations, as amended.

C. Section 8.100.230 is amended to read as follows:

8.100.230 Specific definitions.

As used in this chapter, the following words or terms have the following meaning:

Apartment House and Hotel. As defined in the California Building Code.

"California Building Code" means the current California Building Code as amended by Title 15 of this code.

"Efficiency living unit" means any room having cooking facilities used for combined living, dining, and sleeping purposes and meeting the requirements of Sections 8.100.310 and 8.100.320 of this chapter.

"Hot water" means water at a temperature of not less than one hundred twenty (120) degrees Fahrenheit.

Lodging House. As defined in ~~Section 213~~ Chapter 2 of the California Building Code.

Nuisances. The following shall be defined as nuisances:

1. Any public nuisance known at common law or in equity jurisprudence;

2. Any attractive nuisance which may prove detrimental to children whether in a building, on the premises of a building, or upon an unoccupied lot. This includes, but is not limited to, abandoned wells, shafts, basements, or excavations; abandoned refrigerators and motor vehicles; structurally unsound fences or structures; lumber, trash, fences, debris, or vegetation which may prove a hazard for inquisitive minors;

3. Conditions which are dangerous to the life, limb, health or safety of the public or building occupants;

4. Overcrowding a room with occupants;

5. Insufficient ventilation or illumination;

6. Inadequate or unsanitary sewage or plumbing facilities;

7. Uncleanliness;

8. Whatever renders air, food, or drink unwholesome or detrimental to the health, safety or welfare of human beings;

9. Any building or portion thereof which is determined to be substandard under Section 8.100.550 of this chapter as set forth in Section 8.100.110 of this chapter;

10. Any building or structure or condition existing on a property which is defined as a public nuisance under the Sacramento City Code.

"Occupied space" means the total area of all buildings or structures on any lot or parcel of ground projected on a horizontal plane excluding permitted projections as allowed by this chapter.

"State Historic Building Code" means the alternative building standards and building regulations (see 24 Cal.Code of Regs., Part 8) adopted by the State Historical Building Safety Board pursuant to Health and Safety Code Section 18959.5, as amended from

D. Section 8.100.240 is amended to read as follows:

8.100.240 Access to public property.

All buildings shall be located with respect to property lines and to other buildings on the same property as required by ~~Section 503 and Table No. 5A of~~ the California Building Code. Each dwelling unit and each guest room in a dwelling or a

lodging house shall have access to a passageway, not less than three feet in width, leading to a public street or alley. Each apartment house or hotel shall have access to a public street by means of a passageway not less than five feet in width.

E. Section 8.100.290 is amended to read as follows:

8.100.290 Projection into yards.

Eaves, ~~and~~ cornices, ~~may project into any required yard not more than two inches for each foot of yard width~~ unroofed landings, porches and stairs may project into any required yard ~~provided no portion extends above the floor level of a habitable room; and provided further that no such projection shall obstruct a required exitway.~~ as permitted by the California Building Codes based on occupancy classification.

F. Section 8.100.310 is amended to read as follows:

8.100.310 Superficial floor area.

Every dwelling unit shall have at least one room which shall have not less than one hundred twenty (120) square feet of superficial floor area. Every room which is used for both cooking and living or both living and sleeping purposes shall have not less than one hundred fifty (150) square feet of superficial floor area. ~~Every room used for sleeping purposes shall have not less than ninety (90)~~ Other habitiable rooms shall have a net floor area of not less than seventy (70) square feet of superficial floor area. Where more than two persons occupy a room used for sleeping purposes the required superficial floor shall be increased at the rate of fifty (50) square feet for each occupant in excess of two.

G. Section 8.100.340 is amended to read as follows:

8.100.340 Natural light and ventilation.

~~All guest rooms, dormitories, and habitable rooms within a dwelling unit shall be provided with natural light by means of windows or skylights with an area of not less than one tenth of the floor area of such rooms within minimum of ten (10) square feet.~~

A. Every space intended for human occupancy shall be provided with natural light by means of exterior glazed openings. The minimum net glazed area shall not be less than eight (8) percent of the floor area of the room being served.

B. The minimum openable area to the outdoors shall be four (4) percent of the floor area being served.

H. Section 8.100.360 is amended to read as follows:

8.100.360 Mechanical ventilation.

~~In lieu of openable windows for natural ventilation, a mechanical ventilation system may be provided. Such system shall be capable of providing two air changes per hour in all guest rooms, dormitories, habitable rooms, and in public corridors. One-fifth of the air supply shall be taken from the outside. In bathrooms, water closet compartments, laundry rooms, and similar rooms a mechanical ventilation system connected directly to the outside, capable of providing five air changes per hour shall be provided.~~

Ventilation systems in existing structures shall be maintained in accordance with the applicable laws in effect at the time of permitted construction or shall be in compliance with current California Code requirements.

Rooms containing bathtubs, showers, spas, and similar bathing fixtures shall be mechanically ventilated in accordance with the California Mechanical Code. Exception: Rooms containing bathtubs, showers, spas, and similar bathing fixtures in existing structures shall be maintained in accordance with the applicable laws in effect at time of permitted construction or shall be in compliance with current California Code requirements.

I. Section 8.100.490 is amended to read as follows:

8.100.490 Heating.

~~Every dwelling unit and guest room shall be provided with heating facilities capable of maintaining a room temperature of seventy (70)~~ Interior spaces intended for human occupancy shall be provided with active or passive space heating systems capable of maintaining a minimum indoor temperature of 68 degrees Fahrenheit at a point three feet above the floor ~~in all habitable rooms.~~ on the design heating day. Such facilities shall be installed and maintained in a safe condition and in accordance with the California Building and Mechanical Codes and Title 15 of this code, and all other applicable laws. No unvented fuel-burning heater shall be permitted. All heating devices or appliances shall be of an approved type.

J. Section 8.100.530 is amended to read as follows:

8.100.530 Minimum window size.

Windows with an area of not less than 5.7 square feet with no net opening dimension less than twenty (20) inches shall be deemed to meet the requirements of this section provided sill heights are not over forty-four (44) inches above the floor.

Exemption: The minimum clear opening for emergency escape and rescue grade-floor openings shall be 5 square feet.

K. Section 8.100.660 is amended to read as follows:

8.100.660 Inadequate maintenance.

Any building or portion thereof which is determined to be an unsafe building in accordance with ~~Section 102 of~~ the California Building Code shall be deemed to be inadequately maintained.

L. Section 8.100.860 is amended to read as follows:

8.100.860 Failure to commence work – Posting of a Substandard Building.

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 code advisory and appeals board issued under this chapter the following shall apply:

A. The building official may cause the building subject to the notice and order to be vacated. Every notice to vacate shall be posted at or upon each exit of the building or upon any individual unit to be vacated, and shall be in substantially the following form: ~~by posting at each entrance and on the front door of each unit in violation a notice reading:~~

SUBSTANDARD BUILDING

DO NOT ~~OCCUPY~~ ENTER

It is a misdemeanor pursuant to S.C.C. Section 8.100.865~~170~~ to ~~occupy~~ enter this building or to remove or deface this notice.

Building Official

City of Sacramento

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 California Building Code.~~

B.~~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 that 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 may cause the building to be demolished, and the resulting 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.

M. Section 8.100.865 is added to Chapter 8.100 of the Sacramento City Code to read as follows:

8.100.865 Entering a Substandard Building

A. Any person who enters any building posted under Section 8.100.860 of this chapter shall be guilty of a misdemeanor, except,

1. Entry may be made to inspect, repair, secure, demolish or remove a building posted under Section 8.100.860 of this chapter without the consent of the building official if the person entering has a valid permit to repair or demolish the building, and has the consent of the owner of the property.

2. Entry may be made by authorized personnel of the City and/or their contractors to inspect, secure, demolish, or remove a building posted under Section 8.100.860 of this chapter.

B. A building posted under section 8.100.860 shall be construed to remain so 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 Sacramento City Building Code, regardless of the physical presence of the posting.

C. No person shall remove or deface any notice which has been posted under section 8.100.860 until the required repairs, demolition, or removal have been completed and a certificate of occupancy issued pursuant to the provisions of the Sacramento City Building Code. Any person violating this subsection shall be guilty of a misdemeanor.

N. Section 8.100.1260 is amended to read as follows:

8.100.1260 Monitoring Fee for Vacant Nuisance Properties.

A. Any vacant building that also constitutes a public nuisance as defined in Chapter 8.04, 8.08, 8.96 or 8.100 of this code shall be subject to monthly monitoring fees and enforcement response fees, to recover the city's regulatory costs to monitor and respond to the vacant building. The separate monthly monitoring fee and enforcement response fee shall be set by resolution of the city council. The monitoring fee shall be applicable even in the absence of any action, administrative or otherwise, by the city pursuant to any other provision of the city code. The monitoring fee shall be imposed upon the initial determination that the vacant building constitutes a public nuisance as defined in Chapter 8.04, 8.08, 8.96 or 8.100 of this code. The fee shall thereafter be imposed in each thirty (30) day

period following the imposition of the initial monitoring fee. On buildings requiring ~~more than one involuntary~~ city enforcement response and securement ~~within any thirty (30) day period~~, an additional and separate enforcement response fee shall be imposed, for each response, upon the owner. Monitoring fees shall be imposed as long as the vacant building remains a public nuisance as defined in those chapters.

B. Any monitoring fee imposed pursuant to this section may be appealed and shall be collected in the same manner as is specified in Section 1.28.010(D) of this code.