

## ORDINANCE NO. 2006-070

Adopted by the Sacramento City Council

November 14, 2006

### ADDING SECTION 1.04.100, AND AMENDING SECTION 8.04.150, SUBSECTION D OF SECTION 8.96.130, AND SECTION 8.100.740 OF THE SACRAMENTO CITY CODE REGARDING METHOD OF SERVICE OF NOTICE AND ORDERS FOR ENFORCEMENT

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

#### SECTION 1.

Section 1.04.100 is added to the Sacramento City Code to read as follows:

#### 1.04.100. Method of Service of Notice and Orders

- A. Whenever a notice and order is required to be given under this Code for enforcement purposes, the notice and order shall be served by any of the following methods unless different provisions are otherwise specifically stated to apply:
1. Personal service; or
  2. Posting the notice and order conspicuously on or in front of the property, and simultaneously mailing the notice and order by both certified mail, return receipt requested, and first class mail. If a notice and order that is sent by certified mail is returned unsigned, then service shall be deemed effective pursuant to first-class mail, provided the notice and order sent by first-class mail is not returned. Service by certified or regular mail shall be deemed effective on the date of mailing; or
  3. If service cannot be effected as set forth in Subsections (A)(1) and (A)(2), service may be made by publication in the official newspaper of the City of Sacramento in conformance with Government Code Section 6063.
- B. Proof of service of the notice and order shall be certified to at the time of service by a written declaration under penalty of perjury executed by the person effecting service, declaring the time, date and manner in which

service was made. The declaration, together with any receipt returned in acknowledgment of receipt by certified mail shall be affixed to the copy of the notice and order retained by the department in charge of enforcement.

- C. The failure of any person entitled to receive a notice and order shall not affect the validity of any proceedings taken under this Code.

## **SECTION 2**

Section 8.04.150 of the Sacramento City Code is amended to read as follows:

### 8.04.150 Method of service

Service of the notice and order may be made upon all persons entitled thereto in the manner described in Section 1.04.100 of this Code. Service may be made upon the record owner at his or her or their address as it appears on the latest equalized assessment roll of Sacramento County, or as known to the department head.

## **SECTION 3**

Subsection (D) of Section 8.96.130 of the Sacramento City Code is amended to read as follows:

- D. Method of Service. Service of the notice and order may be made upon all persons entitled thereto in the manner described in Section 1.04.100 of this Code. Service may be made upon the record owner at his or her or their address as it appears on the latest equalized assessment roll of Sacramento County, or as known to the building official.

## **SECTION 4**

Section 8.100.740 of the Sacramento City Code is amended to read as follows:

Service of the notice and order may be made upon all persons entitled thereto in the manner described in Section 1.04.100 of this Code. Service may be made upon the record owner at his or her or their address as it appears on the latest equalized assessment roll of Sacramento County, or as known to the director.

Adopted by the City of Sacramento City Council on November 14, 2006 by the following vote:

Ayes: Councilmembers, Cohn, Hammond, McCarty, Pannell, Sheedy, Tretheway, Waters, and Vice Mayor Fong.

Noes: None.

Abstain: None.

Absent: Mayor Fargo.

Attest:

  
Shirley Concolino, City Clerk

  
Robert King Fong, Vice Mayor

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