



REPORT TO COUNCIL City of Sacramento

915 I Street, Sacramento, CA 95814-2671
www. CityofSacramento.org

CONSENT
May 23, 2006

Honorable Mayor and
Members of the City Council

Subject: An Ordinance Amending Sacramento City Code Section 8.96.110 Relating to Dangerous Buildings, Section 8.100.560 Relating to Inadequate Sanitation, and Section 8.108.060 Relating to Enforcement of Miscellaneous Health Regulations

Location/Council District: City-wide

Recommendation:

The Code Enforcement Department is recommending that the attached ordinance be forwarded to City Council for adoption to amend Sections 8.96.110, 8.100.560 and 8.108.060 of the Sacramento City Code.

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

Department: Code Enforcement

Division: Administration

Organization No: 4654

Summary:

The proposed amendments will enable the City to enforce various sections of the City Code that currently may only be enforced by the County of Sacramento. The proposed amendments will enable the City to enforce Sections 8.96.110 relating to dangerous buildings, 8.100.560 relating to inadequate sanitation and 8.108.060 relating to miscellaneous health regulations (Exhibit A).

Background Information:

For several health regulations in the Sacramento City Code, the enforcement authority is granted to the County Health Officer, not the City. It appears that this occurred because in 1957, the City and County Health Departments merged and by agreement, the City appointed the County Health Officer as the Health Officer of the City. Among those health regulations in the City Code that are designated to be enforced by the County Health Officer, are those that address vector control problems.

Although the City Code states that the County Health Officer does such enforcement, they currently do not act upon these issues within the City. However, several members of the Code Enforcement Department are qualified to address these problems by being certified by the State as Vector Control Technicians.

The proposed changes to various sections of Title 8 of the Sacramento City Code are as follows:

- Subsection (N) of Section 8.96.110 Dangerous Buildings, designates any building that is determined to be unfit for human habitation because of insects, rodents or other vectors, to be a "dangerous building". The proposed amendments add *the city building official and the city building official's designee who is certified as a vector control technician pursuant to Section 106925 of the Health and Safety Code* as persons who may make such a determination. This section deletes references to the county building officer.
- Subsection (L) of Section 8.100.560 Inadequate Sanitation, designates any building that is determined to be infested with insects, vermin or rodents, as "substandard" because of inadequate sanitation. The proposed amendments add *the city building official and city building official's designee who is certified as a vector control technician pursuant to Section 106925 of the Health and Safety Code* as persons who may make such a determination.
- Subsection (O) of Section 8.100.560 Inadequate Sanitation, designated any building that is determined to lack adequate garbage and rubbish storage and removal facilities, as "substandard" because of inadequate sanitation. The proposed amendments add *the city building official, the code enforcement manager, the solid waste manager and their designees* as parties who may make such a determination.
- Section 8.108.060 Miscellaneous Health Regulations, authorizes the health department of the county of Sacramento to enforce the health regulations of Chapter 8.108 which includes the prohibition of allowing insect, rodent or pest infestation in dwelling units. The proposed amendments add the *City of Sacramento* as an enforcement agency.

Financial Considerations:

This report has no fiscal implications.

Environmental Considerations:

This report is not considered a project and therefore has no environmental impact as stated by the California Environmental Quality Act (CEQA Guidelines Sections 15061(b)(3), 15378).

Policy Considerations:

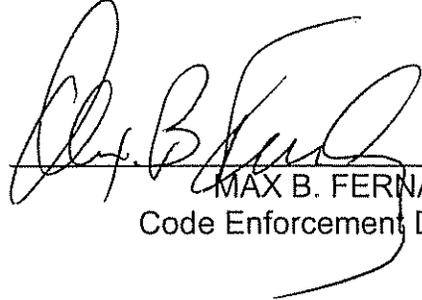
The staff recommendation is consistent with City Council priorities and policies related to compliance with the City's Codes, cost recovery, and the City's goals to improve and expand public safety.

City Council
Ordinance Amending Various Sections of 8.96.110, 8.100.560 and 8.108.060
May 23, 2006

Emerging Small Business Development (ESBD):

Not applicable. No goods or services are being purchased.

Respectfully Submitted by:



MAX B. FERNANDEZ
Code Enforcement Director

Recommendation Approved:

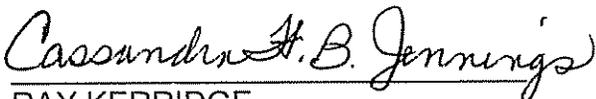

for RAY KERRIDGE
City Manager

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Exhibit A	Pages 4 – 8 (Ordinance to be adopted)
Exhibit B	Pages 9 – 13 (Original ordinance with changes)

ORDINANCE NO. 2006-

Adopted by the Sacramento City Council

**AN ORDINANCE AMENDING SACRAMENTO CITY CODE
SECTION 8.96.110 RELATING TO DANGEROUS BUILDINGS,
SECTION 8.100.560 RELATING TO INADEQUATE SANITATION,
AND SECTION 8.108.060 RELATING TO ENFORCEMENT OF
MISCELLANEOUS HEALTH REGULATIONS**

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

SECTION 1

Section 8.96.110 of the Sacramento City Code is hereby amended to read as follows:

8.96.110 Dangerous Building.

For the purpose of this chapter, any building or structure which has any or all of the conditions or defects hereinafter described shall be deemed to be a dangerous building, provided that such conditions or defects exist to the extent that the life, health, property, or safety of the public or its occupants are endangered:

A. Whenever any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size, or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.

B. Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one-half times the working stress or stresses allowed in the Sacramento city building code for new buildings of similar structure, purpose or location.

C. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood, or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Sacramento city building code for new buildings of similar structure, purpose or location.

D. Whenever any portion or member of a building or appurtenance thereof is likely to fall, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.

E. Whenever any portion of a building or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one-half of that specified in the Sacramento city building code, for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the Sacramento city building code, for such buildings.

F. Whenever any portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structure portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.

G. Whenever the building or structure, or any portion thereof, because of (i) dilapidation, deterioration, or decay; (ii) faulty construction; (iii) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (iv) the deterioration, decay or inadequacy of its foundation; or (v) any other cause, is likely to partially or completely collapse.

H. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.

I. Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base.

J. Whenever the building or structure, exclusive of the foundation, shows thirty-three (33) percent or more damage or deterioration of its supporting member or members, or fifty (50) percent damage or deterioration of its nonsupporting members, enclosing or outside walls or coverings.

K. Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become (i) an attractive nuisance to children; (ii) a harbor for vagrants, criminals or immoral persons; or as to (iii) enable persons to resort thereto for the purpose of committing unlawful or immoral acts.

L. Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by regulations specified in Titles 8 and 15 of this code or of any law or ordinance of this state or city relating to the condition, location, or structure of buildings.

M. Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any nonsupporting part, member or portion, less than fifty (50) percent, or in any supporting part, member, or portion less than sixty-six (66) percent, of the (i) strength, (ii) fire-resisting qualities or characteristics, or (iii) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location.

Ordinance 2006-

N. Whenever the county health officer, city building official, city code enforcement manager, or their designees who are certified as vector control technicians pursuant to Section 106925 of the Health and Safety Code, has determined that a building or structure, used or intended to be used for dwelling purposes, is unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, insects, rodents, pests or other vectors, or otherwise.

O. Whenever the fire marshal has determined that a building, structure, or the premises thereof constitute a fire hazard for any of the following reasons:

1. Dangerous or unlawful amounts of combustible or explosive or otherwise hazardous materials;

2. Hazardous conditions arising from defective or improperly installed equipment for handling or using combustible or explosive or otherwise hazardous materials;

3. Dangerous accumulations of rubbish, waste paper, boxes, shavings or other highly flammable materials;

4. Accumulations of dust or waste material in air conditioning or ventilating systems or of grease in kitchen or other exhaust ducts;

5. Obstructions to or on fire escapes, stairs, passageways, doors or windows, liable to interfere with the operations of the fire department or egress of occupants in case of fire;

6. Other conditions including, but not limited to, want of repairs, lack of adequate exit facilities, automatic or other fire alarm apparatus or fire extinguishing equipment, which create a hazardous condition.

P. Whenever any building or structure, because of faulty electrical wiring, or other cause, is determined by the building official to be an electrical or fire hazard to life, health or property.

Q. Whenever any building or structure, because of faulty gas connections, heating apparatus or water and sewer systems, or other cause, is determined by the building official to be a hazard to life, health or property.

R. Whenever any building or structure is in such condition as to constitute a public nuisance known to the common law or in equity jurisprudence.

S. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is vacant, unoccupied, or abandoned for a period in excess of six months such that the building or portion thereof is an attractive nuisance or hazard to the health, safety and welfare of the public.

T. Whenever any well, septic tank or other excavation appurtenant to any existing or demolished structure has been abandoned.

SECTION 2

Section 8.100.560 of the Sacramento City Code is hereby amended to read as follows:

8.100.560 Inadequate Sanitation.

Inadequate sanitation shall include but not be limited to the following:

- A. Lack of, or improper water closet, lavatory, and bath tub or shower in a dwelling unit;
- B. Lack of, or improper water closets, lavatories, and bath tubs or showers per number of guests in a hotel;
- C. Lack of, or improper kitchen sink;
- D. Lack of hot and cold running water to plumbing fixtures in a hotel;
- E. Lack of hot and cold running water to plumbing fixtures in a dwelling unit;
- F. Lack of adequate heating facilities;
- G. Lack of, or improper operation of required ventilating equipment;
- H. Lack of minimum amounts of natural light and ventilation required by this chapter;
- I. Room and space dimension less than required by this chapter;
- J. Lack of required electrical lighting;
- K. Dampness of habitable rooms;
- L. Infestation of insects, vermin, or rodents as determined by the county health officer, city building official, city code enforcement manager or their designees who are certified as vector control technicians pursuant to Section 106925 of the Health and Safety Code;
- M. General dilapidation or improper maintenance;
- N. Lack of connection to required sewage disposal system;
- O. Lack of adequate garbage and rubbish storage and removal facilities as determined by the county health officer, city building official, city code enforcement manager, solid waste manager or their designees.
- P. Presence of lead hazards. "Lead hazards" means deteriorated lead-based paint, lead-contaminated dust, lead-contaminated soil, or disturbing lead-based paint without containment, if one or more of these hazards is present in one or more locations in amounts that are equal to or exceed the amounts of lead established for these terms Ordinance 2006-

Exhibit A
in Section 17920.10 of the California Health and Safety Code or Chapter 8 (commencing with Section 35001) of Division 1 of Title 17 of the California Code of Regulations, or any successors thereto, and that are likely to endanger the health of the public or the occupants as a result of their proximity to the public or the occupants.

SECTION 3

Section 8.108.060 of the Sacramento City Code is hereby amended to read as follows:

8.108.060 Enforcement.

The provisions of this chapter shall be enforced by the City of Sacramento and the health department of the county of Sacramento.

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

Ayes:

Noes:

Abstain:

Absent:

Mayor Heather Fargo

Attest:

Shirley Concolino, City Clerk

Passed for Publication:

Adopted:

Effective:

Ordinance 2006-

ORDINANCE NO. 2006-

Adopted by the Sacramento City Council

**AN ORDINANCE AMENDING SACRAMENTO CITY CODE
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A. Whenever any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size, or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.

B. Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one-half times the working stress or stresses allowed in the Sacramento city building code for new buildings of similar structure, purpose or location.

C. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood, or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Sacramento city building code for new buildings of similar structure, purpose or location.

D. Whenever any portion or member of a building or appurtenance thereof is likely to fall, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.

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E. Whenever any portion of a building or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one-half of that specified in the Sacramento city building code, for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the Sacramento city building code, for such buildings.

F. Whenever any portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structure portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.

G. Whenever the building or structure, or any portion thereof, because of (i) dilapidation, deterioration, or decay; (ii) faulty construction; (iii) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (iv) the deterioration, decay or inadequacy of its foundation; or (v) any other cause, is likely to partially or completely collapse.

H. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.

I. Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base.

J. Whenever the building or structure, exclusive of the foundation, shows thirty-three (33) percent or more damage or deterioration of its supporting member or members, or fifty (50) percent damage or deterioration of its nonsupporting members, enclosing or outside walls or coverings.

K. Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become (i) an attractive nuisance to children; (ii) a harbor for vagrants, criminals or immoral persons; or as to (iii) enable persons to resort thereto for the purpose of committing unlawful or immoral acts.

L. Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by regulations specified in Titles 8 and 15 of this code or of any law or ordinance of this state or city relating to the condition, location, or structure of buildings.

M. Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any nonsupporting part, member or portion, less than fifty (50) percent, or in any supporting part, member, or portion less than sixty-six (66) percent, of the (i) strength, (ii) fire-resisting qualities or characteristics, or (iii) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location.

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O. Whenever the fire marshal has determined that a building, structure, or the premises thereof constitute a fire hazard for any of the following reasons:

1. Dangerous or unlawful amounts of combustible or explosive or otherwise hazardous materials;
2. Hazardous conditions arising from defective or improperly installed equipment for handling or using combustible or explosive or otherwise hazardous materials;
3. Dangerous accumulations of rubbish, waste paper, boxes, shavings or other highly flammable materials;
4. Accumulations of dust or waste material in air conditioning or ventilating systems or of grease in kitchen or other exhaust ducts;
5. Obstructions to or on fire escapes, stairs, passageways, doors or windows, liable to interfere with the operations of the fire department or egress of occupants in case of fire;
6. Other conditions including, but not limited to, want of repairs, lack of adequate exit facilities, automatic or other fire alarm apparatus or fire extinguishing equipment, which create a hazardous condition.

P. Whenever any building or structure, because of faulty electrical wiring, or other cause, is determined by the building official to be an electrical or fire hazard to life, health or property.

Q. Whenever any building or structure, because of faulty gas connections, heating apparatus or water and sewer systems, or other cause, is determined by the building official to be a hazard to life, health or property.

R. Whenever any building or structure is in such condition as to constitute a public nuisance known to the common law or in equity jurisprudence.

S. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is vacant, unoccupied, or abandoned for a period in excess of six months such

that the building or portion thereof is an attractive nuisance or hazard to the health, safety and welfare of the public.

T. Whenever any well, septic tank or other excavation appurtenant to any existing or demolished structure has been abandoned.

SECTION 2

Section 8.100.560 of the Sacramento City Code is hereby amended to read as follows:

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- A. Lack of, or improper water closet, lavatory, and bath tub or shower in a dwelling unit;
- B. Lack of, or improper water closets, lavatories, and bath tubs or showers per number of guests in a hotel;
- C. Lack of, or improper kitchen sink;
- D. Lack of hot and cold running water to plumbing fixtures in a hotel;
- E. Lack of hot and cold running water to plumbing fixtures in a dwelling unit;
- F. Lack of adequate heating facilities;
- G. Lack of, or improper operation of required ventilating equipment;
- H. Lack of minimum amounts of natural light and ventilation required by this chapter;
- I. Room and space dimension less than required by this chapter;
- J. Lack of required electrical lighting;
- K. Dampness of habitable rooms;
- L. Infestation of insects, vermin, or rodents as determined by the county health officer, city building official, city code enforcement manager, or their designees who are certified as vector control technicians pursuant to Section 106925 of the Health and Safety Code;
- M. General dilapidation or improper maintenance;
- N. Lack of connection to required sewage disposal system;
- O. Lack of adequate garbage and rubbish storage and removal facilities as determined by the county health officer, city building official, city code enforcement manager, city solid waste manager or their designees.

P. Presence of lead hazards. "Lead hazards" means deteriorated lead-based paint, lead-contaminated dust, lead-contaminated soil, or disturbing lead-based paint without containment, if one or more of these hazards is present in one or more locations in amounts that are equal to or exceed the amounts of lead established for these terms in Section 17920.10 of the California Health and Safety Code or Chapter 8 (commencing with Section 35001) of Division 1 of Title 17 of the California Code of Regulations, or any successors thereto, and that are likely to endanger the health of the public or the occupants as a result of their proximity to the public or the occupants.

SECTION 3

Section 8.108.060 of the Sacramento City Code is hereby amended to read as follows:

8.108.060 Enforcement.

The provisions of this chapter shall be enforced by the City of Sacramento and the health department of the county of Sacramento.

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

Ayes:

Noes:

Abstain:

Absent:

Mayor Heather Fargo

Attest:

Shirley Concolino, City Clerk

Passed for Publication:

Adopted:

Effective:

Ordinance 2006-