

(O-88-145)

ORDINANCE NUMBER O- 17044 (NEW SERIES)

ADOPTED ON MAR 21 1988

AN ORDINANCE AMENDING CHAPTER IX, ARTICLE 1,
OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING
SECTION 91.02.0203 RELATING TO UNSAFE
BUILDINGS OR STRUCTURES.

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter IX, Article 1, of the San Diego Municipal Code be and the same is hereby amended by amending Section 91.02.0203 to read as follows:

91.02.0203 Structurally Unsafe - Dangerous Buildings or Structures

a. Declaration and Purpose.

The Council finds and declares that Structurally Unsafe Structures and Dangerous Buildings are public nuisances by virtue of their conditions or defects to the extent that the life, health, property or safety of the public or its occupants are endangered. The Council further finds and declares that immediate abatement of Structurally Unsafe or Dangerous Buildings by repair, rehabilitation, demolition or removal is necessary to protect and preserve the safety of the citizens and communities where such structures are found. The procedures established in this section

shall be in addition to any other legal remedy, criminal or civil, established by law which may be pursued to address violations of this Municipal Code. This section does not affect or alter other nuisance abatement procedures established in this Municipal Code.

b. Definitions.

(1) Dangerous Building: Any building, structure, or portion thereof, which threatens the life, health, safety or property of the public or its occupants by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment shall be deemed a "Dangerous Building." The conditions which may cause a structure to be classified as a "Dangerous Building" include, but are not limited to the following conditions:

(a) The walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, torn or otherwise unsafe as to not provide a safe and adequate means of exit in case of fire or panic;

(b) Any portion, member or appurtenance of the building or structure which has been damaged by fire, earthquake, wind, flood or by any other

cause, to such an extent that it likely to partially or completely collapse, fail, detach or dislodge;

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

(d) The building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become an attractive nuisance to children, or a harbor for transients, vagrants, or criminals, or it enables persons to commit unlawful acts;

(e) Any building or structure, used or intended to be used for dwelling purposes which, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities or otherwise, is determined by the Health Officer to be unsanitary, unfit for human habitation or in

such a condition that is likely to cause sickness or disease;

(f) Any building or structure which creates a fire hazard by virtue of its obsolescence, dilapidated condition, deterioration, damage, inadequate exiting, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause;

(g) Any building or structure which constitutes a public nuisance as defined by law;

(h) Any portion of a building, including the foundation and slab on grade, or structure which remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six (6) months so as to constitute an attractive nuisance or hazard to the public;

(i) The exits of the building or means of exiting do not conform with the applicable provisions of the Municipal Code regarding the number of exits, their width or any other features which may cause a hazard to the life or safety of the occupants or general public;

(j) Defective or overloaded electrical systems, faulty or leaking fuel piping systems, or deteriorated fuel combustion equipment or combustion product vents;

(k) The existing use or occupancy violates the fire, health or building regulations of the Municipal Code.

(2) Structurally Unsafe Structure: Any structure, building or portion thereof is deemed "Structurally Unsafe" if it satisfies any one of the following conditions:

(a) Structural components which cannot withstand 100 percent of the vertical design loads specified in this Code for the actual use. For buildings constructed prior to 1951, the vertical load carrying capacity shall be determined by the design criteria set forth in the 1949 Edition of the Uniform Building Code, or a more recent edition. For buildings constructed in 1951 or later the vertical load carrying capacity shall be determined by the design criteria set forth in the edition of the Uniform Building Code in effect when the building was constructed, or a more recent edition. In lieu of engineering analysis, the load carrying capacity for flexural floor or roof

members may be demonstrated by a load test, provided the amount of load and procedure used are first approved by the Building Official;

(b) Structural components which cannot withstand 25 percent of the wind or earthquake forces specified in this Code. The lateral load carrying capacity shall be determined for buildings constructed prior to 1951 by the design criteria set forth in the 1949 Edition of the Uniform Building Code, or a more recent edition. For buildings constructed in 1951 or later, the lateral load carrying capacity shall be determined by the design criteria set forth in the edition of the Uniform Building Code in effect when the building was constructed, or a more recent edition;

(c) Parapet walls or other building appendages which are not capable of resisting the wind or earthquake forces specified in this Code. The lateral load carrying capacity shall be determined in the same manner for structural components as specified in subsection 2(b) above;

(3) Building Official: This term shall mean the Director of the Building Inspection Department or any representative or agent designated by the Director.

c. Procedures-Notice and Order.

(1) Whenever the Building Official determines that a building, structure or any portion thereof is Structurally Unsafe or Dangerous as defined in this section, a written Notice and Order may be issued to the record owner and/or the person in possession of the building to abate this public nuisance.

(2) The Notice and Order shall contain a description of the property in general terms reasonably sufficient to identify the location of the property.

(3) The Notice and Order shall refer to this section of the Municipal Code and list the conditions of the property which render the structure or building Structurally Unsafe or Dangerous as defined in this section.

(4) The Notice and Order shall describe the action required to abate the public nuisance, which may include the following:

(a) Repair and Rehabilitation: If the Building Official determines that the building or structure can be reasonably repaired, the written Notice and Order shall require that all necessary permits be obtained and the work physically

commenced within a reasonable time under the circumstances, not to exceed sixty (60) days from the date of this notice. The Building Official shall also establish a deadline to complete all repairs within a reasonable time.

(b) Demolition: If the Building Official determines that the building or structure cannot be reasonably repaired, the Notice and Order shall require that all necessary permits be secured within thirty (30) days of this notice and that demolition shall be completed within a reasonable period of time not to exceed sixty (60) days from the date of this notice.

(c) Vacation of Tenants: If the Building Official determines that vacation of the structure is necessary for demolition or repairs, the Notice and Order shall require the vacation of the structure within a reasonable period of time not to exceed sixty (60) days from the date of this notice; that all necessary permits be secured within sixty (60) days from the date of this notice and that demolition or repairs be completed within a reasonable time as determined by the Building Official.

(d) Clean and Secure: Until the owner starts such actual repairs, rehabilitation or demolition, and after vacation is complete, the Notice and Order shall require the owner to immediately clean and secure the property according to the procedures and standards enacted in San Diego Municipal Code sections 55.11.412 and 55.02.201.

(5) Statement of Intent: This Notice and Order shall require the owner, within ten (10) calendar days from the date this notice is mailed, to provide the Building Official with a written statement of the owner's intent to abate the public nuisance or file a notice of appeal as provided for in this section.

(6) The Notice and Order shall also explain the consequences should the owner fail to comply with the terms of this notice as prescribed in this section.

(7) The Notice and Order shall identify all hearing and appeal rights.

(8) The Notice and Order, and any amended or supplemental Notice and Order, shall be served upon the record owner or his agent and/or the person in possession of the property by any one of the following means:

- (a) Personal service;
- (b) Certified mail, postage prepaid, return receipt requested; or
- (c) Posting the notices/orders conspicuously on or in front of the property.

The failure of any person with an interest in the property to receive such notice shall not affect the validity of any proceedings taken under this section. Service by certified mail in the manner described above shall be effective on the date of mailing.

d. Failure to comply.

If the required work or demolition is not commenced within the time specified in the Notice and Order and/or is not in compliance with all applicable regulations, the Building Official may:

(1) Order the building vacated and posted to prevent further occupancy until the work is completed; and

(2) Clean and secure the building or structure in accord with the standards and procedures enacted in San Diego Municipal Code sections 55.11.412 and 55.02.201; and

(3) Schedule a Demolition Hearing before a City Manager's Hearing Officer to declare the structure a public nuisance and order its demolition by city work forces or a private contractor; and

(4) Make such minimal emergency repairs as necessary to eliminate any imminent life safety hazard.

e. Recordation of Notice and Order.

If the owner fails to comply with the Notice and Order within the time specified, and no appeal has been properly and timely filed, the Building Official shall file in the Office of the County Recorder a certificate describing the property and certifying: (i) that the building is Structurally Unsafe or Dangerous; and (ii) notice has been provided to the owner and/or person in possession of the property.

Whenever the corrections ordered in the Notice and Order have been completed or the building demolished so that it no longer constitutes a Structurally Unsafe or Dangerous Building, the Building Official shall file a new certificate with the County Recorder certifying that the building is no longer Structurally Unsafe or Dangerous.

f. Repair, Vacation and Demolition.

(1) Standards: The Building Official shall follow these standards in ordering the repair, vacation or demolition of any Structurally Unsafe or Dangerous Structure:

(a) Any building declared Structurally Unsafe or Dangerous under this section shall be repaired in accordance with the most recent building code. Any building designated as historical shall not be demolished pursuant to this section. The owner must ensure that his or her historical building complies with all applicable state and local regulations and ordinances.

(b) The owner of the property, in cooperation with the Building Official, shall assist in the relocation of any tenants which are displaced as a result of this abatement process.

(2) Posting of Signs:

(a) Once the Building Official orders the vacation of tenants and/or once the building is secured pursuant to the regulations at Municipal Code sections 55.11.201 and 55.11.412, signs shall be posted at or near each entrance of the building and shall be in substantially the following form:

DO NOT ENTER

**UNSAFE TO OCCUPY It is a misdemeanor to occupy
this building or to remove or deface
this notice (SDMC § 91.02.0203)
Director of Building Inspection
City of San Diego**

(b) Order: The notice of vacation shall also be posted and it shall recite the conditions in the notice issued by the Building Official under section c.

(c) Trespass: No person shall remain in or enter any building which has been so posted, except that entry may be made to repair or demolish such building under proper permit.

(d) Defacement: No person shall remove or deface any such sign or notice after it is posted until the required repairs have been completed and a Certificate of Occupancy issued pursuant to the provisions of the Building Code or until demolition is finished and all debris removed pursuant to the demolition permit.

g. Appeal of Building Official's Notice.

Any person having any record title or legal interest in the property, building or structure may appeal from the Notice and Order or any action or

determination made by the Building Official. The notice to appeal must be made in writing and filed with the Building Official within ten (10) calendar days from the date the first Notice and Order is mailed.

(1) Processing of Appeal: As soon as practicable after receiving the written notice of appeal, the Building Official shall refer the matter to the City Manager who shall appoint a Hearing Officer and fix a date, time and place for the hearing. Written notice of the time and place of the hearing shall be served at least seven (7) days prior to the date of the hearing to each party having a legal interest in the property by any of the methods listed in subsection c(8).

(2) Effect of Failure to Appeal: Failure of any person to file an appeal in accordance with the provisions of this section shall constitute a waiver of his or her right to an administrative hearing and adjudication of the Notice and Order or any portion thereof.

(3) Scope of Hearing on Appeal: The City Manager's Hearing Officer shall consider any written or oral evidence consistent with its rules and procedures for public hearings regarding the following issues:

(a) The Building Official shall present information relating to the condition of the property, the respective health and safety hazards and the appropriate means of abatement.

(b) The owner or agent or person in possession of the property or any other interested person may present testimony or evidence concerning the condition of the property, existence of a public nuisance and means and time frame for correction. If the owner provides a structural survey, it must conform with applicable standards promulgated by the Building Inspection Department and submitted on their approved form.

(4) Stay of Order Pending Appeal: Except where the circumstances require emergency action to abate an imminent hazard or vacate the tenants or secure the building, enforcement of any Notice and Order of the Building Official issued under this section shall be stayed during the pendency of a proper and timely filed appeal.

(5) Procedures for Conducting Hearings: The City Manager shall establish and promulgate all appropriate rules and procedures for conducting hearings and rendering decisions pursuant to this section.

(6) Final Administrative Order: The decision of the City Manager's Hearing Officer regarding any appeal is the final administrative order and decision.

h. Demolition Hearing.

Upon the failure of the owner or his agent to demolish the property by the date specified in the Notice and Order, the Building Official shall refer the matter to the City Manager for a Demolition Hearing.

(1) Notice: As soon as practicable after the deadline expires in the Building Official's Notice and Order, the City Manager shall fix a date, time and place for the Demolition Hearing. Such date shall be not less than ten (10) days nor more than sixty (60) calendar days from the date the Building Official requests the Demolition Hearing. Written notice of the time and place of the hearing shall be given at least ten (10) calendar days prior to the hearing date to each party having an interest in the property. The notice of the Demolition Hearing shall be served in the same manner as described in subsection c(8).

(2) Scope: The City Manager's Hearing Officer shall consider any written or oral evidence

consistent with its rules and procedures for public hearings regarding the issues of whether the building or structure is a public nuisance and whether demolition is a reasonable remedy to abate the nuisance under the circumstances.

(a) The Building Official shall present information relating to the condition of the property, the respective health and safety hazards and the justifications for demolition.

(b) The owner or agent or person in possession of the property or any other person with a legal interest may present testimony or evidence concerning the existence of a public nuisance and whether demolition is necessary. If the owner provides a structural survey, it must conform with applicable standards promulgated by the Building Inspection Department and submitted on their approved form.

(3) Decision: The City Manager's Hearing Officer may confirm the determination of the Building Official that a public nuisance exists by virtue of the Structurally Unsafe or Dangerous Building and that demolition is the appropriate remedy under the circumstances. The decision of the City Manager's Hearing Officer is the final administrative order.

(4) Owner's Response: The owner or agent or person in possession of the premises, however, may obtain proper permits and demolish the building or structure within seven (7) calendar days after the Hearing Officer orders demolition.

(5) Demolition: In the event the owner or agent or person in possession of the property does not abate the conditions determined to be a public nuisance, the building or structure shall be demolished by personnel designated by the City Manager or by the City's private contractor.

i. Enforcement of Notice or Order.

(1) Failure to Obey: Once any Notice and Order of the Building Official or the City Manager's Hearing Officer made pursuant to this section has become final, no person to whom any such order is directed shall fail, neglect or refuse to obey any such order. If, after any such Notice and Order of the Building Official or decision by the City Manager's Hearing Officer, the person to whom such order is directed shall fail, neglect or refuse to obey such order, the Director may: (i) cause such person to be prosecuted under this section; or (ii) institute any appropriate action to abate such building as a public nuisance.

(2) Failure to Commence Work: Whenever the required repair or demolition is not commenced within thirty (30) days after any final Notice and Order is issued under this code:

(a) The Building Official may cause the building described in such Notice and Order to be vacated by giving reasonable notice to the tenants and by posting at each entrance a sign in substantially the following form:

DANGEROUS BUILDING

DO NOT OCCUPY

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

(SDMC § 91.02.0203)

Director of Building Inspection

City of San Diego

(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 repairs ordered by the Building Official have been completed and a Certificate of Occupancy is issued pursuant to the provisions of the Building Code or until demolition is finished and all debris removed pursuant to a demolition permit.

(c) The Building Official may, in addition to any other remedy provided in this section, temporarily correct only those conditions which render the building Dangerous or Structurally Unsafe as set forth in the Notice and Order; or, if the notice required demolition, schedule a Demolition Hearing as specified in section h.

(3) Extensions of Time: Upon receipt of a written request from the person required to obey the Notice and Order and a written agreement by such person that he or she will comply with the Notice and Order if allowed additional time, the Building Official may, in his or her discretion, grant an extension of time, not to exceed an additional one hundred and twenty (120) days, to complete the repairs, rehabilitation or demolition, if the Building Official determines that such an extension of time will not create or perpetuate a situation imminently dangerous to life or property and the circumstances which justify the delay are beyond the direct control of the applicant. The Building Official's authority to extend time is limited to the physical repair, rehabilitation or demolition of the premises and will not in any way affect the time to appeal any Notice and Order or previously scheduled hearings.

(4) Interference with Repair or Demolition
Work Prohibited: No person shall obstruct, impede or interfere with any officer, employee or contractor or authorized representative of the City of San Diego or with any person who owns or holds any estate or interest in any building while conducting repairs, vacation of tenants or demolition pursuant to the provisions of this section.

j. Performance of Work of Repair or Demolition.

When any repair or demolition is done by Notice and Order of the Building Official, the City Manager shall accomplish the work by using City work crews or by private contractor.

k. Administrative Costs.

All administrative and physical work costs incurred by the City Manager or by the Building Official or their agents in the implementation of this Notice and Order, including the costs for appeals or demolition hearings, shall be assessed against the owner as a personal obligation or against the property pursuant to Government Code section 38773.5.

l. Recovery of Cost of Repair or Demolition.

(1) Accounting Report: The Building Official shall keep an itemized account of the expenses incurred in the repair or demolition of any Structurally Unsafe or Dangerous Building. Upon completion of the repair or demolition, the Building Official 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 upon which the building or structure is or was located, and the names and addresses of the persons entitled to notice pursuant to section c.

(2) Confirmation of Costs Hearing: Upon receipt of this report, the City Clerk shall fix a date, time and place for a public hearing before the City Council regarding this report and any protests or objections. The Building Official shall cause notice of this hearing to be served upon the owner and/or occupant or person in possession pursuant to the requirements of section c(8). This notice shall be given at least ten (10) days prior to the date set for the hearing and shall specify the day, hour and place when the City Council will consider and pass upon the Building Official's report.

(3) Protests and Objections: Any person affected by the proposed assessment may file written protests or objections with the Building Official at least forty-eight (48) hours prior to the time set for the public hearing. Each such protest or objection must contain a description of the property in which the signer has an interest and the grounds of such protest or objection. The Building Official shall present such protests or objections to the City Council at the hearing.

(4) Hearing: Upon the day and hour set for the hearing the City Council shall hear and pass upon the Building Official's accounting and report together with any such oral or written objections or protests. The City Council may make such revisions, corrections or modifications in the report or the charge as it may deem just. When the City Council is satisfied with the correctness of the charge, the report (as submitted or as revised, corrected or modified) and the charge, shall be confirmed or rejected by resolution. The decision of the City Council on the report and the charge and on all protests or objections shall be final and conclusive.

(5) Personal Obligation or Special Assessment:

(a) General: The City Council shall order this charge as a personal obligation of the property owner or assess it against the abated property.

(b) Personal Obligation: If the City Council orders the charge as a personal obligation of the property owner, the Council shall direct the Building Official to collect this obligation by use of all appropriate legal means. If unable to collect this obligation, the Building Official shall refer this case to the City Attorney to file a court action to recover these costs.

(c) Special Assessment: If charged as an assessment against the property, the Council shall cause a Notice of Special Assessment to be recorded and direct the assessment be placed on the County Assessment Roll pursuant to Government Code section 38773.5.

(6) Recordation of Notice: After the City Council levies this charge as a special assessment against the property, the Building Official shall record a Notice of Special Assessment describing the abatement action and the total costs with the County Recorder to place any subsequent purchasers or owners on notice about this abatement action.

The Building Official shall file a withdrawal of this notice with the County Recorder once: (1) the owner or person responsible pays in full the abatement cost; or (2) the County Auditor or Tax Collector posts the lien on the property pursuant to Government Code section 38773.5.

(7) Report to Assessor and Tax Collector: After the City Council confirms the report and costs against the property, the Building Official shall transmit a copy of the report, itemized accounting and resolution to the County Auditor who shall add the amount of the assessment to the next regular tax bill levied against the parcel in the same manner as ordinary municipal taxes. The provisions of Government Code sections 38772 through 38773.5 are hereby incorporated by reference and made part of this section.

(8) Collection of Assessment-Penalties for Foreclosure: The amount of the assessment shall be collected at the same time and in the same manner as ordinary municipal taxes and shall be subject to the same penalties and procedure and sale in case of delinquency as provided for ordinary municipal taxes. All laws applicable to the levy, collection and enforcement of property taxes shall be applicable to such assessment.

(9) Repayment to Nuisance Abatement

Superfund: All monies recovered by payment of the charge or assessment or from the sale or transfer of the property to cover the abatement costs shall be paid to the City Treasurer who shall credit the same to the Nuisance Abatement Superfund.

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: John W. Witt, City Attorney

By


Joseph M. Schilling
Deputy City Attorney

JMS:lbc
02/17/88
Or.Dept:Police
O-88-145
Form=o.none

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MAR 21 1988

Passed and adopted by the Council of The City of San Diego on
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ed Struiksmma	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR
Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

(Seal)

By *Ellen Board*, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

MAR 7 1988, and on MAR 21 1988

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

(Seal)

By *Ellen Board*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-17044 Adopted MAR 21 1988

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FEB 25 A11 48



CERTIFICATE OF PUBLICATION

CITY OF SAN DIEGO
202 C STREET, 2ND FLOOR
SAN DIEGO, CA 92101
ATTN: ELLEN BOVARD

Handwritten mark

IN THE MATTER OF
AN ORDINANCE AMENDING CHAPTER IX, ARTICLE 1, OF THE SAN
DIEGO MUNICIPAL CODE BY AMENDING SECTION 91.02.0203
RELATING TO UNSAFE BUILDINGS OR STRUCTURES.

NO.

ORDINANCE NUMBER O-17044 (NEW SERIES)

**AN ORDINANCE AMENDING CHAPTER IX, ARTICLE 1, OF
THE SAN DIEGO MUNICIPAL CODE BY AMENDING SEC-
TION 91.02.0203 RELATING TO UNSAFE BUILDINGS OR
STRUCTURES.**

Under existing law, the Director of the Building Inspection De-
partment has the authority to administratively abate Unsafe Build-
ings which primarily exhibit structural defects. This amendment
revises existing authority to abate Structurally Unsafe Buildings and
adds new powers to abate Dangerous Structures. These new admin-
istrative abatement procedures are patterned after the 1982 Edition
of the Uniform Code for the Abatement of Dangerous Buildings.

Specific conditions are listed which classify buildings or struc-
tures as either Structurally Unsafe or Dangerous. The criteria for
Dangerous Buildings expands the City's authority to handle dis-
placed structures which attract and promote criminal activity. The
criteria for Structurally Unsafe has been redefined to meet current
structural and engineering standards.

The administrative abatement procedure can be summarized as
follows:

(1) The Building Official serves a written Notice and Order which
describes the conditions and violations to the owner and/or person in
possession of the Structurally Unsafe or Dangerous Building;

(2) The notice requires the owner to abate the public nuisance by
using any of the following methods or a combination thereof:

- (a) Vacate the Tenants; or
- (b) Clean and Secure the vacant-unsecured structures;

OR

- (c) Repair and Rehabilitate; or
- (d) Demolish;

(3) The owner must file a Statement of Intent within ten (10) days
describing his or her plans to abate the nuisance or file an appeal
with the Building Official;

(4) If the owner fails to abate the nuisance within the time frame
specified by the Building Official's Notice and Order, the Building
Official can take any one of the following steps:

- (a) Order the buildings vacated and posted with signs to prevent
further occupancy; or
- (b) Clean and secure the vacant structures; or
- (c) Schedule a Demolition Hearing; or
- (d) Make emergency repairs to eliminate any imminent life safe-
ty hazard;

(5) Authorizes the Building Official to record a notice with the
County Recorder once the owner fails to voluntarily comply;

(6) Various specifications and standards are outlined to guide the
Building Official's authority under this section:

(a) Historical Buildings cannot be demolished using this
abatement procedure;

(b) The owner of the property, in cooperation with the Building
Official, shall assist in the relocation of displaced tenants;

(c) The posted signs shall conform to the specified criteria;

(7) Prohibits anyone from entering a structure after it is posted,
except to repair or demolish the building, and prohibits removal of
the signs;

(8) Permits anyone with an ownership interest in the property to file
a Notice of Appeal and request a hearing:

(a) City Manager appoints a Hearing Officer and schedules a
hearing date;

(b) Failure to file an appeal constitutes a waiver of that right.
The Building Official can still proceed with abatement;

(c) Describes the scope of the hearing and requires the City
Manager to promulgate hearing procedures;

I, THOMAS D. KELLEHER, am a citizen
of the United States and a resident of the County aforesaid; I am over the
age of eighteen years, and not a party to or interested in the above-entitled
matter. I am the principal clerk of the San Diego Daily Transcript, a
newspaper of general circulation, printed and published daily, except
Saturdays and Sundays, in the City of San Diego, County of San Diego, and
which newspaper has been adjudged a newspaper of general circulation by
the Superior Court of the County of San Diego, State of California, under
the date of January 23, 1909, Decree No. 14894; and the

ORDINANCE NUMBER O-17044 (NEW SERIES)

is a true and correct copy of which the annexed is a printed copy and was
published in said newspaper on the following date(s), to wit:

APRIL 4

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 4 day of APRIL, 19 88.

Thomas D. Kelleher

(Signature)

132 lines x .98 = \$258.72

12" x 2 x 10.78 = \$258.72

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(d) The Notice of Appeal stays abatement action by the Building Official, except where the circumstances require emergency action to secure the property or vacate the tenants;

(e) The Hearing Officer's decision is the final administrative determination;

(9) When the owner has failed to demolish the property by the deadline established in the original Notice and Order or after an appeal, the Building Official can refer the matter to the City Manager for a Demolition Hearing:

(a) City Manager appoints a Hearing Officer and schedules a hearing date;

(b) Describes the scope and procedures for the Demolition Hearing;

(c) The Hearing Officer's Decision is the final administrative determination;

(10) If the nuisance is not abated by repair or demolition before the deadline established in the Notice and Order, the Building Official can enforce the Notice and Order by any of the following means:

(a) Misdemeanor prosecution; or

(b) Vacate the building and post with signs to prohibit further occupancy until rehabilitation or demolition; or

(c) Emergency repairs to abate imminent life safety hazards;

(11) Permits extensions of time to complete repairs or demolition if a written request is submitted to the Building Official;

(12) Prohibits anyone from interfering with repairs or demolition of the structures;

(13) Allows the City Manager to accomplish the demolition or repair work by using City crews or private contractors;

(14) Once abatement is completed by City crews or private contractor, the Building official shall request a hearing to confirm the costs before the City Council;

(a) Requires the Building Official to file a report and itemized accounting with the City Clerk in requesting the Confirmation Hearing;

(b) Allows written protests to be filed within 48 hours prior to the hearing;

(c) The Council shall confirm, revise or modify the report or account as it deems just under the circumstances;

(d) The Council's decision regarding confirmation is the final administrative determination;

(e) Defines abatement costs to include all actual and administrative work;

(f) Discretion is vested with the City Council to charge the costs as a personal obligation against the owner or a special assessment against the property depending upon the circumstances;

(g) Authorizes the Building Official and the City Attorney to collect the costs assessed as a personal obligation by all appropriate legal means;

(h) Requires the Building Official to file a Notice of Special Assessment with the County Recorder when the obligation is assessed against the property and submit a copy of the report and confirmation of costs to the County Auditor for processing as a special assessment on the next tax roll. If the owner fails to pay the County Auditor's special assessment, it becomes a municipal tax lien pursuant to Government Code section 38773.5;

(i) All funds recovered for each abatement action shall be deposited in the Nuisance Abatement Superfund;

A complete copy of the ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 2nd floor, City Administration Building, 202 "C" Street, San Diego, CA 92101.

Introduced on March 7, 1988
Passed and adopted by the Council of The City of San Diego on March 21, 1988

AUTHENTICATED BY: MAUREEN O'CONNOR
Mayor of The City of San Diego, California
CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California
By ELLEN BOWARD, Deputy

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