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ORDINANCE NO. 853

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SONORA

Title 15 – Buildings and Construction

Deleting Sections 15.08.310.2, Proof and Service, and 15.08.400.4, Proof of Service; and adding, Sections 15.08.310.2, Recordation of Notice and Order, and 15.08.400.4, Restoration; and deleting, Sections 15.08.310.3, Recordation of Notice and Order, and 15.08.400.5, Restoration; and amending, Sections 15.08.310.1, Method of Service, and 15.08.400.3, Method of Service; and amending Section 15.10.100, Expiration; and adding, Chapter 15.13, Post Disaster Assessment; and adding, Chapter 15.14, Dangerous Building Code.

The City Council of the City of Sonora does hereby ordain as follows:

Chapters:

15.04 Building Codes Adopted.
15.08 General Administrative Code Provisions.
15.10 Building Permits.
15.12 Inspections and Occupancy.
15.13 Post Disaster Assessment.
15.14 Dangerous Building Code.
15.16 Fire Zones.
15.20 Building Numbers.
15.24 Garages and Storage Space.
15.28 Signs.
15.32 School Impact Mitigation Procedures.
15.36 Floodplain Management Procedures.

SECTION ONE: Delete Sections 15.08.310.2, Proof of Service and 15.08.400.4, Proof of Service, and add Sections 15.08.310.2, Recordation of Notice and Order, and 15.08.400.4, Restoration, as follows:

Sections:

15.08.010	**Title.**
15.08.020	**Purpose.**
15.08.030	**Scope.**
15.08.040	**Appendices.**
15.08.050	**Most Restrictive – Specific Requirement.**
15.08.060	**Other Laws.**
15.08.070	**Application of References.**
15.08.080	**Referenced Codes and Standards.**

15.08.090	Partial Invalidity.
15.08.100	Maintenance.
15.08.110	Additions, Alterations, or Repairs.
15.08.120	Existing Structures.
15.08.130	Existing Installations.
15.08.140	Creation of Enforcement Agency.
15.03.141	Appointment.
15.08.142	Deputies.
15.08.143	Duties and Powers.
15.08.150	Applications and Permits.
15.08.160	Notice of Violations – Notice and Orders.
15.08.170	Inspections.
15.08.180	Identification.
15.08.190	Right of Entry.
15.08.200	Department Records.
15.08.210	Nonresponsibility of the City.
15.08.220	Approved Materials and Equipment.
15.08.230	Used Materials and Equipment.
15.08.240	Modifications.
15.08.250	Alternative Materials, Design, and Methods of Construction and Equipment.
15.08.260	Research Reports.
15.08.270	Tests.
15.08.280	Board of Appeals.
15.08.280.1	Board of Building Appeals Decisions.
15.08.280.2	Adopted Code Applicable.
15.08.280.3	Limitations on Authority.
15.08.280.4	Appeal Hearing Date.
15.08.280.5	Request for Information.
15.08.280.6	Board Decisions.
15.08.280.7	Appeal of Board's Decision.
15.08.290	Disabled Access Appeals Board.
15.08.290.1	Disabled Access Appeals Board Decisions.
15.08.290.2	Disabled Access Appeals Board Hearing Date.
15.08.290.3	Access Board Decisions.
15.08.290.4	Appeal of Disabled Access Appeals Board Decision.
15.08.300	Unlawful Acts.
15.08.310	Notice of Violation or Notice and Order.
15.08.310.1	Method of Service.
~~15.08.310.2~~	~~Proof of Service.~~
15.08.310.23	Recordation of Notice and Order.
15.08.320	Right of Appeal.
15.08.320.1	Processing of Appeal.
15.08.320.2	Appeal Fee.
15.08.320.3	Effect of Failure to Appeal.
15.08.330	Further Permits or Approvals.

15.08.340	**Prosecution of Violation.**
15.08.350	**Administrative Remedies.**
15.08.360	**Failure, Neglect or refusal to Obey Order.**
15.08.361	**Remedy for Failure to Obey Order.**
15.08.370	**Interference with Repair or Demolition Work Prohibited.**
15.08.380	**Criminal Violation.**
15.08.390	**Stop Work Order.**
15.08.390.1	**Issuance.**
15.08.390.2	**Unlawful Continuance.**
15.08.400	**Unsafe Structures and Equipment.**
15.08.400.1	**Record.**
15.08.400.2	**Notice.**
15.08.400.3	**Method of Service.**
~~**15.08.400.4**~~	~~**Proof of Service.**~~
15.08.400.45	**Restoration.**
15.08.410	**Technical Amendments to the California Building Code.**
15.08.420	**Technical Amendments to the 2013 California Residential Code.**

~~**15.08.310.2 Proof of Service**~~

~~Proof of service of the notice of violation or 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 of violation or notice and order retained by the Building Safety Division.~~

15.08.310.2 Recordation of Notice and Order.

Recordation of the notice of violation or notice and order shall be in accordance to the procedures set forth in Sections 1.20.100, 1.20.110 and 1.20.120 of this Code.

~~**15.08.400.4 Proof of Service**~~

~~Proof of service of the written notice 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 written notice and retained by the Building Safety Division.~~

15.08.400.4 Restoration.

The structure or equipment determined to be unsafe by the Building Official and/or City Building Inspector is permitted to be restored to a safe condition. To the extent that repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions, or change of occupancy shall comply with the requirements of this Code.

SECTION TWO: Delete Sections 15.08.310.3, Recordation of Notice and Order, and 15.08.400.5, Restoration, as follows:

~~**15.08.310.3 Recordation of Notice and Order**~~

~~If compliance is not had with the notice of violation or notice and order within the time specified therein, and no appeal has been properly and timely filed, the Building Official and/or City Building Inspector may file in the office of the County Recorder a certificate describing the property and certifying (a) that the building is a substandard building, and (b) that the owner has been so notified. Whenever the corrections ordered shall thereafter have been completed or the building demolished so that it no longer exists as a substandard building on the property described in the certificate, the Building Official and/or City Building Inspector shall file a new certificate with the County Recorder certifying that the building has been demolished or all required corrections have been made and fees paid and that the building is no longer substandard, whichever is appropriate.~~

~~**15.08.400.5 Restoration**~~

~~The structure or equipment determined to be unsafe by the Building Official and/or City Building Inspector is permitted to be restored to a safe condition. To the extent that repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions, or change of occupancy shall comply with the requirements of this Code.~~

SECTION THREE: Amend Sections 15.08.310.1, Method of Service, and 15.08.400.3, Method of Service, as follows:

15.08.310.1 Method of Service.

Service of the notice of violation or notice and order shall be in accordance to the procedures set forth in Section 1.20.080 of this Code. ~~may be made upon the person(s) described in Section 15.08.310 either by: (a) personal delivery or (b) by certified mail, return receipt requested. Service shall be made upon a person having a recorded title or legal interest at his/her/their address as it appears on the last equalized assessment roll of Tuolumne County recorded documents or as known to the Building Safety Division. Service shall be made upon the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition, or occupancy of a building or structure at their place of business. A copy of the notice of violation or notice and order and any amended or supplemental notice of violation or notice and order shall also be posted on the premises.~~

~~(a) In lieu of serving any notice in the manner described above, service of the notice of violation or notice and order and any amended or supplemental notice of violation or notice and order may be made as follows:~~

~~(1) In the event that the person sought to be served refuses to sign the certified return receipt or cannot be personally served, service may be made by substituted service. Substituted service may be accomplished as follows:~~

(i) By leaving a copy of the applicable documents at the person's dwelling house, usual place of abode, usual place of business, or usual mailing address other than a United States Postal Service Post Office box with a competent member of the household or a person apparently in charge of the business who is at least 18 years of age. The person shall be informed of the content of the documents. Thereafter, the same documents shall be mailed by first class mail to the same address where the copy was left.

(2) In the event the person sought to be served refuses to sign the certified return receipt or cannot be personally served and that person has a property manager or rental agency overseeing the premises, substituted service may be as set forth in subsection (a)(1) of this section upon the property manager or rental agency.

(3) If the person sought to be served lives out of state and will not sign the certified return receipt, then service may be made by first-class mail and certified mail.

(4) If the person sought to be served cannot be located, or service cannot be effected as set forth in this section, service may be made by publication in a newspaper of general circulation which is most likely to give actual notice to the owner. Service shall be deemed sufficient when it is accomplished pursuant to Government Code Section 6063 which requires publication of notice once a week for three successive weeks. Three publications in a newspaper regularly published once a week or oftener, with at least five days intervening between the respective publication dates not counting such publication dates, are sufficient, and the period of notice commences upon the first day of publication and terminates at the end of the twenty-first day, including therein the first day.

(b) The failure of any such person to receive such notice of violation or notice and order shall not affect the validity of any proceedings taken under this chapter.

(c) Service by certified mail in the manner herein provided shall be deemed complete upon the "owner" signing the certified return receipt. Service by substitute service shall be deemed complete on the tenth (10th) calendar day after mailing of the applicable documents by first-class mail.

15.08.400.3 Method of Service.

Service of the written notice of unsafe structures or equipment Service of the notice of violation or notice and order shall be in accordance to the procedures set forth in Section 1.20.080 of this Code. may be made upon all persons entitled thereto either by personal delivery or by certified mail, return receipt requested. Service may be upon the record owner at his/her/their address as it appears on the last equalized assessment roll of Tuolumne County recorded documents or as known to the Building Safety Division. A copy of the written notice and any amended or supplemental written notice shall also be posted on the premises.

(a) In lieu of personally serving the owner or service by certified mail, service of the written notice and any amended or supplemental written notice may be made as follows:

(1) In the event that the owner refuses to accept certified return receipt mail or cannot be personally served, service may be made by substituted service. Substituted service may be accomplished as follows:

~~(i) By leaving a copy during usual business hours in the recipient's business with the person who is apparently in charge, and by thereafter mailing by first class mail a copy to the recipient where the copy was left;~~

~~(ii) By leaving a copy at the recipient's dwelling or usual place of abode, in the presence of a competent member of the household and thereafter mailing, by first class mail, a copy to the recipient at the address where the copy was left.~~

~~(2) In the event the owner refuses to accept certified return receipt mail or cannot be personally served and has a property manager or rental agency overseeing the premises, substituted service may be as set forth in subsection (a)(1) of this section upon the property manager or rental agency.~~

~~(3) If the owner lives out of state and will not accept certified return receipt mail, then service may be made by first class mail.~~

~~(4) If the owner of the property cannot be located, or service cannot be effected as set forth in this section, service may be made by publication in a Modesto newspaper of general circulation which is most likely to give actual notice to the owner. Service shall be deemed sufficient when it is accomplished pursuant to Government Code Section 6063.~~

~~The failure of any such person to receive such written notice shall not affect the validity of any proceedings taken under this chapter. Service by certified mail in the manner herein provided shall be effective on the date of mailing.~~

SECTION FOUR: Amend Section 15.10.100, Expiration, as follows:

15.10.100 Expiration.

Every permit issued by the Building Official and/or City Building Inspector under the provisions of this Code shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within ~~one hundred eighty (180) calendar days~~ twelve (12) months from the date of issuance of said permit, or if such building or work authorized by such permit is ~~suspended or~~ abandoned at any time after the work has commenced ~~for a period of one hundred eighty (180) calendar days~~, or if the building or work authorized by such permit is not completed seven hundred thirty (730) calendar days from the date of such permit. Before such work can be recommenced, a new permit shall be first obtained to do so, ~~and the fee therefor shall be one-half (½) the amount required to obtain a new permit for such work,~~ provided no changes have been made or will be made in the original plans and specifications for such work; and provided further that such suspension or abandonment has not exceeded one (1) year. Additional fees may be charged to recoup any city costs associated with reviewing the new application and plans for a new permit.

Any permittee holding an unexpired permit may apply for an extension of time within which he may commence or continue the work under that permit when he is unable to commence or continue work within the time required by this section for good and satisfactory reasons. The Building Official and/or City Building Inspector may extend the time for action by the permittee for ~~a~~ periods not exceeding one hundred eighty (180) calendar days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. ~~No permit shall be extended more than once. In order to renew action on a~~

~~permit after expiration, the permittee shall pay a new permit fee.~~ Additional fees may be charged to recoup and city costs associated with reviewing the extension request.

SECTION FIVE: Add Chapter 15.13, Post Disaster Assessment, as follows:

Chapter 15.13

POST DISASTER ASSESSMENT

Sections:

15.13.010 Scope.
15.13.020 Application of Provisions.
15.13.030 Safety Assessment Defined.
15.13.040 Placards.
15.13.050 Placard Contents.
15.13.060 Removal Prohibited.
15.13.070 Placard Removal.
15.13.080 Unauthorized Entry Prohibit.

15.13.010 Scope.

This chapter establishes standard placards to be used to indicate the condition of a structure for continued occupancy after any natural or man-made disaster. It further authorizes the Community Development Department, building inspection division, as well as authorized representatives, to post appropriate placards at each entry point to a building or structure upon completion of a safety assessment. The use of this chapter shall be at the discretion of the Community Development Department, building inspection division, or their authorized representative to ensure the health, safety, and welfare of the public following any natural or man-made disaster.

15.13.020 Application of Provisions.

The provisions of this chapter are applicable to all buildings and structures, of all occupancies, regulated by the city following any natural or man-made disaster.

15.13.030 Safety Assessment Defined.

"Safety assessment" means a visual, nondestructive examination of a building and/or structure conducted by the Community Development Department, building inspection division, or their authorized representative for the purpose of determining the condition for continued occupancy.

15.13.040 Placards.

Official placards issued pursuant to this Chapter shall use three (3) categories to designate the condition for continued occupancy of buildings and/or structures as follows:

1. Inspected – Lawful Occupancy Permitted. This category description is to be posted on any building and/or structure wherein no apparent structural hazard has been found. This placard is not intended to mean that there is no damage to the building and/or structure.

2. Restricted Use. This category description is to be posted on each building and/or structure that has been damaged wherein the damage has resulted in some form of restriction to the continued occupancy. The Building Official who posts this placard shall note the type of damage encountered and shall note the restrictions on continued occupancy.
3. Unsafe – Do Not Enter or Occupy. This category description is to be posted on each building and/or structure that has been damaged such that continued occupancy poses a threat to life safety. Buildings and/or structures posted with this placard shall not be entered under any circumstance except as authorized in writing by the Building Official, or his or her authorized representative. Safety assessment teams shall be authorized to enter these buildings and/or structures at any time. This placard is not to be used or considered as a demolition order. The Building Official who posts this placard shall note the type of damage encountered.

15.13.050 Placard Contents.

Placards issued pursuant to this chapter should include all of the following information:

1. The category designated in Sonora Municipal Code Section 15.13.040 that the building's and/or structure's condition conforms to.
2. For "inspected" placards, the language: "Lawful Occupancy Permitted."
3. For "restricted use" placards, the language: "Caution: This building and/or structure has been inspected and found to be damaged as described:" and "Entry, occupancy and lawful use are restricted as indicated:"
4. For "unsafe" placards, the language: "Do not enter or occupy This building and/or structure has been inspected, found to be seriously damaged and is unsafe to occupy, as described:" and "Do not enter, except as specifically authorized in writing by jurisdiction. Entry may result in injury or death." (This placard is not a demolition order).
5. The address of the building and/or structure inspected.
6. The advisement "Caution: Aftershocks since inspection may increase damage and risk."
7. The date and time of inspection.
8. The name, employing agency and, if applicable, the identification number of the inspector.
9. The advisement "Do not remove, alter or cover this placard until authorized by the Building Official."
10. Name of the Building Official.
11. Address, phone number, and contact information for Building Official.

15.13.060 Removal Prohibited.

A placard issued and attached to a building and/or structure pursuant to this chapter may not to be removed, altered or covered, except by the Building Official or with permission from the Building Official. It shall be a misdemeanor enforced pursuant to Sonora Municipal Code Title 1 for any person or entity to alter, remove, cover or deface a placard unless authorized pursuant to this chapter.

15.13.070 Placard Removal.
Once the Building Official has determined the structure is safe to occupy, the Building Official will remove or give permission for the removal of the placard. The owner or occupants of a building may request permission from the Building Official to remove a placard by contacting the Building Official. The Building Official's contact information shall be listed on the placard.

15.13.080 Unauthorized Entry Prohibited.
If the Building Official, or his or her authorized representative, issued and attached a placard to a building or structure, unauthorized entry into the building and/or structure, in violation of the restrictions on the placard, shall be an infraction enforced pursuant to Sonora Municipal Code Title 1.

SECTION SIX: Add Chapter 15.14, Dangerous Building Code, as follows:

Chapter 15.14

DANGEROUS BUILDING CODE

Sections:

15.14.010 Title.
15.14.020 Purpose.
15.14.030 Application.
15.14.040 Administration.
15.14.050 Procedures.
15.14.060 Authority to enter and inspect.
15.14.070 Responsibility for proper maintenance.
15.14.080 Abatement of dangerous buildings.
15.14.090 Violations.
15.14.100 Definitions.
15.14.110 Dangerous Building.
15.14.120 Abatement.
15.14.130 Recording certificate of nuisance/abatement.
15.14.140 Summary Abatement.
15.14.150 Administrative Abatement.
15.14.160 Notice and Order.
15.14.170 Warning Sign.
15.14.180 Administrative Hearings – Generally.
15.14.190 Form and contents of decision – Finality of decision.
15.14.200 Service of the Hearing Officer's decision.
15.14.210 Challenge to decision of Hearing Officer.
15.14.220 Notice to Vacate.
15.14.230 Securing.
15.14.240 Securing – Notice.
15.14.250 Interference with repair or demolition work prohibited.
15.14.260 Performance of work or repair or demolition.

15.14.010 Title.
This chapter shall be known as the "City of Sonora Dangerous Buildings Code."

15.14.020 Purpose.

A. It is the intent of the Sonora City Council in adopting this code to provide a comprehensive method for the identification and abatement of certain public nuisances within the City limits, and to assess any costs of abatement thereof against the owners of the premises, either as a personal obligation or as a lien against the subject property.

B. The provisions of this code are to be supplementary, cumulative and complementary to all of the provisions of the City of Sonora Municipal Code, state law, and any law cognizable as common law, or in equity, and nothing herein shall be read, interpreted or construed in any manner so as to limit any existing right or power of the City of Sonora to abate any and all nuisances.

C. The provisions of this code are enacted for the protection of life, limb, health, safety, property, or welfare of occupants of and neighbors to dangerous buildings and the general public, and may require that the dangerous building be repaired or demolished, at the owner's expense, and that the building be vacated and entry be denied until the dangerous condition is no longer present.

15.14.030 Application.
The provisions of this code shall apply generally to all property within the Sonora City limits. This Ordinance shall take effect thirty (30) days after its passage and shall be published within (15) days after its final passage as required by law.

15.14.040 Administration.
The Building Official, and or Building Inspector, is to administer and enforce the provisions of this code. As used herein, the term "Building Official" and or "Building Inspector" shall include the designated representative of the Building Official.

15.14.050 Procedures.

The Building Official is authorized to adopt policies or procedures in order to be consistent with the purposes, intent, and express terms of this code as he or she deems necessary to implement such purposes, intent, and express terms.

15.14.060 Authority to enter and inspect.

A. Inspections. To the extent authorized by law, the Building Official may enter any premises at normal business hours between 8:00AM and 6:00 PM to make inspections authorized by this code or state law. The Building Official is authorized to make such inspections and to take such actions as may be necessary or appropriate to enforce the provisions of this code, including, without limitation, inspection of all buildings, structures or premises within the scope of this code, and all construction or work for which a permit is required in accordance with Title 24 of the California Code of Regulations.

B. Right of Entry. Whenever it is necessary to make an inspection to enforce the provisions of this code, or when the Building Official has reasonable cause to believe that there exists in a building, or upon a premises, a condition which is contrary to or in violation of this code which makes the building or premises unsafe, dangerous or hazardous, the Building Official may enter the building or premises during normal business hours between 8:00AM and 6:00 PM to inspect or to perform the duties imposed by this code; provided, that if such building or premises is occupied that credentials be presented to the occupant and entry requested. If such building or premises is unoccupied, the Building Official shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If entry is refused, the Building Official shall have recourse to the remedies provided by law to secure entry. No person shall enter any building or premises pursuant to this section between the hours of 6:00 p.m. of any day and 8:00 a.m. of the succeeding day, without the consent of the owner or the occupants of the building or premises, and shall not enter any building or premises in the absence of the occupants without a proper written order executed and issued by a court of competent jurisdiction.

15.14.070 Responsibility for proper maintenance.

A. Owner. Every owner of real property within the City limits is required to maintain such property in a manner so as to not violate the provisions of this code, and such owner remains liable for violations thereof regardless of any contract or agreement with any third party regarding such property.

B. Occupant or Lessee. Every owner, occupant, lessee or holder of any interest in property other than a lender whose sole interest therein is as security for the repayment of a debt, is required to maintain such property in the same manner as is required of the owner thereof, and the duty imposed by this section on the owner thereof, shall in no instance relieve those persons herein referred to from the similar duty.

15.14.080 Abatement of dangerous buildings.

All buildings, structures, or portions thereof, and premises which are determined after inspection to be dangerous as defined in this code, are hereby declared to be public nuisances, and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedures specified in this code, or in any other manner authorized by law or in equity.

15.14.090 Violations.

A. All buildings, structures, and premises are to be maintained so as not to pose a threat to the health and safety of any person or persons. It shall be unlawful and a violation of this code for any person whether as owner, lessee, sublessor, sublessee or occupant of any building, structure or premises to maintain or allow such building, structure or premises to become a dangerous building. Any person violating this subsection may be charged with either an infraction or misdemeanor offense and subject to administrative remedies as provided in the Sonora Municipal Code Title 1.

B. It shall be unlawful and a violation of this code for any person, whether as owner, lessee, sublessor, sublessee or occupant of any premises, to erect, construct, enlarge, alter, repair, move, improve, convert, demolish, equip, use, occupy, maintain, or cause or permit the same to be done, to any building, structure, or premises, or portion thereof, in violation of this code. Any person violating this subsection may be charged with an infraction offense and subject to administrative remedies as provided in the Sonora Municipal Code Title 1.

15.14.100 Definitions.

For the purposes of this code, the following words shall have the following specified meanings:

1. "Building Code" means Title 24 of the California Code of Regulations as adopted and amended by the Sonora Municipal Code, as may be amended from time to time.
2. "Dangerous building" means any building, structure or premises deemed to be dangerous under the provisions of Sonora Municipal Code Section 15.14.110.
3. "Building Official" means the Building Official and or Building Inspector of the Building Inspection Division of the Community Development Department of the City of Sonora, or his or her authorized representative.
4. "Housing Code" means California Health and Safety Code Division 13, Part 1.5 Regulations of Buildings Used for Human Habitation.
5. "Owner" means all persons, firms, businesses, partnerships, and corporations who own a fee interest of public record in real property subject to this code.
6. "Party in interest" means all persons, firms, businesses, partnerships, and corporations who have a lease, sublease, easement, mortgage, or other interest of public record, in real property, a building, structure, or premises subject to this code.
7. "Person" means any natural person, firm, partnership or corporation.
8. "Premises" means any real property, including any and all buildings, structures and improvements thereon.

15.14.110 Dangerous building.

For the purpose of this code, any building, structure or premises which has any of the conditions or defects hereinafter described, shall be deemed to be a dangerous building; provided, that such condition or defect endangers or may endanger the life, health, property, safety or welfare of the occupants of such building, structure or premises, adjoining property owners or their occupants, or the public:

1. 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 other emergency.
2. Whenever 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 safe and adequate means of exit in case of fire or other emergency.
3. Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one-half (0.5) times the working stress or stresses allowed in the Building Code for new buildings of similar structure, purpose or location.
4. Whenever any portion thereof has been damaged by fire, earthquake, wind, and 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 event and is less than the minimum requirements of the Building Code for new buildings of similar structure, purpose or location.

5. Whenever any portion, member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.
6. Whenever any portion thereof, 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 (0.5) of that specified in the Building Code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the Building Code for such buildings.
7. Whenever any portion thereof has racked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of new buildings of similar structure, purpose or location.
8. Whenever the building or structure, or any portion thereof, because of: 1) dilapidation, deterioration or decay; 2) faulty construction; 3) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building or structure; 4) the deterioration, decay or inadequacy of its foundation; or 5) any other cause, is likely to partially or completely collapse.
9. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
10. 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 (0.33) of the base.
11. 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.
12. Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or by any other such cause, or has become so dilapidated or deteriorated as to become: 1) an attractive nuisance to children; 2) a harbor for vagrants; or 3) a harbor for persons to commit unlawful acts.
13. 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 the building regulations of this jurisdiction, as specified in the Building Code or Housing Code, or any other law of this state or jurisdiction relating to the condition, location or structure of buildings.
14. 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: 1) strength, 2) fire-resisting qualities or characteristics, or 3) 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.
15. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by

the Building Official to be unsanitary, unfit for human habitation or in such condition that it is likely to cause sickness or disease.

16. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the Fire Chief to be a fire hazard.
17. 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 abandoned for a period in excess of six (6) months so as to constitute such building or portion thereof as a public nuisance or hazard to the public.
18. Whenever any building or portion thereof is so deteriorated, damaged, in such need of repair or is left vacant and unsecured so as to present a threat to the health, safety and welfare of the community and constitutes a nuisance.

15.14.120 Abatement.

Not withstanding any other provisions of this code, upon a determination by the Building Official, following an inspection of the building, structure or premises, that a dangerous building is present, the Building Official may commence summary or an administrative process to abate the nuisance, as provided herein, or may commence abatement in any other manner or process provided by law or in equity.

15.14.130 Recording certificate of nuisance/abatement.

A. Upon a determination by the Building Official, following an inspection of the premises, that a dangerous building is present, the Building Official shall cause a notice of pending enforcement action to be recorded in the office of the Tuolumne County Clerk-Recorder by the City of Sonora. The notice of pending enforcement action shall contain statements providing the following information regarding the premises: 1) a sufficient description to identify the subject property, 2) certify that the Building Official has determined that the property is the site of a dangerous building and is a public nuisance, and 3) that the owner has been so notified.

B. When the enforcement action has been fully resolved and all costs associated therewith finally settled, a certificate of abatement shall be issued to the owner of the subject property who may record same, at the owner's expense, in the office of the Tuolumne County Clerk-Recorder. The certificate of abatement shall state the following regarding the premises: 1) a sufficient description to identify the subject property, 2) reference to the earlier recorded notice of pending enforcement action, and 3) certify that the premises is no longer the site of a dangerous building, that the nuisance has been abated, and that the property is no longer subject to a pending enforcement action.

C. The notice of pending enforcement action shall be given constructive notice effective from the date it is recorded.

15.14.140 Summary Abatement.

A. If a dangerous building is found to exist, and in the reasonable discretion of the Building Official, such dangerous building is determined to be imminently dangerous to the health, safety or welfare of the public, the occupants, or the neighbors of such premises, the same may be abated by the City without compliance with the provisions of this code requiring advance notice and an opportunity for a hearing. A written finding shall be executed by the Building Official which shall set forth, in concise language, reasons in support for the determination that a dangerous building is imminently dangerous. The written finding need not be exhaustive in specifying violations noted and factors considered in reaching the determination. For purposes of this section "imminently dangerous" shall mean that the condition of the dangerous building, if abated according to the procedures set forth in this code requiring notice and an opportunity for a hearing, may, during the pendency of those proceedings, subject the public, occupants, or neighbors, or the property of such, to potential serious harm

B. Having made such a determination to conduct summary abatement, the Building Official is authorized to take all actions which are reasonable and necessary to abate the nuisance for the protection and welfare of the public, including demolition of the premises.

C. Occupants, if any, of such building, structure or premises, may be ordered by the Building Official, or a peace officer acting pursuant to the request of the Building Official, to vacate without requiring advance notice and an opportunity for a hearing. Such order to vacate shall be in writing signed by the Building Official. It shall be unlawful to fail to obey such order to vacate.

D. Notwithstanding the above provisions, a reasonable effort shall be made by the Building Official to notify the owner of the premises in advance of such summary abatement. No such notice shall be required if the Building Official determines that there is good cause to forego giving such notice. For purposes of this section, "good cause" includes, but is not limited to, when the owner is unavailable or is avoiding service of process.

E. The cost of summary abatement of the nuisance, including all costs incurred by the City in conducting the abatement, all administrative costs of any enforcement action taken under this code, and all relocation benefits required to be paid by the City, if any, may be assessed against the owner or made a lien against the premises as provided in Chapter 1.08 of this code; except, that in the event a court of competent jurisdiction decides the action taken under this section was improper, no lien shall be assessed.

F. Attorneys' Fees. Pursuant to Section 38773.5 of the Government Code, attorneys' fees may be recovered by the prevailing party. However, in no action, administrative proceeding, or special proceeding shall an award of attorneys' fees to a prevailing party exceed the amount of reasonable attorneys' fees incurred by the City in the action or proceeding.

G. Enforcement actions for all other structures in violation with this code not considered imminently dangerous shall follow Chapter 15.14.150.

15.14.150 Administrative Abatement.
If a dangerous building is found to exist on any premises, the Building Official may initiate administrative abatement proceedings as set forth in this code. Generally, the administrative abatement process shall consist of giving advance notice to the owner and all interested parties of the violation of this code and afford an opportunity for a hearing on the issues involved prior to the abatement of the nuisance by the City.

15.14.160 Notice and Order.

A. Contents. To initiate the administrative abatement process, the Building Official shall issue a written notice and order directed to the owner of the premises and/or the occupant, lessee, or responsible party. The notice and order shall contain the following:
   1. Description of Premises. The street address, assessor's parcel number or such other descriptive information as is reasonably available to sufficiently identify the premises on which the building or structure is located.
   2. Violation(s) Noted. A concise factual statement specifying the conditions which constitute the violation(s) resulting in the premises being declared by the Building Official to be a dangerous building and a public nuisance as defined by this code.
   3. Notice to Appear and Show Cause. A notice to the owner and all parties in interest to appear before a Hearing Officer for a hearing, at a set date, time and location, but in no event less than twenty (20) days after having mailed such notice, to show cause why the premises should not be declared a public nuisance and the same order abated by the owner, or by the City at the owner's expense. If the Building Official has determined that occupants must vacate the premises, the notice to appear shall also require that the owners and all parties in interest show cause why vacation of the premises should not be ordered and the premises secured by the City at the owner's expense. The notice shall state that the hearing will be conducted pursuant to the provisions set forth in Section 11513(a), (b) and (c) of the Government Code. The owner and any party in interest may appear at the hearing and offer evidence in this matter.
   4. Voluntary Abatement Option. A statement advising the owner and all parties in interest that they have the option of voluntarily abating the nuisance prior to the date set for hearing by either repair or demolition of the premises. The owner and/or the parties in interest must advise the Building Official in writing that they will abate the nuisance, and the date of scheduled completion thereof. The Building Official will inspect the premises on the scheduled completion date, and if the nuisance has been abated, the hearing will be taken off the calendar. If the owner and/or the parties in interest choose voluntary abatement, such abatement must be completed in accordance with all applicable City codes, including issuance of and inspection pursuant to required permits. Voluntary abatement must be completed prior to the hearing date or any extension thereof granted by the Hearing Officer. The owner, any party in interest or the City, may request a continuance of the hearing from time to time for good cause shown. Any continuance granted shall in no way diminish the responsibility of the owner and/or parties in interest for maintaining the premises, nor affect other requirements of this code regarding time for challenging any decisions made or actions taken.
   5. Failure to Appear. A statement advising the owner and all parties in interest that their failure to appear at the administrative abatement hearing waives any right to an

administrative hearing, a determination of this matter and their right to appeal the determination of this matter.

6. Scope of Hearing. A statement that the Building Official may offer evidence in support of the existence of the following conditions concerning the subject property: a) a dangerous building or structure exists on the property, b) the repairs or demolition required to correct the violations have not been accomplished, and c) tenants or occupants, if any, must be ordered to vacate.
7. Possible Orders. A statement that if the Hearing Officer finds by a preponderance of the evidence that the above described conditions exist concerning the premises the Hearing Officer may then order that the City may directly or by contract, and without further notice or consent of the owners or any party in interest:
    a. Repair. Repair the premises in a manner appropriate under the circumstances; or
    b. Demolish. Demolish the premises in a manner appropriate under the circumstances if the Hearing Officer also finds by a preponderance of the evidence that it is not economically feasible to repair the premises; and
    c. Vacation. Vacate the premises in a manner appropriate under the circumstances if the Hearing Officer also finds by a preponderance of the evidence that occupants of the premises are or will be endangered by the condition of the premises or the abatement enforcement actions. For the purpose of this section, "not economically feasible to repair" means that the reasonable estimated cost of repair exceeds fifty (50%) percent or more of the as-is appraised value of the premises, as determined by persons qualified to estimate repair costs and appraised value, with concurrence of the Building Official.
8. Owner Responsible for Costs. A statement advising that the owner may be held personally liable for payment of all costs incurred by the City in any administrative enforcement action, including, but not necessarily limited to, fees and costs of investigation, administration, technical consultants, hearings, permits, inspections, attorneys' fees, City-performed abatement activities or those abatement activities performed by third parties at the City's request, and collection. Additionally, the premises may be subject to a special assessment lien to recover all such costs pursuant to Chapter 1.08.

B. Service. The notice and order, and any amended or supplemental notice, shall be served either by personal delivery or by mailing a copy by certified mail, postage prepaid, return receipt requested, upon the owner of record at his or her/their address as it appears on the latest equalized assessment roll of Tuolumne County, or as known to the Building Official, and upon all parties in interest as their addresses may appear on the instrument of public record creating their interest in the premises. If no address appears on the instrument of public record creating their interest in the premises, then a party in interest may be served as described above, by certified mail addressed to the party in interest in care of the owner. A copy of the notice shall be posted on the premises. The failure of the Building Official to serve any person required herein to be served shall not invalidate any proceedings hereunder as to any other person duly served or relieve any such person from any duty or obligation imposed on him or her by the provisions of this code. The failure of any person to receive such notice shall not affect the validity of any proceedings taken under this code. Service by certified mail in the manner herein provided shall be effective on the date of mailing.

C. Proof of Service. Proof of service shall be certified by written declaration under penalty of perjury executed by the person effectuating service, declaring the identity, time, date and manner in which service was made. The declaration, together with any receipt card returned in acknowledgment of receipt by certified mail, shall be affixed to the copy of the notice retained by the Building Official. Proof of posting a copy of the notice shall be certified by written declaration under penalty of perjury executed by the person effectuating posting and declaring the time, date and location posting was effected.

15.14.170 Warning sign.

A. If a dangerous building is found to exist on any premises, the Building Official may post a warning sign on or near the premises advising the public that the building has been found to be a dangerous building and that entry is unsafe. The Building Official's failure to post a warning sign is not to be construed as any determination on this matter whatsoever, and posting a warning sign is advisory only. It shall be unlawful and a violation of this code for any person to remove or destroy a warning sign posted pursuant to this code without the prior written permission of the Building Official. Any warning sign posted upon a premise shall be in substantially the following form:

DO NOT ENTER
UNSAFE TO ENTER OR OCCUPY
The City of Sonora has found this building to be dangerous.
Sonora Municipal Code Chapter 15.14,
It is a misdemeanor to enter or occupy this building, to remove boards, and/or to remove or deface this notice.
Building Official
Building Inspection Division
Community Development Department
City of Sonora

B. Securing. Whenever the Building Official determines that a dangerous building constitutes an immediate threat to the public health or safety, the Building Official may board up the structure in accordance with the provisions in Sonora Municipal Code Chapter 15.14. No person shall remove or deface any such boards placed by the Building Official without the prior written permission of the Building Official. Any person violating this subsection may be charged with either an infraction or misdemeanor offense, at the discretion of the Building Official or prosecuting attorney, and subject to administrative remedies as provided in the Sonora Municipal Code Title 1.

15.14.180 Administrative hearings – Generally.

The Hearing Officer shall follow the rules of procedure for conducting hearings established by Chapter 1.24 of the Sonora Municipal Code and shall render all decisions and findings in writing which shall then be served on all parties as herein provided.

15.14.190 Form and contents of decision – Finality of decision.

A. Form. The decision of the Hearing Officer shall be in writing, shall contain findings of fact and a determination of the issues presented, and shall be issued no later than thirty (30) days from the date of the hearing, unless the time is waived by the parties. If it is shown by a preponderance of the evidence that the condition of the premises constitutes a public nuisance the decision shall require the owner to commence abatement of the nuisance not later than Ten (10) days after the issuance of the decision, and that the abatement be completed within such time as specified by the Hearing Officer, or in the alternative, within the time designated by the Building Official. If the building, structure or premises is lawfully occupied, and abatement of the nuisance may not be safely accomplished under the circumstances as a result of such occupancy, the occupants may be ordered to vacate the premises under terms reasonable under the circumstances presented. The Hearing Officer may order such remedies as are reasonable under the circumstances for the protection of the public or affected property, and as are otherwise authorized by law or in equity, including the following: The owner may be responsible for satisfying all relocation benefits, as may be required by law. The premises may be ordered to be fenced and boarded against entry. Regular patrol of the premises to ensure the integrity of such boarding and fencing measures may be ordered. (It is not the intent of this code to allow boarding and fencing of premises to substitute for abatement of the public nuisance; such actions are to be merely interim measures, lasting only so long as is necessary to protect the public and property until full abatement may be accomplished.) The Hearing Officer may order other measures which are reasonable and necessary for the protection of the public or property under the circumstances. The Hearing Officer's decision shall inform the owner that if the nuisance is not abated within the time and in the manner specified, the nuisance may be abated by the City, without further notice or consent of the owner or any party in interest, in such manner as may be ordered by the Hearing Officer, and the expense thereof, including all costs of enforcement, and relocation benefits required to be paid by the City as a result of the owner's failure to do so, may be made a lien on the subject property.

B. Time for Challenging Decision. Judicial review of any decision subject to the provisions of this chapter and Section 1094.6 of the Code of Civil Procedure may be had only if the petition for judicial review is filed within ninety (90) days after the decision becomes final; provided, that pursuant to the provisions of Section 1094.6(d) of the Code of Civil Procedure, if the petitioner files a request for the record within ten (10) days after the date the decision becomes final, the time within which a petition for judicial review may be filed shall be extended to not later than the thirtieth (30^{th}) day following the date on which the record is either personally delivered or mailed by first class certified mail, return receipt requested, to the petitioner or his attorney of record, if he or she has one.

C. Decision Final. The decision of the Hearing Officer shall be final when signed and issued by the Hearing Officer and served as herein provided in Sonora Municipal Code Section 15.14.200.

D. Appeal of Hearing Officer's Decision. Any person aggrieved by the decision of a hearing officer made pursuant to this Chapter may obtain review of the administrative decision by

filing an appeal seeking review from the City Council. The appeal must be made in accordance with Chapter 1.24.

15.14.200 Service of the Hearing Officer's decision.
Upon issuance of the Hearing Officer's decision, the Building Official shall serve a copy on the owner and all parties in interest in the same manner as set forth in Sonora Municipal Code Section 15.14.160(B) and shall post a copy thereof conspicuously on the premises involved. Proof of service and posting of the hearing officer's decision shall be effectuated in the same manner as set forth in Sonora Municipal Code Section 15.14.160(C).

15.14.210 Challenge to decision of Hearing Officer.
Any challenge to the decision of the Hearing Officer and preparation of a record of the administrative proceeding shall be governed by Chapter 1.24.

15.14.220 Notice to vacate.

A. If ordered by the Hearing Officer the Building Official shall serve a notice to vacate concerning the premises in the manner set forth in Sonora Municipal Code Section 15.14.160(B), and proof of service and posting of the notice to vacate shall be effectuated in the same manner as set forth in section Sonora Municipal Code Section 15.14.160(B). It shall be unlawful and a violation of this code for any person to remain in or enter a building which has been posted by the Building Official with such a notice to vacate except that entry may be made to repair, demolish or remove such building under permit. It shall be unlawful and a violation of this code for any person to remove, deface or destroy a notice to vacate posted by the Building Official pursuant to this section without the prior written permission of the Building Official. Any notice to vacate shall be in substantially the following form:

DO NOT ENTER
UNSAFE TO ENTER OR OCCUPY
The City of Sonora has found this building to be dangerous.
Sonora Municipal Code Chapter 15.14.
It is a misdemeanor to enter or occupy this building, to remove boards, and/or to remove or deface this notice.
Building Official
Building Inspection Division
Community Development Department
City of Sonora

15.14.230 Securing.
The Building Official may require any structure that constitutes a dangerous building and is not undergoing active repair to be secured, within a maximum of seven (7) days of the notice. Securing may include both fencing and boarding. Boarding must comply with Section 14.01.110(B). Whenever the Building Official determines that a dangerous building constitutes an immediate threat to the public health or safety, or the owner fails to secure it after being required to do so by a notice and order, the Building Official shall secure such structure in accordance with the securing policy and procedures The Building Official may cause such

securing and all services incidental thereto performed by chapter 15.14.260, by City personnel or by contract It shall be unlawful and a violation of this code for any person to remove, deface or destroy the boards posted by the Building Official pursuant to this section without the prior written permission of the Building Official. Any person who occupies any such secured building and/or removes boards, may be charged with either an infraction or misdemeanor offense, at the discretion of the Building Official or prosecuting attorney, and subject to administrative remedies as provided in the Sonora Municipal Code Title 1.

15.14.240 Securing – Notice.
The Building Official shall give written notice of any securing required pursuant to this chapter as a part of the notice required by chapter 15.14.160(B). Such notice shall include a description of the conditions found to constitute an immediate threat to the public health or safety.

15.14.250 Interference with repair or demolition work prohibited.
No person shall obstruct, impede, or interfere with any officer, employee, contractor or authorized City representative or with any person who owns or holds any estate or interest in any building which has been ordered repaired, vacated or demolished under the provisions of this code; or with any person to whom such building has been lawfully sold pursuant to the provisions of this code, whenever such officer, employee, contractor or City authorized representative, person having an estate or interest in such building, or purchaser is engaged in the work of repairing, vacating, or demolishing any such building or portion thereof pursuant to the provisions of this code or in performing any necessary act preliminary to or incidental to such work or authorized or directed pursuant to this code.

15.14.260 Performance of work or repair or demolition.

A. Procedure. When any work of repair or demolition is to be done by the City pursuant to order of the Hearing Officer or City Council, the Building Official shall therefore issue a work order and the work shall be accomplished by personnel of this jurisdiction, or by private contract under the direction of the Building Official. If any part of the work is to be accomplished by private contract, standard City of Sonora contractual practices shall be followed. Plans and specifications therefore may be prepared by the Building Official, or the Building Official may employ such architectural, engineering and other assistance on a contract basis as deemed reasonably necessary to accomplish the required tasks.

B. Costs. The cost of such work may be made a personal obligation of the property owner, or may be made a special assessment lien against the property involved, whichever the Hearing Officer or City Council shall determine is appropriate under the procedure herein described in Chapter 1.20 of Title 1 concerning recovery of costs.

This Ordinance shall take effect thirty (30) days after its passage and shall be published within fifteen (15) days after its final passage as required by law.

Said Ordinance was introduced at a regular meeting of the City Council of the City of Sonora held on _____, and passed and adopted as an Ordinance of said City at a regular meeting of said Council held on _____, by the following vote:

AYES: _____

NOES: _____

ABSENT OR ABSTAIN: _____

_____
James M. Garaventa, Mayor

ATTEST: _____
City Clerk

Approved as to Form:

_____
Douglas L. White, City Attorney

Publish: The Union Democrat, Sonora
_____, 2019

DRAFT