

ORDINANCE NO. 96-020

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF MAY 7 1996

AN ORDINANCE AMENDING SECTIONS 64.02.204, 64.02.205, 64.02.206, 64.02.207 AND 64.02.208 OF THE SACRAMENTO CITY CODE RELATING TO PROTESTS AND CONFIRMATION OF DELINQUENT UTILITY CHARGES SPECIAL ASSESSMENTS; AMENDING SECTIONS 61.10.1002, 61.10.1003, 61.10.1004, 61.10.1005, 61.10.1006, AND 61.10.1007 RELATING TO PROTESTS AND CONFIRMATION OF NUISANCE ABATEMENT SPECIAL ASSESSMENTS; ADDING CHAPTER 38.16 (SECTIONS 38.16.210 THROUGH 38.16.215) RELATING TO ALTERNATIVE PROCEDURE FOR ASSESSING COSTS OF SIDEWALK REPAIR; AND AMENDING SECTION 50.09.905 RELATING TO CONFIRMATION OF SPECIAL ASSESSMENTS FOR SUBSTANDARD HOUSING AND DANGEROUS BUILDINGS

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

SECTION 1.

Sections 64.02.204, 64.02.205, 64.02.206, 64.02.207 and 64.02.208 of the Sacramento City Code are hereby amended to read as follows:

64.02.204 Delinquency charges - collected as special assessment.

Not less often than once a year, the director of finance may initiate proceedings to make delinquent utility services charges a special assessment against the parcels of property situated within the city to which such services were rendered.

64.02.205 Same - report transmitted to delinquency lien hearing officer

A report of delinquent charges shall be transmitted by the director of finance to a delinquency lien hearing officer appointed by the city manager. Upon receipt of the report, the delinquency lien hearing officer shall fix a schedule for hearing the report and any protests or objections thereto.

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64.02.206 Same - notice of hearing.

The city clerk or director of finance shall cause notice of the hearing schedule before the delinquency lien hearing officer to be mailed to the owner of the real property to which the service was rendered not less than 10 days prior to the date of the hearing. The notice shall be mailed to the address of the owner as shown on the last equalized assessment roll or such other address of the owner as may be known to the director of finance. The notice shall set the date and time by which objections or protests shall be filed with the director of finance. No objection or protest received after that date and time shall be considered.

64.02.207 Same - hearing and decision.

At the time fixed for consideration of the report, the delinquency lien hearing officer shall hear it together with any objections of the owners liable to be assessed for delinquent accounts. The delinquency lien hearing officer shall follow, as nearly as practicable, those procedures that the city council would have followed if it had conducted the hearing. The delinquency lien hearing officer may make such revisions, corrections, or modifications of the report as he or she may deem just, and shall submit the report (as revised, corrected or modified) to the city clerk to be transmitted to the city council. The city clerk shall also send the results of the hearing to the objecting owners by first class mail, and shall include the date and time of the public hearing to be held by the city council in accordance with section 64.02.208. The decision of the delinquency lien hearing officer on the report and on all protests or objections shall be final and conclusive.

64.02.208 Same - hearing before city council; special assessment confirmed; manner of collection; time for contest of assessment.

Upon receipt of the delinquency lien hearing officer's report, the city council shall schedule a public hearing at which it shall confirm, reject or modify the report. The public hearing shall be limited to the issue of whether the hearing before the delinquency lien hearing officer was conducted in accordance with applicable city ordinances. Only those owners who both file an objection or protest and appear before the delinquency lien hearing officer shall be permitted to protest at the city council hearing.

Upon confirmation of the report by the council, the delinquent charges contained therein shall constitute a special assessment against the property to which the services were rendered. Thereafter such assessment may be collected at the same time and in the same manner as ordinary secured property taxes are collected and shall be subject to the same penalties and same procedures of sale as provided for delinquent ordinary secured property taxes. The assessments shall be subordinate to all existing special assessment liens previously imposed upon the property and paramount to all other liens except those for state, county and municipal taxes with which it shall

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be upon parity. The lien shall be continued until the assessment and all interest and penalties due and payable thereon are paid. All laws applicable to the levy, collection and enforcement of secured property taxes shall be applicable to such special assessments.

The validity of any assessment made under the provisions of this title shall not be contested in any action or proceeding unless the same is commenced within thirty (30) days after the assessment is confirmed by the city council.

SECTION 2.

Sections 61.10.1002, 61.10.1003, 61.10.1004, 61.10.1005, 61.10.1006, and 61.10.1007 of the Sacramento City Code are hereby amended to read as follows:

61.10.1002 Report transmitted to delinquency lien hearing officer.

Upon receipt of the report prepared pursuant to section 61.10.1001, the city clerk shall transmit it to a delinquency lien hearing officer appointed by the city manager for consideration. The delinquency lien hearing officer shall fix a schedule for hearing the report, and any protests or objections thereto. The department head shall cause notice of the hearing schedule before the delinquency lien hearing officer to be mailed to the address of the owner as shown on the last equalized assessment roll or such other address of the owner as may be known to the department head. The notice shall set the date and time by which objections or protests shall be filed with the director of finance. No objection or protest received after that date and time shall be considered.

61.10.1003 Making of protests and objections.

Any owner of affected property may file a written protest or objection with the director of finance before the date specified in the notice given pursuant to section 61.10.1002. Each written protest or objection shall contain a description of the property and the grounds of the protest or objection.

61.10.1004 Hearing of protests.

Upon the day and hour fixed for the hearing the delinquency lien hearing officer shall hear and pass upon the report of the department head together with any protests or objections. The delinquency lien hearing officer shall follow, as nearly as practicable, those procedures that the city council would have followed if it had conducted the hearing. The delinquency lien hearing officer may make such revision, correction or modification of the report or the charge as he or she may deem just, and shall submit the report to the city clerk to be transmitted to the city council. The city clerk shall also send the results of the hearing to the objecting owners by first

class mail, and shall include the date and time of the public hearing to be held by the city council in accordance with section 61.10.1006(a). The decision of the delinquency lien hearing officer on the report and on all objections or protests shall be final and conclusive.

61.10.1005 Nature of protests to be heard.

- (a) Except as provided in subsection (b) of this section, the protests heard by the delinquency lien hearing officer pursuant to section 61.10.1004 shall relate only to the charge to be made for abatement, and no protest concerning the action of the department head or the hearing examiner in ordering the abatement of the nuisance shall be heard at this time.
- (b) Where the charge to be made is the result of summary abatement pursuant to section 61.09.901, the delinquency lien hearing officer may determine whether or not the action to abate was proper, and may modify the charge or not as he or she may deem proper.

61.10.1006 Confirmation of report; personal obligation and special assessment

- (a) Upon receipt of the delinquency lien hearing officer's report, the city council shall schedule a public hearing at which it shall confirm, reject or modify the report. The public hearing shall be limited to the issue of whether the hearing before the delinquency lien hearing officer was conducted in accordance with applicable city ordinances. Only those owners who both file an objection or protest and appear before the delinquency lien hearing officer shall be permitted to protest at the city council hearing.
- (b) The city council may order that the charge be made a personal obligation of the property owner and assess the charge against the property involved as a lien.
- (c) If the council orders that a charge shall be a personal obligation of the property owner, it shall direct the city attorney and the finance department to collect the charge.
- (d) If the council orders that the charge be assessed against the property, it shall confirm the assessment and thereafter said assessment may be collected at the same time and in the same manner as ordinary secured property taxes are collected and shall be subject to the same penalties and the same procedures of sale in case of delinquency as provided for ordinary secured property taxes.

- (e) The assessments shall be subordinate to all existing special assessment liens previously imposed upon the same property and paramount to all other liens except state, county, and municipal taxes with which it shall be upon parity. The lien shall continue until the assessment and all interest and penalties due and payable thereon are paid. All laws applicable to the levy, collection and enforcement of secured property taxes shall be applicable to such assessment.

61.10.1007 Time for contest of assessment.

The validity of any assessment made under the provisions of this title shall not be contested in any action or proceeding unless the same is commenced within thirty (30) days after the assessment is confirmed by the city council.

SECTION 3.

Chapter 38.16 (Sections 38.16.210 through 38.16.215) is hereby added to the Sacramento City Code, to read as follows:

Chapter 38.16: Alternative Procedure
for Assessing Costs of Sidewalk Repair

38.16.210 Alternative procedure for assessing costs
of sidewalk repairs or reconstruction.

The provisions of this chapter are intended as an alternative to the procedures set forth in chapters 38.08 or 38.09 for assessing the cost of sidewalk repairs or reconstruction performed by the city against the parcels fronting on the repaired sidewalks.

38.16.211 Costs of sidewalk repairs or reconstruction
imposed as special assessment.

Not less often than once a year, the director of finance may initiate proceedings to make the cost of sidewalk repairs or reconstruction performed by the city pursuant to chapters 38.08 or 38.09 a special assessment against the parcels of property fronting on the repaired sidewalks.

38.16.212 Report transmitted to delinquency lien hearing officer.

A report of costs incurred by the city for sidewalk repairs and reconstruction pursuant to chapters 38.08 and 38.09 shall be transmitted by the director of finance to a delinquency lien hearing officer appointed by the city manager. Upon receipt of the report, the delinquency lien hearing officer shall fix a schedule for hearing the report and any protests or objections thereto.

38.16.214 Notice of hearing.

The city clerk or director of finance shall cause notice of the hearing schedule before the delinquency lien hearing officer to be mailed to the owners of the real property fronting on the repaired or reconstructed sidewalks not less than ten (10) days prior to the date of the hearing. The notice shall be mailed to the address of the owner as shown on the last equalized assessment roll or such other address of the owner as may be known to the director of finance. The notice shall set the date and time by which objections or protests shall be filed with the director of finance. No objection or protest received after that date and time shall be considered.

38.16.215 Hearing and decision.

At the time fixed for consideration of the report, the delinquency lien hearing officer shall hear it, together with any objections of the owners liable to be assessed for the costs of repair or reconstruction. The delinquency lien hearing officer shall follow, as nearly as practicable, those procedures that the city council would have followed if it had conducted the hearing. The delinquency lien hearing officer may make such revisions, corrections, or modifications of the report as he or she may deem just, and shall submit the report (as revised, corrected or modified) to the city clerk to be transmitted to the city council. The city clerk shall also send the results of the hearing to the objecting owners by first class mail and shall include the date and time of the public hearing to be held by the city council in accordance with section 38.16.215. The decision of the delinquency lien hearing officer on the report and on all protests or objections shall be final and conclusive.

38.16.216 Hearing before city council; special assessment confirmed; manner of collection; time for contest of assessment.

Upon receipt of the delinquency lien hearing officer's report, the city council shall schedule a public hearing at which it shall confirm, reject or modify the report. The public hearing shall be limited to the issue of whether the hearing before the delinquency lien hearing officer was conducted in accordance with applicable city ordinances. Only those owners who both file an objection or protest and appear before the delinquency lien hearing officer shall be permitted to protest at the city council meeting.

Upon confirmation of the report by the city council, the sidewalk repair costs contained therein shall constitute a special assessment against the property fronting the repaired sidewalks. Thereafter, such assessment may be collected at the same time and in the same manner as ordinary secured property taxes are collected, and shall be subject to the same penalties and the same procedures of sale as provided for delinquent ordinary secured property taxes. The assessments shall be subordinate to all existing special assessment liens previously imposed upon the property

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and paramount to all other liens except those for state, county and municipal taxes with which is shall be upon parity. The lien shall be continued until the assessment and all interest and penalties due and payable thereon are paid. All laws applicable to the levy, collection and enforcement of secured property taxes shall be applicable to such special assessments.

The validity of any assessment made under the provisions of this title shall not be contested in any action or proceeding unless the same is commenced within thirty (30) days after the assessment is confirmed by the city council.

SECTION 4.

Section 50.09.905 of the Sacramento City Code is hereby amended to read as follows:

50.09.905 Personal obligation and special assessment.

After the Housing Board's hearing provided in this chapter, the city clerk shall transmit the report to the city council. The city clerk shall also send the results of the hearing by first class mail to the objecting owners who appeared before the Housing Board, and shall include the date and time of the public hearing to be held by the city council no less than ten days after the mailing in accordance with this section. Upon receipt of the Housing Board's report, the city clerk shall schedule a public hearing at which the city council shall confirm, reject or modify the report and determine whether the charges shall be made a personal obligation of the property owners and assessed against the properties involved. The public hearing shall be limited to the issue of whether the Housing Board hearing provided in this chapter was conducted in accordance with applicable city ordinances. Only those owners who both file an objection or protest and appear before the Housing Board shall be permitted to protest at the city council hearing. If the city council orders that a charge shall be a personal obligation of the property owner, it shall direct the city attorney or the Revenue Division to collect the same on behalf of the city by the use of all appropriate legal remedies. If the council orders that the charge be assessed against the property, it shall confirm the assessment and thereafter said assessment may be collected at the same time and in the same manner as ordinary secured property taxes are collected and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary secured property taxes.

The assessments shall be subordinate to all existing special assessment liens previously imposed upon the same property and paramount to all other liens except for state, county, and municipal taxes with which it shall be upon parity. The lien shall continue until the assessment and all interest and penalties due and payable thereon have been paid. All laws applicable to the levy, collection and enforcement of secured property taxes shall be applicable to such assessment. The validity of any assessment made under the provisions of this title shall not be contested in any

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action or proceeding unless the same is commenced within thirty (30) days after the assessment is confirmed by the city council.

DATE PASSED FOR PUBLICATION: April 23, 1996

DATE ENACTED: May 7, 1996

DATE EFFECTIVE: June 6, 1996

MAYOR

ATTEST:

Assistant CITY CLERK

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