

AMENDED
ORDINANCE NO. 95-026

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF APR 25 1995

AN ORDINANCE AMENDING SECTIONS 9.10.391, 32.01.101, 32.06.601, 32.06.602, 32.08.801, 32.08.802, 49.01.102, 49.01.104, 49.01.105, 49.02.201, 49.02.202, 49.04.402, 49.11.1101, 50.01.102, AND 50.02.201 OF THE SACRAMENTO CITY CODE, RELATING TO DANGEROUS BUILDINGS AND HISTORIC BUILDINGS TO MODIFY THE PROCEDURES AND REQUIREMENTS FOR ISSUANCE OF DEMOLITION PERMITS FOR DEMOLITION OF DANGEROUS AND IMMEDIATELY DANGEROUS HISTORIC BUILDINGS AND STRUCTURES, TO PROVIDE THAT BUILDINGS AND STRUCTURES ON THE CALIFORNIA AND NATIONAL REGISTERS ARE HISTORIC BUILDINGS AND STRUCTURES SUBJECT TO THE DEMOLITION PERMIT REQUIREMENTS OF TITLE 32 OF THE CITY CODE, AND TO MAKE CERTAIN OTHER AMENDMENTS RELATING TO DANGEROUS BUILDINGS AND STRUCTURES AND HISTORIC BUILDINGS AND STRUCTURES

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

SECTION 1.

Section 9.10.391 of the Sacramento City Code is amended to read as follows:

9.10.391 Permit Required.

- (a) General Rule: Prior to commencing any demolition or wrecking work on any building or structure, the wrecker shall obtain a permit from the director. The director may require completion of any preparatory work which may be required prior to issuing the permit.

- (b) Demolition of Listed Structures, Structures within Preservation Areas, and Structures on the California and National Registers: No demolition permit shall be approved for demolition of a listed structure, a structure within a preservation area

- 1 -

FOR CITY CLERK USE ONLY

ORDINANCE NO. 95-026

DATE ADOPTED: APR 25 1995

or a structure on the California or National Register except pursuant to the provisions of Title 32 of the City Code. For purposes of this section, the terms "listed structure" and "preservation area" shall have the same meaning as set forth in Title 32 of this Code.

- (c) Demolition of Structures Adjacent to Listed Structures or Structures on the California or National Registers: No demolition permit shall be issued for demolition of a building which is adjacent to a listed structure or a structure on the California or National Register and which the director has determined is structurally connected to the listed structure or a structure on the California or National Register so that the demolition of the adjacent structure presents the potential for substantial damage to, or collapse or demolition of, the listed structure or the structure on the California or National Register until the director has consulted with, or made reasonable efforts to consult with, the Director of Historic Preservation and the Chairperson of the Design Review and Preservation Board. Prior to issuance of any demolition permit, the director may require the wrecker to submit a report from a licensed architect or licensed civil or structural engineer or such other reports as the director deems reasonable and necessary to evaluate the potential impact of demolition of the structure on the adjacent listed structure and to determine the adequacy of the proposed method of demolition in terms of protecting the adjacent listed structure; the director shall require such a report unless he or she determines that the proposed method of demolition will protect adequately the adjacent listed structure. The director shall impose such conditions on the demolition permit as he or she determines necessary and appropriate to protect the listed structure. Nothing in this section is intended to affect or interfere with the authority of the director to order or approve the immediate demolition of a building or structure determined to be immediately dangerous as defined in Section 50.03.303.

SECTION 2.

Section 32.01.101 of the Sacramento City Code is hereby amended by adding the following definitions:

California Register: California Register shall mean "California Register" as defined in Section 5020.1(a) of the California Public Resources Code.

Dangerous Structure: Dangerous structure shall mean "dangerous building" as defined in Section 50.03.302 of the City Code.

FOR CITY CLERK USE ONLY

ORDINANCE NO. 95-026

DATE ADOPTED: APR 25 1995'

Immediately Dangerous Structure: Immediately dangerous structure shall mean "immediately dangerous building" as defined in Section 50.03.303 of the City Code.

The National Register: The National Register shall mean the "National Register of Historic Places" as defined in Section 5020.1(l) of the California Public Resources Code.

SECTION 3.

Section 32.06.601 of the Sacramento City Code is hereby amended to read as follows:

32.06.601 Approval of permits.

(a) Approval of permits for listed structures and structures within preservation areas. No permit or entitlement listed hereafter shall issue for any work on a listed structure, its site, or within any preservation area unless and until the board, or director, has approved the issuance thereof pursuant to the procedures set forth in this title.

i. Building permits for the following:

- a. New construction and the exterior alteration of existing buildings or structures, excepting, however, building permits issued under Title 9 of this Code for work and repairs required as a matter of law.
- b. Rehabilitation or modification of historic interiors of essential structures when those interiors are commonly used as public spaces such as lobbies, meeting rooms, gathering rooms, public hallways, great halls, bank lobbies or any other public space area which has strong historicity.
- c. Relocation of any structure.
- d. Demolition or wrecking of any building, or structure.
- e. Sewer disconnection excepting those disconnections ordered by the health office or the manager of the division of water and sewer and further excepting those disconnections for repair or maintenance of existing sewer connections.

ii. Sign permits for the erection of a sign not otherwise exempt under Section 3.07.140 of this code; and

FOR CITY CLERK USE ONLY

ORDINANCE NO. 95-026

DATE ADOPTED: APR 25 1995

- iii. Demolition permits.
- (b) Demolition permits for structures on the California Register or the National Register. No demolition permit shall be issued for any demolition work on a structure which is on either the California Register or the National Register, or both, but which is not a listed structure or a structure within a preservation area, unless or until the board or director has approved the issuance thereof pursuant to the procedures set forth in Chapter 32.08 of this Title.

SECTION 4.

Section 32.06.602 of the Sacramento City Code is hereby amended to read as follows:

32.06.602 Immediately dangerous buildings.

- (a) The provisions of this title shall not be construed to regulate, restrict, limit or modify the authority of the City and the Building Official, the Code Enforcement Manager or his or her designee as specified below, to issue demolition or other permits under Title 9 of the City Code for the abatement of immediately dangerous listed structures or structures on the California or National Register, pursuant to the summary procedures set forth in Chapter 50.10 of Title 50 of the City Code; provided that, prior to approval of a demolition permit for the demolition of a listed structure or structures on the California or National Register determined to be immediately dangerous, the Building Official, the Code Enforcement Manager or his or her designee as specified below, shall comply with the review and consultation process specified in subsections (b) and (c) below.
- (b) The person serving as Building Official shall personally issue any permits authorizing the demolition of a listed structure or a structure on the California or National Register determined to be immediately dangerous after complying with the review and consultation process specified in (c) below; provided that if the person serving as Building Official is absent or otherwise unavailable, then the Code Enforcement Manager or in the absence or unavailability of the Code Enforcement Manager, his or her designee, shall be responsible for issuing any permits authorizing the demolition of a listed structure or a structure on the California or National Register determined to be immediately dangerous after complying with the review and consultation process specified below.
- (c) The Building Official, Code Enforcement Manager, or designee specified in (b) above, may issue a permit authorizing the demolition of a listed structure or a

FOR CITY CLERK USE ONLY

ORDINANCE NO. 95-026

DATE ADOPTED: APR 25 1995

structure on the California or National Register determined to be immediately dangerous; provided that prior to issuing the demolition permit, the Building Official, Code Enforcement Manager, or designee shall first consult with the Director of Historic Preservation and the chairperson of the Design Review and Preservation Board for the purpose of discussing (i) whether the condition of the structure is immediately dangerous within the meaning of this code; and (ii) whether there are any feasible alternatives to demolition that will protect adequately the health and safety of the public, including but not limited to abatement of the immediate threat through repair as specified in Titles 49 and 50, securing the premises through security fencing or other measures, and limited demolition; and provide further that if the Building Official, Code Enforcement Manager or his or her designee determines that the structure is immediately dangerous and that there is no feasible alternative to demolition to abate the immediate and present threat to life, health or safety of the public, the Building Official, Code Enforcement Manager, or his or her designee may issue a permit authorizing the demolition of the structure without complying with the consultation process, although the Building Official, Code Enforcement Manager, or his or her designee, shall make all reasonable efforts to comply with the consultation process before issuing such permit.

SECTION 5.

Section 32.08.801 of the Sacramento City Code is amended to read as follows:

32.08.801 Demolition of listed structures or structures on the California or National Register.

In review of permits enumerated in paragraphs (c) and (d) of subsection (a)(i) of Section 32.06.601 and Subsection (a)(iii) of Section 32.06.601 sought in order to wholly or partially remove or demolish a listed structure, or a structure on the California or National Register, the board may approve the issuance of said permit or permits or may suspend action on it for a period not to exceed 180 days; provided that prior to the expiration of the original suspension period the council may by resolution and for good cause shown, extend the suspension for an additional period not to exceed 180 days.

SECTION 6.

Section 32.08.802 of the Sacramento City Code is amended to read as follows:

FOR CITY CLERK USE ONLY

ORDINANCE NO. 95-026

DATE ADOPTED: APR 25 1995

32.08.802 Demolition of structures in preservation areas

In review of permits enumerated in paragraphs (c) and (d) of subsection (a)(i) of Section 32.06.601, Subsection (a)(iii) of Section 32.06.601, and Subsection (c) of Section 32.06.601 sought in order to wholly or partially remove or demolish either a structure within a preservation area which is not a listed structure or a structure on the California or National Register, the board may approve the issuance of said permit or permits or may suspend action on it for a period not to exceed ninety (90) days provided that prior to the expiration of the original suspension period the council may by resolution and for good cause shown extend the suspension for an additional period not to exceed 180 days.

SECTION 7.

Section 49.01.102 of the Sacramento City Code is hereby amended to read as follows:

49.01.102 Purpose of code.

The purpose of this code is to provide minimum requirements for the protection of life, limb, health, property, safety, and welfare of the general public and the owners and occupants of residential buildings. It is the further purpose of the provisions of this code to foster the preservation of buildings and structures of historical value by discouraging their demolition, and to protect against the unintentional damaging or destruction of structures of historical value through the demolition of dangerous buildings structurally connected to such historical structures.

SECTION 8.

Section 49.01.104 of the Sacramento City Code is hereby amended to read as follows:

49.01.104 Additions to, alterations or repairs of existing buildings and structures; additions to, alterations or repairs of listed structures on the California or National Register, and applicability of State Historic Building Code.

Existing buildings and structures which are altered, modified, repaired, enlarged or in any way changed shall be made to conform to this code insofar as the new work is concerned and in accordance the Uniform Building Code as adopted pursuant to Title 9 of this Code; provided that if the building or structure to be altered or enlarged is a listed structure as defined in Title 32 of this Code or is a historic building or structure listed on the California or National Register or is otherwise a qualified historical building or structure within the meaning of Health and Safety Code Section 18955, then alteration or enlargement may be made pursuant to the alternative building standards and building regulations of the State Historic Building Code.

FOR CITY CLERK USE ONLY

95-026

ORDINANCE NO. _____

DATE ADOPTED: APR 25 1995

SECTION 9.

Section 49.01.105 of the Sacramento City Code is hereby amended to read as follows:

49.01.105 Relocation of existing buildings and structures.

Existing buildings and structures which are moved or relocated shall be considered as new buildings and shall comply with all the requirements of this code; provided that if the building or structure to be moved or relocated is a listed structure as defined in Title 32 of this Code or is a historic building or structure listed on the California Register or the National Register or is otherwise a qualified historical building or structure within the meaning of Health and Safety Code Section 18955, then such building or structure may comply with the alternative building standards and building regulations of the State Historic Building Code.

SECTION 10.

Section 49.02.201 of the Sacramento City Code is hereby amended to read as follows:

49.02.201 Authority.

The building official is authorized and directed to administer and enforce all provisions of this code. As used herein, the term "Building Official" shall include his or her authorized representatives, except as specifically provided otherwise. Except as specifically provided otherwise, any and all references in this code to the "director" or to the "Director of Building Inspections" shall mean the Building Official.

SECTION 11.

Section 49.02.202 of the Sacramento City Code is hereby amended to read as follows:

49.02.202 Code Enforcement Manager.

The Code Enforcement Manager of the Neighborhood Services Department, referred to hereinafter as the "Code Enforcement Manager," shall be the principal assistant of the Building Official in matters relating to the enforcement of this code. As used herein, the term "Code Enforcement Manager" shall include his or her designated representatives, except as specifically provided otherwise. Except as specifically provided otherwise, any and all references to the "chief housing inspector" shall mean the Code Enforcement Manager.

FOR CITY CLERK USE ONLY

ORDINANCE NO. 95-026

DATE ADOPTED: APR 25 1995

SECTION 12.

Section 49.04.402 of the Sacramento City Code is hereby amended to add the following definition:

State Historic Building Code: State Historic Building Code shall mean the alternative building standards and building regulations (see 24 Cal. Code of Regs., Part 8) adopted by the State Historical Building Safety Board pursuant to Health and Safety Code Section 18959.5, as amended from time to time.

SECTION 13.

Section 49.11.1101 of the Sacramento City Code is hereby amended to read as follows:

49.11.1101 Commencement of proceedings.

Whenever the Building Official or the Code Enforcement Manager has inspected or caused to be inspected any building and has found and determined that such building is a substandard building, the Building Official or the Code Enforcement Manager shall commence proceedings to cause the repair, rehabilitation, vacation, or demolition of the building in the manner specified by this chapter.

Exception: If the substandard building or structure in question is either a listed building or structure or a structure located in a preservation area, or a structure on the California or National Register, demolition shall be the last resort, and shall only be undertaken in compliance with Title 32 of this Code.

Exception: If the substandard building or structure is adjacent to a listed structure or to a building or structure on the California or National Register and is determined by the Building Official or the Code Enforcement Manager to be structurally connected to the listed structure or building or structure on the California or National Register so that its demolition may result in the collapse or demolition of the listed structure, demolition shall only occur pursuant to the procedure specified in Section 9.10.391 of this Code.

SECTION 14.

Section 50.01.102 of the Sacramento City Code is hereby amended by adding subsection (c) thereto, to read as follows:

- (c) It is the further purpose of the provisions of this code to foster the preservation of buildings and structures of historical value by discouraging their demolition and to protect against the unintentional damaging or destruction of structures of historical value through the demolition of buildings or structures structurally connected to such historical structures.

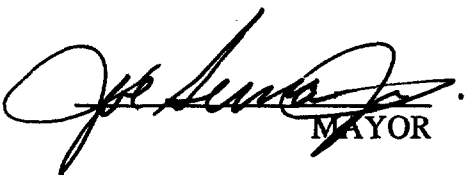
SECTION 15.

Section 50.02.201 of the Sacramento City Code is hereby amended to read as follows:

50.02.201 Generally.

- (a) **Authority and administration:** The Building Official is authorized and directed to administer and enforce all provisions of this code, including but not limited to the classification of buildings as dangerous or immediately dangerous. As used herein, the term "Building Official" shall include his or her authorized representatives, except as specifically provided otherwise. Except as specifically provided otherwise, any and all references in this code to the "director" or to the "Director of Building Inspections" shall mean the Building Official.
- (b) **Inspections:** The county health officer, the city fire marshal, and the director are hereby authorized to make such inspections and take such actions as may be required to enforce the provisions of this code.
- (c) **Right of entry:** The department head may enter on premises to make inspections to the extent authorized by law.

DATE PASSED FOR PUBLICATION: APR 18 1995
DATE ENACTED: APR 25 1995
DATE EFFECTIVE: MAY 25 1995


MAYOR

ATTEST:


CITY CLERK

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ORDINANCE NO. 95-026

DATE ADOPTED: APR 25 1995
