

ORDINANCE NO. 2004-008

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF MAR 16 2004

AN ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTER 8.100 OF THE SACRAMENTO CITY CODE, RELATING TO THE CITY OF SACRAMENTO HOUSING CODE, AND SECTIONS 8.04.150(a)(4) AND 8.96.130(d)(4) RELATING TO NOTICES AND ORDERS RE NUISANCES GENERALLY AND DANGEROUS BUILDINGS

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

SECTION 1.

Section 8.100.030 of the Sacramento City Code is amended to read as follows:

8.100.030 Applicability of chapter.

The provisions of this chapter shall apply to all buildings or portions thereof used, or designed or intended to be used, for human habitation. The provisions of this chapter shall also apply to an accessory building of a substandard building when such accessory building would constitute a dangerous building under the provisions of Chapter 8.96 of this title. Occupancy of an existing building may be continued as provided in the California Building Code, except such structures as are found to be substandard as defined in this chapter or dangerous as defined in Chapter 8.96 of this title.

Where any building or portion thereof is used or intended to be used as a combination apartment house-hotel, the provisions of this chapter shall apply to the separate portions as if they were separate buildings.

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Every lodging house shall comply with all the requirements of this chapter for dwellings.
(Prior code §§ 49.01.103)

SECTION 2.

Section 8.100.040 of the Sacramento City Code is amended to read as follows:

**8.100.040 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 Historical Building Code.**

Existing buildings and structures that are altered, modified, repaired, enlarged or in any way changed shall be made to conform to this chapter insofar as the new work is concerned and in accordance with the California Building Code as amended by Title 15 of this code; provided that if the building or structure to be altered or enlarged is a listed structure as defined in Chapter 15.124 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 Historical Building Code. (Prior code §§ 49.01.104)

SECTION 3.

Section 8.100.220 of the Sacramento City Code is amended to read as follows:

8.100.220 Generally.

For the purpose of this chapter, certain abbreviations, terms, phrases, words, and their derivatives shall be construed as specified in Chapter 2 of the California Building Code.
(Prior code §§ 49.04.401)

SECTION 4.

Section 8.100.230 of the Sacramento City Code is amended to read as follows:

8.100.230 Specific definitions.

As used in this chapter, the following words or terms have the following meaning:

Apartment House and Hotel. As defined in the California Building Code.

"California Building Code" means the current California Building Code as amended by Title 15 of this code.

"Efficiency living unit" means any room having cooking facilities used for combined living, dining, and sleeping purposes and meeting the requirements of Sections 8.100.310 and 8.100.320 of this chapter.

"Hot water" means water at a temperature of not less than one hundred twenty (120) degrees Fahrenheit.

Lodging House. As defined in Section 213 of the California Building Code.

Nuisances. The following shall be defined as nuisances:

1. Any public nuisance known at common law or in equity jurisprudence;
2. Any attractive nuisance that may prove detrimental to children whether in a building, on the premises of a building, or upon an unoccupied lot. This includes, but is not limited to, abandoned wells, shafts, basements, or excavations; abandoned refrigerators and motor vehicles; structurally unsound fences or structures; lumber, trash, fences, debris, or vegetation that may prove a hazard for inquisitive minors;
3. Conditions that are dangerous to the life, limb, health or safety of the public or building occupants;
4. Overcrowding a room with occupants;
5. Insufficient ventilation or illumination;
6. Inadequate or unsanitary sewage or plumbing facilities;
7. Uncleanliness;
8. Whatever renders air, food, or drink unwholesome or detrimental to the health, safety or welfare of human beings;
9. Any building or portion thereof that is determined to be substandard under Section 8.100.550 of this chapter as set forth in Section 8.100.110 of this chapter;
10. Any building or structure or condition existing on a property that is defined as a public nuisance under the Sacramento City Code.

"Occupied space" means the total area of all buildings or structures on any lot or parcel of ground projected on a horizontal plane excluding permitted projections as allowed by this chapter.

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"State Historical Building Code" means 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. (Prior code §§ 49.04.402)

SECTION 5.

Section 8.100.240 of the Sacramento City Code is amended to read as follows:

8.100.240 Access to public property.

All buildings shall be located with respect to property lines and to other buildings on the same property as required by Section 503 and Table No. 5A of the California Building Code. Each dwelling unit and each guest room in a dwelling or a lodging house shall have access to a passageway, not less than three feet in width, leading to a public street or alley. Each apartment house or hotel shall have access to a public street by means of a passageway not less than five feet in width. (Prior code §§ 49.05.501)

SECTION 6.

Section 8.100.300 of the Sacramento City Code is amended to read as follows:

8.100.300 Ceiling heights.

Habitable rooms, storage rooms and laundry rooms shall have a ceiling height of not less than seven feet six inches. Kitchens, hallways, corridors, bathrooms and water closet compartments shall have a ceiling height of not less than seven feet measured to the lowest projection from the ceiling.

If any room in a building has a sloping ceiling, the prescribed ceiling height for the room is required in only one-half the area thereof. No portion of the room measuring less than five feet from the finished floor to the finished ceiling shall be included in any computation of the minimum area thereof.

If any room has furred ceiling, the prescribed ceiling height is required in two-thirds the area thereof, but in no case shall the height of the furred ceiling be less than seven feet. (Prior code §§ 49.05.507)

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SECTION 7.

Section 8.100.370 of the Sacramento City Code is amended to read as follows:

8.100.370 Hallways.

All public hallways, stairs, and other exitways shall be adequately lighted at all times in accordance with the California Building Code.(Prior code §§ 49.05.514)

SECTION 8.

Section 8.100.420 of the Sacramento City Code is amended to read as follows:

8.100.420 Water closet compartments.

Walls and floors of water closet compartments except in dwellings shall be finished in accordance with Section 807 of the California Building Code. Water closet compartments in dwellings shall be finished with approved nonabsorbent materials. (Prior code §§ 49.05.519)

SECTION 9.

Section 8.100.430 of the Sacramento City Code is amended to read as follows:

8.100.430 Room separations.

Every water closet, bathtub, or shower required by this chapter shall be installed in a room that will afford privacy to the occupant. A room in which a water closet is located shall be separated from food preparation or storage rooms by a tightfitting door. (Prior code §§ 49.05.520)

SECTION 10.

Section 8.100.460 of the Sacramento City Code is amended to read as follows:

8.100.460 Generally.

Buildings or structures may be of any type of construction permitted by the California Building Code. Roofs, floors, walls, foundations, and all other structural components of buildings shall be capable of resisting any and all forces and loads to which they may be subjected. All structural elements shall be proportioned and joined in accordance with the stress limitations and design criteria as specified in the appropriate sections of the California Building Code. Buildings of every permitted type of construction shall comply with the applicable requirements of the California Building Code. (Prior code §§ 49.06.601)

SECTION 11.

Section 8.100.480 of the Sacramento City Code is amended to read as follows:

8.100.480 Protection of materials.

All wood shall be protected against termite damage and decay as provided in the California Building Code. (Prior code §§ 49.06.603)

SECTION 12.

Section 8.100.490 of the Sacramento City Code is amended to read as follows:

8.100.490 Heating.

Every dwelling unit and guest room shall be provided with heating facilities capable of maintaining a room temperature of seventy (70) degrees Fahrenheit at a point three feet above the floor in all habitable rooms. Such facilities shall be installed and maintained in a safe condition and in accordance with the California Building Code and Title 15 of this

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code, and all other applicable laws. No unvented fuel-burning heater shall be permitted. All heating devices or appliances shall be of an approved type. (Prior code §§ 49.07.701)

SECTION 13.

Section 8.100.520 of the Sacramento City Code is amended to read as follows:

8.100.520 Generally.

Every dwelling unit or guest room shall have access directly to the outside or to a public corridor. All buildings or portions thereof shall be provided with exits, exitways, and appurtenances as required by the California Building Code.

Every sleeping room below the fourth floor shall have at least one openable window or exterior door approved for emergency exit or rescue. Where openable windows are provided they shall have a sill height not more than forty-four (44) inches above the floor. (Prior code §§ 49.08.801)

SECTION 14.

Section 8.100.530 of the Sacramento City Code is amended to read as follows:

8.100.530 Minimum window size.

Windows with an area of not less than 5.7 square feet with no net opening dimension less than **twenty (20)** inches shall be deemed to meet the requirements of this section provided sill heights are not over forty-four (44) inches above the floor.

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SECTION 15.

Section 8.100.540 of the Sacramento City Code is amended to read as follows:

8.100.540 General requirements.

All buildings or portions thereof shall be provided with the degree of fire resistive construction as required by the California Building Code for the appropriate occupancy, type of construction and location on property or in fire zone; and shall be provided with the appropriate fire-extinguishing systems or equipment required by the California Building Code. (Prior code §§ 49.09.901)

SECTION 16.

Section 8.100.550 of the Sacramento City Code is amended to read as follows:

8.100.550 General definition.

Any building or portion thereof including any dwelling unit, guest room or suite of rooms, or portion thereof, or the premises on which the same is located, in which there exists any of the conditions hereinafter set forth in this chapter to an extent that endangers the life, limb, health, property, safety, or welfare of the public or the occupants thereof shall be deemed and is declared to be a substandard building.

SECTION 17.

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

8.100.560 Inadequate sanitation.

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

- A. Lack of, or improper water closet, lavatory, and bath tub or shower in a dwelling unit;
- B. Lack of, or improper water closets, lavatories, and bath tubs or showers per number of guests in a hotel;
- C. Lack of, or improper kitchen sink;
- D. Lack of hot and cold running water to plumbing fixtures in a hotel;
- E. Lack of hot and cold running water to plumbing fixtures in a dwelling unit;
- F. Lack of adequate heating facilities;
- G. Lack of, or improper operation of required ventilating equipment;
- H. Lack of minimum amounts of natural light and ventilation required by this chapter;
- I. Room and space dimension less than required by this chapter;
- J. Lack of required electrical lighting;
- K. Dampness of habitable rooms;
- L. Infestation of insects, vermin, or rodents as determined by the health officer;
- M. General dilapidation or improper maintenance;
- N. Lack of connection to required sewage disposal system;
- O. Lack of adequate garbage and rubbish storage and removal facilities as determined by the health officer;
- P. Presence of lead hazards. "Lead hazards" means deteriorated lead-based paint, lead-contaminated dust, lead-contaminated soil, or disturbing lead-based paint without containment, if one or more of these hazards are present in one or more locations in amounts that are equal to or exceed the amounts of lead established for these terms in Section 17920.10 of the California Health and Safety Code or Chapter 8 (commencing with Section 35001) of Division 1 of Title 17 of the California Code of Regulations, or any

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successors thereto, and that are likely to endanger the health of the public or the occupants as a result of their proximity to the public or the occupants.

SECTION 18.

Section 8.100.640 of the Sacramento City Code is amended to read as follows:

8.100.640 Faulty materials of construction.

Faulty materials of construction shall include all materials of construction except those that are specifically allowed or approved by this chapter and the California Building Code, and have been adequately maintained in good and safe condition. (Prior code §§ 49.10.1010)

SECTION 19.

Section 8.100.660 of the Sacramento City Code is amended to read as follows:

8.100.660 Inadequate maintenance.

Any building or portion thereof that is determined to be an unsafe building or structure in accordance with Section 102 of the California Building Code shall be deemed to be inadequately maintained. (Prior code §§ 49.10.1012)

SECTION 20.

Section 8.100.740 of the Sacramento City Code is amended to read as follows:

8.100.740 Notice and order – Method of service.

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Service of the notice and order may be made upon all persons entitled thereto, either by personal delivery or by certified mail, return receipt requested. Service may be made upon the record owner at his or her or their address as it appears on the latest equalized assessment roll of Sacramento County, or as known to the director. A copy of the notice and order and any amended or supplemental notice and order shall also be posted on the premises.

A. In lieu of personally serving the owner or service by certified mail, service of the notice and order and any amended or supplemental notice and order 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 at the address where the copy was left; or (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 made 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 can not be effected as set forth in this section, service may be made by publication in the official newspaper of the

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City of Sacramento. Service shall be deemed sufficient when it is accomplished pursuant to Government Code Section 6063.

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

SECTION 21.

Section 8.100.860 of the Sacramento City Code is amended to read as follows:

8.100.860 Failure to commence work.

Whenever the required repair or demolition is not commenced, or whenever the required securing is not completed within the time specified in any final order or decision of the housing code advisory and appeals board issued under this chapter the following shall apply:

A. The building official may cause the building subject to the notice and order to be vacated by posting at each entrance and on the front door of each unit in violation a notice reading:

SUBSTANDARD BUILDING

DO NOT OCCUPY

It is a misdemeanor pursuant to S.C.C. Section 8.100.170 to occupy this building or to remove or deface this notice.

Building Official

City of Sacramento

By _____

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B. No person shall occupy any building that has been posted as specified in this subsection. No person shall remove or deface any such notice so posted until the work ordered by the building official or by the board has been completed and a certificate of occupancy issued pursuant to the provisions of the California Building Code.

C. The building official may, in addition to any other remedy herein provided, cause the building to be repaired to the extent necessary to correct the conditions that render the building substandard as set forth in the notice and order; or may cause the building to be secured as set forth in the order; or may cause the building to be demolished, and the materials, rubble and debris therefrom removed and the lot cleaned and leveled. Any such work shall be accomplished and the cost thereof paid and recovered in the manner provided in Articles VIII and IX of Chapter 8.96 of this title. Any surplus realized from the sale of any such building, or from the demolition thereof, over and above the cost of demolition and of cleaning the lot, shall be paid over to the person or persons lawfully entitled thereto.

SECTION 22.

Section 8.04.150 of the Sacramento City Code is amended to read as follows:

8.04.150 Method of service.

Service of the notice and order may be made upon all persons entitled thereto either by personal delivery or by certified mail, return receipt requested. Service may be made upon the record owner at his or her or their address as it appears on the latest equalized assessment roll of Sacramento County, or as known to the department head. A copy of the notice and order and any amended or supplemental notice and order shall also be posted on the premises.

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A. In lieu of personally serving the owner or service by certified mail, service of the notice and order and any amended or supplemental notice and order may be made as follows:

1. In the event that the person entitled to service 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 at the address where the copy was left; or (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 person entitled to service 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 made as set forth in subsection A.1. of this section upon the property manager or rental agency.

3. If the person entitled to service lives out of state and will not accept certified return receipt mail, then service may be made by first-class mail.

4. If the person entitled to notice cannot be located, or service can not be effected as set forth in this section, service may be made by publication in the official newspaper of the City of Sacramento. Service shall be deemed sufficient when it is accomplished pursuant to Government Code Section 6063.

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

SECTION 23.

Section 8.96.130-D of the Sacramento City Code is amended to read as follows:

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D. Method of Service. Service of the notice and order may be made upon all persons entitled thereto, either by personal delivery or by certified mail, return receipt requested. Service may be made upon the record owner at his or her or their address as it appears on the latest equalized assessment roll of Sacramento County, or as known to the building official. A copy of the notice and order and any amended or supplemental notice and order shall also be posted on the premises.

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

1. In the event that service by certified return receipt mail cannot be effected or the recipient 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 at the address where the copy was left; or (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 recipient 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 made as set forth in subsection (D)(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 or other person entitled to service cannot be located or service can not be effected as set forth in this section, service may be made by publication in the official newspaper of the City of Sacramento. Service shall be deemed sufficient when it is accomplished pursuant to Government Code Section 6063.

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

DATED PASSED FOR PUBLICATION: **MAR 09 2004**
DATE ENACTED: **MAR 16 2004**
DATE EFFECTIVE: **APR 16 2004**

Heather Fargo
MAYOR

ATTEST:

Shirley Concolino
CITY CLERK

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