

**ORDINANCE NO. 4-2012**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE  
AMENDING ELK GROVE MUNICIPAL CODE CHAPTER 16.20 RELATING TO THE  
ENFORCEMENT OF SUBSTANDARD DWELLINGS**

**WHEREAS**, in addition to the California Health and Safety Code substandard housing conditions, the City of Elk Grove (the "City") adopted and maintains the Elk Grove Municipal Code (EGMC) to establish standards for safe and healthy living conditions; and

**WHEREAS**, the EGMC also sets out regulations regarding notice and posting of violations to inform property owners and tenants of substandard conditions; and

**WHEREAS**, the EGMC undergoes updates at times in an effort to best clarify and inform citizens of unsafe or unhealthy conditions; and

**WHEREAS**, this amendment is necessary to accurately reflect the EGMC standards for substandard housing conditions and clarify the noticing and posting of violations related to those conditions.

**NOW, THEREFORE**, the City Council of the City of Elk Grove does ordain as follows:

Section 1: Amendment to EGMC Section 16.20.100 – Definitions.

Elk Grove Municipal Code Section 16.20.100 (D) is hereby amended to read:

(D) 3. "Director" shall mean the City Manager of the City of Elk Grove or his or her designated representatives.

Section 2: Amendment to EGMC Section 16.20.350 – Substandard dwellings.

Elk Grove Municipal Code Section 16.20.350 is hereby amended to read in its entirety:

16.20.350 – Substandard housing.

In addition to the conditions described in Section 16.20.200 constituting a substandard dwelling, a building will be considered a substandard dwelling if one (1) or more of the following conditions or defects are present in any building or portion thereof including any dwelling unit, guestroom or suite of rooms, or the premises on which the same is located, in which there exists any of the following listed conditions to an extent that endangers the life, limb, health, property, safety, or welfare of the public or the occupants thereof:

A. Inadequate sanitation which shall include, but not be limited to, the following:

1. Lack of, or improper water closet, lavatory, or bathtub or shower in a dwelling unit.
2. Lack of, or improper water closets, lavatories, and bathtubs or showers per number of guests in a hotel.
3. Lack of, or improper kitchen sink.
4. Lack of hot and cold running water to plumbing fixtures in a hotel.
5. Lack of hot and cold running water to plumbing fixtures in a dwelling unit.
6. Lack of adequate heating in accordance with the latest edition of the California Building Code.
7. Lack of, or improper operation of, required ventilating equipment in accordance with the latest edition of the California Building Code.
8. Lack of minimum amounts of natural light and ventilation required in accordance with the latest edition of the California Building Code.
9. Room and space dimensions less than required in accordance with the latest edition of the California Building Code.
10. Lack of required electrical lighting as required by EGMC Section 16.20.200.
11. Excessive dampness of habitable rooms.
12. Infestation of insects, vermin, or rodents.
13. General dilapidation.
14. Lack of connection to functional sewage disposal system as required by EGMC Section 16.20.200.
15. Lack of adequate garbage and rubbish storage and removal as required by EGMC Title 30.

B. Structural hazards which shall include, but not be limited to, the following:

1. Deteriorated or inadequate foundations.
2. Defective or deteriorated flooring or floor supports.
3. Flooring or floor supports of insufficient size to carry imposed loads with safety.
4. Members of walls, partitions, or other vertical supports that split, lean, list, or buckle due to defective material or deterioration.
5. Members of walls, partitions, or other vertical supports that are of insufficient size to carry imposed loads with safety.
6. Members of ceilings, roofs, ceilings and roof supports, or other horizontal members which sag, split, or buckle due to defective material or deterioration.
7. Members of ceiling, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety.
8. Fireplaces or chimneys which list, bulge, or settle due to defective material or deterioration.
9. Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety.

C. Electrical wiring that does not conform with all applicable laws in effect at the time of installation and/or is not maintained in good, safe and properly working condition.

- D. Hazardous plumbing, which shall include, but is not limited to the following:
1. Any trap which is defective, unprotected against siphonage and back-pressure by vent pipe or does not have a functional sanitary trap seal,
  2. Any plumbing fixture or other waste-discharging receptacle or device which is not supplied with sufficient water for flushing to maintain it in a clean condition, and
  3. Any other plumbing condition which is sanitarly unsafe to any person who may occupy the building;
- E. Mechanically operated equipment, which shall include, but not be limited to, appliances, appliance venting, duct and ventilation systems, and HVAC systems that does not conform to all applicable laws in effect at the time of installation and/or is not currently in good and safe working condition to establish the minimum acceptable level of safety to protect life and property from the potential dangers associated with the installation and operation of mechanical operated equipment associated with a dwelling.
- F. Faulty weather protection, which shall include, but not be limited to, the following:
1. Deteriorated, crumbling, or loose plaster.
  2. Deteriorated or ineffective waterproofing of exterior walls, roof, foundations, or floors, including broken windows or doors.
  3. Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other approved protective covering.
  4. Broken, rotted, split, or buckled exterior wall coverings or roof coverings.
- G. Any building or portion thereof, device, apparatus, equipment, combustible waste, or vegetation that is in such a condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of a fire or explosion.
- H. Those premises on which a significant accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rodent harborages, stagnant water, combustible materials, and/or similar materials or conditions exist constituting a fire, health, or safety hazards.
- I. All buildings or portions thereof not provided with adequate exit facilities as required by the California Building Code, except those buildings or portions thereof whose exit facilities conformed with all applicable laws at the time of their construction and that have been adequately maintained and increased in relation to any increase in occupant load, alteration or addition, or any change in occupancy. When an unsafe exists through lack of, or improper location of, exits, additional exits may be required to be installed.
- J. All buildings or portions thereof occupied for living, sleeping, cooking, or dining purposes that were not designed or intended to be used for those occupancies.

Section 3: Amendment to EGMC 16.20.485 Notice to vacate.

Elk Grove Municipal Code Section 16.20.485 is hereby amended to read in its entirety:

16.20.485 Notice to vacate.

If the Director has determined that the dwelling or portion thereof is in such a condition as to make it immediately dangerous to the life, health, property or safety of its occupants, the public or adjacent property, the Director shall order that the dwelling, or portion thereof, shall be vacated within a time certain from the date of the order as determined reasonable by the Director under all of the circumstances, including the safety of the occupants and the public, as well as the purposes and intent of this chapter. Conditions that would cause a determination that the dwelling is immediately dangerous include, but are not limited to, violations of EGMC Section 16.20.200 and/or 16.20.350. The Director shall give notice of this order as provided in EGMC Section 16.20.400(B) concerning method of service and shall post such order as herein described.

The Director shall not require the vacating of a dwelling unless the Director concurrently requires expeditious demolition or repair to comply with the housing code. Expeditious repair or demolition may be required when conditions exist that violate EGMC Section 16.20.200 and/or 16.20.350.

A. Posting. Every notice to vacate shall, in addition to being served as provided in EGMC Section 16.20.400(B), be posted at or upon each exit of the dwelling and shall be in substantially the following form:

**UNSAFE TO OCCUPY**

This building located at \_\_\_\_\_ has been found to be in violation of the California Health and Safety Code, section 17920.3 and Elk Grove Municipal Code Section 16.20.200(E), and is hereby declared to be SUBSTANDARD and UNINHABITABLE. It is unlawful to occupy or allow occupancy of this building without inspection by the City of Elk Grove Code Enforcement Division.

REASON FOR POSTING: \_\_\_\_\_

It is a misdemeanor to occupy this building (EGMC 16.20.200 (E) 16.20.100 (O)) or to remove or deface this notice per Elk Grove Municipal Code Section 16.20.485 (C) and Penal Code section 616. For more information, contact the officer listed below.

\_\_\_\_\_  
Officer

916 687-3023  
Telephone

\_\_\_\_\_  
Date

**B. Securing.** Whenever the Director determines that a substandard dwelling constitutes an immediate threat to the public health or safety, the Director may secure the structure in accordance with the provisions in EGMC Chapter 16.23.

**C. Compliance.** Whenever such notice is posted, or a structure boarded pursuant to EGMC Chapter 16.23, the Director shall include a notification thereof in the notice and order issued by him or her under EGMC Section 16.20.400(B) reciting the existence of an immediate danger requiring the need to keep the premises unoccupied and specifying the conditions which cause the immediate danger. No person shall remain in or enter any dwelling which has been so posted, except that the entry may be made to repair, demolish or remove such dwelling under a proper permit issued by the Director. No person shall remove or deface any such notice after it is posted until the required repairs or demolition have been completed and approved by the Director as meeting the housing code and the other applicable standards of this chapter. No person shall remove or deface any boards without the prior written permission of the Director. Any person violating this subsection may be charged with either an infraction or misdemeanor offense as provided in EGMC Chapter 16.18.

#### Section 4: Severability.

If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. This City Council declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the Ordinance be enforced.


#### Section 5: No Mandatory Duty of Care.

This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care towards persons and property within or without the City, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

#### Section 6: Effective Date and Publication.

This Ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within fifteen (15) days after its passage, a summary of the ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the City Council and a certified copy shall be posted in the Office of the City Clerk, pursuant to GC 36933(c)(1).

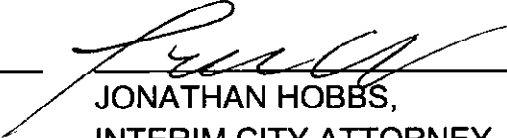
**ORDINANCE:** 4-2012  
**INTRODUCED:** March 14, 2012  
**ADOPTED:** March 28, 2012  
**EFFECTIVE:** April 27, 2012

  
\_\_\_\_\_  
JAMES COOPER, MAYOR of the  
CITY OF ELK GROVE

ATTEST:

APPROVED AS TO FORM:

  
\_\_\_\_\_  
JASON LINDGREN, CITY CLERK

  
\_\_\_\_\_  
JONATHAN HOBBS,  
INTERIM CITY ATTORNEY

Date signed: April 2, 2012

**CERTIFICATION  
ELK GROVE CITY COUNCIL ORDINANCE NO. 4-2012**

STATE OF CALIFORNIA       )  
COUNTY OF SACRAMENTO    )       ss  
CITY OF ELK GROVE         )

*I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing ordinance, published and posted in compliance with State law, was duly introduced on March 14, 2012 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on March 28, 2012 by the following vote:*


**AYES :**       **COUNCILMEMBERS:**       *Cooper, Hume, Davis, Detrick, Scherman*

**NOES:**       **COUNCILMEMBERS:**       *None*

**ABSTAIN:**   **COUNCILMEMBERS:**       *None*

**ABSENT:**    **COUNCILMEMBERS:**       *None*

*A summary of the ordinance was published pursuant to GC 36933(c) (1).*

  
\_\_\_\_\_  
**Jason Lindgren, City Clerk  
City of Elk Grove, California**