

ORDINANCE NO. 11-2008

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AMENDING TITLE 16 OF THE ELK GROVE MUNICIPAL CODE RELATING TO BUILDINGS AND CONSTRUCTION AND ADOPTING BY REFERENCE THE 2007 CALIFORNIA ADMINISTRATIVE CODE, CALIFORNIA BUILDING CODE, CALIFORNIA PLUMBING CODE, CALIFORNIA ELECTRICAL CODE AND THE CALIFORNIA MECHANICAL CODE

THE CITY COUNCIL OF THE CITY OF ELK GROVE HEREBY ORDAINS:

SECTION 1. PURPOSE AND AUTHORITY.

The purpose of this Ordinance is to repeal and reenact Title 16 Chapters 16.02, 16.04, 16.22, 16.24, 16.28, and 16.32 of the Elk Grove Municipal Code under the authority granted to cities by Health and Safety Code sections 17922 and 1894.5.

SECTION 2. AMENDMENT.

Chapter 16.02 of the Elk Grove Municipal Code is hereby repealed and reenacted in its entirety to read as follows:

CHAPTER 16.02

CALIFORNIA ADMINISTRATIVE CODE

Sections:

- 16.02.110 Title
- 16.02.120 Purpose
- 16.02.130 Adoption of the Administrative Code 16.02.140 Scope
- 16.02.150 Definitions
- 16.02.160 Amendments to Sections 103 Through 109.6 of Appendix 1 of the 2007 Edition of the California Building Code, Part 2, Title 24, of the California Code of Regulations

16.02.110 TITLE. These regulations shall be known as the "Administrative Code" (hereinafter referred to as "Code").

16.02.120 PURPOSE. The purpose of this Code is to provide for the uniform administration and enforcement of the technical codes adopted by this jurisdiction.

The purpose of this Code and the technical codes is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this Code.

16.02.130 ADOPTION. In order to regulate the erection, construction, enlargement, alteration, repair, removal, demolition, conversion, occupancy, equipment, wiring, plumbing, use, height, area and maintenance of all buildings and structures within the City of

Elk Grove the 2007 Edition of the California Administrative Code, published by the International Code Council (ICC), as adopted by the Building Standards Commission of the State of California and codified in the California Building Standards Code at Title 24, Part 1, of the California Code of Regulations, except as specifically repealed or amended by ordinance of the City of Elk Grove, is hereby adopted and made a part of this Chapter as though set forth in full herein. A true and correct copy of the 2007 California Administrative Code as adopted by this section shall be on file in the office of the City Building Official for examination and use by the public.

16.02.140 SCOPE. The provisions of this Code shall serve as the administrative, organizational, and enforcement rules and regulations for the technical codes that regulate the site preparation and construction, alteration, moving, demolition, repair, use, and occupancy of buildings and structures including but not limited to docks, marinas, boathouses, signs, and building service equipment within this jurisdiction.

16.02.150 DEFINITIONS. For the purposes of this Chapter, the following definitions shall apply:

(a) Wherever the word "code" is used in Chapter 1 of the California Building Code, Part 2, Title 24, of the California Code of Regulations, it shall mean the Administrative Code.

(b) "Building Official" is the officer or other designated authority charged with the administration and enforcement of this Code. The terms "Building Safety and Inspection," "administrative authority," and "City" are to be considered synonymous respectively with the terms "Building Official" and "Building Department" as they appear in this Code or the technical codes.

(c) "Building Service Equipment" refers to the plumbing, mechanical, and electrical equipment including piping, wiring, fixtures, and other accessories that provide sanitation, lighting, heating, ventilation, cooling, refrigeration, and fire fighting facilities essential for the habitable occupancy of the building or structure for its designated use and occupancy.

(d) "Technical Codes" refers to the following codes adopted by the City of Elk Grove, which contain the provisions for design, construction, alteration, addition, repair, removal, demolition, use location, occupancy, and maintenance of all buildings and structures and building service equipment as herein defined:

Elk Grove Municipal Code, Chapter 16.04, Building Code
(hereinafter referred to as "Building Code").

Elk Grove Municipal Code, Chapter 16.24, Plumbing Code
(hereinafter referred to as "Plumbing Code").

Elk Grove Municipal Code Chapter 16.28, Electrical Code
(hereinafter referred to as "Electrical Code").

Elk Grove Municipal Code, Chapter 16.32, Mechanical Code
(hereinafter referred to as "Mechanical Code").

Elk Grove Municipal Code, Chapter 16.36, Swimming Pool Code
(hereinafter referred to as "Swimming Pool Code").

Elk Grove Municipal Code,
(e) "IBC" is defined as the most recent edition of the Building Code as referenced in Elk Grove Municipal Code, Chapter 16.04.

104.2.8.3 Limits on repair for R-3 and U occupancies. When the scope of work for R-3 and U Occupancies involves the removal or replacement of 50 percent or greater of the linear length of the walls of the building (exterior plus interior) within a one-year period, the project shall be considered new construction; and the entire building shall comply with all current codes.

104.2.11 Unsafe buildings, structures, or building service equipment. All buildings, structures, or building service equipment regulated by this Code and the technical codes which, after inspection by the administrative authority, are determined to be substandard and/or dangerous, shall be governed by Chapter 16.20, "Substandard Dwelling" as enforced by Elk Grove Community Enhancement Code Compliance and Chapter 16.22, "Dangerous Building Code," of the Elk Grove Municipal Code.

SECTION 105 - BOARD OF APPEALS

105.010 General. Whenever the Elk Grove Building Official disapproves an application or refuses to grant a permit application, or when it is claimed that the provisions of the code do not apply or that the true intent has been misconstrued or wrongly interpreted, the applicant may appeal the decision of the Elk Grove Building Official within thirty (30) days from the date of the decision being appealed. Such appeal shall be submitted in writing to the Building Official. The fee required to file an appeal shall be set forth by resolution of the City Council. In order to hear and decide such appeals, there shall be and is hereby created a Construction Board of Appeals, pursuant to Section 105 of the 2001 California Building Code.

105.020 Membership.

(a) The Construction Board of Appeals shall consist of five members who are qualified by experience and training to pass on matters pertaining to building construction and who are not contractors to, or employees of the City. The members of the Board shall be appointed by a committee consisting of the Deputy City Manager for Development Services, the Public Works Director and City Attorney or their designated representatives.

(b) At the time of their appointment to the Board, the Board shall have the following representation:

1. General contractor
2. Architect
3. Civil or Structural Engineer
4. Mechanical or Plumbing Contractor
5. Electrical Contractor

(c) The Board shall annually select a chairperson from its appointed members.

(d) The Building Official shall be an ex-officio member and shall act as the secretary of the Construction Board of Appeals but shall have no vote on any matter before the Board.

105.030 Terms. Terms for members other than ex-officio or advisory members of the Construction Board of Appeals shall be four years. The terms for the General Contractor, Civil or Structural engineer and Mechanical or Plumbing Contractor shall expire every other even-numbered year with the terms for the Architect and Electrical Contractor expiring on alternating even numbered years.

105.040 Vacancies. Vacancies shall be filled by appointment for the unexpired portion of the term.

105.060 Attendance. Any appointee member of the Construction Board of Appeals who fails to attend three consecutive board meetings without notifying the secretary shall automatically lose the appointed membership. It shall be the duty of the board chairperson to report to the City Council any appointee member who has failed to attend three consecutive meetings without such notification.

105.070 Secretary. The secretary shall have no vote.

105.080 Meetings. The Construction Board of Appeals shall hold meetings as

needed in compliance with the Brown Act. Agendas for each meeting of the Construction Board of Appeals shall be posted at least 72 hours in advance of the meeting, pursuant to Government Code Section 54954.2(a).

105.090 Rules and Regulations. The Construction Board of Appeals shall, after consultation with the City Attorney's office, adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and findings in writing to the appellant with a duplicate copy to the Building Official, and may recommend to the City Council such new legislation as is consistent therewith. Decisions and findings shall be filed in the office of the Building Official for public inspection.

105.100 Granting Modifications. Whenever there are practical difficulties involved with carrying out the provisions of the Building, Electrical, Mechanical, Plumbing, Swimming Pool, and Sign codes of the City of Elk Grove, the Construction Board of Appeals may grant modifications for individual cases, provided it is found that special circumstances make strict adherence to this code impractical and that the modification is in conformity with the intent and purpose of the Code and that such modification does not reduce any fire protection requirements or any degree of structural integrity. The Construction Board of Appeals shall formulate and enforce any implementing rules and regulations concerning the use of materials and installations as are deemed necessary to supplement provisions of this ordinance. Such rules and regulations will require a 30-day public notice prior to their effective date.

105.110 Limitations of Authority. The Construction Board of Appeals shall have no authority relative to interpretation of the administrative provisions of the currently adopted California State Building, Plumbing, Mechanical and Electrical codes or be empowered to waive requirements of these codes.

105.120 Right to Appeal Decision of Construction Board of Appeals. Any right to appeal a decision of the Board shall be pursuant to State Law.

106.1.1 Certificate of Release. Prior to issuance of a permit, a Certificate of Release shall be obtained from the appropriate fire protection district for the following:

1. Any new dwelling when there is no public water supply source with a distribution system conforming to County standards.
2. Any new dwelling, covered porch/patio, and attached garage 3,599 square feet or greater.
3. Any new dwelling with a private access road.
4. Where the furthest point of the habitable structure is more than 150 feet from the public road.
5. All commercial projects and multi-family dwellings.
6. Existing structures that undergo an alteration or addition that results in an increase of 50 percent or more, and the final total area is over 3,599 square feet.

106.2 Work Exempt from Permit. A permit shall not be required for the types of work in each of the separate classes of permit as listed below. Exemption from the permit requirements of this Code shall not be deemed to grant authorization for any work to be done in violation of the provisions of the technical codes or any other laws or ordinances of this jurisdiction.

106.2.1 Building permits. A building permit shall not be required for the following:

Item 1. One story detached residential accessory structures used as tool or storage sheds, playhouses, and similar uses provided the structure is not located in a maintenance easement, on a public utility easement, or in front and side street setbacks as required by the City of Elk Grove Zoning Code. The floor area shall not exceed 120 square feet in area with not more than 24 inches of overhang extending beyond the exterior wall of the structure. The

location on the property shall be a minimum of 3 feet from the dwelling and other accessory building or structures on the site including any horizontal or vertical projections. The structure shall not exceed 9 feet in height measured from the adjacent adjoining ground.

Item 2. Fences not over 6 feet in height.

Item 3. Oil derricks.

Item 4. Movable cases, counters, and partitions not over 5 feet 9 inches high.

Item 5. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids.

Item 6. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed two to one.

Item 7. Platforms, decks, walks, and driveways not more than 30 inches above grade and not over any basement or story below, accessory to a Group R, Division 3 occupancy and not required to be on an accessible path of travel.

Item 8. Painting, papering, and similar finish work.

Item 9. Temporary motion picture, television, and theater stage and scenery.

Item 10. Window awnings supported by an exterior wall of Group R, Division 3, and Group U Occupancies when projecting not more than 54 inches.

Item 11. Prefabricated swimming pools accessory to Group R, Division 3 Occupancy in which the pool walls are entirely above the adjacent grade and if the capacity does not exceed 5,000 gallons.

106.2.2 Plumbing permits. A plumbing permit shall not be required for the following:

Item 1. The stopping of leaks in drains, soil, waste or vent pipes, provided, however, that should any concealed trap, drainpipe, soil, waste or vent pipe become defective and it becomes necessary to remove and replace the same with new material, the same shall be considered as new work and a permit shall be procured and inspections made as provided in the City Plumbing Code.

Item 2. The clearing of stoppages or the repairing of leaks in pipes, valves, or fixtures nor for the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes, or fixtures.

106.2.3. Electrical permits. An electrical permit shall not be required for the following:

Item 1. Portable motors or other portable appliances energized by means of a cord or cable having an attachment plug end to be connected to an approved receptacle when that cord or cable is permitted by the City Electrical Code.

Item 2. Repair or replacement of fixed motors, transformers, or fixed approved appliances of the same type of rating in the same location within Group R, Division 3

Occupancies.

Item 3. Temporary decorative lighting within Group R, Division 3 Occupancies.

Item 4. Repair or replacement of electrodes or transformers of the same size and capacity for signs or outline lighting.

Item 5. Temporary wiring for experimental purposes in suitable experimental laboratories.

Item 6. The wiring for temporary theater, motion picture, or television stage sets.

Item 7. Low-energy power, control, and signal circuits of Classes II and II as defined in the City Electrical Code.

Item 8. A permit shall not be required for the installation, alteration, or repair of electrical wiring, apparatus, or equipment or the generation, transmission, distribution, or metering of electrical energy or in the operation of signals or the transmission of intelligence by a public or private utility in the exercise of its function as a serving utility.

106.2.4 Mechanical permits. A mechanical permit shall not be required for the following:

Item 1. Any portable heating appliance.

Item 2. Any portable ventilating equipment.

Item 3. Any portable cooling unit.

Item 4. Any portable evaporative cooler.

Item 5. Any closed system of steam or hot or chilled water piping within any heating or cooling equipment regulated by the City Mechanical Code.

Item 6. Replacement of any component part or assembly of an appliance that does not alter its original approval and complies with other applicable requirements of the technical codes.

Item 7. Any refrigerating equipment that is part of the equipment for which a permit has been issued pursuant to the requirements of the technical codes.

106.2.5 Sign permits. A sign permit shall not be required for the following:

Item 1. The changing of the advertising copy or message on a painted or printed sign only. Except for theater marquees and similar signs specifically designed for the use of replaceable copy, electrical signs shall not be included in this exemption.

Item 2. Painting, repainting, or cleaning of an advertising structure or the changing of the advertising copy or message thereon shall not be considered an erection or alteration that requires a sign permit unless a structural change is made.

Item 3. Temporary signs:

(a) Real estate signs allowed per Section 23.62.040 of the City of Elk Grove Zoning

Code.

(b) Temporary construction signs, signs identifying architects, landscape architects, engineers, contractors, or builders provided the signs are located on the construction site and the signs do not exceed 4 square feet in area.

(c) Political, religious, and civic campaign signs.

(d) Promotional signs.

106.4.4 Expiration. Every permit issued by the Building Official under the provisions of the technical codes shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within 180 days from the date of such permit or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before such work can be recommenced, the permit shall be renewed. The fee for renewal shall be one-half the amount required for 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 year. In order to renew action on a permit after the building or work has been suspended or abandoned or the permit has been expired for a period exceeding one year, the permittee shall pay a new full permit fee. Permits deemed to have been expired shall be subject to all permit related fee increases and new fees in effect at the time of permit renewal as applicable subject to the discretion of the Building Official.

Permits will be deemed to have expired if there has been no inspection of work within a 180 day period. When the work is not ready for a required inspection within 180 days of the last inspection, the permittee must request a progress inspection to keep the permit active.

Any permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when the permittee is unable to commence work within the time required by this section for good and satisfactory reasons. The Building Official may extend the time for action by the permittee for a period not exceeding 180 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.

107.2 Permit Fees. The fee for each permit shall be that fee prescribed in Chapter 16.90 of the Elk Grove Municipal Code.

The determination of value or valuation under any of the provisions of this Code shall be made by the Building Official. The value to be used in computing the building permit and building plan review fees shall be the total value of all construction work for which the permit is issued as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire extinguishing systems, and any other permanent equipment.

107.3 Plan Review Fees. When submittal documents are required by Section 106.3.2, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. Said plan review fee shall be that fee prescribed in Chapter 16.90 of the Elk Grove Municipal Code.

The plan review fees specified in this Section are separate fees from the permit fees specified in Section 107.2 and are in addition to the permit fees.

When submittal documents are incomplete or changed so as to require additional plan review, or when the project involves a deferred submittal item as defined in Section 106.3.4.2, an additional plan review fee shall be charged at the rate prescribed in Chapter 16.90 of the Elk Grove Municipal Code.

107.4 Expiration of Plan Review. Applications for which no permit is issued within 180 days following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the

Building Official. The Building Official may extend the time for action by the applicant for a period not exceeding 180 days upon request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

107.5.2 Investigation Fee. An investigation fee, in addition to the total permit fee, shall be collected whether or not a permit is then or subsequently issued, provided, however, that this provision shall not apply to emergency work when it is proved to the satisfaction of the administrative authority that such work was urgently necessary and that it was not practical to obtain a permit before commencement of the work. In all such cases, a permit must be obtained as soon as it is practical to do so; and, if there is an unreasonable delay in obtaining such permit, the investigation fee as herein provided shall be charged. The investigation fee shall be the amount of the total permit fee prescribed in Chapter 16.90 of the Elk Grove Municipal Code. The payment of such investigation fee shall not exempt any person from compliance with other provisions of this Code, the technical codes, or from any penalty prescribed by law.

107.6 Fee Refunds. The Building Official may authorize the refunding of any fee paid hereunder that was erroneously paid or collected.

The Building Official may authorize the refunding of not more than 80 percent of the total permit fee paid when no work has been done under a permit issued in accordance with this Code.

Where no plan review fee was required, the Building Official may authorize the refunding of not more than 80 percent of the total permit fee paid when no work has been done under a permit issued in accordance with this Code.

The Building Official may authorize the refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan reviewing is commenced.

The Building Official shall not authorize the refunding of any fee paid except upon written application filed by the original applicant not later than 180 days after the date of fee payment.

Section 108.2. Inspection Record Card. Work requiring a permit shall not be commenced until the permit holder or an agent of the permit holder has posted or otherwise made available the building permit such as to allow the Building Official to conveniently make the required entries thereon regarding inspection of the work. The approved plans and all correction notices must be available on the jobsite with the building permit. The building permit, approved plans and correction notices shall be maintained available by the permit holder until final approval has been granted by the Building Official.

108.8 Reinspections. A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not completely ready or when previous corrections called for are not made; when the job address is not clearly posted and visible from the street or the front of the building; when there is a lack of access to the work to be inspected; when the building permit is not posted or made available on the job site; when the approved plans are not readily available to the inspector; when and any previous correction notice(s) are not available on the jobsite; and for deviating from plans requiring the approval of the Building Official.

This section is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of this Code, but as controlling the practice of calling for inspections before the job is completely ready for such inspection.

To obtain a reinspection, the applicant shall file an application therefore in writing on a form furnished for that purpose and pay the reinspection fee in accordance with Chapter 16.90 of the Sacramento County Code.

In instances where reinspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

108.9 Connection to Utilities.

108.9.1 Energy connections. No person shall make connections from a source of energy, fuel, or power to any building service equipment that is regulated by the technical codes and for which a permit is required by this Code until approved by the Building Official.

108.9.2 Temporary connections. The Building Official may authorize the temporary connection of the building service equipment to the source of energy, fuel, or power for the purpose of testing building service equipment or for use under a temporary Certificate of Occupancy.

109.4.1 Letter of completion. The Building Official may issue a letter of completion where the building is not going to be immediately occupied.

SECTION 3. AMENDMENT.

Chapter 16.04 of the Elk Grove Municipal Code is hereby repealed and reenacted in its entirety to read as follows:

CHAPTER 16.04

BUILDING CODE*

Sections:

16.04.010 Title.

16.04.020 Purpose.

16.04.030 Adoption of the International Building Code.

16.04.040 Definitions.

16.04.010 TITLE. This chapter shall be known and cited as the "Elk Grove City Building Code" (hereinafter referred to as "Code").

16.04.020 PURPOSE. The purpose of this Code is to provide minimum standards to safeguard life or limb, health, property, and public welfare by regulating and controlling the design, construction, installation, quality of materials, use and occupancy, location and maintenance of all building and structures within this jurisdiction, and certain equipment specifically regulated herein.

16.04.030 ADOPTION OF THE INTERNATIONAL BUILDING CODE. In order to regulate the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, wiring, plumbing, use, height, area and maintenance of all buildings and structures within the City, the 2007 Edition of the California Building Code, Title 24, Part 2 Volumes 1 and 2, Published by the International Code Council (ICC) and all its administrative sections, appendices, and amendments, as adopted by the Building Standards

Commission of the State of California and codified at Title 24, Part 2 in the California Code of Regulations, except as specifically repealed or amended by ordinance of the City of Elk Grove, is hereby adopted and made a part of this Chapter as though set forth in full herein. A true and correct copy of the 2007 California Building Code as adopted by this section shall be on file in the office of the City Building Official for inspection by the Public.

16.04.040 DEFINITIONS. (a) The International Building Code, 2006 Edition, as referenced in Sections 17922(a) and 18938(b) of the 2007 State Code, and the IBC Appendices are published by the International Code Council.

(b) As used in this Chapter, the word "Code" means Elk Grove City Building Code.

SECTION 4. AMENDMENT.

Chapter 16.22 of the Elk Grove Municipal Code is hereby repealed and reenacted in its entirety to read as follows:

CHAPTER 16.22

ELK GROVE CITY DANGEROUS BUILDINGS CODE

Article I General Provisions

Sections:

- 16.22.100 Title.
- 16.22.101 Purpose.
- 16.22.102 Application.

Article II Administration and Enforcement

- 16.22.200 Administration.
- 16.22.201 Regulations.
- 16.22.202 Filing Regulations with Clerk.
- 16.22.203 Authority to Enter and Inspect.
- 16.22.204 Responsibility for Proper Maintenance.
- 16.22.205 Hearing Officer.
- 16.22.206 Abatement of Dangerous Buildings.
- 16.22.207 Violations.

Article III Definitions

- 16.22.300 Definitions.
- 16.22.301 Dangerous Building.

**Article IV
Abatement Procedure**

- 16.22.400 Abatement.
- 16.22.401 Recording Certificate of Nuisance/Abatement.
- 16.22.402 Summary Abatement.
- 16.22.403 Administrative Abatement.
- 16.22.404 Notice and Order.
- 16.22.405 Warning Sign.
- 16.22.406 Administrative Hearings -- Generally.
- 16.22.407 Record of Oral Evidence at Hearing.
- 16.22.408 Continuances.
- 16.22.409 Oaths; Certification.
- 16.22.410 Evidence Rules.
- 16.22.411 Rights of Parties.
- 16.22.412 Official Notice.
- 16.22.413 Inspection of Premises.
- 16.22.414 Form and Contents of Decision; Finality of Decision.
- 16.22.415 Service of the Hearing Examiner's Decision.
- 16.22.416 Challenge to Decision of Hearing Officer.
- 16.22.417 Notice to Vacate.
- 16.22.418 Interference with Repair or Demolition Work Prohibited.
- 16.22.419 Performance of Work or Repair or Demolition.

**Article V
Recovery of Cost of Abatement**

- 16.22.500 Costs of Abatement-Confirmation.
- 16.22.501 Costs-Assessments.
- 16.22.502 Treble Costs.
- 16.22.503 Assessment for Summary Abatement.
- 16.22.504 Time for Contest of Assessment.
- 16.22.505 Filing Copy of Report with County Auditor/Controller.

**Article VI
Boarding of Vacant Structures in Abatement Proceedings**

- 16.22.600 Purposes
- 16.22.601 Applications
- 16.22.602 Administration and Enforcement
- 16.22.603 Securing
- 16.22.604 Securing-Notice
- 16.22.605 Securing-Hearings
- 16.22.606 Securing-Costs-Assessment

Article I General Provisions

16.22.100 TITLE. This chapter shall be known as the "Elk Grove City Dangerous Buildings Code."

16.22.101 PURPOSE. a. It is the intent of the Elk Grove 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 Elk Grove City Code, State Law, and any law cognizable at 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 Elk Grove 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.

16.22.102 APPLICATION. The provisions of this code shall apply generally to all property within the Elk Grove City limits.

Article II

Administration and Enforcement

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

16.22.201 REGULATIONS. The Building Official is authorized to adopt and enforce reasonable regulations 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.

16.22.202 FILING REGULATIONS WITH CLERK. No regulation, or amendments thereto, shall be enforced or become effective until thirty (30) calendar days following the date on which the proposed regulation or amendment has been filed with the City Clerk

16.22.203 AUTHORITY TO ENTER AND INSPECT.

a. Inspections. To the extent authorized by law, the Building Official may enter any premises at reasonable times 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 the Building Code.

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 at reasonable times 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 o'clock p.m. of any day and 8 o'clock 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.

16.22.204 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 occupant, lessee or holder of any interest in property other than an owner thereof or 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 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.

16.22.205 HEARING OFFICER. Reference to the term "Hearing Examiner" in this Chapter shall be interpreted to mean "Appeals Hearing Officer" as the term is used in Chapter 1.11 of the Elk Grove Municipal Code. An Appeals Hearing Officer shall hear issues and appeals brought by the department head under the provisions of this Chapter.

16.22.206 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.

16.22.207 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 as provided in section 16.18.205 of Chapter 16.18 of this Code.

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 either an infraction or misdemeanor offense as provided in section 16.18.205 of Chapter 16.18 of this Code.

Article III
Definitions

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

- a. Building Code. Building Code means the Uniform Building Code as adopted and amended by Elk Grove City Code, Chapter 16.04, as may be amended from time to time.
- b. Dangerous Building. Dangerous Building means any building, structure or premises deemed to be dangerous under the provisions of Section 16.22.301 of this code.
- c. Building Official. Building Official means the Building Official of Building Safety and Inspection of the City of Elk Grove, California, or his or her authorized representative.
- d. Housing Code. Housing Code means Elk Grove City Code, Chapter 16.20, as may be amended from time to time.
- e. Owner. Owner means all persons, firms, businesses, partnerships, and corporations who own a fee interest of public record in real property subject to this code.
- f. Party in Interest. 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.
- g. Person. Person means any natural person, firm, partnership or corporation.
- h. Premises. Premises mean any real property, including any and all buildings, structures and improvements thereon, as the case may be.

16.22.301 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:

- a. Whenever any door, aisle, passage way, 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.
- b. 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.
- c. Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one half times the working stress or stresses allowed in the Building Code for new buildings of similar structure, purpose or location.
- d. 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.
- e. 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.
- f. 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 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.
- g. 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.

h. Whenever the building or structure, or any portion thereof, because of (i) dilapidation, deterioration or decay; (ii) faulty construction; (iii) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building or structure; (iv) the deterioration, decay or inadequacy of its foundation; or (v) any other cause, is likely to partially or completely collapse.

i. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.

j. 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 of the base.

k. Whenever the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members, or 50 percent damage or deterioration of its non-supporting members, enclosing or outside walls or coverings.

l. 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 (i) an attractive nuisance to children; (ii) a harbor for vagrants; or (iii) a harbor for persons to commit unlawful acts.

m. 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.

n. Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any non-supporting part, member or portion less than 50 percent, or in any supporting part, member or portion less than 66 percent of the (i) strength, (ii) fire-resisting qualities or characteristics, or (iii) 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.

o. 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.

p. 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 marshal to be a fire hazard.

q. 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 months so as to constitute such building or portion thereof as a public nuisance or hazard to the public.

r. 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.

Article IV Abatement Procedure

16.22.400 ABATEMENT. 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 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.

16.22.401 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 Sacramento County Recorder by the City of Elk Grove. The notice of pending enforcement action shall contain statements providing the following information regarding the premises: (i) a sufficient description to identify the subject property, (ii) certify that the Building Official has determined that the property is the site of a dangerous building and is a public nuisance, and (iii) 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 Sacramento County Recorder. The certificate of abatement shall state the following regarding the premises: (i) a sufficient description to identify the subject property, (ii) reference to the earlier recorded notice of pending enforcement action, and (iii) 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 effect from the date it is recorded.

16.22.402 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 forthwith 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 harm of a serious nature.

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. In reviewing the Building Official's decision that an imminently dangerous building was present, and in reviewing the actions taken by the City in conducting summary abatement

thereof, the court shall presume that the Building Official's decision was properly made and that the City's actions were lawful, reasonable and appropriate.

f. 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 Article V 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.

g. Attorneys' Fees. Pursuant to Government Code section 25845, 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 County in the action or proceeding.

16.22.403 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 County.

16.22.404 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 all parties in interest. 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 examiner from the Office of City Hearing Officer, at a set date, time and location, but in no event less than twenty (20) calendar days after having mailed such notice, to show cause why the premises should not be declared a public nuisance and the same ordered 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 conduct of the hearing will be pursuant to the provisions set forth in Government Code section 11513 (a), (b) and (c). 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 pursuant to Section 16.22.408.

(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: (i) A dangerous building or structure exists on the property, (ii) The repairs or demolition required to correct the violations have not been accomplished, and (iii) Tenants or occupants, if any, must be ordered to vacate.

(7) Possible Orders. A statement that if the hearing examiner finds by a preponderance of the evidence that the above described conditions exist concerning the premises the hearing examiner 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:

(i) Repair. Repair the premises in a manner appropriate under the circumstances; or

(ii) Demolish. Demolish the premises in a manner appropriate under the circumstances if the hearing examiner also finds by a preponderance of the evidence that it is not economically feasible to repair the premises; and

(iii) Vacation. Vacate the premises in a manner appropriate under the circumstances if the hearing examiner 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 50% 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, 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 Article V of this code concerning recovery of costs.

(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/her/their address as it appears on the latest equalized assessment roll of Sacramento 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 effecting service, declaring the identify, 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 effecting posting and declaring the

time, date and location posting was effected.

16.22.405 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 premises shall be in substantially the following form:

**DO NOT ENTER
UNSAFE TO ENTER OR OCCUPY**

The City of Elk Grove has found
this building to be dangerous. EGMC, Chapter 16.22.
It is a misdemeanor to enter or occupy this building, to remove
boards, and/or to remove or deface this notice.

Building Official
Building Safety and Inspection
Development Services
City of Elk Grove

(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 Chapter 16.23, Title 16 of the Elk Grove Municipal Code. 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 as provided in section 16.18.205 of Chapter 16.18 of this Code.

16.22.406 ADMINISTRATIVE HEARINGS--GENERALLY. At the time set for hearing, the hearing examiner shall proceed to hear the testimony of the Building Official, the owner, and other competent persons respecting the condition of the premises, and other relevant facts concerning the matter. The hearing examiner shall follow the rules of procedure for conducting hearings established by this code and shall render all decisions and findings in writing which shall then be served on all parties as herein provided.

16.22.407 RECORD OF ORAL EVIDENCE AT HEARING. The proceedings at the hearing may be reported by a tape recorder. Either party may provide a certified shorthand reporter to maintain a record of the proceedings at the party's own expense. It shall be the responsibility of the hearing examiner to certify the record of the hearing.

16.22.408 CONTINUANCES. The hearing examiner may, upon request of the owner, a party in interest, or the Building Official, grant continuances from time to time for good cause shown, or upon his/her own motion. 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.

16.22.409 OATHS; CERTIFICATION. The hearing examiner or certified shorthand reporter shall administer the oath or affirmation.

16.22.410 EVIDENCE RULES. Government Code of the State of California, Section 11513, Subsections (a), (b) and (c), as presently written, or hereinafter amended, shall apply to hearings conducted under this code.

16.22.411 RIGHTS OF PARTIES. Each party may represent themselves, or be represented by anyone of their choice. Each party may appear at the hearing and offer evidence in this matter and cross examine witnesses.

16.22.412 OFFICIAL NOTICE. In reaching a decision, official notice may be taken, either before or after submission of the case for decision, of any fact which may be judicially noticed by the courts of this state.

16.22.413 INSPECTION OF PREMISES. The hearing examiner may inspect the premises involved in the hearing prior to, during or after the hearing, provided that:

- a. Notice of such inspection shall be given to the parties before the inspection is made;
- b. The parties are given an opportunity to be present during the inspection; and
- c. The hearing examiner shall state for the record during the hearing, or file a written statement after the hearing for inclusion in the hearing record, upon completion of the inspection, the material facts observed and the conclusion drawn therefrom.
- d. Each party then shall have a right to rebut or explain the matters so stated by the hearing examiner either for the record during the hearing or by filing a written statement after the hearing for inclusion in the hearing record.

16.22.414 FORM AND CONTENTS OF DECISION; FINALITY OF DECISION.

a. Form. The decision of the hearing examiner 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 fifteen (15) days after the issuance of the decision, and that the abatement be completed within such time as specified by the hearing examiner, 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 examiner 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 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 examiner may order other measures which are reasonable and necessary for the protection of the public or property under the circumstances. The hearing examiner'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 examiner, 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. The decision shall also inform the parties that the time within which one must file a challenge to the decision is governed by Elk Grove Municipal Code, Chapter 1.06, as the same may be amended from time to time.

c. Decision Final. The decision of the hearing examiner shall be final when signed and issued by the hearing examiner and served as herein provided in section 16.22.415 herein.

16.22.415 SERVICE OF THE HEARING EXAMINER'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 Section 16.22.404.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 effected in the same manner as set forth in section 16.22.404.c.

16.22.416 CHALLENGE TO DECISION OF HEARING OFFICER. Any challenge to the decision of the hearing examiner and preparation of a record of the administrative proceeding shall be governed by the provisions of Elk Grove Municipal Code, Chapter 1.06, as presently written or hereinafter amended.

16.22.417 NOTICE TO VACATE. (a) If ordered by the hearing examiner, the Building Official shall serve a notice to vacate concerning the premises in the manner set forth in section 16.22.404.b., and proof of service and posting of the notice to vacate shall be effected in the same manner as set forth in section 16.22.404.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 Elk Grove has found
this building to be dangerous. EGMC, Chapter 16.22. It is a misdemeanor to enter or occupy this
building, to remove
boards, and/or to remove or deface this notice.

Building Official
Building Safety and Inspection
Development Services
City of Elk Grove

(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 secure the structure in accordance with the provisions in Chapter 16.23, Title 16 of the Elk Grove Municipal Code. No person shall remove or deface any board or fence used to secure the property without the prior written permission of the Building Official. Any person violating this subsection may be charged with either an infraction or misdemeanor offense as provided in section 16.18.205 of Chapter 16.18 of this Code.

16.22.418 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.

16.22.419 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 examiner, the Building Official shall issue a work order therefore 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 Public Works Department 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 City Council shall determine is appropriate under the procedure herein described in Article V concerning recovery of costs.

Article V
Recovery of Cost of Abatement

16.22.500 COSTS OF ABATEMENT-CONFIRMATION. (a) Costs. When proceedings under this code result in the correction of a violation of this code or in a final judgment that a violation exists subsequent to the date specified in any notice issued pursuant to the provisions of Elk Grove Municipal Code, all costs of such proceedings and abatement incurred by the City may be assessed against the property. Such costs may include, but not by way of limitation, those incurred in inspecting property, publication, mailing and posting of notices, conducting hearings, processing and defending challenges to decisions or actions and pursuing any judicial action. It is the purpose of this section to allow the assessment against property of costs of proceedings if a violation is corrected in any manner.

(b) Attorneys' Fees. Pursuant to Government Code section 25845, 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.

(c) Accounting of Abatement Costs. The Building Official shall keep an account of the administrative and other costs of abatement, and shall submit to the City Council for confirmation an itemized written report showing such costs and their proposed assessment to the respective properties. The report shall be filed with the City Clerk not later than fifteen (15) calendar days in advance of the confirmation hearing required below.

(d) Clerk to Schedule Public Hearing to Confirm Report of Costs. Upon receipt of the report of costs, the City Clerk shall schedule a public hearing to receive protests and confirm the report.

(e) Notice of Public Hearing to Confirm Report of Costs. Notice of the time, date and

place of the hearing proposed assessment, together with reference to the report on file with the Clerk, shall be given to the (i) owner or owners as shown on the last equalized assessment roll available on the date of mailing of the notice, and to (ii) each party in interest of each parcel of property proposed to be assessed.

(f) Time for Giving Notice. Such notice shall be served not later than fifteen (15) calendar days in advance of the hearing.

(g) Service of Notice.

(1) Owner. Notice to the owner or owners of each property proposed to be assessed, shall be served by mail addressed to the owner at the address shown on the last equalized assessment roll, or any other address or addresses ascertained to be more accurate. If no address or owner is shown on the last equalized assessment roll, then notice shall be given by publication in a paper of general circulation within the City. Notice shall also be posted on the property. The notice published in a newspaper of general circulation shall show the name or names of the owner or owners if known, the assessor's parcel number, the street address of the property, if the property has an address and the address is known to the Building Official, the name of the street or road upon which such property abuts, if the property abuts upon a street or road, the amount of the proposed assessment and reference to the report of costs on file with the Clerk. Such publication shall be made not later than fifteen (15) calendar days in advance of the hearing.

(2) Party in interest. Notice to each party in interest of each property proposed to be assessed, shall be served by mail addressed to the party in interest at the address shown on the instrument of record creating such interest in the property, or any other address or addresses ascertained to be more accurate. If no address for such party in interest is known, then notice shall be given by publication in a paper of general circulation within the City. The notice published in a newspaper of general circulation shall conform to the requirements set forth in 16.22.500.f. (1), above.

(3) Public. Notice of the time, date and place of the public hearing by the City Council shall be published once in a newspaper of general circulation published within the City. Such publication shall be made not later than fifteen (15) calendar days in advance of the hearing.

(4) Service Effective. Service shall be complete and effective as of the date of mailing or publication, as may be appropriate, as herein provided. The failure of any person to receive such notice shall not affect the validity of any proceedings taken pursuant to this section.

(h) Proof of Service. Proof of service by mail shall be effected in the manner set forth in section 16.22.403.b. Proof of service by publication shall be certified by written declaration under penalty of perjury executed by the person authorized to so by the newspaper of general circulation declaring the date the notice was published by a newspaper of general circulation within the City, and a copy of the published notice shall be affixed to such declaration.

(i) Protests. Protest or objection to all or part of the report of costs may be in writing or may be given orally at the hearing for confirmation of the report of costs. Written protests or objections to all or part of the report of costs shall specify the hearing date, hour and description of the subject property.

(j) Public Hearing by City Council; Confirmation of Costs. Upon the day and hour fixed in the notice the City Council shall conduct a public hearing to consider and pass upon the report of costs, together with any such protests or objections thereto. The City Council may make such revision, correction or modification of the report or the charge as it may deem just; and in the event the City Council is satisfied with correctness of the charge, the report (as submitted or as revised, corrected or modified) shall be confirmed or rejected by motion or resolution. The City Council may continue the hearing and delegate to the City Manager, or his designee, the responsibility of hearing individual protests and objections, and submitting a recommendation with respect thereto; provided, that the City Council provides an opportunity for individual consideration of each protest or objection upon receipt of the recommendation by the City

Manager or his designee. The decision of the City Council on the report of costs and on all objections or protests shall be final and conclusive.

(1) Personal Obligation. If, after the hearing at which each owner shall have the opportunity to address the issue, the City Council orders the charge to be a personal obligation of each owner of the property involved, then it shall direct the Elk Grove City Department of Revenue Recovery to collect the amount of the charge on behalf of the City of Elk Grove by use of all appropriate legal remedies.

(2) Special Assessment. If, after the hearing at which each owner shall have the opportunity to address the issue, the City Council orders that the charge shall be assessed against the property, it shall confirm the assessment, cause the same to be recorded on the assessment roll, and thereafter said assessment shall constitute a special assessment against and a lien on the property.

(k) Service of Confirmed Report of Costs. Promptly following confirmation of the report by the City Council, the City Clerk shall serve upon the owner or owners, and all parties in interest, a copy of the confirmed report of costs. The confirmed report of assessment shall include the following items: (i) the amount of the confirmed costs, (ii) demand that the same be paid in full to the City within thirty (30) days from the date of service, and (iii) a statement that failure to receive payment within the time allotted shall result in the costs either becoming a personal obligation of the owner or the recording of a special assessment lien against the subject property. Service of the confirmed report of costs shall be effected in the same manner as service of the notice of hearing as set forth above in this section.

16.22.501 COSTS-ASSESSMENTS. (a) Costs Liened if Not Paid within Thirty Days. If the costs as confirmed have not been received by the City within thirty (30) days of the date notice thereof is effective, and the City Council has ordered that such costs be assessed against the property, the costs shall be assessed against the parcel of land, as authorized by Section 25845 of the Government Code, and a notice of abatement lien may be recorded against the subject property and notice thereof shall be transmitted to the tax collector. Collection of the special assessment shall be in the same manner as ordinary county taxes, and shall be subject to the same penalties and the same procedures and sale in case of delinquency as provided for such taxes. All laws applicable to the levy, collection, and enforcement of county taxes are applicable to the special assessment.

(b) Transfer to Bona Fide Purchaser. If, subsequent to the service of the notice and order, and prior to notice being given to the tax collector for collection as set forth in subsection a. above, the property subject to the notice and order is sold, or title otherwise transferred to a bona fide purchaser for value, said costs shall be the responsibility of the owner of record as of the date said notice and order was placed in the United States postal system or posted on the property, which ever is later.

(c) Remedies Cumulative. In addition to assessing the unpaid costs as provided in subsection a., above, the Tax Collector or his designated representative may pursue any remedy provided by law for collection of the unpaid costs.

16.22.502 TREBLE COSTS. Pursuant to Government Code Section 25845.5, upon entry of a second or subsequent civil or criminal judgment within a two year period finding that an owner is responsible for a condition that may be abated pursuant to Government Code Section 25845, a court may order the owner to pay treble the costs of abatement.

16.22.503 ASSESSMENT FOR SUMMARY ABATEMENT. Where the charge to be made is the result of summary abatement pursuant to Section 16.22.402, the City Council may determine whether or not the action to abate was proper, and may confirm the report of cost or not as it may deem proper. Such determination shall be final and conclusive.

16.22.504 TIME FOR CONTEST OF ASSESSMENT. The validity of any assessment made under the provisions of this chapter shall not be contested in any action or proceeding unless the same is commenced within thirty (30) days after the assessment is ordered to be placed upon the assessment roll as provided herein.

16.22.505 FILING COPY OF REPORT WITH COUNTY AUDITOR/CONTROLLER. A certified copy of the assessment shall be filed with the County Auditor/Controller on or before August 1. The descriptions of the parcels reported shall be those used for the same parcels on the map books of the County assessor for the current year.

Article VI Boarding of Vacant Structures in Abatement Proceedings

16.22.600 PURPOSES. Proceedings for the abatement of dangerous buildings is governed by Chapter 16.22 of this Code. Dangerous Building means any building, structure or premises deemed to be dangerous under the provisions of Section 16.22.301 of this code.

Existing ordinances do not provide for the securing of such structures pending the conclusion of enforcement proceedings commenced under Chapter 16.22. The purpose of this Chapter is to authorize such action as a part of such proceedings, and provide for recovery of the City's costs incurred in connection therewith.

16.22.601 APPLICATION. This Chapter shall apply to every Dangerous Building within the City of Elk Grove.

16.22.602 ADMINISTRATION AND ENFORCEMENT. The Building Official shall administer and enforce this Chapter. The Building Official shall assist in the inspection of structures, and in the presentation of evidence at hearings held pursuant to Section 16.22.605. Nothing herein shall be construed as limiting the authority of the Building Official, as successor to the powers and duties vested by Chapter 16.22 or to initiate and inspection pursuant to 16.22.040 of this Code.

16.22.603 SECURING. (a) 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 7 days of the notice. Securing may include both fencing and boarding. 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, the Building Official shall secure such structure in accordance with the terms of this chapter. The Building Official may have plans and specifications prepared, and such securing and all services incidental thereto performed, by City personnel or by contract in the manner provided by Section 16.22.350, if a Dangerous Building. 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 this building and/or removes boards, removes may be charged with either an infraction or misdemeanor offense as provided in section 16.18.205 of Chapter 16.18 of this Code.

16.22.604 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 Section 16.22.404, for a Dangerous Building. If the Building Official secures the property, such notice shall be

given as part of the notice required by Section 16.22.500. The notice shall be issued within three (3) business days following the completion of such securing. Such notice shall include a description of the conditions found to constitute an immediate threat to the public health or safety.

16.22.605 SECURING - HEARINGS. Any person to whom notice is issued pursuant to Section 16.22.0604 shall have the right to contest the Building Official's decision to secure the structure at the hearing provided pursuant to Section 16.22.404, for Dangerous Buildings. At the hearing the Building Official shall have the burden of proving, by a preponderance of the evidence that conditions existed rendering the structure a threat to the public health or safety.

16.22.606 SECURING - COSTS; ASSESSMENT. If the Building Official's decision to secure is either not contested pursuant to Section 16.22.605, or, following hearing thereon, is sustained by the City Council, the City's costs of securing pursuant to Section 16.22.603, including, but not limited to the costs of all services rendered by or on behalf of the City in connection therewith, shall be assessed and collected in accordance with Sections 16.22.500 through 16.22.505 and 16.22.460, for a Dangerous Building.

SECTION 5. AMENDMENT.

Chapter 16.24 of the Elk Grove Municipal Code is hereby repealed and reenacted in its entirety to read as follows:

CHAPTER 16.24

PLUMBING CODE

Sections:

- 16.24.010 Title.
- 16.24.020 Purpose.
- 16.24.030 Adoption of the Uniform Plumbing Code.
- 16.24.040 Definitions.
- 16.24.100 UPC and UPC Appendix B amended.

16.24.010 TITLE. This chapter shall be known and cited as the "Elk Grove City Plumbing Code" (hereinafter referred to as "Code".)

16.24.020 PURPOSE. The purpose of this Code is to provide minimum requirements and standards for the protection of the public health, safety, and welfare.

16.24.030 ADOPTION OF THE CALIFORNIA PLUMBING CODE. In order to provide minimum requirements and standards for the protection of the public health, safety and welfare and to regulate the erection, installation, alteration, addition, repair, relocation, replacement, maintenance, and use of any plumbing system within the City of Elk Grove, the 2007 Edition of the California Plumbing Code, Title 24, Part 5 and all appendix chapters, published by the International Association of Plumbing and Mechanical Officials (IAPMO), as adopted by the Building Standards Commission of the State of California and codified in the California Building standards Code at Title 24, Part 5 of the California Code of Regulations, except as specifically repealed or amended by ordinance of the City of Elk Grove, is hereby adopted and made a part of this chapter as though set forth in full herein. A true and correct copy of the 2007 California Plumbing Code as adopted by this section shall be on file in the office of the City Building

Official for inspection and use by the public.

16.24.130 FINDINGS. The Findings of Fact are filed separately with the California Building Standards Commission and the City of Elk Grove.

16.24.040 DEFINITIONS. (a) The Uniform Plumbing Code (UPC), 2006 Edition, as referenced in Sections 17922(a) and 18938(b) of the State Code and the UPC Appendices are published by the International Association of Plumbing and Mechanical Officials.

(b) As used in this Chapter, the word "Code" means the Elk Grove City Plumbing Code.

16.24.100 UPC Amended. Notwithstanding the provisions of Section 218 (definitions) and 16.24.030, the UPC is amended as follows:

218 "Private Sewage Disposal Systems" is added as follows:

218 Private Sewage Disposal Systems. The installation of private sewage disposal systems is under the jurisdiction of the Environmental Health Division of the Sacramento County Environmental Department.

Section 313.5 is amended as follows:

313.5 Each system of buried ferrous piping used for either potable water or gas supply shall have a protective coating of an approved type, machine applied and conforming to recognized standards. Field wrapping shall provide equivalent protection and is restricted to those short sections and fittings necessarily stripped for threading.

All buried ferrous piping shall be provided with cathodic protection installed according to Table 3-3 of this Section and the following requirements:

1. Galvanic anodes for cathodic protection of ferrous piping shall be buried not less than 3 feet below grade and below the bottom of the pipe to be protected. They shall be not less than 4 feet horizontally from any buried metallic pipe. Before back filling, the anode shall be flooded with a minimum of 5 gallons of water.

When connected to the pipe being protected, less than 6 inches above grade, the anode shall be connected with a thermite weld. Connections 6 inches or more above grade may be made by the use of a listed mechanical clamp.

2. Water supply piping shall be isolated at the connection of the utility or private tap from the water main and at each building foundation line adjacent to the full-way shutoff valve.

3. Gas supply piping shall be isolated adjacent to each foundation line or at the appliance when located outside the building and from the serving gas supplier's service equipment.

4. Approved isolation fittings shall be located a minimum of 6 inches above grade, except that fitting at the water tap.

5. Any piping laid in the same trench with pipe requiring cathodic protection shall be separated laterally a minimum of 12 inches from the protected pipe, and piping installed diagonally above pipe requiring cathodic protection shall be separated vertically a minimum of 6 inches. All separations shall be maintained with clean earth in accordance with Section 315.0.

Table 3-3
ANODE SELECTION CHART
 Allowable length of coated and wrapped buried
 ferrous gas or water pipe for each size anode

Anode Size	Pipe Size					
	1/2"	3/4" & 1"	1 1/4" & 1 1/2"	2"	3"	4"
1 lb. anode	50'	--	-	-	-	-
3 lb. anode	150'	100'	50'	50'	-	-
9 lb. anode	500'	200'	200'	150'	100'	100'
17 lb. anode	--	500'	350'	300'	250'	150'
32 lb. anode	--	-	500'	500'	450'	350'

Section B1 "Roof Drainage" of Appendix B, is amended as follows:

Section B1 Roof Drainage. Roof drains and roofs shall be designed to carry away rainfall at the rate of at least 3 inches of rainfall per hour.

SECTION 6. AMENDMENT.

Chapter 16.28 of the Elk Grove Municipal Code is hereby repealed and reenacted in its entirety to read as follows:

CHAPTER 16.28

ELECTRICAL CODE

Sections:

- 16.28.010 Title.
- 16.28.020 Purpose.
- 16.28.030 Adoption of the National Electrical Code.
- 16.28.040 Definitions.
- 16.28.100 NEC Amended.

16.28.010 TITLE. This chapter shall be known and cited as the "Sacramento County Electrical Code" (hereinafter referred to as "Code").

16.28.020 PURPOSE. The purpose of this Code is to provide minimum electrical system standards to safeguard life or limb, health, property, and public welfare by regulating and

controlling the design, construction, installation, and quality of materials.

16.28.030 ADOPTION OF THE NATIONAL ELECTRICAL CODE. In order to provide minimum standards for the proper regulation of the installation of electrical systems within the City of Elk Grove, the 2007 Edition of the California Electrical Code, Title 24, Part 3, and all appendix chapters, published by the National Fire Protection Association (NFPA), as adopted by the Building Standards Commission of the State of California and codified in the California Building Standards Code at Title 24, Part 3, of the California Code of Regulations, except as specifically repealed or amended by ordinance of the City of Elk Grove, is hereby adopted and made a part of the Chapter as though set forth in full herein. A true and correct copy of the 2007 California Electrical Code shall be in the office of the City Building Official for inspection and use by the public.

16.28.040 DEFINITIONS. (a) The National Electrical Code, 2005 Edition, as referenced in Sections 17922(a) and 18938(b) of the State Code, is published by the National Fire Protection Association International.

(b) As used in this Chapter, the word "Code" means the Elk Grove City Electrical Code.

SECTION 7. AMENDMENT.

Chapter 16.32 of the Elk Grove Municipal Code is hereby repealed and reenacted in its entirety to read as follows:

CHAPTER 16.32

MECHANICAL CODE

Sections:

16.32.010 Title.

16.32.020 Purpose.

16.32.030 Adoption of the California Mechanical Code.

16.32.040 Definitions.

16.32.010 TITLE. This chapter shall be known and cited as the "Elk Grove City Mechanical Code" (hereinafter referred to as "Code").

16.32.020 PURPOSE. The purpose of this Code is to provide minimum system standards to safeguard life or limb, health, property, and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation, and maintenance or use of heating, ventilating, cooling, refrigeration systems, incinerators, and other miscellaneous heat-producing appliances within this jurisdiction.

16.32.030 ADOPTION OF THE CALIFORNIA MECHANICAL CODE. In order to provide minimum standards to safeguard life, limb, health, property, and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation, maintenance and use of heating, ventilating, cooling, refrigeration systems, and other heat-producing appliances and systems within the City of Elk Grove, the 2007 edition of the California Mechanical code, Title 24, Part 4, and all appendix chapters, published by the International Association of Mechanical and Plumbing Officials (IAPMO), as adopted by the Building Standards Commission of the State of California and codified in the California Building

Standards Code at Title 24, Part 4 of the California Code of Regulations, except as specifically repealed or amended by ordinance of the City of Elk Grove, is hereby adopted and made a part of this Chapter as though set forth in full herein. A true and correct copy of the 2007 California Mechanical Code as adopted by this section shall be on file in the office of the City Building Official for inspection and use by the public.

16.32.040 DEFINITIONS. (a) The Uniform Mechanical Code (UMC), 2006 Edition, as referenced in Sections 17922(a) and 18938(b) of the State Code, and the UMC Appendix are published by the International Association of Plumbing and Mechanical Officials (IAPMO).

(b) As used in this Chapter, the word "Code" means the Elk Grove City Mechanical Code.

SECTION 8. AMENDMENTS TO THE 2007 CALIFORNIA BUILDING CODES.

FINDINGS: The City Council hereby finds that the proposed amendments to the 2007 California Plumbing Code are reasonably necessary because of local climatic, geological or topographic conditions, and adopts the findings provided below in support of the modifications to the 2007 California Plumbing Code.

The City Council of the City of Elk Grove hereby adopts pursuant to Sections 17958.5, 17958.7 and 18941.5 of the California Health and Safety Code, the following findings of fact:

1. CLIMATIC

- A. The Elk Grove region has extreme variations in weather patterns. Average yearly rainfall for the region is 17.87 inches. The doubling of average rainfall called an "El Nino" has occurred from time to time and may cause an extreme increase in precipitation rates.

2. TOPOGRAPHICAL

- A. No findings.

3. GEOLOGICAL

- A. The soil conditions in the areas of the City are not conducive to rapid percolation or infiltration during storm events.
- B. The soil is very alkaline in nature and has a corrosive effect on unprotected metal piping and conduit.

Section 313.5 and Table 3-3 are amended based upon Geological conditions (3.B).

Section B1 (Appendix B) Roof Drainage is amended based upon Climatic (1-A) and Geographical (3-A) conditions.

SECTION 9. 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 10. 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 hereby 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 11. SAVINGS CLAUSE.

The provisions of this chapter shall not affect or impair an act done or right vested or approved or any proceeding, suit or prosecution had or commenced in any cause before such repeal shall take effect; but every such act done, or right vested or accrued, or proceeding, suit or prosecution shall remain in full force and affect to all intents and purposes as if such ordinance or part thereof so repealed had remained in force. No offense committed and no liability, penalty or forfeiture, either civilly or criminally incurred prior to the time when any such ordinance or part thereof shall be repealed or altered by said Code shall be discharged or affected by such repeal or alteration; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures shall be instituted and proceeded with in all respects as if such prior ordinance or part thereof had not been repealed or altered.

SECTION 12. 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 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).

INTRODUCED: April 23, 2008
ADOPTED: May 14, 2008
EFFECTIVE: June 13, 2008



GARY DAVIS, MAYOR of the
CITY OF ELK GROVE

ATTEST:



SUSAN J. BLACKSTON,
ASSISTANT CITY CLERK

APPROVED AS TO FORM:



SUSAN COCHRAN, CITY ATTORNEY

DATE: May 20, 2008

**CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 11-2008**

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

I, Susan J. Blackston, Assistant 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 April 23, 2008 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on May 14, 2008 by the following vote:

AYES : COUNCILMEMBERS: Hume, Scherman, Davis

NOES: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: Cooper, Leary

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

**_____
Susan J. Blackston, Assistant City Clerk
City of Elk Grove, California**