Before the Board of Supervisors
County of Placer, State of California

Ordinance No.: _____

First Reading: September 1, 2015

In the matter of:
Amendments to Placer County Code Chapter 15, Article 15.56 pertaining to Dangerous Buildings

The following **ORDINANCE** was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held _____, by the following vote on roll call:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

_____
Chair, Board of Supervisors

Attest:

_____
Clerk of said Board

THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER, STATE OF CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Placer County Code Chapter 15, Article 15.56, Table of Contents is hereby amended as follows:

Article 15.56

DANGEROUS BUILDINGS

Sections:

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Part 5. Enforcement Proceedings

15.56.110 Notice and orders.
15.56.120 Repair or demolition.
15.56.130 Notice and ~~H~~hearing ~~on final notice~~ application for final abatement.
15.56.140 Notice to vacate.
15.56.150 Notice to occupants.
~~**15.56.160 Nonexclusive remedies.**~~

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Part 7. Enforcement of the Notice and Order or Final Order ~~of the Board of Supervisors or the Director~~

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Part 8. Abatement of Nuisances

15.56.220 ~~Other r~~Remedies.

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SECTION 2: Placer County Code Chapter 15, Article 15.56, Section 15.56.020 is hereby amended as follows:

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E. This article satisfies the county's legal obligation under the State Housing Law. The rules, standards and regulations are adopted pursuant to California State Housing and Building Codes, including, but not limited to: Health and Safety Code Sections, Division ~~1.5~~ **13**

Housing, **Part 1.5,** Sections 17920 through 17999~~,~~**;** California Code of Regulations, Title 25, ~~Part One~~ **Division 1, Chapter 1, Subchapter 1; e**.

SECTION 3: Placer County Code Chapter 15, Article 15.56, Section 15.56.030 is hereby amended as follows:

The provisions of this article shall apply to all new and existing rental buildings or portions thereof used, or designed or intended to be used, for human habitation. It shall supplement, be accumulative with, and be in addition to any and all regulatory ordinances and state or federal law existing or hereafter enacted by the county, the state or federal government or any other legal entity that may have jurisdiction. This article shall also provide an enforcement mechanism for any additional code applicable to housing, dangerous buildings, abandoned structures, zoning, solid wastes, nuisances, **or violations of the Building Code,** where such codes are violated by the substandard structure.

SECTION 4: Placer County Code Chapter 15, Article 15.56, Section 15.56.040 is hereby amended as follows:

For purpose of this article, the following definitions shall apply:

"Authorized County Official" means for purposes of this article, the director of the Placer County Environmental Health Services and his/her designated representatives and/or the Chief Building Official of Placer County and his/her designated representatives.

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"Building code" means the **California Building Standards Code, Title 24 of the California Code of Regulations, Title 24, Part 2.5, 3, 4, 5 and 9, as adopted with local amendments into Chapter 15, Article 15.04 of the Placer County Code** ~~Uniform Building Code mandated by state of California and adopted locally by the board of supervisors~~.

"Chief Building Official" means the Chief Building Official of Placer County Building Services, a division of the Community Development Resource Agency, or his or her designated representatives.

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"Dwelling" means any building or structure or part thereof used and occupied for human habitation or intended to be so used, ~~and includes any garages or other accessory buildings belonging thereto,~~ including those which are rented or leased for any term or duration, type or tenure.

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"Enforcement" means diligent effort to secure compliance or abatement, including review of plans and permit applications, response to complaints, citation of violations, and other **administrative or judicial** ~~legal~~ process. Except as otherwise provided in this article, "enforcement" may, but need not, include inspections of existing buildings on which no complaint or permit application has been filed, and effort to secure compliance as to such existing buildings.

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"Hearing panel" means: a three-person panel **appointed pursuant to Section 15.56.180(A).** ~~which includes the following persons or their designee:~~

~~1. Placer County Health Officer;~~

~~2. Representative from Legal Services of Northern California;~~

~~3. Representative from Placer County Association of Realtors.~~

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"Owner" means the owner of fee title**, as shown on the last equalized assessment role,** to a dwelling unit**,** ~~or~~ building **or real property upon which the dwelling unit or building is situated. "Owner" may be an individual, trust, corporation, limited liability company or any other entity recognized under state law as authorized to hold title to real property**.

"Parties in interest" means all persons, businesses, partnership, and corporations who have a mortgage or other interest of public record in a dwelling or dwelling unit**,** ~~or~~ building, or **property**, who are in **lawful** possession thereof.

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"Proof of compliance" means documentation, on such form and in such manner as the director **or chief building official** may provide, that the deficiencies noted in the order or citation issued by the county have been corrected.

"Public record" means **for purposes of this article** deeds, mortgages and other instruments of record relating to land titles and recorded by the Placer County recorder **or records maintained by the Placer County assessor or treasurer-tax collector**.

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"State Housing Law" means Division 13, Part 1.5 of the Health and Safety Code (commencing at Section 17920) and ~~Article 1 (commencing at Section 1) of Ordinance 1,~~ Title 25 of the California Code of Regulations**, commencing at Division 1, Chapter 1, Subchapter 1**.

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SECTION 5: Placer County Code Chapter 15, Article 15.56, Section 15.56.060 is hereby amended as follows:

A. Fines and Imprisonment. The county may seek, in addition to all other remedies available at law, criminal sanctions, contempt and other penalties provided for under ~~Ordinance 6,~~ **Division 13, Housing,** ~~Division~~ **Part** 1.5 of the Health and Safety Code (commencing at Section 17995).

B. Separate Offense for Each Day of Violation/Continuing Violation. Each person violating this article shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this article or a failure to comply with any regulation adopted pursuant to Sections 15.56.080 **or 15.56.290 or the provisions of Article 17.62 of Chapter 17 of this Code** is committed, continued, or permitted by any such person. Any violation which persists for more than one day is deemed a continuing violation for the purpose of this article.

C. Payment of Costs of Enforcement/Collection. In addition to any penalty, sanction, fine or imprisonment, each person who violates the provisions of this article, or who is convicted of any violation of any provision of this article, or who fails to comply with any regulation adopted pursuant to Sections 15.56.080 **or 15.56.290 or the provisions of Article 17.62 of Chapter 17 of this Code**, shall be required to pay any and all expenses of enforcement including those costs, necessary to bring the ~~dwelling,~~ building**, dwelling unit and/or dwelling,** or portion thereof into compliance with this article and any regulation adopted pursuant to Section 15.56.080 **or the provisions of Article 17.62 of Chapter 17 of this Code**. In addition to all remedies herein contained, the county may pursue all reasonable and legal means in collecting those sums authorized and due.

SECTION 6: Placer County Code Chapter 15, Article 15.56, Section 15.56.070 is hereby amended as follows:

Placer County department of health and human services **division of environmental health and/or the Placer County building services division of the Community Development Resource Agency** is authorized and directed to administer and enforce the State Housing Law and all building codes adopted by Placer County, all of the provisions set forth in this article, and all regulations approved and adopted by the board as provided in Section 15.56.080. For such purposes, the director **or chief building official** and designated parties shall have the powers of a law enforcement officer.

SECTION 7: Placer County Code Chapter 15, Article 15.56, Section 15.56.080 is hereby amended as follows:

The director **and/or chief building official** may present to the board for approval and adoption those regulations which seem consistent with the purposes, intent, and express terms of

this article as he or she deems necessary to implement such purposes, intent and express terms. 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 approved by the board and filed with the clerk. The director **or chief building official** shall have the power to render interpretations of this article and its regulations in order to clarify the application of its provisions. Such interpretations shall be in conformity with the intent and purpose of this article.

SECTION 8: Placer County Code Chapter 15, Article 15.56, Section 15.56.090 is hereby amended as follows:

A. The director **or chief building official**, subject to the consent given by an occupant who appears to be and claims to be at least eighteen (18) years of age, has authority to enter and inspect any **real property,** building**, dwelling unit** and/or dwelling ~~or premises~~ whenever necessary to secure compliance with, or prevent a violation of, any provision of this article and any regulation adopted pursuant to this article. In the event consent of the occupant is not available, the director **or chief building official** may obtain an inspection warrant pursuant to the provisions set forth in Code of Civil Procedure.

~~B. The owner, or authorized agent of any owner, of any building may enter, subject to the consent of the occupant, whenever necessary to carry out any instructions, or perform any work required to be done pursuant to this ordinance.~~

~~C~~**B**. Subject to the provisions of Code of Civil Procedure Sections 1822.50 et seq.**, as may be amended from time to time,** concerning inspection warrants, no person authorized by this section to enter buildings and/or dwellings shall enter any **occupied** building**, dwelling unit** and/or dwelling between the hours of six p.m. of any day and eight a.m. ~~of the succeeding day~~, without the consent of the occupants of the building and/or dwelling.

SECTION 9: Placer County Code Chapter 15, Article 15.56, Section 15.56.100 is hereby amended as follows:

All buildings**, dwelling units** and/or dwellings or portions thereof which are determined to be substandard or dangerous are declared to be a public nuisance and shall be abated by repair, demolition or vacation in accordance with the procedure specified in Part 5 of this article, or in any other manner provided by law.

SECTION 10: Placer County Code Chapter 15, Article 15.56, Section 15.56.110 is hereby amended as follows:

A. Commencement of Proceedings. Whenever the director **or chief building official** has inspected or caused to be inspected any building**, dwelling unit** and/or dwelling, and has determined that a violation of this article **or Article 15.04** exists, the same being declared to be a public nuisance, the director **or chief building official** shall institute any appropriate action or **abatement** proceedings to ~~abate~~ **resolve** the violation by repair, rehabilitation, vacation or

demolition of the building**, dwelling unit and/or dwelling** consistent with the procedures established herein or otherwise available by law.

B. Notice and Order. The director **or chief building official** shall issue a notice and **serve a notice and** order directed to the owner(s) and **those parties identified in subsection C** ~~and any mortgagees or beneficiaries of record of the building and/or dwelling as shown in the public record~~. The notice and order, issued pursuant to subsection C of this section, shall contain:

1. Address. The street address or legal description sufficient for identification of the ~~premises upon which~~ **location of** the building**, dwelling unit** and/or dwelling is located.

2. Nature of Violation. A statement that the director **or chief building official** has found the building**, dwelling unit** and/or dwelling or portion thereof to be substandard or that the building**, dwelling unit and/or dwelling** or portion thereof to be dangerous and a factual description of each and every condition found to render the building**, dwelling unit** and/or dwelling or portion thereof substandard **and/**or ~~the building or portion thereof~~ dangerous as defined in this article.

3. Action Required. A statement of the action required to be taken as determined by the director **or chief building official**. The action required may advise as follows:

a. Repair/Modification. If the director **or chief building official** has determined that a building**, dwelling unit** and/or dwelling must be repaired or modified, then the director **or chief building official** shall order that the work be done, that all required permits be secured within thirty (30) days from the **effective** date of the notice and order, and that the work shall actually commence within sixty (60) days from the **effective** date of the notice and order, and shall be completed within such time as the director **or chief building official** shall determine is reasonable under all of the circumstances, including the purposes and intent for enactment of this article. **For purposes of this article the "effective date" shall be the same as the effective date of service pursuant to Section 15.56.110(C)(4).**

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b. Choice Between Repair and Demolition. **Notwithstanding subsection 3(a),**~~T~~the owner shall have the choice of repairing or demolishing. However, if the owner chooses to repair, the ~~director~~ **owner** shall **be** require**d to bring** ~~that~~ the building**, dwelling unit and/or dwelling** ~~be brought~~ into compliance **pursuant to the schedule identified by the director or chief building official pursuant to subsection 3(a)** ~~with this article according to a reasonable and feasible schedule for expeditious repair~~. If the owner chooses to demolish the building**, dwelling unit** and/or dwelling all required permits for demolition must be secured within thirty (30) days from the **effective** date of the **notice and** order, and that the demolition be completed within such time as the director **or chief building official** shall determine is reasonable under all of the circumstances, including the purposes and intent for enactment of this article. If the owner fails to make a timely choice, fails to repair on schedule, selects an option which cannot be completed in a reasonable time, as determined by the director **or chief building official**~~, for any~~

~~reason,~~ the county may itself institute abatement actions, including demolition if it determines repair is not economically feasible **pursuant to Section 15.56.120.C**, and may thereafter seek to recover all costs thereby incurred from the owner which may become a lien against the subject property as a special assessment collectable in the same manner as ~~county~~ **property** taxes.

c. Vacation. If the director **or chief building official** has determined that the building**, dwelling unit and/or dwelling** or portion thereof is in such condition as to make it immediately dangerous as determined by the director **or chief building official** to the life, health, property or safety of its occupants, the public or adjacent property, the order shall require that the building**, dwelling unit and/or dwelling** or portion thereof shall be vacated within a time certain **established in** ~~from the date of~~ the **notice and** order as determined by the director **or chief building official** to be reasonable under all of the circumstances, including the safety of the occupants and the public, as well as the purposes and intent of enactment of this article.

d. If a substandard or dangerous structure**, dwelling unit and/or dwelling** is currently vacant, the director **or chief building official** may post the structure to prevent unauthorized entry or use.

e. Securing/Boarding Against Entry. If the building**, dwelling unit and/or dwelling** is to be vacated **or is vacant**, the director **or chief building official** ~~shall~~ **may** require also that the building**, dwelling unit and/or dwelling** or portion thereof be boarded and fenced against entry or otherwise secured as approved by the director **or chief building official**. The specifications for the boarding of vacant properties, dated August, 1987, issued by the United States Department of Housing and Urban Development, or such other similar plans and specifications for boarding vacant properties as may be promulgated by state or federal agencies and are designed to adequately protect against entry without creating any unreasonable risk to the life, health, property, safety, or welfare of the public shall be followed.

f. Eliminate Risk of Hazardous Material. If following an inspection of a building**, dwelling unit and/or dwelling** or any portion thereof, the director **or chief building official** determines, in writing, that there is reasonable cause to believe that, because of the presence of friable asbestos or other hazardous material, there is a serious risk to the life, health, property, safety, or welfare of its occupants, the public, or the adjacent neighborhood, then the director **or chief building official** may order the owner of the building**, dwelling unit and/or dwelling** or the portion thereof to take all steps necessary to define and eliminate the risk within a time certain from the date of the order as determined by the director **or chief building official** to be reasonable under all of the circumstances, including the safety of the occupants and the public, as well as the purposes and intent for enactment of this article. To confirm the elimination of the risk, the owner of the building**, dwelling unit and/or dwelling** or portion thereof shall, at his or her expense and within the same time certain as established in the order, obtain the services of a qualified health professional acceptable to the director **or chief building official** to perform a comprehensive site assessment and prepare a written report to the director **or chief building official** detailing the absence of the risk.

g. If the director **or chief building official** determines that a health or safety hazard is present which is imminent and extreme, immediate abatement of such hazard may be ordered.

4. Time Requirements to Commence Required Work. Statements advising that if any required or demolition work is not commenced within the time specified, the director **or chief building official** may, if warranted, order the building**, dwelling unit and/or dwelling** vacated and posted to prevent further occupancy until the work is completed, and may proceed to cause the work to be done, and charge the costs thereof against the property or to its owner, or both.

5. Possible Sanctions for Noncompliance. Statements advising that if all required actions are not completed in accordance with the order and in compliance with the housing code, any or all of the following remedies may be employed:

a. Assessment of ~~reinspection~~ **enforcement** fees as described in ~~Sections 15.56.270 through 15.56.360~~ **Part 10**;

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6. Appeal. **The notice and order shall include a summary of appeal rights of the same including** ~~Statements advising that~~:

a. Scope of Appeal. Any owner, party in interest, or other person entitled to service under subsection C of this section, may appeal from the notice and order, to the hearing panel or request a hardship deferral of a notice and order pursuant to Health and Safety Code Section 17959.4, or its successor provision, provided the appeal is in writing as required by Part 6 of this ~~ordinance~~ **article** and filed with the clerk within ~~thirty (30)~~ **fifteen (15)** days from the **effective** date of service of such notice and order and accompanied by the filing fee; and

b. Effect of Failure to Appeal. The failure to appeal in accordance with the provisions of this article shall constitute a waiver of any right to an administrative hearing and **failure to exhaust administrative remedies on the** determination ~~of the matter~~ **set forth in the notice and order**.

C. Service of Notice and Order. **Service and Method of Services of the Notice and Order shall be as follows:**

Parties Entitled to Service **and Method of Service**. ~~The notice and order, and any amended or supplemental notice and order, shall be served upon the owner, the occupant(s) and every party in interest as well as posted on the property; and one copy thereof shall be served on each of the following if known to the director or disclosed from the public record:~~

~~1. The holder of any mortgage or deed of trust or other lien or encumbrance of record;~~

~~2. The owner or holder of any lease of record; and~~

~~3. The holder of any other estate or legal interest of record in or to the building or portion thereof or the land on which it is located.~~

1. Owner(s) of Real Property, Dwelling Unit and/or Dwelling identified in notice and order:

a. Personal Service. A copy of the notice and order shall be served personally on the owner(s) of the real property property, dwelling and/or dwelling unit identified in the notice and order.

b. Mailed Notice. A copy of the notice and order shall be served by certified first class mail, return receipt requested and regular first class mail at the address(es) for the owner(s) as shown on the last equalized assessment role. If no address can be found for the owner as a result of a good faith effort to locate such an address, then the notice shall be mailed to the owner(s) at the address of the property, dwelling and dwelling unit identified in the Notice and Order;

2. Interested Parties Entitled to Service.

a. Occupant(s): The notice and order shall be served upon the occupant(s) of the real property, dwelling unit and/or dwelling pursuant to the provisions of Section C(1)(a) and (b).

b. Mortgage and/or lien holders: The holder of any mortgage or deed of trust or other lien or encumbrance disclosed by a reasonable search of the public records of the County shall be served pursuant to subsection C(1)(b).

c. Parties with Recorded Interest: The holder of any recorded lease, estate or other legal interest of record to the real property, dwelling unit and/or dwelling disclosed by a reasonable search of the public records of the County shall be served pursuant to subsection C(1)(b).

d. Recorded Notices of Pending Action: If notices of pending action are recorded on the real property, dwelling unit and/or dwelling, notice shall be sent pursuant to subsection C(1)(b).

3. Posted Notice. The notice and order shall be posted on the physical real property, dwelling unit and/or dwelling. The notice and order shall be posted at such locations as are reasonably certain to be seen by adjacent property owners and occupants of the real property, dwelling unit and/or dwelling.

4. Effective Date of Service. For purposes of this article, "Effective Date of Service" of any notice or order is as follows:

a. Personal service shall be effective on the date of service.

b. Mailed service is effective five (5) calendar day of the date of the proof of service of such mailing.

c. Posted service is effective on the date of posting, which shall be documented by dated photograph of the posting.

D. ~~Method of Service.~~ **Failure to Receive Notice. The failure of any such person to receive such notice and order shall not affect the validity of any proceedings taken under this section or by law.**

~~1. Address Known. Service of the notice and order shall be made on all persons entitled thereto either personally or by mailing a copy of such notice and order by certified mail, postage prepaid, return receipt requested, to each such person at his or her address as it appears on the last equalized assessment roll of the county or as known to the director. Service shall be effective for all purposes upon receipt if personally served, or within five days of mailing as herein provided.~~

~~2. Address Unknown. If no address of any such person so appears or is known to the director, then a copy of the notice and order shall be mailed, addressed to such person, to the address of the building or portion thereof involved in the proceedings. The fact such address is unknown shall be stated in the copy to be addressed to the owner at the county seat of the county wherein such property is situated. The failure of any such person to receive such notice and order shall not affect the validity of any proceedings taken under this section or by law.~~

E. Proof of Service. Proof of service of the notice and order shall be certified at the time of service by a written declaration under penalty of perjury executed by the person(s) effecting service, declaring the 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 and order retained by the director **or chief building official**.

F. Recordation.

1. Certification of Nuisance. If compliance with the order is not had within the time specified therein, and no appeal has been properly and timely filed, the director **or chief building official** shall file in the office of the Placer County recorder a certificate describing the property and certifying that:

a. The building**,** ~~and/or~~ dwelling **unit and/or dwelling** or portion thereof is a nuisance as defined in this article; and

b. The owner has been so notified.

2. Certification of Abatement. Whenever the repairs ordered shall thereafter have been completed or the **building,** dwelling **unit and/or dwelling** demolished so that it no longer exists as a nuisance on the property described in the certificate **and all costs of enforcement have been paid**, the director **or chief building official** shall file a new certificate with the Placer County recorder certifying that the building and/or dwelling or portion thereof has been repaired, or demolished, and that the dwelling or portion thereof is no longer a nuisance, whichever is appropriate under the circumstances.

SECTION 11: Placer County Code Chapter 15, Article 15.56, Section 15.56.120 is hereby amended as follows:

A. Owner's Choice. Upon issuance of a notice and order, the owner shall have the choice of repairing or demolishing the building**, dwelling unit** and/or dwelling or portion thereof at issue. However, if the owner chooses to repair the building**, dwelling unit** and/or dwelling, the director **or chief building official** shall require that the building and/or dwelling be brought into compliance according to a reasonable and feasible schedule for expeditious repair. Permits to repair or demolish must be instituted within thirty (30) days of the notice and order **and the work shall actually commence within sixty (60) days from the effective date of the notice and order, and shall be completed within such time as the director, or chief building official, shall determine is reasonable under all of the circumstances, including the purposes and intent for enactment of this article**.

B. County's Authority to Act. Where the director **or chief building official** determines in light of the purpose and intent of this article that the violations of this article are extensive and of such a nature that the health and safety of the occupants or the public is substantially endangered, the county itself may cause the vacation of the building**, dwelling unit** and/or dwelling~~, repair, demolish or~~ **and** institute any other appropriate action or proceeding if any of the following occur:

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3. The owner selects an option which cannot be completed within a reasonable period of time, as determined by the director **or chief building official**, for any reason, including but not limited to, an outstanding judicial or administrative order.

C. Preferences. In deciding whether to require vacation of the building**, dwelling unit,** and/or dwelling or to repair as necessary, the director **or chief building official** shall give preference to the repair of the **building, dwelling unit and/or** dwelling whenever it is economically feasible to do so, without having to repair more than seventy-five (75) percent of the building and/or dwelling, as determined by the director **or chief building official**, and shall give full consideration to the needs for housing in the county's housing element.

If the director **or chief building official**, has determined that it is not economically feasible to repair the building**, dwelling unit and/or dwelling** or portion thereof, and that the building and/or dwelling must be demolished, then the director **or chief building official** shall

require the building**, dwelling unit** and/or dwelling to be vacated within such time (not to exceed thirty (30) days from the **effective** date of the order) as the director **or chief building official** shall determine is reasonable under all of the circumstances including the purposes and intent for enactment of this article; all required permits for demolition be secured within thirty (30) days from the **effective** date of the order; and that the demolition be completed within such time as the director **or chief building official** shall determine is reasonable under all of the circumstances including the purposes and intent for enactment of this article. The costs associated with this are to be considered part of enforcement and are thus collectable as an enforcement cost. The economical feasibility to repair shall be determined as follows:

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Notice of the director's **or chief building official's** determination to demolish the building**, dwelling unit** and/or dwelling or portions thereof shall be given to the owner and all parties in interest upon the director's **or chief building official's** determination that it is not economically feasible to repair the **building, dwelling unit and/or** dwelling along with the notice of right to appeal such determination as provided under Part 6 of this article.

SECTION 12: Placer County Code Chapter 15, Article 15.56, Section 15.56.130 is hereby amended as follows:

15.56.130 Notice and ~~H~~hearing on ~~final notice~~ application for final order of abatement.

Nothing herein shall require that the director **or chief building official** of the county take direct action to repair, demolish or vacate a building**, dwelling unit** and/or dwelling. Notwithstanding any provisions herein to the contrary, if the director **or chief building official** determines that the conditions described in Section 15.56.120(B) of this article are present concerning the county's authority to act, and that it is otherwise appropriate to institute direct county action to repair, demolish or vacate a building and/or dwelling, the director **or chief building official** shall serve ~~n~~**N**otice **for Application for final Order of Abatement** thereof to all parties entitled to notice under Section 15.56.110(C) ~~in the manner required under Section 15.56.110(D). The notice herein shall contain:~~

A. The notice herein shall contain:

~~A~~**1**. Address. The street address or legal description sufficient for identification of the premises upon which the building and/or dwelling is located.

~~B~~**2**. Nature of Violation. A statement that the director **or chief building official** has found the building and/or dwelling or portion thereof to be substandard and a brief factual description of each and every condition found to render the building and/or dwelling or portion thereof substandard as defined in this article.

~~C~~**3**. Application for Order. A statement that the director **or chief building official** intends to apply for ~~an~~ **final** order authorizing the county to repair, demolish or vacate the

subject building**, dwelling unit** and/or dwelling in accordance with its terms, without the consent of the tenants or owner.

~~D~~**4**. Date, Time and Location. A statement of the date, time and location on or after which the director's **or chief building official's** application will be heard before a hearing panel appointed by the board for the purpose. The notice shall contain the agency contact name, address, and telephone number.

~~E~~**5**. Appearance. A statement that any party in interest may appear at the hearing and present evidence to show why the intended action should or should not occur.

~~F~~**6**. Failure to Appear. A statement that failure to appear shall constitute a waiver of any right to an administrative hearing**, a failure to exhaust administrative remedies** and **final** determination of this matter.

~~G~~**7**. Conduct of Hearing. A statement that the hearing will be conducted in the manner provided in this article concerning conduct of appeals.

~~H~~**8**. Scope of Hearing. A statement that the director **or chief building official** shall offer evidence in support of the existence of the following conditions concerning the subject property:

~~1~~**a**. The violations of this article are extensive;

~~2~~**b**. The violations of this article are of such a nature that the health and safety of the occupants or the public is substantially endangered; and

~~3~~**c**. The repairs required to correct the violations have not been accomplished as scheduled.

~~I~~**9**. Possible Orders. A statement that if the hearing panel finds by a preponderance of the evidence that the above described conditions exist concerning the subject property the hearing panel may then order that the county may directly or by contract, and without consent of the tenants or owners:

~~1~~**a**. Repair/modification. Repair or modify the building**, dwelling unit** and/or dwelling in a manner appropriate under the circumstances; or

~~2~~**b**. Demolish. Demolish the building**, dwelling unit** and/or dwelling in a manner appropriate under the circumstances if the hearing panel also finds by a preponderance of the evidence that it is not economically feasible to repair the building and/or dwelling; and

~~3~~**c**. Vacation. Vacate the building**, dwelling unit** and/or dwelling in a manner appropriate under the circumstances if the hearing panel also finds by a preponderance of the evidence that occupants of the building**, dwelling unit** and/or dwelling are or will be immediately endangered by the condition of the building or the county's actions.

~~J~~**10**. Lien for All Costs of Abatement. A statement that upon completion of all repairs or demolition the director **or chief building official** may present all costs of enforcement, including costs of repair or demolition ordered under this article, **enforcement and inspection fees and costs** to the board **of supervisors** for review and confirmation and possible assessment as a lien against the subject property as provided under Section 15.56.~~210~~**230** of this article~~concerning recovery of costs of repair or demolition~~.

B. Conduct of Hearing. The hearing shall be conducted in the manner provided in Section 15.56.180(D).

C. Findings and Decision. Within ten (10) days after the conclusion of the hearing, the hearing panel shall transmit in writing its findings of fact and decision to the director and/or chief building official. A copy of the decision shall be delivered to each appellant, owner and interested party noticed in this matter pursuant to Section 15.56.110(C). The decision of the hearing panel shall be final.

D. If the hearing panel authorizes the issuance of a Final Order of Abatement in its decision, the director or chief building official shall prepare the same, including the findings and decision of the hearing panel, and serve the same on all parties pursuant to Section 15.56.110(C).

SECTION 13: Placer County Code Chapter 15, Article 15.56, Section 15.56.140 is hereby amended as follows:

A. If the director **or chief building official** has determined: (1) that the building**, dwelling unit** and/or dwelling or portion thereof, is in such condition as to make it immediately dangerous to the life, health, property or safety of its occupants, the public or adjacent property and (2) the condition cannot be immediately abated, the director **or chief building official** shall order that the building**, dwelling unit** and/or dwelling, or portion thereof, shall be vacated within a time certain from the **effective** date of the order as determined reasonable by the director **or chief building official** under all of the circumstances, including the safety of the occupants and the public, as well as the purposes and intent of this article. The director **or chief building official** shall give notice of this order as provided in Section 15.56.110(~~B~~**C**) concerning method of service and shall post such order as herein described.

B. The director **or chief building official** shall not require the vacating of a building**, dwelling unit** and/or dwelling unless the director **or chief building official** concurrently requires expeditious demolition or repair to comply with the housing code.

C. If a substandard or dangerous structure is currently vacant, the director **or chief building official** may post the structure to prevent unauthorized entry or use.

D. Posting. Every notice to vacate shall, in addition to being served as provided in Section 15.56.110(~~D~~**C)(3**), be posted at or upon each exit of the building**, dwelling unit** and/or dwelling and shall be in substantially the following form:

DO NOT ENTER
UNSAFE TO OCCUPY

It is a misdemeanor to occupy this building, remove boards, and/or to remove or deface this notice

Director of Environmental Health Services
Department of Health and Human Services
-and/or-
Chief Building Official
Placer County Building Services of the Community Development Resource Agency County of Placer

E. Compliance. Whenever such notice is posted, or a structure boarded pursuant to this article, the director **or chief building official** shall include a notification thereof in the notice and order issued by him or her under Section 15.56.110(~~B~~**C**), reciting the existence of an immediate danger requiring the need to keep the premises unoccupied and specifying the conditions which cause the immediate danger. No person shall remain in or enter any building**, dwelling unit** and/or dwelling which has been so posted, except that the entry may be made to repair, demolish or remove such building**, dwelling unit** and/or dwelling under a proper permit issued by the director **or chief building official**. No person shall remove or deface any such notice after it is posted until the required repairs or demolition have been completed and approved by the director **or chief building official** as meeting the housing code and the other applicable standards of this article. No person shall remove or deface any boards without the prior written permission of the director **or chief building official**. Any person violating this subsection shall be guilty of a misdemeanor.

~~F. Any structure which is posted and secured pursuant to this article shall be repaired, modified, or demolished within one year of the posting date. Failure to do so will result in enforcement action through the provisions of this code.~~

SECTION 14: Placer County Code Chapter 15, Article 15.56, Section 15.56.150 is hereby amended as follows:

Notwithstanding any provision herein to the contrary, occupants of a building**, dwelling unit** and/or dwelling which is the subject of a notice and order issued under this article shall be provided notice of any violation described therein, including any decision by the director**, chief building official** or the county to vacate, repair or demolish, and the issuance of a building permit or demolition permit following of such notice and order by the director **or chief building official pursuant to Section 15.56.110(C)**.

~~The notice described herein above may be provided either by first-class mail to each affected building and/or dwelling unit, or by posting a copy of the document in a prominent~~

~~place on the affected building and/or dwelling at the direction of the director.~~**SECTION 14:** Placer County Code Chapter 15, Article 15.56, Section 15.56.020 is hereby deleted as follows:

~~**15.56.160 Nonexclusive remedies.**~~

~~The remedies in this article are cumulative, and shall be in addition to any other remedies provided by law.~~

SECTION 15: Placer County Code Chapter 15, Article 15.56, Section 15.56.170 is amended as follows:

A. Form of Appeal. Any person entitled to service under Section 15.56.110, may appeal from any Notice and Order issued **pursuant to Section 15.56.110(C) or 15.56.130** under this article by filing ~~at the office of Environmental Health an appeal fee established by resolution of the board and~~ a written appeal **and paying the appeal fee, as established by resolution of the board for building services division, with the building services division of the Community Development Resources Agency during normal business hours**. The appeal shall not be deemed filed until payment of the appeal fee has been received; provided, however, by regulation adopted pursuant to Section 15.56.080, setting forth the standards and procedure, the appeal fee required hereby may be waived on the basis of financial hardship. The written appeal shall contain:

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B. Time and Filing. To be timely, the appeal fee or basis for waiver of the appeal fee if a regulation providing therefor has been adopted and written appeal shall be filed within ~~thirty~~ fifteen (15) days from the **effective** date of the service of such order, determination or action of the director **or chief building official**; provided, however, that if the building**, dwelling unit** and/or dwelling or portion thereof is in such condition as to make it immediately dangerous to the life, health, property, safety, or welfare of the occupants, public, or adjacent property, and it is ordered vacated, and it is posted in accordance with Section 15.56.140 concerning posting of a notice to vacate, to be timely such appeal shall be filed within five days from the **effective** date of the service of the order, determination or action of the director **or chief building official**. Only those persons who have timely filed an appeal may join or be joined in an appeal herein.

SECTION 16: Placer County Code Chapter 15, Article 15.56, Section 15.56.180 is amended as follows:

A. Appointment of Hearing Panel. The board shall appoint a three-person hearing panel consisting of the following persons or their designee: (1) Placer County health officer; (2) representative from the Association of Realtors of Placer County; (3) representative from Legal Services of Northern California. The hearing panel shall exercise all powers relating to the conduct of hearings until it ~~is submitted with~~ **has issued its** findings and ~~proposed~~ decision ~~to the board for final decision~~. The hearing panel appointed herein shall, where appropriate or necessary, serve as the housing appeals board as that term is used in the State Housing Law. Member terms shall last until replaced by the board or a member resigns.

B. Processing of Appeal. Upon receipt of any appeal and appeal fee filed pursuant to this part, ~~Environmental Health~~ **the building services division of the Community Development Resources Agency** shall immediately transmit a copy of the written appeal to persons appointed pursuant to this part to serve as hearing panel.

C. Scheduling and Noticing. Appeal for Hearing. As soon as practicable after receipt ~~by Environmental Health~~ of the written appeal, the following shall occur:

1. Date. The hearing panel shall fix a date, time, and place for the hearing of the appeal within fifteen (15) days of the filing **date** of the appeal.

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D. Conduct of Hearing. The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the type of evidence upon which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rules which make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this state. Hearsay evidence may be admitted for the purpose of supplementing or explaining any direct evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. The rules of privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil actions. Irrelevant and unduly repetitious evidence shall be excluded.

1. Record. A record of the entire hearing proceedings shall be made by ~~either a certified court reporter or~~ tape recording. **The appellant may elect to retain a certified court reporter at appellant's cost.** A copy or transcript of the proceedings shall be made available to all parties upon request and upon payment of the fee prescribed therefore. Such fees will be the actual costs incurred for transcribing, copying and postage.

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E. ~~Proposed~~ Findings and ~~Recommended~~ Decision. Within ten (10) days after the conclusion of the hearing, the hearing panel shall transmit in writing, ~~to the board the proposed~~ findings of fact and ~~recommended~~ **its** decision **to the director and chief building official. A copy of the decision shall be delivered to each appellant, owner and interested party noticed in this matter pursuant to Section 15.56.110(C). The decision of the hearing panel shall be final**.

~~F. Consideration of Proposed Findings and Recommended Decision. The proposed findings and recommended decision of the hearing panel shall be served on the parties who shall then have ten (10) days to submit written objections thereto to the clerk which objections shall be incorporated into the record to be considered by the board. Upon receiving the proposed findings and the recommendations of the hearing panel, the chairperson of the board shall fix the time, date, and place to consider the hearing panel's findings and recommended decision. Notice of the~~

~~date, time, and place of the board's consideration of the hearing panel's findings and recommended decision shall be mailed to each appellant and to the director not less than ten (10) days prior to the date fixed, unless time is agreed upon by all of the parties.~~

~~G. Action by Board. Following its consideration of the hearing panel's findings and proposed decision, and objections, if any, the board may:~~

~~1. Approve and adopt the proposed findings and the recommendation of the hearing panel; or~~

~~2. Require a transcript or summary of all the testimony, plus all other evidence received by the hearing panel. Upon the receipt thereof the board shall take such action as in its opinion is indicated by the evidence, or~~

~~3. Refer the matter back to the hearing panel with or without instructions for further proceedings; or~~

~~4. Set the matter for hearing by the board. At this hearing, the board shall hear the matter anew.~~

~~5. Form of Decision. The decision of the board shall be in writing and shall contain findings of fact, a determination of the issues presented, and the requirements to be complied with. A copy of the decision shall be delivered to each appellant personally or sent to him or her by certified mail, postage prepaid, return receipt requested.~~

~~H~~**F**. Stay of Order Pending Appeal. Except for vacation orders or emergency action required to protect the health and safety of the occupants or the public, enforcement of any notice and order, determination, or action of the director **or chief building official** issued under ~~this article~~ **under Section 15.56.110** shall be stayed during the pendency of an appeal therefrom which is properly and timely filed.

SECTION 17: Placer County Code Chapter 15, Article 15.56, Part 7, Title is amended as follows:

Part 7. Enforcement of the Notice and Order or Final Order ~~of the Board of Supervisors or the Director~~

SECTION 18: Placer County Code Chapter 15, Article 15.56, Section 15.56.210 is amended as follows:

A. General. ~~After any order the director or board of supervisors made pursuant to this article has become final, n~~**N**o person to whom such order is directed shall fail, neglect or refuse to obey such order. Any such person who fails to comply with any such order is guilty of a misdemeanor.

B. Failure to Obey. If, after any order of the director **or chief building official** made pursuant to this article has become final, the person(s) to whom such order is directed shall fail,

neglect or refuse to obey such order, the director **or chief building official** may cause such person(s) to be prosecuted under this article, or the director **or chief building official** may institute any appropriate action or proceeding to prevent, restrain, correct or abate the violation or nuisance.

C. Failure to Commence Work. Whenever the required repair or demolition is not commenced with thirty (30) days after any notice and order issued under this article becomes final:

1. If the director **or chief building official** has determined: (1) that the building**, dwelling unit** and/or dwelling or portion thereof is in such a condition as to make it immediately dangerous to life, health, property or safety of its occupants, the public or adjacent property and (2) that said condition can not be immediately abated, the director **or chief building official** may cause the building**, dwelling unit** and/or dwelling or portion thereof described in such Notice and Order to remain vacant by posting at each entrance thereto a notice as described in Section 15.56.140(D).

2. No person shall occupy any building**, dwelling unit** and/or dwelling, or portion thereof, which has been posted and/or boarded as specified in this section. No person shall occupy such building**, dwelling unit** and/or dwelling or remove or deface any such notice so posted until the repair or demolition has been completed and approved by the director **or chief building official** as meeting the housing code and the standards of this article. No person shall remove any boards placed by the director **or chief building official** without the prior written permission of the director **or chief building official**. Any such person violating this subsection shall be guilty of a misdemeanor.

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E. Extension of Time to Perform Work. Upon receipt of an application from the person required to conform to the order and an agreement by such person that he or she will comply with the order if allowed additional time, the director **or chief building official** may, in his or her discretion, grant an extension of time, not to exceed an additional sixty (60) days, within which to complete said repair or demolition, provided that the director **or chief building official** determines, in writing that such an extension of time will not create or perpetuate a situation immediately dangerous to life, limb, health, property, safety, or welfare of the occupants, the public or the adjacent property. The director's **or chief building official's** authority to extend time is limited to the physical repair, rehabilitation or demolition of the building**, dwelling unit** and/or dwelling and will not in any way affect the time to appeal his or her notice and order, determination or action.

F. Notice of Completion—Inspection. Once the repair or demolition has been completed by the person required to conform to the order, that person shall advise the director **or chief building official** in writing of the completion of the repair or demolition, which ever is appropriate. The director **or chief building official** shall then cause the premises to be inspected to determine compliance with the order. A fee for this reinspection may be charged the person required to conform to the order by the director **or chief building official**. The amount of this

reinspection fee shall be established by this article, and may be amended from time-to-time by resolution of the board.

SECTION 19: Placer County Code Chapter 15, Article 15.56, Section 15.56.220 is amended as follows:

15.56.220 ~~Other~~ ~~r~~Remedies.

A. Remedies Cumulative. ~~All of the remedies in this article and as provided by law shall be cumulative.~~ **The remedies in this article are cumulative, and shall be in addition to any other remedies provided by law.**

B. ~~Repair/modification and Demolition.~~ In addition to the **remedies** ~~penalties~~ set forth in ~~Part 3 of~~ this article, ~~the director may cause the building and/or dwelling, or portion thereof, to be repaired, modified, or demolished to the extent necessary to correct the conditions as set forth in the notice and order in accordance with the procedures for enforcement set forth in this article.~~ **if** in the director's **or chief building official's** determination, based upon the enforcement procedures established in this article, the building and/or dwelling is to be demolished, the director **or chief building official** may cause the building**, dwelling unit** and/or dwelling to be demolished or sold and then demolished and the materials, rubble and debris therefrom sold, removed and the lot cleaned. Any such repair or demolition work shall be accomplished and the costs thereof paid and recovered in the manner hereafter provided in this part. The director **or chief building official** may cause the work to be accomplished by county personnel, or by private contract under the direction of the director **or chief building official**, or the director **or chief building official** may employ such architectural and engineering assistance on a contract basis as the director **or chief building official** may deem reasonably necessary. If the work is accomplished by private contract, the director **or chief building official** shall be entitled to recover as costs of enforcement and abatement a fee for contract administration as set and modified by the board from time-to-time. Any surplus realized from the sale of the building and/or dwelling or the materials, rubble and debris resulting from the demolition of the building and/or dwelling, over and above the cost of demolition and of cleaning the lot **and recovery of enforcement fees as outlined herein**, shall be paid over to the person(s) lawfully entitled thereto. Nothing herein shall obligate the county to arrange for or sell the building**, dwelling unit** and/or dwelling, the material or rubble, or any other property as a result of enforcing the provisions of this article, and if the county does so sell such property the proceeds realized therefrom shall be deemed reasonable under the circumstances.

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SECTION 20: Placer County Code Chapter 15, Article 15.56, Section 15.56.230 is amended as follows:

A. Account of Expenses, Filing or Reports—Contents. Pursuant to Government Code Section 25845 and Health and Safety Code Section ~~17980.8~~ **17980.10**, the director **or chief building official** shall keep an itemized account of all costs incurred by the county in the enforcement, abatement, repair or demolition of any building**, dwelling unit** and/or dwelling or portion thereto, pursuant to the provisions of this article. Upon the completion of the

enforcement or abatement work, including all work of repair or demolition, the director **or chief building official** shall prepare, verify and file with the clerk a report specifying the work done, the itemized and total cost of enforcement and abatement, including the expense of inspections, repairs, demolition and other costs, a description of the real property upon which the building and/or dwelling or portion thereof is or was located, and the names and addresses of the person(s) entitled to notice pursuant to Section 15.56.110(C). A copy of this report shall be posted conspicuously on the property from which the nuisance was abated.

B. Hearing on Report. Upon receipt of the director's **or chief building official's** report, the clerk shall present the report to the chairperson of the board to fix a time, date, and place for a hearing on the report and any objections or protests thereto. The clerk shall cause notice of the hearing to be posted on the property involved, published once in a newspaper of general circulation in Placer County, and served by certified mail, postage prepaid, addressed to each owner of the property as his or her name and address appear on the last equalized assessment roll of Placer County. Notice shall also be served on anyone known to be in possession of the property by certified mail, postage prepaid, addressed to the person(s) in possession with the address of the building involved. All notices shall be given at least ten (10) days prior to the date set for hearing and shall specify the day, time, and place when the board will hear and pass on the director's **or chief building official's** report, together with any objections or protests thereto which may be filed as provided herein by any person interested in or affected by the proposed charge.

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D. Oral Protests and Objections Permitted. Any person interested or affected by the proposed charge may also present oral objections or protests at the hearing held by the board to consider the director's **or chief building official's** report.

E. Hearing on Protests. On the date, and no earlier than the time set in the hearing notice, the board shall hear and pass on the director's **or chief building official's** report, together with any written or oral objections or protests received. The board may make any revision, correction, or modification to the report or the charge as it may deem just. When the board is satisfied with the correctness of the charge, the report (as submitted by the director **or chief building official** or as revised, corrected or modified by the board), together with the charge, shall be either confirmed or rejected. The decision of the board on the report, the charge, and all objections and protests shall be final and conclusive.

F. Payment of Confirmed Costs of Abatement. If the director's **or chief building official's** report (as submitted by the director **or chief building official**, or as revised, corrected or modified by the board) and the charge are confirmed, then the board shall demand that the owner pay the charge. If the owner fails to pay the costs within five days, then a hearing shall be held by the board to determine whether the charge should be made a personal obligation of the owner of the involved property or specially assessed against the property involved. Notice of the date, time, and place of this hearing shall be given at least ten (10) days prior to the date of the hearing by certified mail, postage prepaid, addressed to each owner of the property as his or her name and address appear on the last equalized assessment roll of the county of Placer.

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SECTION 21: Placer County Code Chapter 15, Article 15.56, Section 15.56.290 is amended as follows:

The ~~following constitute the~~ fees payable to the director **or chief building official** by the owner of a building**, dwelling unit and/or dwelling are adopted by separate resolution of the board of supervisors and on file with the respective department/division** ~~covered by this article~~.

SECTION 22: Placer County Code Chapter 15, Article 15.56, Section 15.56.300 is amended as follows:

Following issuance of a notice and order for a violation of the provisions of this article, upon reinspection of a building**, dwelling unit** and/or dwelling to determine whether corrective action has been satisfactorily completed in the proscribed time frame and upon a determination that corrective action has not been successfully completed by the time of such reinspection, there shall be a reinspection fee levied against the owner(s) **on an hourly rate basis as listed on the most current fee schedule for either environmental health service or building services division with a two (2) hour minimum charge** ~~in the amount of two hours regular time, costs~~ for all inspection team members. **The nature of the particular inspection will determine which fee schedule will apply and this will be determined on a case by case basis.** There shall be no reinspection fee charged for an inspection caused by any complaint if no violation is discovered.

SECTION 23: Placer County Code Chapter 15, Article 15.56, Section 15.56.310 is amended as follows:

Where a violation continues to exist following the first reinspection as provided herein, there shall be a notice and order fee levied against the owner(s) ~~in the amount of four hours equivalent time at the hourly rate established by the board~~ **on an hourly basis as listed on the most current fee schedule for either environmental health service or building services division with a two (2) hour minimum charge**. **The nature of the particular inspection will determine which fee schedule will apply and this will be determined on a case by case basis.** Reinspections occurring thereafter to determine whether corrective action has been satisfactorily completed shall be charged to the owner(s) in the amount of the reinspection fee described above for each subsequent inspection required to determine compliance with this article.

SECTION 24: Placer County Code Chapter 15, Article 15.56, Section 15.56.320 is amended as follows:

Where issuance of a building permit is required under the building code in order to complete work required by a notice and order which has been issued under this article, such permit shall be obtained from the building ~~department~~ **services division** and the fee therefor shall be paid to the building ~~department~~ **services division. Fees for plan check and inspections required to final any such building permit shall be paid to the building services division**.

SECTION 25: Placer County Code Chapter 15, Article 15.56, Section 15.56.330 is amended as follows:

Where the director **or chief building official** finds that additional costs of enforcement are not otherwise identified by the fees levied by this article, the additional costs of enforcement shall be levied at the hourly rate established by the board, rounded to the nearest hour for each county ~~and fire~~ official involved. **Independent fire districts having jurisdiction over the property in question may charge fees for plan check and inspection but will be responsible for separate collection of the same.** ~~Hourly rates are as adopted by the respective governing body.~~

SECTION 26: Placer County Code Chapter 15, Article 15.56, Section 15.56.340 is amended as follows:

For all private contracts entered by the director **or chief building official** for work authorized under this article in addition to the contract price, there shall also be authorized as an additional cost of enforcement charged to the owner(s), fifteen (15) percent of the contract price as a contract administration fee.

SECTION 27: Placer County Code Chapter 15, Article 15.56, Section 15.56.370 is amended as follows:

With the exception of 15.56.360, ~~I~~if a fee has not been received by the date upon which it is due under this article there shall be imposed a late fee of twenty-five (25) percent per year of the fee.

SECTION 28: This ordinance shall take effect and be in full force thirty (30) days after the date of its passage. The Clerk is directed to publish this ordinance, or a summary thereof, within fifteen (15) days in accordance with government code section 25124.

MEMORANDUM
PLACER COUNTY HEALTH AND HUMAN SERVICES
Environmental Health Division

Approved
1st Reading
SEP 01 2015
Placer County
Board of Supervisors

TO: Honorable Board of Supervisors

FROM: Jeffrey S. Brown, M.P.H., M.S.W., Director of Health and Human Services
Wesley Nicks, R.E.H.S., Director of Environmental Health
Michael Johnson, AICP, Agency Director for Community Development / Resource Agency

DATE: September 1, 2015

SUBJECT: Ordinance to Amend Placer County Code Pertaining to Dangerous Buildings.

ACTION REQUESTED:

1. Introduce an ordinance to amend Placer County Code Chapter 15, Article 15.56 pertaining to dangerous buildings.
2. Find said ordinance exempt from CEQA Review pursuant to CEQA Guidelines Section 15061(b)(3).

BACKGROUND:

The quality of life for our residents can be adversely affected by living in substandard housing. Substandard housing and dangerous buildings can create blight, contribute to unlawful activities, and can threaten the health of people in areas where substandard rental housing and/or dangerous buildings exist. Substandard rental housing and/or dangerous buildings are a nuisance and can be a threat to public health. In an effort to eliminate the conditions that create nuisance and can threaten public health, enforceable minimum standards for residential rental buildings were established by the adoption of this Article 15.56. The provisions of this article apply to all new and existing rental buildings or portions thereof used, or designed or intended to be used, for human habitation. It implements and is consistent with California State Housing Law and State and local Building Codes.

As the rental housing stock is aging and in some cases in need of renovation, the County is experiencing an increase in the number of complaints related to structural issues or violations of the Building Code. Article 15.56 currently identifies the Director of Environmental Health as the sole Placer County Official authorized implement and enforce this chapter. However to address the conditions that are related to structural issues with the housing or violations of the Building Code, it is proposed to amend Article 15.56 to add the Chief Building Official as a co-equal enforcement official due to the expertise of the Building Services Division in the areas of electrical, structural and other building code provisions. The Director will continue to enforce those areas of substandard rental housing within the expertise of HHS staff, such as lack of heating, hot water and other such complaints.

Staff has concluded that by collaborating and sharing resources between the Divisions of Environmental Health and Building Services , Article 15.56 can be implemented in a more efficient and effective manner. The Health and Human Services Department and the Community Development Resource Agency will work together to enforce this program to provide the essential level of abatement of substandard rental housing conditions and dangerous buildings needed by this community.
Staff also proposes to revise and update other provisions of this Article to bring it current with County Code and State law. Staff also proposes to update the noticing, hearing and appeal provisions of this Article to provide a clearer and more streamlined process while ensuring that cited owners, mortgage holders, tenants and members of the public are provided with the optimum level of due process.

ENVIRONMENTAL REVIEW:

The proposed ordinance is exempt from environmental review pursuant to California Environmental Quality Act Guidelines section 15061(b)(3).

FISCAL IMPACT:

Article 15.56 authorizes the County to seek reimbursement of all expenses related to enforcement of the same (See Section 15.56.060).

ATTACHMENT:
Amended Ordinance