

2007 VENTURA CITY PROPERTY MAINTENANCE CODE



EFFECTIVE JANUARY 1, 2008

TABLE OF CONTENTS

SEC. 12.310.010. 2007 VENTURA CITY PROPERTY MAINTENANCE CODE.....	1
SEC. 12.310.101 – TITLE.....	1
SEC. 12.310.102 – PURPOSE	1
SEC. 12.310.103 – SCOPE	1
SEC. 12.310.104 – APPLICATION TO EXISTING BUILDINGS AND STRUCTURES	1
SEC. 12.310.201 – DUTIES OF THE BUILDING OFFICIAL	2
SEC. 12.310.202 – SUBSTANDARD BUILDINGS	3
SEC. 12.310.203 – HOUSING ADVISORY AND APPEALS BOARD	3
SEC. 12.310.204 – VIOLATIONS.....	3
SEC. 12.310.301 – PERMITS REQUIRED.....	3
SEC. 12.310.302 – FEES.....	3
SEC. 12.310.303 – INSPECTION	3
SEC. 12.310.401 – DEFINITIONS	3
SEC. 12.310.501 – LOCATION AND PROPERTY	4
SEC. 12.310.502 – YARDS AND COURTS	4
SEC. 12.310.503 – ROOM DIMENSIONS.....	5
SEC. 12.310.504 – LIGHT AND VENTILATION	6
SEC. 12.310.505 – SANITATION.....	7
SEC. 12.310.601 – STRUCTURAL MATERIALS	7
SEC. 12.310.701 – HEATING AND VENTILATION.....	8
SEC. 12.310.801 – EXITING.....	8
SEC. 12.310.901 – FIRE PREVENTION	8
SEC. 12.310.1001 – DEFINITION OF SUBSTANDARD BUILDING.....	9
SEC. 12.310.1101 – NOTICE AND ORDERS OF THE BUILDING OFFICIAL	13
SEC. 12.310.1102 – RECORDATION OF NOTICE AND ORDER	15
SEC. 12.310.1103 – REPAIR, VACATION AND DEMOLITION.....	15
SEC. 12.310.1104 – NOTICE TO VACATE	16
SEC. 12.310.1201 – APPEALS.....	16
SEC. 12.310.1202 – EFFECT OF FAILURE TO APPEAL	17
SEC. 12.310.1203 – SCOPE OF HEARING ON APPEAL	18
SEC. 12.310.1204 – STAYING OF ORDER UNDER APPEAL	18
SEC. 12.310.1301 – APPEAL HEARINGS	18
SEC. 12.310.1302 – FORM OF NOTICE OF HEARING.....	18
SEC. 12.310.1303 – SUBPOENAS	19
SEC. 12.310.1304 – CONDUCT OF HEARING	19
SEC. 12.310.1305 – METHOD AND FORM OF DECISION	20
SEC. 12.310.1401 – ENFORCEMENT OF ORDER AND HEARING DECISION.....	20
SEC. 12.310.1402 – EXTENSION OF TIME TO PERFORM WORK.....	21
SEC. 12.310.1403 – INTERFERENCE WITH REPAIR OR DEMOLITION WORK PROHIBITED.....	22
SEC. 12.310.1501 – PERFORMANCE OF REPAIR OR DEMOLITION WORK	22
SEC. 12.310.1502 – REPAIR AND DEMOLITION FUND.....	22
SEC. 12.310.1601 – RECOVERY OF ABATEMENT COSTS BY ACCOUNT OF EXPENSE, FILING OF REPORT.....	23
SEC. 12.310.1602 – NOTICE OF HEARING.....	23
SEC. 12.310.1603 – PROTESTS AND OBJECTIONS	23
SEC. 12.310.1604 – HEARING OF PROTESTS.....	23
SEC. 12.310.1605 – PERSONAL OBLIGATION OR SPECIAL ASSESSMENT	24
SEC. 12.310.1606 – CONTEST.....	24
SEC. 12.310.1607 – AUTHORITY FOR INSTALLMENT PAYMENT OF ASSESSMENTS WITH INTEREST ..	24
SEC. 12.310.1608 – LIEN OF ASSESSMENT.....	24
SEC. 12.310.1609 – REPORT TO ASSESSOR AND TAX COLLECTOR: ADDITION OF ASSESSMENT TO TAX BILL	25
SEC. 12.310.1610 – FILING COPY OF REPORT WITH COUNTY AUDITOR.....	25
SEC. 12.310.1611 – COLLECTIONS OF ASSESSMENT: PENALTIES FOR FORECLOSURE	25
SEC. 12.310.1612 – REPAYMENT OF REPAIR AND DEMOLITION FUND	25

SECTION 1: Article 6 of Chapter 12.310 of Division 12 of the San Buenaventura Municipal Code is amended to read as follows:

ARTICLE 6 - ADOPTION OF THE
2007 VENTURA CITY PROPERTY
MAINTENANCE CODE

**Sec. 12.310.010. 2007 VENTURA CITY
PROPERTY MAINTENANCE CODE.**

Pursuant to California Government Code §§ 50022.1 to 50022.8, inclusive, the 2007 Ventura City Property Maintenance Code is hereby adopted. One true copy of this Code is on file in the office of the Building Official and is available for public inspection as required by law.

Sec. 12.310.101 – TITLE

These regulations shall be known as the *2007 Ventura City Property Maintenance Code*, may be cited as such, and will be referred to herein as “this code.”

Sec. 12.310.102 – PURPOSE

The purpose of this code is to provide minimum standards to safeguard life and limb, health, property, and public welfare by regulating and controlling the use and occupancy, location, and maintenance of all buildings and structures within this jurisdiction.

The purpose of this code 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.

Sec. 12.310.103 – SCOPE

The provisions of this code shall apply to all buildings, portions thereof, or real property. For the purposes of defining and processing grading and other land-exclusive related violations, when this code refers administratively to a “building,” it is intended to include real property as well.

Occupancies in existing buildings may be continued as provided in Sec. 3401 of the Building Code, except with respect to such structures as are found to be substandard as defined in this code.

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

Rooming houses, congregate residences, or lodging houses shall comply with all the requirements of this code for dwellings.

**Sec. 12.310.104 – APPLICATION TO
EXISTING BUILDINGS AND
STRUCTURES**

104.1 Additions, Alterations or Repairs. For additions, alterations, or repairs, see Sec. 3403 of the Building Code.

104.2 Relocation. Buildings or structures moved into or within this jurisdiction shall comply with Sec. 3408 of the Building Code.

Sec. 12.310.201 – DUTIES OF THE BUILDING OFFICIAL

201.1 Authority. The building official is hereby authorized and directed to enforce all of the provisions of this code. For such purposes, the building official shall have the powers of a law enforcement officer. The building official may utilize any Ventura City Fire Department staff to enforce this code.

The building official shall have the power to render interpretations of this code and to adopt and enforce rules and supplemental regulations to clarify the application of its provisions. Such interpretations, rules and regulations shall be in conformity with the intent and purpose of this code.

201.2 Right of Entry. When it is necessary to make an inspection to enforce 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 that is contrary to or in violation of this code that 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 be occupied, that the building official present credentials to the occupant before entry is requested. If such building or premises be unoccupied, the building official shall first make a reasonable effort to locate the owner or other person 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.

201.3 Responsibilities Defined.

Owners remain liable for violations of duties imposed by this code even though an obligation is also imposed on the occupants of the building, and even though the owner has, by agreement, imposed on the occupant the duty of furnishing required equipment or of complying with this code.

Buildings and structures and parts thereof shall be maintained in a safe and sanitary condition. The owner or the owner's designated agent shall be responsible for such maintenance. To determine compliance with this subsection, the building may be re-inspected.

Owners, in addition to being responsible for maintaining buildings in a sound structural condition, shall be responsible for keeping the building or premises, including the shared or public areas, in a clean, sanitary, and safe condition.

Owners shall, when required by this code, the health ordinance, or the health officer, furnish and maintain such approved sanitary facilities as required, and shall furnish and maintain approved devices, equipment, or facilities for the prevention of insect and rodent infestation. When infestation has taken place, the owner shall be responsible for the extermination of any insects, rodents, or other pests when such extermination is not specifically made the responsibility of the occupant by law or ruling.

Sec. 12.310.202 – SUBSTANDARD BUILDINGS

Buildings or portions thereof that are determined to be substandard 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 Section 12.310.1101 of this code.

Sec. 12.310.203 – HOUSING ADVISORY AND APPEALS BOARD

203.1 General. Refer to Building Code Sec. 12.310.108.8.

Sec. 12.310.204 – VIOLATIONS

It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish, equip, use, occupy, or maintain any building or structure, or cause or permit the same to be done, in violation of this code.

Sec. 12.310.301 – PERMITS REQUIRED

No building or structure regulated by this code shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted, or demolished unless a separate permit for each building or structure has first been obtained from the building official in the manner and according to the applicable conditions prescribed in the Building Code.

Sec. 12.310.302 – FEES

When a building permit is required by Sec. 12.310.301 of this code, the

appropriate fees shall be paid as specified in the Building Code. Other fees required by City Resolution or Ordinance must be paid in full, or officially negotiated with the City, before a Release of Notice of Non compliance can be obtained or recorded.

Sec. 12.310.303 – INSPECTION

Buildings or structures within the scope of this code, and all construction or work for which a permit is required, shall be subject to inspection by the building official in accordance with, and in the manner provided by, this code and the Building Code.

Sec. 12.310.401 – DEFINITIONS

For the purpose of this code, certain terms, phrases, words, and their derivatives shall be construed as specified in either this chapter or as specified in the Building Code. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. *Webster’s Third New International Dictionary of the English Language, Unabridged*, copyright 1986, shall be considered as providing ordinary accepted meanings. Words in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine.

BUILDING CODE is the *California Building Code*, as adopted by this jurisdiction.

CONGREGATE RESIDENCE is any building or portion thereof that contains facilities for living, sleeping, and sanitation, as required by this code, and

may include facilities for eating and cooking and for occupancy by other than a family. A congregate residence may be a shelter, convent, monastery, dormitory, or fraternity or sorority house, but does not include jails, hospitals, nursing homes, hotels, or lodging houses.

EFFICIENCY DWELLING UNIT is a dwelling unit containing only one habitable room and meeting the requirements of Sec. 12.310.503.2, exception.

HEALTH OFFICER is the legally designated head of the Department of Health of this jurisdiction.

HOT WATER is water supplied to plumbing fixtures at a temperature of not less than 120°F (49°C).

LODGING HOUSE is any building or portion thereof containing not more than five guest rooms where rent is paid in money, goods, labor, or otherwise.

MECHANICAL CODE is the *California Mechanical Code*, as adopted by this jurisdiction.

NUISANCE. The following shall be defined as nuisances:

1. Any public nuisance known at common law or in equity.

2. Any attractive nuisance that may prove detrimental to children whether in a building, on the premises of a building, or on an unoccupied lot. This includes any abandoned wells, shafts, basements, or excavations; abandoned refrigerators and motor vehicles; any structurally unsound fences or

structures; or any lumber, trash, fences, debris or vegetation that may prove a hazard for inquisitive minors.

3. Whatever is dangerous to human life or is detrimental to health, as determined by the health officer.

4. Overcrowding a room with occupants.

5. Insufficient ventilation or illumination.

6. Inadequate or unsanitary sewage or plumbing facilities.

7. Lack of cleanliness, as determined by the health officer.

8. Whatever renders air, food, or drink unwholesome or detrimental to the health of human beings, as determined by the health officer.

PLUMBING CODE is the *California Plumbing Code* as adopted by this jurisdiction.

Sec. 12.310.501 – LOCATION AND PROPERTY

All buildings shall be located with respect to property lines and to other buildings on the same property, as required by the Building Code.

Sec. 12.310.502 – YARDS AND COURTS

502.1 Scope. Section 12.310.502 shall apply to yards and courts having required window openings therein. Yards and courts shall be maintained either as they legally existed at the time

of the most recent construction thereof, or as the current edition of the Building Code requires – whichever is least restrictive.

Sec. 12.310.503 – ROOM DIMENSIONS

503.1 Ceiling Heights. Habitable space shall have a ceiling height of not less than 7 feet 6 inches (2286 mm) except as otherwise permitted in this section. Kitchens, halls, bathrooms, and toilet compartments may have a ceiling height of not less than 7 feet (2134 mm), measured to the lowest projection from the ceiling. Where exposed beam ceiling members are spaced at less than 48 inches (1219 mm) on center, ceiling height shall be measured to the bottom of these members. Where exposed beam ceiling members are spaced at 48 inches (1219 mm) or more on center, ceiling height shall be measured to the bottom of the deck supported by these members, provided that the bottom of the members is not less than 7 feet (2134 mm) above the floor.

If any room in a building has a sloping ceiling, the prescribed ceiling height for the room is required in only one-half the area thereof. No portion of the room measuring less than 5 feet (1524 mm) from the finished floor to the finished ceiling shall be included in any computation of the minimum area thereof.

If any room has a furred ceiling, the prescribed ceiling height is required in two-thirds the area thereof, but in no case shall the height of the furred ceiling be less than 7 feet (2134 mm).

503.2 Floor Area. Dwelling units and congregate residences shall have at least one room that shall have not less than 120 square feet (11.2 m²) of floor area. Other habitable rooms, except kitchens, shall have an area of not less than 70 square feet (6.5 m²). Where more than two persons occupy a room used for sleeping purposes, the required floor area shall be increased at the rate of 50 square feet (4.65 m²) for each occupant in excess of two.

EXCEPTION: Nothing in this section shall prohibit the use of an efficiency living unit within an apartment house meeting the following requirements:

1. The unit shall have a living room of not less than 220 square feet (20.4 m²) of superficial floor area. An additional 100 square feet (9.3m²) of superficial floor area shall be provided for each occupant of such unit in excess of two.

2. The unit shall be provided with a separate closet.

3. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches (762 mm) in front. Light and ventilation conforming to this code shall be provided.

4. The unit shall be provided with a separate bathroom containing a water closet, lavatory, and bathtub or shower.

503.3 Width. No habitable room other than a kitchen shall be less than 7 feet (2134 mm) in any dimension.

Each water closet stool shall be located in a clear space not less than 30 inches (762 mm) in width, and a clear space in front of the water closet stool of not less than 24 inches (610 mm) shall be provided.

Sec. 12.310.504 – LIGHT AND VENTILATION

504.1 General. For the purpose of determining the light or ventilation required by this section, any room may be considered as a portion of an adjoining room when one half of the area of the common wall is open and unobstructed and provides an opening of not less than one tenth of the floor area of the interior room or 25 square feet (2.3 m²), whichever is greater.

Exterior openings for natural light or ventilation required by this section shall open directly onto a public way or a yard or court located on the same lot as the building.

EXCEPTION:

1. Required windows may open into a roofed porch where the porch:

1.1 Abuts a public way, yard, or court; and

1.2 Has a ceiling height of not less than 7 feet (2134 mm); and

1.3 Has a longer side at least 65 percent open and unobstructed.

2. Skylights. Light and ventilation shall not be reduced below minimum requirement of the

Construction Code in effect at time of original construction.

504.2 Light. Guest rooms and habitable rooms within a dwelling unit or congregate residence shall be provided with a natural light by means of exterior glazed openings with an area of not less than one tenth of the floor area of such rooms with a minimum of 10 square feet (0.93 m²).

504.3 Ventilation. Guest rooms and habitable rooms within a dwelling unit or congregate residence shall be provided with natural ventilation by means of operable exterior openings with an area of not less than 1/20 of the floor area of such rooms, with a minimum of 5 square feet (0.46 m²).

In lieu of required exterior openings for natural ventilation in high-rise buildings, a mechanical ventilation system may be provided. Such system shall be capable of providing two air changes per hour in all guest rooms, dormitories, habitable rooms, and in public corridors. One fifth of the air supply shall be taken from the outside.

Bathrooms, water closet compartments, laundry rooms, and similar rooms shall be provided with natural ventilation by means of operable exterior openings with an area of not less than 1/20th of the floor area of such rooms with a minimum of 1½ square feet (0.14 m²).

In lieu of required exterior openings for natural ventilation in bathrooms containing a bathtub, shower or combination thereof; laundry rooms; and similar rooms, a mechanical ventilation system connected directly to the outside, capable of providing five air

changes per hour, shall be provided. The point of discharge of exhaust air shall be at least 3 feet (914 mm) from any opening into the building. Bathrooms that contain only a water closet, lavatory or combination thereof, and similar rooms, may be ventilated with an approved mechanical recirculating fan or similar device designed to remove odors from the air.

504.4 Hallways. All public hallways, stairs and other exit ways shall be adequately lighted at all times in accordance with the Building Code.

Sec. 12.310.505 – SANITATION

505.1 Dwelling Units, Lodging Houses and Congregate Residences. Dwelling units, lodging houses, and congregate residences shall be provided with a bathroom equipped with facilities consisting of a water closet, lavatory, and either a bathtub or shower.

505.2 Hotels. Hotels or subdivisions thereof where both sexes are accommodated shall contain at least two separate toilet facilities that are conspicuously identified for male or female use, each of which contains at least one water closet.

EXCEPTION: Hotel guest rooms may have one unidentified toilet facility. Additional water closets shall be provided on each floor for each sex at the rate of one for every 10 guests, or fractional part thereof, in excess of 10.

505.3 Kitchen. Each dwelling unit shall be provided with a kitchen. Every kitchen shall be provided with a kitchen sink and at least one dedicated 20 amp, 110 volt appliance circuit.

505.4 Fixtures. All plumbing fixtures shall be connected to a sanitary sewer or to an approved private sewage disposal system. All plumbing fixtures shall be connected to an approved system of water supply and provided with hot and cold running water necessary for its normal operation.

All plumbing fixtures shall be of an approved glazed earthenware type or of a similarly nonabsorbent material. Wooden sinks or sinks of similarly absorbent material shall not be permitted.

505.5 Water Closet Compartments. Walls and floors of water closet compartments, except in dwellings, shall be finished in accordance with the Building Code.

505.6 Room Separations. Every water closet, bathtub, or shower required by this code shall be installed in a room that will afford privacy to the occupant.

505.7 Installation and Maintenance. All sanitary facilities shall be installed and maintained in a safe and sanitary condition and in accordance with applicable requirements of the Plumbing Code.

Sec. 12.310.601 – STRUCTURAL MATERIALS

601.1 General. Buildings or structures may be of any type of construction permitted by the Building Code. Roofs, floors, walls, foundations, and all other structural components of buildings shall be capable of resisting any and all forces and loads to which they may be subjected. All structural elements shall

be proportioned and joined in accordance with the stress limitations and design criteria as specified in the appropriate sections of the Building Code.

Buildings of every permitted type of construction shall comply with the applicable requirements of the Building Code.

601.2 Shelter. Every building shall be weather protected to provide shelter for the occupants against the elements and to exclude dampness.

601.3 Protection of Materials. All wood shall be protected against termite damage and decay as provided in the Building Code.

Sec. 12.310.701 – HEATING AND VENTILATION

701.1 Heating. Dwelling units, guest rooms, and congregate residences shall be provided with permanent heating facilities capable of maintaining a room temperature of 70°F (21.1°C) at a point 3 feet (914 mm) above the floor in all habitable rooms. Such facilities shall be installed and maintained in a safe condition and in accordance with the Building Code, the Mechanical Code, and all other applicable laws. Unvented fuel-burning heaters are not permitted. All heating devices or appliances shall be of an approved type.

701.2 Electrical Equipment. All electrical equipment, wiring, and appliances shall be installed and maintained in a safe manner in accordance with all applicable laws. All electrical equipment shall be of an approved type.

Where there is electrical power available within 300 feet (91,440 mm) of any building, such building shall be connected to such electrical power. Every habitable room shall contain at least two electrical convenience outlets or one convenience outlet and one electric light fixture. Every water closet compartment, bathroom, laundry room, furnace room and public hallway shall contain at least one electric light fixture.

701.3 Ventilation. Ventilation for rooms and areas and for fuel-burning appliances shall be provided as required in the Mechanical Code in this code. Where mechanical ventilation is provided in lieu of the natural ventilation required by Sec. 12.310.504 of this code, such mechanical ventilating system shall be maintained in operation during the occupancy of any building or portion thereof.

Sec. 12.310.801 – EXITING

Dwelling units or guest rooms shall have access directly to the outside or to a public corridor. All buildings or portions thereof shall be provided with exits, exit ways, and appurtenances as required by Chapter 10 of the Building Code.

Sleeping rooms below the fourth story shall have at least one operable window or exterior door approved for emergency escape and rescue. The units shall be operable from the inside to provide a full clear opening without the use of separate tools.

Sec. 12.310.901 – FIRE PREVENTION

All buildings or portions thereof shall be provided with the degree of fire-resistive

construction as required by the Building Code for the appropriate occupancy, type of construction, and location on property, and shall be provided with the appropriate fire-extinguishing systems or equipment required by Chapter 9 of the Building Code. Existing fire protection systems shall be maintained in accordance with the Fire Code.

Sec. 12.310.1001 – DEFINITION OF SUBSTANDARD BUILDING

1001.1 General. Any building or portion thereof that is determined to be an unsafe building in accordance with the Building Code, or any building or portion thereof, or the premises on which the same is located, in which there exists any of the conditions referenced in this code to an extent that endangers the life, limb, health, property, safety, or welfare of the public or the occupants thereof, shall be deemed and hereby is declared to be a substandard building.

1001.2 Inadequate Sanitation. Buildings or portions thereof shall be deemed substandard when they are unsanitary. Inadequate sanitation shall include, but not be limited to, the following:

1. Lack of or improper water closets, lavatories, and bathtub or shower in a dwelling unit or lodging house.
2. Lack of or improper water closets, lavatories, and bathtubs or showers per number of guests in a hotel.

3. Lack of or improper kitchen sink in a dwelling unit.
4. Lack of hot and cold running water to plumbing fixtures in a hotel.
5. Lack of hot and cold running water to plumbing fixtures in a dwelling unit or lodging house.
6. Lack of adequate heating facilities in habitable portions of group R occupancies.
7. Lack of or improper operation of required ventilating equipment.
8. Lack of minimum amounts of natural light and ventilation required by this code.
9. Room and space dimensions less than required by this code.
10. Lack of required electrical lighting.
11. Dampness of habitable rooms.
12. Infestation of insects, vermin, or rodents as determined by the health officer.
13. General dilapidation or improper maintenance.

14. Lack of connection to required sewage disposal system.
15. Lack of adequate garbage and rubbish storage and removal facilities.
16. The presence of lead based paint hazards as defined in State law.

1001.3 Structural Hazards. Buildings or portions thereof shall be deemed substandard when they are, or contain, structural hazards. Structural hazards shall include, but are not be limited to, the following:

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

buckle due to defective material or deterioration.

7. Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety.
8. Fireplaces or chimneys that list, bulge or settle due to defective material or deterioration.
9. Fireplaces or chimneys that are of insufficient size or strength to carry imposed loads with safety.

1001.4 Nuisance. Buildings or portions thereof in which there exists any nuisance as defined in this code are deemed substandard buildings.

1001.5 Hazardous Electrical Wiring. Electrical wiring that was installed in violation of adopted code requirements in effect at the time of installation, that was not installed in accordance with generally accepted construction practices in areas where no codes were in effect, that has not been maintained in good condition, or that is not being used in a safe manner, shall be considered substandard.

1001.6 Hazardous Plumbing. Plumbing that was installed in violation of adopted code requirements in effect at the time of installation, that was not installed in accordance with generally accepted construction practices in areas where no codes were in effect, that has not been maintained in good condition,

or that is not free of cross-connections or siphonage between fixtures, shall be considered substandard.

1001.7 Hazardous Mechanical Equipment. Mechanical equipment that was installed in violation of adopted code requirements in effect at the time of installation, that was not installed in accordance with generally accepted construction practices in areas where no codes were in effect, or that has not been maintained in good and safe condition, shall be considered substandard.

1001.8 Faulty Weather Protection. Buildings or portions thereof shall be considered substandard when they have faulty weather protection, which shall include, but not be limited to, the following:

1. Deteriorated, crumbling or loose plaster.
2. Deteriorated or ineffective waterproofing of exterior walls, roof, foundations, or floors, including broken windows or doors.
3. Defective or lack of weather protection for roofs or exterior wall coverings, including maintenance of paint, weathering due to lack of paint, or other approved protective covering. Roofs, roof drains, and downspouts shall be maintained fully weather resistant and within a warrantable service

condition as established by their manufacturer.

4. Broken, rotted, split or buckled exterior wall coverings or roof coverings.

1001.9 Fire Hazard. Any building or portion thereof, device, apparatus, equipment, combustible waste, or vegetation that, in the opinion of the chief of the fire department, is in such a condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion, arising from any cause, shall be considered substandard.

1001.10 Faulty Materials of Construction. The use of materials of construction, except those that are specifically allowed or approved by this code and the Building Code, and that have been adequately maintained in good and safe condition, shall cause a building to be substandard.

1001.11 Hazardous or Unsanitary Premises. The accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rat harborages, stagnant water, combustible materials, and similar materials or conditions on a premise constitutes fire, health, or safety hazards as determined by the Fire Department or health officer.

Any violation of other local, State, and Federal fire prevention and hazardous materials regulations enforced by the Ventura City Fire Department are also in violation of this section.

1001.12 Insect screens. Every window required for ventilation of

habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged, or store, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every swinging door shall have a self-closing device in good working condition.

EXCEPTION: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

1001.13 Doors. All exterior doors, door assemblies, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guestrooms shall tightly secure the door. Locks on means of egress doors shall be in accordance with the Building Code.

1001.14 Basement and crawlspace hatchways. Every basement hatchway shall be maintained to prevent the entrance of rodents, rain, and surface drainage water.

1001.15 Guards for basement windows. Every basement window that is openable shall be supplied with rodent shields, storm windows, or other approved protection against the entry of rodents.

1001.16 Building security. Doors, windows or hatchways for dwelling units, room units, or housekeeping units shall be furnished with devices designed to provide security for the occupants and property within.

1001.16.1 Doors. Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased, or let shall be equipped with a deadbolt lock meeting specification set forth herein. Such deadbolt locks shall be operated only by the turning of a knob or a key and shall have a lock throw of not less than one (1) inch. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock. Such deadbolt locks shall be installed according to manufacturer's specifications and maintained in good working order. All deadbolt locks required by this section shall be designed and installed in such a manner so as to be operable from inside the dwelling unit, rooming unit, or housekeeping unit without the use of a key, tool, combination thereof, or any other special knowledge or effort.

1001.16.2 Windows. Operable windows located in whole or in part within 6 feet (1828 mm) above ground level or having a walking surface below that provides access to a dwelling unit, rooming unit, or housekeeping unit that is rented, leased, or let shall be equipped with a window sash locking device.

1001.16.3 Basement hatchways. Basement hatchways that provide access to a dwelling unit, rooming unit, or housekeeping unit that is rented, leased, or let shall be equipped with devices that secure the units from unauthorized entry.

1001.17 Inadequate Exits. Except for those buildings or portions thereof that have been provided with adequate exit facilities conforming to the provisions of this code, buildings, or portions thereof

whose exit facilities were installed in violation of code requirements in effect at the time of their construction, or whose exit facilities have not been increased in number or width in relation to any increase in occupant load due to alterations, additions, or change in use or occupancy subsequent to the time of construction, shall be considered substandard.

Notwithstanding compliance with code requirements in effect at the time of their construction, buildings or portions thereof shall be considered substandard when the building official finds that an unsafe condition exists through an improper location of exits, a lack of an adequate number or width of exits, or when other conditions exist that are dangerous to human life.

1001.18 Inadequate Fire-Protection or Firefighting Equipment. Buildings or portions thereof shall be considered substandard when they are not provided with the fire-resistive construction or fire-extinguishing systems or equipment required by this code, except those buildings or portions thereof that conformed with all applicable laws at the time of their construction and whose fire-resistive integrity and fire-extinguishing systems or equipment have been adequately maintained and improved in relation to any increase in occupant load, alteration or addition, or any change in occupancy.

1001.19 Improper Occupancy. All buildings or portions thereof occupied for purposes that were not approved by the building official shall be considered substandard.

1001.20 Grading and Stormwater Permit Violations. Violations of the City's Grading Ordinance or Regional Water Quality Control Board Stormwater Permit constitutes a sub-standard property.

Sec. 12.310.1101 – NOTICE AND ORDERS OF THE BUILDING OFFICIAL

1101.1 Commencement of Proceedings. When the building official has inspected or caused to be inspected a building and has found and determined that such building is substandard, the building official shall commence proceedings to cause the repair, rehabilitation, vacation, or demolition of the building.

1101.2 Notices and Order. The building official shall issue a notice and order directed to the record owner of the building. The notice and order shall contain the following:

1. The street address and legal description sufficient for identification of the premises upon which the building is located.
2. A statement that the building official has found the building to be substandard, with a brief and concise description of the conditions found to render the building dangerous under the provisions of this code.
3. A statement of the action required as determined by the building official. When

the building official has determined that the building or structure must be repaired, vacated, or demolished, the order shall require abatement within the time frames below or within such time as the building official determines is reasonable. The following time frames may be adjusted administratively by the building official without formal City Council action.

Priority	Maximum Abatement Time	Type of Violation
1	1 Day*	Immediate Life-Safety Hazards
2	30 Days*	Potential Life-Safety Hazards
3	30-360 Days	No Life-Safety Hazards

* The building, property, or structure may be ordered vacated before abatement is undertaken.

4. Statements advising that if any required repair or demolition work (without vacation also being required) is not commenced within the time specified, the building official (i) will order the building vacated and posted to prevent further occupancy until the work is completed, and (ii) may proceed to cause the work to be done and charge the costs thereof against the property or its owner.
5. Statements advising (i) that any person having any record title or legal

interest in the building may appeal from the notice and order or any action of the building official to the local appeals board, provided the appeal is made in writing as provided in this code, and filed with the building official within 30 days from the date of service of such notice and order, and (ii) that failure to appeal will constitute a waiver of all rights to an administrative hearing and consideration of the matter.

1101.3 Service of Notice and Order.

The notice and order, and any amended or supplemental notice and order, shall be served upon the record owner or posted on the property. One copy thereof shall be served on each of the following if known to the building official or disclosed from official public records.

1. All tenants of dwelling units directly affected by the violations recorded in the notice.
2. The holder of any mortgage or deed of trust or other lien or encumbrance of record.
3. The owner or holder of any lease of record.
4. The holder of any other estate or legal interest of record in or to the building or the land on which it is located.

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 by the provisions of this section.

1101.4 Method of Service. Service of the notice and order shall be made upon 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 their address as it appears on the last equalized assessment roll of the county or as known to the building official. If no address of any such person so appears or is known to the building official, then a copy of the notice and order shall be so mailed, addressed to such person at the address of the building involved in the proceedings. The failure of any such person to receive such notice shall not affect the validity of any proceedings taken under this section. Service by certified mail in the manner herein provided shall be effective on the date of mailing.

1101.5 Proof of Service. Proof of service of the notice and order shall be certified to at the time of service by a written declaration under penalty of perjury executed by the person effecting service, declaring the time, date, and manner in which service was made. The declaration, together with any receipt card returned in acknowledgement of receipt by certified mail, shall be affixed to the copy of the notice and order retained by the building official.

Sec. 12.310.1102 – RECORDATION OF NOTICE AND ORDER

If compliance is not had with the order within the time specified therein, and no appeal has been properly and timely filed, the building official shall file a Notice of Non-Compliance in the office of the county recorder a certificate describing the property and certifying (i) that the building is a substandard building, and (ii) that the owner has been so notified. Whenever the corrections ordered shall thereafter have been completed or the building demolished so that it no longer exists as a substandard building on the property described in the certificate, the building official shall file a Release of Notice of Non-Compliance with the county recorder certifying that the building has been demolished or all required corrections have been made so that the building is no longer substandard, whichever is appropriate.

Sec. 12.310.1103 – REPAIR, VACATION AND DEMOLITION

The following standards shall be followed by the building official (and by the housing advisory and appeals board if an appeal is taken) in ordering the repair, vacation, or demolition of any substandard building or structure:

1. Any building declared a substandard building under this code shall be made to comply with one of the following:
 - 1.1 The building shall be repaired in accordance with the current Building

Code or other current code applicable to the type of substandard conditions requiring repair.

1.2 The building shall be demolished at the option of the building owner.

1.3 If the building does not constitute an immediate danger to the life, limb, property, or safety of the public, it may be vacated, secured, and maintained against entry for a maximum of 60 days from the date of the Notice and Order.

2. If the building or structure is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or of the occupants, it shall be ordered vacated.

Sec. 12.310.1104 – NOTICE TO VACATE

1104.1 Posting. Every notice to vacate shall, in addition to being served as provided in Sec. 12.310.1101.3, be posted at or upon each exit of the building. Notices to vacate may be yellow (limited entry) or red (no entry).

In emergency situations, a notice to vacate may be any format.

1104.2 Compliance. Whenever such notice is posted, the building official shall include a notification thereof in the notice and order issued under Sec. 12.310.1101.2 reciting the emergency and specifying the conditions that necessitate the posting. No person shall remain in or enter any building that has been so posted, except that entry may be made to repair, demolish, or remove such building under permit. No person shall remove or deface any such notice after it is posted until the required repairs, demolition, or removal have been completed and a certificate of occupancy issued pursuant to the provisions of the Building Code. Any person violating this section shall be guilty of a misdemeanor.

Sec. 12.310.1201 – APPEALS

1201.1 Form of Appeal. Any person entitled to service under Sec. 12.310.1101.3 may appeal from any notice and order or any action of the building official under this code by filing at the office of the building official a written appeal containing the following:

1. A heading in the words: “Before the local appeals board of the City of Ventura“
2. A caption reading: “Appeals of “, giving the names of all appellants participating in the appeal.

3. A brief statement setting forth the legal interest of each of the appellants in the building or the land involved in the notice and order.
4. A brief statement in ordinary and concise language referencing that specified order or action protested, together with any material facts claimed to support the contentions of the appellant.
5. A brief statement in ordinary and concise language of the relief sought and the reasons why it is claimed the protested order or action should be reversed, modified, or otherwise set aside.
6. The signatures of all parties named as appellants and their official mailing addresses.
7. The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.

The appeal shall be filed within 30 days from the date of the service of such order or action of the building official provided, however, if the building or structure is in such condition as to make it immediately dangerous to life, limb, property, or safety of the public or adjacent property and is ordered

vacated and is posted in accordance with Sec. 12.310.1104, such appeal shall be filed within 10 days from the date of the service of the notice and order of the building official.

1201.2 Processing of Appeal. Upon receipt of any appeal filed pursuant to this section, the building official shall present it at the next regular or special meeting of the local appeals board.

1201.3 Scheduling and Noticing Appeal for Hearing. As soon as practicable after receiving the written appeal, the local appeals board shall fix a date, time, and place for the hearing of the appeal by the board. Such date shall not be fewer than 10 days or more than 60 days from the date the appeal was filed with the building official. Written notice of the time and place of the hearing shall be given at least 10 days prior to the date of the hearing to each appellant by the secretary of the board, either by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at the address shown on the appeal.

Sec. 12.310.1202 – EFFECT OF FAILURE TO APPEAL

Failure of any person to file an appeal in accordance with the provisions of Sections 1101 and 1201 shall constitute a waiver of the right to an administrative hearing and adjudication of the notice and order or to any portion thereof.

Sec. 12.310.1203 – SCOPE OF HEARING ON APPEAL

Only those matters or issues specifically raised by the appellant shall be considered in the hearing of the appeal.

Sec. 12.310.1204 – STAYING OF ORDER UNDER APPEAL

Except for vacation orders made pursuant to Sec. 12.310.1104, enforcement of any notice and order of the building official issued under this code shall be stayed during the pendency of an appeal there from that is properly and timely filed.

Sec. 12.310.1301 – APPEAL HEARINGS

1301.1 Hearing Examiners. The Local Appeals Board as defined in the Building Code will serve as hearing examiners to conduct the hearings. The examiner hearing the case shall exercise all powers relating to the conduct of hearings until it is submitted to the board for decision.

1301.2 Record. A record of the entire proceedings shall be made by tape recording, or by any other means of permanent recording determined to be appropriate by the board.

1301.3 Reporting. A transcript of the proceedings shall be made available to all parties upon request and upon payment of the fee prescribed therefore. Such fees may be established by the board, but shall in no event be greater than the cost involved.

1301.4 Continuances. The board may grant continuances for good cause

shown; however, when a hearing examiner has been assigned to such hearing, no continuances may be granted except by the examiner for good cause shown so long as the matter remains before the examiner.

1301.5 Oaths – Certification. In any proceedings under this chapter, the board, any board member, or the hearing examiner, has the power to administer oaths and affirmations and to certify to official acts.

1301.6 Reasonable Dispatch. The board and its representatives shall proceed with reasonable dispatch to conclude any matter before it. Due regard shall be shown for the convenience and necessity of any parties or their representatives.

Sec. 12.310.1302 – FORM OF NOTICE OF HEARING

The notice to appellant shall be substantially in the following form, but may include other information:

“You are hereby notified that a hearing will be held before the Ventura City, Building and Safety Local Appeals Board at on the day of 20 , at the hour , upon the notice and order served upon you. You may be present at the hearing. You may be, but need not be, represented by counsel. You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You may request the issuance of subpoenas to compel the attendance of witnesses and the

production of books, documents, or other things by timely filing an affidavit therefore with the local appeals board.”

Sec. 12.310.1303 – SUBPOENAS

1303.1 Filing of Affidavit. The board may obtain the issuance and service of a subpoena for the attendance of witnesses or the production of other evidence at a hearing upon the request of a member of the board or upon the written demand of any party. The issuance and service of such subpoena shall be obtained upon the filing of a timely affidavit therefore that states the name and address of the proposed witness, specifies the exact thing(s) sought to be produced and the materiality thereof in detail to the issues involved, and states that the witness has the desired things in his possession or under his control. A subpoena need not be issued when the affidavit is defective in any particular. In no event shall an affidavit be submitted fewer than five (5) business days before the hearing.

1303.2 Penalties. Any person who refuses without lawful excuse to attend any hearing, or to produce material evidence that the person possesses or controls, as required by any subpoena served upon such person as provided for herein, shall be guilty of a misdemeanor.

Sec. 12.310.1304 – CONDUCT OF HEARING

1304.1 Rules. Hearing need not be conducted according to the technical rules relating to evidence and witnesses.

1304.2 Oral Evidence. Oral evidence shall be taken only on oath or affirmation.

1304.3 Hearsay Evidence. Hearsay evidence may be used 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 in courts of competent jurisdiction in this state.

1304.4 Admissibility of Evidence. Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule that might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdictions in this state.

1304.5 Exclusion of Evidence. Irrelevant and unduly repetitious evidence shall be excluded.

1304.6 Rights of Parties. Each party shall have the following rights, among others:

1. To call and examine witnesses on any matter relevant to the issues of the hearing.
2. To introduce documentary and physical evidence.
3. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing.

4. To impeach any witness regardless of which party first called the witness to testify.
5. To rebut the evidence.
6. To be represented by anyone who is lawfully permitted to do so.

1304.7 Official Notice.

1304.7.1 What may be noticed. In reaching a decision, official notice may be taken, either before or after submission of the case for decision, of any fact that may be judicially noticed by the courts of this state or of official records of the board or departments and ordinances of the city or rules and regulations of the board.

1304.7.2 Parties to be noticed. Parties present at the hearing shall be informed of the matter to be noticed, and these matters shall be noted in the record, referred to therein, and/or appended thereto.

1304.7.3 Opportunity to refute. Parties present at the hearing shall be given a reasonable opportunity, on request, to refute the officially noticed matters by evidence or by written or oral presentation of authority, the manner of such refutation to be determined by the board.

1304.7.4 Inspection of the premises. The board may inspect any building or premises involved in the appeal during the course of the hearing, provided that (i) notice of such inspection shall be given to the parties before the inspection is made, (ii) the parties are

given an opportunity to be present during the inspection, and (iii) the board shall state for the record upon completion of the inspection the material facts observed and the conclusions drawn therefrom. Each party shall then have a right to rebut or explain the matters so stated by the board.

Sec. 12.310.1305 – METHOD AND FORM OF DECISION

1305.1 Hearing before Board Itself. When a contested case is heard before the board, a member thereof who did not hear the evidence or has not read the entire record of the proceedings shall not vote on or take part in the decision.

1305.2 Form of Decision. The decision shall be in writing and shall contain findings of fact, a determination of the issues presented, and a statement of the requirements for compliance. A copy of the decision shall be delivered to the appellant personally or sent by certified mail, postage prepaid, return receipt requested.

1305.3 Effective Date of Decision. The effective date of the decision shall be as stated therein.

Sec. 12.310.1401 – ENFORCEMENT OF ORDER AND HEARING DECISION

1401.1 General. After any order of the building official or the local appeals board made pursuant to this code becomes final, no person to whom any such order is directed shall fail, neglect, or refuse to obey any such order. Any such person who fails to comply with

any such order is guilty of a misdemeanor.

1401.2 Failure to Obey Order. If, after any order of the building official or local appeals board made pursuant to this code has become final, the person to whom such order is directed shall fail, neglect, or refuse to obey such order, the building official may (i) cause such person to be prosecuted under Sec. 12.310.1401.1, or (ii) institute any appropriate action to abate such building as a public nuisance.

1401.3 Failure to Commence Work. Whenever the required repair or demolition is not commenced within 30 days after any final notice and order issued under this code becomes effective:

1. The building official shall cause the building described in such notice and order to be vacated by posting at each entrance thereto a notice reading:

**SUBSTANDARD BUILDING
DO NOT OCCUPY**

**It is a misdemeanor to occupy this
building,
or to remove or deface this notice.
Chief Building Official**

City of San Buenaventura

2. No person shall occupy any building that has been posted as specified in this subsection. No person shall remove or deface any such notice so posted until the repairs, demolition

or removal ordered by the building official have been completed and a certificate of occupancy issued pursuant to the provisions of the Building Code.

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

**Sec. 12.310.1402 – EXTENSION OF
TIME TO PERFORM WORK**

Upon receipt of an application from the person required to conform to the order, and by agreement of such person to

comply with the order if allowed additional time, the building official may grant an extension of time, not to exceed 120 days, within which to complete said repair, rehabilitation or demolition, if the building official determines that such an extension of time will not create or perpetuate a situation imminently dangerous to life or property. The building official's authority to extend time is limited to the physical repair, rehabilitation, or demolition of the premises and will not in any way affect or extend the time to appeal the notice and order.

Sec. 12.310.1403 – INTERFERENCE WITH REPAIR OR DEMOLITION WORK PROHIBITED

No person shall obstruct, impede, or interfere with any officer, employee, contractor or authorized representative of the City or with any person who owns or holds any estate or interest in any building that 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 authorized representative of this jurisdiction, person having an interest or estate in such building or structure, or purchaser is engaged in the work of repairing, vacating and repairing, or demolishing any such building pursuant to the provisions of this code, or in performing any necessary act preliminary to or incidental to such work as authorized or directed pursuant to this code.

Sec. 12.310.1501 – PERFORMANCE OF REPAIR OR DEMOLITION WORK

1501.1 Procedure. When any work or repair or demolition is to be done pursuant to Sec. 12.310.1401.3, Item 3, of this code, the building official may cause the work to be accomplished by city personnel or by private contract under the direction of the building official. The building official therefore may prepare plans and specifications, or the building official may employ such architectural and engineering assistance on a contract basis as may be deemed reasonably necessary.

1501.2 Costs. The costs of such work shall be paid from a repair and demolition fund, and may be made a special assessment against the property involved, or may be made a personal obligation of the property owner, whichever the legislative body of this jurisdiction shall determine is appropriate.

Sec. 12.310.1502 – REPAIR AND DEMOLITION FUND

1502.1 General. The legislative body of this jurisdiction may establish a special revolving fund to be designated as the repair and demolition fund. Payments may be made out of said fund upon the demand of the building official to defray the costs and expenses that may be incurred by this jurisdiction in doing or causing to be done the necessary work of repair or demolition of dangerous buildings.

1502.2 Maintenance of Fund. The legislative body may at any time transfer to the repair and demolition fund, out of any money in the general fund of the city, such sums as it may deem necessary in order to expedite the performance of the work or repair or

demolition, and any sum so transferred shall be deemed a loan to the repair and demolition fund and shall be repaid out of the proceeds of the collections herein provided for. All funds collected under the proceedings herein provided for shall be paid to the treasurer of this jurisdiction, who shall credit the same to the repair and demolition fund.

Sec. 12.310.1601 – RECOVERY OF ABATEMENT COSTS BY ACCOUNT OF EXPENSE, FILING OF REPORT

The building official shall keep an itemized account of the expense incurred by this jurisdiction in the repair or demolition of any building done pursuant to the provisions of Sec. 12.310.1401.3, Item 3, of this code. Upon the completion of the work or repair or demolition, said building official shall prepare and file with the clerk of this jurisdiction a report specifying the work performed, the itemized and total cost of the work, a description of the real property upon which the building or structure is or was located, and the names and addresses of the person(s) entitled to notice pursuant to Sec. 12.310.1101.3.

Sec. 12.310.1602 – NOTICE OF HEARING

Upon receipt of said report, the clerk of this jurisdiction shall present it to the legislative body of this jurisdiction for consideration. The legislative body of this jurisdiction shall fix a time, date, and place for hearing said report, and any protests or objections thereto. The clerk of this jurisdiction shall cause notice of said hearing to be posted upon the property involved, published once in a newspaper of general circulation in the

city, and served by certified mail, postage prepaid, addressed to the owner of the property as the owner's name and address appears on the last equalized assessment roll of the county, if such so appears, or as known to the clerk. Such notice shall be given at least 10 days prior to the date set for the hearing and shall specify the day, hour, and place when the legislative body will hear and pass upon the building official's report, together with any objections or protests that may be filed as hereinafter provided by any person interested in, or affected by, the proposed charge.

Sec. 12.310.1603 – PROTESTS AND OBJECTIONS

Any person interested in, or affected by, the proposed charge may file written protests or objections with the clerk of this jurisdiction at any time prior to the time set for the hearing on the report of the building official. Each such protest or objection must contain a description of the property in which the signer thereof is interested and the grounds of such protest or objection. The clerk of this jurisdiction shall endorse on every such protest or objection the date of receipt. The clerk shall present such protests or objections to the legislative body of this jurisdiction at the time set for the hearing, and no other protests or objections shall be considered.

Sec. 12.310.1604 – HEARING OF PROTESTS

Upon the day and hour fixed for the hearing, the legislative body of this jurisdiction shall hear and pass upon the report of the building official together with any such objection or protests. The

legislative body may make such revision, correction, or modification in the report or the charge as it may deem just, and when the legislative body is satisfied with the correctness of the charge, the report (as submitted or as revised, corrected, or modified), together with the charge, shall be confirmed or rejected. The decision of the legislative body of this jurisdiction on the report and the charge, and on all protests or objections, shall be final and conclusive.

Sec. 12.310.1605 – PERSONAL OBLIGATION OR SPECIAL ASSESSMENT

1605.1 General. The legislative body of this jurisdiction may thereupon order that said charge shall be made a personal obligation of the property owner or assess said charge against the property involved.

1605.2 Personal Obligation. If the legislative body of this jurisdiction orders that the charge shall be a personal obligation of the property owner, it shall direct the attorney of this jurisdiction to collect the same on behalf of the jurisdiction by use of all appropriate legal remedies.

1605.3 Special Assessment. If the legislative body of this jurisdiction 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 upon, the property.

Sec. 12.310.1606 – CONTEST

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 30 days after the assessment is placed upon the assessment roll as provided herein. Any appeal from a final judgment in such action or proceeding must be perfected within 30 days after the entry of such judgment.

Sec. 12.310.1607 – AUTHORITY FOR INSTALLMENT PAYMENT OF ASSESSMENTS WITH INTEREST

The legislative body of this jurisdiction, at its discretion, may determine that assessments in amounts of \$500.00 or more shall be payable in not to exceed five (5) equal annual installments. The legislative body's determination to allow payment of such assessments in installments, the number of installments, whether they shall bear interest, and the rate thereof, shall be adopted by resolution prior to the confirmation of the assessment.

Sec. 12.310.1608 – LIEN OF ASSESSMENT

1608.1 Priority. Immediately upon its being placed on the assessment roll, the assessment shall be deemed to be complete, the several amounts assessed shall be payable, and the assessments shall be liens against the lots or parcels of land assessed, respectively. The lien shall be subordinate to all existing special assessment liens previously imposed upon the same property and shall be paramount to all other liens except for

state, county, and municipal taxes, with which it shall have parity. The lien shall continue until the assessment and all interest due and payable thereon are paid.

1608.2 Interest. All such assessments remaining unpaid after 30 days from the date of recording on the assessment roll shall become delinquent and shall bear interest at the rate of 7 percent per annum from and after said date.

Sec. 12.310.1609 – REPORT TO ASSESSOR AND TAX COLLECTOR: ADDITION OF ASSESSMENT TO TAX BILL

After confirmation of the report, certified copies of the assessment shall be given to the assessor of this jurisdiction and the tax collector of this jurisdiction, who shall add the amount of the assessment to the next regular tax bill levied against the parcel for municipal purposes.

Sec. 12.310.1610 – FILING COPY OF REPORT WITH COUNTY AUDITOR

If the county assessor and the county tax collector assess property and collect taxes for the city, a certified copy of the assessment shall be filed with the county auditor on or before the tenth day of August. The descriptions of the parcels reported shall be those used for the same parcels on the county assessor's map books for the current year.

Sec. 12.310.1611 – COLLECTIONS OF ASSESSMENT: PENALTIES FOR FORECLOSURE

The amount of the assessment shall be collected at the same time and in the same manner as ordinary property taxes are collected, and shall be subject to the same penalties and procedure and sale in case of delinquency as provided for ordinary property taxes. All laws applicable to the levy, collection and enforcement of property taxes shall be applicable to such assessment.

If the legislative body of this jurisdiction has determined that the assessment shall be paid in installments, each installment and any interest thereon shall be collected in the same manner as ordinary property taxes in successive years. If any installment is delinquent, the amount thereof is subject to the same penalties and procedure for sale as provided for ordinary property taxes.

Sec. 12.310.1612 – REPAYMENT OF REPAIR AND DEMOLITION FUND

All money recovered by payment of the charge or assessment or from the sale of the property at foreclosure sale shall be paid to the treasurer of this jurisdiction who shall credit the same to the repair and demolition fund.