

Chapter 15.08

DILAPIDATED BUILDINGS*

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15.08.010 Definition of public nuisances. For the purposes of this chapter a building constituting a menace to public safety, and constituting a public nuisance is defined as follows:

(1) Any building or other structure situated within the town, of wood frame construction, or so constructed as to more than ordinarily endanger the safety of persons therein in case of fire, or so situated as to more than ordinarily endanger buildings or property in the vicinity in case of fire, or so constructed or situated as to render the same peculiarly susceptible to fire, from within or without; or

(2) Any building or other structure in the town which by reason of rot, weakened joints, walls, floors, underpinning, roofs, ceilings, insecure foundations, or other cause, has become so dilapidated or deteriorated from old age or neglect as to be a fire menace or a breeding place for rodents or a likely resort for vagrant or dissolute persons. (Prior code §9500).

* For state law empowering towns to provide for the abatement, destruction or removal of unsafe structures, see Gov. C.A. §38660.
For state law pertaining to nuisances and their abatement, see Gov. C.A. §§38771 and 38773.5.

15.08.020 Manner of notification. Whenever the building official finds any building or structure so dilapidated as stipulated in Section 15.08.010, he shall give notice directing the owner thereof to appear before the town council at a stated time and show cause why the building or structure should not be condemned as a public nuisance and the nuisance be abated as provided in this chapter. The notice shall be headed "NOTICE TO ABATE NUISANCE" in letters of not less than three-quarters of an inch in height, and shall be substantially in the form provided in Section 15.08.030. (Prior code §9501).

15.08.030 Nuisance abatement notice form. The form for the notice to abate a dilapidated building shall be as follows:

"NOTICE TO ABATE NUISANCE

The owner of the dilapidated building or structure situated at _____, in the Town of Ross, is hereby notified to appear before the Town Council at its meeting to be held _____, 20____ at the Council Chamber in the Town Hall in said Town of Ross at the hour of 8:00 o'clock P.M., or as soon thereafter as he may be heard, and show cause, if any he has, why said building or structure should not be condemned as a public nuisance and said nuisance be abated by reconstructing or properly repairing said building or structure, or by razing or removing the same.

Dated: Ross, California

_____, 20____”
(Prior code §9502).

15.08.040 Posting of notice. The building official shall post conspicuously at least one copy of the notice designated in Section 15.08.030 on the building or structure sought to be so condemned. He shall also send another copy by registered mail (postage prepaid), addressed to the person who is named as the owner on the books of the town assessor, in case the address of such person is known to him. The failure to mail such notice or the failure of any owner to receive the same shall not affect in any manner the validity of any proceedings taken under this chapter, providing the notice has been posted. The notice must be posted as stipulated in this section at least ten days before the time fixed for the hearing before the town council. (Prior code §9503).

15.08.050 Filing of affidavit. Upon giving notice as provided in Section 15.08.040, the building official shall file an affidavit with the town clerk certifying to the time and manner in which the same was done. He shall also file therewith any receipt card which may have been mailed back to him in acknowledgment of the receipt of the notice by registered mail, providing he mailed the notice in addition to posting it. (Prior code §9504).

15.08.060 Hearing by council. At the time fixed in the notice, the council shall proceed to hear the testimony of the building official and the testimony of the owner and other competent persons, respecting the condition of the building or structure sought to be condemned, and the estimated cost of its reconstruction, repair or removal, after which the council may condemn it and order its razing or removal, or take such other action in the premises as they may deem advisable. The council may continue the hearing from time to time. (Prior code §9505).

15.08.070 Failure to appear. If the owner fails to appear at the time fixed for the hearing, or the time to which the hearing-may-have been continued, the council shall proceed to hear the testimony of the building official and other competent persons respecting the condition of the building or structure, after which they may pass a resolution declaring the building or structure to be a public nuisance and directing the owner to abate the nuisance within thirty days from the passage of the resolution, by having the building or structure properly reconstructed or repaired, or by having the same razed or removed, and notifying him that if the nuisance is not so abated, the building or structure will be razed or removed by the building official and the expense thereof made a lien on the lot or parcel of land from which it was removed. (Prior code §9506).

15.08.080 Copy of resolution. Upon the passage of the resolution described in Section 15.08.070, the building official shall post a copy thereof conspicuously on the building or structure so condemned and mail another copy to the person named as the owner on the books of the town assessor,--f-his address is known to him, after which he shall file his affidavit with the town clerk certifying to the time and manner of posting a copy of the resolution, and also as to the mailing of a copy in case a copy was mailed. (Prior code §9507).

15.08.090 Court action. Any owner or other interested person having any objections, or feeling aggrieved at any proceeding taken by the town council in condemning any such building or structure, must bring an action in a court of competent jurisdiction within thirty days after passage of the resolution to contest the validity of the proceedings taken by the council, otherwise all objections will be deemed waived. (Prior code §9508).

15.08.100 Enforcement. Thirty days after posting a copy of the resolution declaring a building or structure a public nuisance as provided in this chapter, the building official shall be deemed to have acquired jurisdiction to abate the nuisance by razing or removing the building or structure so condemned and, unless the nuisance is abated by the owner or his agent in the meantime, the building official shall thereupon raze and remove the condemned building or structure or have the same done under his direction and supervision. (Prior code §9509).

15.08.110 Disposition of material. The lumber and any other materials contained in any building or structure condemned under the provisions of this chapter shall be sold by the building official at public auction, after not less than five days notice thereof posted in three public places in the town, either before or after the building or structure has been razed or removed, and the amount received from the sale of the lumber and materials shall be deducted from the expense of razing or removing the same. (Prior code §9510).

15.08.120 Expenses. The building official shall keep an itemized account of the expenses involved in the razing or removal of any building or structure condemned under the provisions of this chapter, and deduct therefrom the amount received from the lumber and materials. He shall then post conspicuously on the property from which the building or structure was removed a verified statement of the gross and net expense of razing or removing the building or structure, together with a notice of the time and place when and where the statement shall be submitted to the town council for approval and confirmation. He shall mail another copy of the statement and notice to the person named as the owner on the books of the town assessor, if his address is known to him, after which he shall file his affidavit with the town clerk certifying to the time and manner of posting the statement and notice, and also as to the mailing

of a copy in case a copy was mailed. The time for submitting the statement to the council for confirmation shall not be less than five days from the posting of the statement and notice as provided in this chapter. (Prior code §9511).

15.08.130 Certified copy expenses. At the time fixed for hearing on the statement of expense the council shall consider the statement and such objections as may be offered against it, whereupon it shall modify, amend or confirm the same as submitted; provided, it may continue the hearing from time to time. When finally confirmed, the town clerk shall transmit a certified copy to the town assessor and another to the town tax collector. (Prior code §9512).

15.08.140 Lien on real property. Upon final confirmation of an expense statement, the expense of abating *any* such nuisance, less any money received from lumber or other materials, shall constitute a lien on the real property upon which the same was abated or removed, and the amount thereof shall be added to the next succeeding tax bill against the property, and shall be collectible at the same time and in the same manner as general municipal taxes are collected, and shall be subject to the same penalties and procedure in case of delinquency. Provided that *if* the amount received from lumber or other materials shall in any case exceed the expense of razing or removing such building or structure then, and in that event, such excess shall be deposited with the town treasurer to the credit of the owner and be payable to him on demand. (Prior code §9513).

15.08.150 Owner defined. For the purpose of this chapter, the word "owner" means and includes the person or persons owning the fee, or their agents, executors, administrators or guardians. (Prior code §9514).