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ORDINANCE NO. 4126

AN ORDINANCE PROVIDING FOR THE ABATEMENT OF BUILDING NUISANCES, REPEALING ORDINANCE NO. 3252 AND DECLARING AN EMERGENCY.

THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

SECTION 1. DEFINITIONS: For the purposes of this ordinance:

1.1 The term "dangerous building" shall include:

1.1.1 A structure which, for the want of proper repairs or by reason of age and dilapidated condition or by reason of poorly installed electrical wiring or equipment, defective chimney, defective gas connection, defective heating apparatus, or for any other cause or reason, is especially liable to fire, and which is so situated or occupied as to endanger any other building or property or human life.

1.1.2 A structure containing combustible or explosive material, rubbish, rags, waste, oils, gasoline or inflammable substance of any kind, especially liable to cause fire or danger to the safety of such building, premises, or to human life.

1.1.3 A structure which shall be kept or maintained or shall be in a filthy or unsanitary condition, especially liable to cause the spread of contagious or infectious disease or diseases.

1.1.4 A structure in such weak or weakened condition, or dilapidated or deteriorated condition, as to endanger any person or property by reason of probability of partial or entire collapse.

1.2 The term "person" shall include every natural person, firm, partnership, association or corporation.

SECTION 2. NUISANCE. Every building or part thereof which is found by the Council to be a dangerous building is hereby declared to be a public nuisance. Such buildings may be abated either by the procedures herein specified or by suit for abatement.

SECTION 3. INITIAL ACTION. Whenever the Building Official shall find or be of the opinion that there is a dangerous building in the City, it shall be his duty to report the same to the Council. Thereupon, the Council shall, within a reasonable time, fix a time and place for a public hearing thereon.

SECTION 4. HEARING: MAILED NOTICE. The City Recorder shall send notice by certified or registered mail, return receipt requested, to the owner of record of the premises whereon the building in question is located, notifying the owner in general terms that a hearing will be held concerning the nuisance character of the property, and the time and place of said hearing. A copy of this notice shall also be posted on the property. At said time and place, or at such other time or place as the council may adjourn to, the hearing shall be held, and the

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council shall determine by resolution whether or not the building is dangerous. The council may, as a part of the hearing, inspect the building, and the facts observed by the council at such inspection may be considered by it in determining whether or not the building is dangerous. At the hearing the owner or other person interested in the property or building shall have the right to be heard. At such hearing the council shall have the power to order any building declared to be dangerous, removed and abated, if in its judgment such removal or abatement is necessary in order to remove the dangerous condition, or the council shall have the power to order the building made safe and to prescribe what acts or things must be done to render the same safe.

SECTION 5. PUBLISHED AND POSTED NOTICES. Ten days' notice of any hearing shall be published in a newspaper of general circulation in the City, or by posting notices thereof in three public places in the City.

SECTION 6. COUNCIL ORDERS: NOTICE. Five days' notice of findings made by the council at a hearing and any orders made by the council shall be given to the owner of the building, his agent or other person controlling the same, and if the orders be not obeyed and the building rendered safe within the time specified by the order (being not less than five days), then the council shall have the power and duty to order the building removed or made safe at the expense of the owner of the property on which the same is situated.

SECTION 7. ABATEMENT BY CITY. In the event that the council orders are not complied with, the council must specify with convenient certainty the work to be done and shall file a statement thereof with the recorder, and shall advertise for bids for the doing of the work in the manner provided for advertising for bids for street improvement work. Bids shall be received, opened, and the contract let.

SECTION 8. ASSESSMENT. The council shall ascertain and determine the probable cost of the work, and assess the same against the property upon which the building is situated. The assessment shall be declared by ordinance, and it shall be entered in the docket of City liens, and shall thereupon be and become a lien against the property. The creation of the lien and the collection and enforcement of the cost shall all be performed in substantially the same manner as in the case of the cost of street improvements, but irregularities or informalities in the procedure shall be disregarded.

SECTION 9. IMMEDIATE HAZARD. Should it be apparent that there is a clear danger to the occupants of a building or structure because of faulty plumbing, faulty electrical wiring or electrical equipment, structural deficiencies, fire hazards, the Building Department shall have the right to order premises vacated immediately and to remain vacant until such time that the danger is eliminated.

SECTION 10. SUMMARY ABATEMENT. The procedures of this ordinance pertaining to council declaration of a dangerous building need not be followed where a building

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is unmistakably dangerous and imminently endangers human life or property. In such an instance, the Building Official, the chief of the fire department, or the fire marshal may proceed summarily to abate the building. The cost of abatement shall be assessed against the property upon which the building was situated as provided in Section 8 of this ordinance.

SECTION 11. PENALTY. Any person who shall be the owner of, or shall be in possession of, or in responsible charge of, any dangerous building within the City and who shall knowingly suffer or permit the building to be or remain dangerous for as long as ten (10) days after receipt of the notice specified in Section 6, shall be guilty of a misdemeanor and shall be subject to those penalties set forth in section 1.04.010 of the Albany Municipal Code.


SECTION 12. REPEAL. Ordinance No. 3252, is hereby repealed.

SECTION 13. EMERGENCY. Inasmuch as this ordinance is necessary for the immediate preservation of the public peace, health and safety of the City of Albany, an emergency is hereby declared to exist and this ordinance shall become immediately effective and in full force upon its passage by the Council and approved by the Mayor,

PASSED BY THE COUNCIL THIS 12th day of April, 1978.

APPROVED BY THE MAYOR THIS 12th day of April, 1978.

EFFECTIVE DATE April 12, 1978



Mayor

ATTESTED:



Recorder

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