

A BILL FOR AN ORDINANCE RELATING
TO SANITARY SEWER USE FEES; AMENDING
ORDINANCE NO. 1696; AND DECLARING
AN EMERGENCY.

Ordinance Bill No. 59
for 1978
Ordinance No. 1723

The people of the City of Lebanon do ordain as follows:

Section 1. Amendment: That Ordinance No. 1696, as approved
on July 12, 1978, shall be amended as follows:

- A. Section 2.C. shall include a "Group No." of "7" which shall have a "monthly" and "yearly" use fee which shall be "individually determined."
- B. Section 2.D. shall include a "Group 7" which shall be defined as "schools and other uses not defined above."
- c. Section 2.E. shall include a "Group No." of "7" which shall have a "Water Use in Cubic feet per month" of "variable as determined by the Engineer."

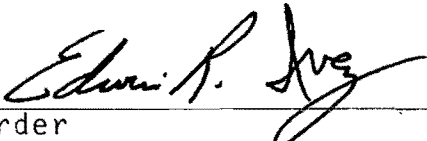
Section 2: Emergency Clause: Inasmuch as the provisions of this Ordinance are necessary for the immediate preservation of the peace, health, and safety of the people of the City of Lebanon, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect immediately upon its passage by the Council and approval by the Mayor.

Passed by the Council by a vote of 4 for and 0
against and approved by the Mayor this 27th day of December,
1978.



Mayor

ATTEST:



Recorder

UNIFORM HOUSING CODE

1976
EDITION



UNIFORM HOUSING CODE

1976 Edition



AUTHORIZED EDITION

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Preface

Cities, counties and other political subdivisions are vitally interested in urban renewal, the removal of blighted structures and the conservation of repairable structures. This development, together with the necessity for cities to comply with the Workable Program requirements of the Department of Housing and Urban Development (H.U.D.), influenced the International Conference of Building Officials to prepare a Housing Code. This Code is designed to fill one of the primary needs for urban renewal including conservation, rehabilitation or redevelopment programs, throughout the country.

In the preparation of the Housing Code the Conference with the assistance of representatives of the Housing and Home Finance Agency (now H.U.D.) and the members of the committee have developed a Code which meets the requirements for effective control of housing conditions.

Because of the wide use which this Housing Code will have, and because of the different state and local laws, we suggest that in enacting this Code into law consideration be given to formulating local rules and regulations to correlate the Housing Code with local zoning and subdivision regulations and for abatement procedures. The Dangerous Buildings Code contains reasonable procedures for the classification and abatement of dangerous buildings of all occupancies and is compatible with this Code which is applicable only to dwellings.

Reference is made in this Code to certain requirements in the Uniform Building Code, in order to eliminate duplication and the possibility of conflict.

Vertical lines in margins indicate a change in the text from the 1973 Edition. An analysis of changes between editions in pamphlet form is published by the Conference.

RELATED PUBLICATIONS

Known widely for its Uniform Building Code, the International Conference of Building Officials publishes other related Codes as well as textbooks to enable the user to improve his knowledge of code enforcement and the administration of a building inspection program. Publications are continually being added, so inquiries should be directed to Conference headquarters for a list of those available. At the time of this publication, the following publications were available:

Uniform Building Code. Covers the fire, life and structural safety aspects of all buildings and related structures.

Uniform Mechanical Code. Contains requirements for the installation and maintenance of heating, ventilating, cooling and refrigeration systems. The publication is jointly sponsored by the International Association of Plumbing and Mechanical Officials and the International Conference of Building Officials.

Uniform Housing Code. Provides for the conservation and rehabilitation of housing compatible with the Uniform Building Code. Meets Federal workable program requirements.

Uniform Code for the Abatement of Dangerous Buildings. Sets forth orderly procedures for remedying dangerous buildings. Follows due process provisions which reflect the latest court decisions in such matters. This Code covers all structures and may be used to supplement the Uniform Housing Code and the Uniform Building Code.

Uniform Sign Code. Dedicated to the development of better sign regulation. Its requirements pertain to all signs and sign construction attached to buildings.

Uniform Building Code Standards. Presents in a compact and concise manner all of the national test, material and special design standards referred to in the Uniform Building Code.

Uniform Fire Code. Sets out provisions necessary for fire prevention while achieving uniformity in terms and requirements with other Codes published by the Conference. This Code is sponsored jointly by the Western Fire Chiefs Association and the International Conference of Building Officials.

Analysis of Revisions. Discusses the changes included in the latest Codes published by the Conference as compared to the prior editions.

U.B.C. Supplements. Between new editions of the Codes, changes approved each year are incorporated in the Supplements.

Dwelling Construction under the Uniform Building Code. Designed to acquaint the home builder with basic Building Code requirements relating to dwelling construction. A useful text for apprentice training programs.

Building Department Administration. An excellent guide for improvement of skills in departmental management and in the enforcement and

application of the Building Code and other regulations administered by a Building Inspection Department. Recommended for both undergraduate and advanced study.

Training Manual in Field Inspection of Buildings and Structures. Designed to improve inspection skills and techniques. A fundamental important text for courses of study of the community college and trade or technical school level.

Plan Review Manual. Provides an understanding of the extent of Building Code provisions and illustrates application to given situations. Covers nonstructural aspects as well as providing an insight into the basic engineering considerations a plan examiner or checker must utilize.

Concrete Inspection Manual. A publication on concrete to be used for reference or as a text on concrete inspection. Almost encyclopedic in coverage, it is of particular interest to inspectors who for too long have been neglected in the area of appropriate literature. It is also useful to concrete technicians and craftsmen who are more concerned with the physical and practical aspects of concrete than the design.

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Chapter 1

TITLE AND SCOPE

Title--

Sec. 101. This ordinance shall be known as the "Uniform Housing Code," may be cited as such, and will be referred to herein as "this Code."

Purpose

Sec. 102. The purpose of this Code is to provide minimum requirements for the protection of life, limb, health, property, safety, and welfare of the general public and the owners and occupants of residential buildings.

Scope

Sec. 103: (a) **Application.** The provisions of this Code shall apply to all buildings or portions thereof used, or designed or intended to be used, for human habitation. Such occupancies in existing buildings may be continued as provided in Section 104(g) of the Building Code, except 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.

Every rooming house or lodging house shall comply with all the requirements of this Code for dwellings.

(b) **Alteration.** Existing buildings which are altered or enlarged shall be made to conform to this Code insofar as the new work is concerned and in accordance with Section 104 (a), (b), (c), (d), (e) and (i) of the Building Code.

(c) **Relocation.** Buildings or structures moved into, or within, the jurisdiction shall comply with the requirements in the Building Code for new buildings.

Chapter 2

ENFORCEMENT

General

Sec. 201. (a) Authority. The Building Official is hereby authorized and directed to administer and enforce all of the provisions of this Code.

(b) Right of Entry. Whenever necessary to make an inspection to enforce any of the provisions of this Code, or whenever the Building Official or his authorized representative has reasonable cause to believe that there exists in any building or upon any premises, any condition which makes such building or premises substandard as defined in Section 202 of this Code, the Building Official or his authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Building Official by this Code, provided that if such building or premises be occupied, he shall first present proper credentials and demand entry; and if such building or premises be unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. If such entry is refused, the Building Official or his authorized representative shall have recourse to every remedy provided by law to secure entry.

No owner or occupant or any other person having charge, care or control of any building or premises shall fail or neglect, after proper demand is made as herein provided, to promptly permit entry therein by the Building Official or his authorized representative for the purpose of inspection and examination pursuant to this Code. Any person violating this subsection shall be guilty of a misdemeanor.

(c) Responsibilities Defined. Every owner remains liable for violations of duties imposed upon him by this Code even though an obligation is also imposed on the occupants of his 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.

Every owner, or his agent, in addition to being responsible for maintaining his building in a sound structural condition, shall be responsible for keeping that part of the building or premises which he occupies or controls in a clean, sanitary, and safe condition including the shared or public areas in a building containing two or more dwelling units.

Every owner shall, where 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, and where infestation has taken place, 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.

Every occupant of a dwelling unit, in addition to being responsible for

keeping in a clean, sanitary, and safe condition that part of the dwelling or dwelling unit or premises which he occupies and controls, shall dispose of all his rubbish, garbage, and other organic waste in a manner required by the health ordinance and approved by the health officer.

Every occupant shall, where required by this Code, the health ordinance or the health officer, furnish and maintain approved devices, equipment or facilities necessary to keep his premises safe and sanitary.

Substandard Buildings

Sec. 202. All buildings or portions thereof which 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 procedure specified in Chapter 11 of this Code.

Housing Advisory and Appeals Board

Sec. 203. In order to provide for final interpretation of the provisions of this Code and to hear appeals provided for hereunder, there is hereby established a Housing Advisory and Appeals Board, consisting of five members who are not employees of the city. The Building Official shall be an ex officio member of and shall act as Secretary to said Board. The Board shall be appointed by the Governing Body and shall hold office at its pleasure. The Board shall adopt reasonable rules and regulations for conducting its business and shall render all decisions and findings in writing to the appellant with a copy to the Building Official. Appeals to the Board shall be processed in accordance with the provisions contained in Section 1201 of this Code. Copies of all rules or regulations adopted by the Board shall be delivered to the Building Official who shall make them freely accessible to the public.

Violations

Sec. 204. No person, firm, or corporation, whether as owner, lessee, sublessee, or occupant, shall erect, construct, enlarge, alter, repair, move, improve, remove, demolish, equip, use, occupy, or maintain any building or premises, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this Code or any order issued by the Building Official hereunder. Any person violating the provisions of this Section shall be guilty of a misdemeanor for each day such violation continues.

Chapter 3

PERMITS AND INSPECTIONS

General

Sec. 301. No person, firm, or corporation shall erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure, or cause or permit the same to be done, without first obtaining a separate building permit for each such building or structure from the Building Official in the manner and according to the applicable conditions prescribed in Chapter 3 of the Building Code.

Fees

Sec. 302. Whenever a building permit is required by Section 301 of this Code, the appropriate fees shall be paid to the Building Official as specified in Section 303 of the Building Code.

Inspection

Sec. 303. All 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 Sections 304 and 305 of the Building Code.

Chapter 4

DEFINITIONS

Definitions

Sec. 401. For the purpose of this Code, certain abbreviations, terms, phrases, words, and their derivatives shall be construed as specified in the Building Code.

BUILDING CODE shall mean the Uniform Building Code, 1976 Edition, published by the International Conference of Building Officials.

EFFICIENCY LIVING UNIT. Efficiency living unit is any room having cooking facilities used for combined living, dining, and sleeping purposes and meeting the requirements of Section 503 (b), Exception.

HEALTH OFFICER. Health officer shall be the legally designated head of the Department of Health of this city.

HOT WATER. Hot water shall be water at a temperature of not less than 120°F.

MECHANICAL CODE shall mean the Uniform Mechanical Code, 1976 Edition, published by the International Conference of Building Officials and the International Association of Plumbing and Mechanical Officials.

NUISANCE. The following shall be defined as nuisances:

1. Any public nuisance known at common law or in equity jurisprudence.
2. Any attractive nuisance which may prove detrimental to children whether in a building, on the premises of a building, or upon an occupied lot. This includes any abandoned wells, shafts, basements, or excavations; abandoned refrigerators and motor vehicles; or any structurally unsound fences or structures; or any lumber, trash, fences, debris, or vegetation which 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. Uncleanliness, 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.

Chapter 5

SPACE AND OCCUPANCY STANDARDS

Location on Property

Sec. 501. All buildings shall be located with respect to property lines and to other buildings on the same property as required by Section 504 and Part V of the Building Code. Each dwelling unit and each guest room in a dwelling or a lodging house shall have access to a passageway, not less than 3 feet in width, leading to a public street or alley. Each apartment house or hotel shall have access to a public street by means of a passageway not less than 4 feet in width.

Yards and Courts

Sec. 502. (a) **Scope.** This Section shall apply to yards and courts having required windows opening therein.

(b) **Yards.** Every yard shall be not less than 3 feet in width for one-story and two-story buildings. For buildings more than two stories in height the minimum width of the yard shall be increased at the rate of 1 foot for each additional story. Where yards completely surround the building, the required width may be reduced by 1 foot. For buildings exceeding 14 stories in height, the required width of yard shall be computed on the basis of 14 stories.

(c) **Courts.** Every court shall be not less than 3 feet in width. Courts having windows opening on opposite sides shall be not less than 6 feet in width. Courts bounded on three or more sides by the walls of the building shall be not less than 10 feet in length unless bounded on one end by a street or yard. For buildings more than two stories in height the court shall be increased 1 foot in width and 2 feet in length for each additional story. For buildings exceeding 14 stories in height, the required dimensions shall be computed on the basis of 14 stories.

Adequate access shall be provided to the bottom of all courts for cleaning purposes. Every court more than two stories in height shall be provided with a horizontal air intake at the bottom not less than 10 square feet in area and leading to the exterior of the building unless abutting a yard or public space. The construction of the air intake shall be as required for the court walls of the building, but in no case shall be less than one-hour fire-resistive.

(d) **Projection into Yards.** Eaves and cornices may project into any required yard not more than 2 inches for each foot of yard width. Unroofed landings, porches and stairs may project into any required yard provided no portion extends above the floor level of a habitable room; and provided further that no such projection shall obstruct a required exitway.

Room Dimensions

Sec. 503. (a) **Ceiling Heights.** Habitable rooms or areas shall have a ceiling height of not less than 7 feet 6 inches except as otherwise permitted

in this Section. Other rooms or areas may have a ceiling height of not less than 7 feet measured to the lowest projection from the ceiling.

¹ 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 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.

(b) **Floor Area.** Every dwelling unit shall have at least one room which shall have not less than 150 square feet of floor area. Other habitable rooms except kitchens shall have an area of not less than 70 square feet. 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 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 of superficial floor area. An additional 100 square feet 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 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.

(c) **Width.** No habitable room other than a kitchen shall be less than 7 feet in any dimension.

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

Light and Ventilation

Sec. 504. (a) **Natural Light and Ventilation.** All guest rooms, dormitories, and habitable rooms within a dwelling unit shall be provided with natural light by means of exterior glazed openings with an area not less than one-tenth of the floor area of such rooms with a minimum of 10 square feet. All bathrooms, water closet compartments, laundry rooms and similar rooms shall be provided with natural ventilation by means of openable exterior openings with an area not less than one-twentieth of the floor area of such rooms with a minimum of 1 1/2 square feet.

All guest rooms, dormitories and habitable rooms within a dwelling unit shall be provided with natural ventilation by means of openable exterior

openings with an area of not less than one-twentieth of the floor area of such rooms with a minimum of 5 square feet.

(b) **Origin of Light and Ventilation.** Required exterior openings for natural light and ventilation shall open directly onto a street or public alley or a yard or court located on the same lot as the building.

EXCEPTION: Required windows may open into a roofed porch where the porch:

1. Abuts a street, yard, or court; and
2. Has a ceiling height of not less than 7 feet; and
3. Has the longer side at least 65 percent open and unobstructed.

A required window in a service room may open into a vent shaft which is open and unobstructed to the sky and not less than 4 feet in least dimension. No vent shaft shall extend through more than two stories.

For the purpose of determining light and ventilation requirements, 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, whichever is greater.

(c) **Mechanical Ventilation.** In lieu of required exterior openings for natural ventilation, 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. In bathrooms, water closet compartments, 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.

(d) **Hallways.** All public hallways, stairs, and other exitways shall be adequately lighted at all times in accordance with Section 3312 (a) of the Building Code.

Sanitation

Sec. 505. (a) Dwelling Units. Every dwelling unit shall be provided with a water closet, a lavatory, and a bathtub or shower.

(b) **Hotels.** Where private water closets, lavatories, and baths are not provided, there shall be provided on each floor for each sex at least one water closet and lavatory and one bath accessible from a public hallway. Additional water closets, lavatories, and baths shall be provided on each floor for each sex at the rate of one for every additional 10 guests, or fractional number thereof in excess of 10. Such facilities shall be clearly marked for "Men" or "Women."

(c) **Kitchen.** Each dwelling unit shall be provided with a kitchen. Every kitchen shall be provided with a kitchen sink. No wooden sink or sink of similarly absorbent material shall be permitted.

(d) **Fixtures.** All plumbing fixtures shall be connected to a sanitary sewer or to an approved private sewage disposal system. All plumbing fix-

tures shall be connected to an approved system of water supply and provided with hot and cold running water, except water closets shall be provided with cold water only.

All plumbing fixtures shall be of an approved glazed earthenware type or of a similarly nonabsorbent material.

(e) **Water Closet Compartments.** Walls and floors of water closet compartments except in dwellings shall be finished in accordance with Section 1711 of the Building Code.

(f) **Room Separations.** Every water closet, bathtub, or shower required by this Code shall be installed in a room which will afford privacy to the occupant. A room in which a water closet is located shall be separated from food preparation or storage rooms by a tight-fitting door.

(g) **Installation and Maintenance.** All sanitary facilities shall be installed and maintained in safe and sanitary condition and in accordance with all applicable laws.

Chapter 6

STRUCTURAL REQUIREMENTS

General

Sec. 601. (a) 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.

(b) Shelter. Every building shall be weather protected so as to provide shelter for the occupants against the elements and to exclude dampness.

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

Chapter 7

MECHANICAL REQUIREMENTS

Heating and Ventilation

Sec. 701. (a) Heating. Every dwelling unit and guest room shall be provided with heating facilities capable of maintaining a room temperature of 70°F. at a point 3 feet above the floor in all habitable rooms. Such facilities shall be installed and maintained in a safe condition and in accordance with Chapter 37 of the Building Code, the Mechanical Code, and all other applicable laws. No unvented fuel-burning heater shall be permitted. All heating devices or appliances shall be of an approved type.

(b) 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 of the premises of any building, such building shall be connected to such electrical power. Every habitable room shall contain at least two supplied electric convenience outlets or one such convenience outlet and one supplied electric light fixture. Every water closet compartment, bathroom, laundry room, furnace room, and public hallway shall contain at least one supplied electric light fixture.

(c) Ventilation. Ventilation for rooms and areas and for fuel-burning appliances shall be provided as required in the Mechanical Code and in this Code. Where mechanical ventilation is provided in lieu of the natural ventilation required by Section 504 of this Code, such mechanical ventilating system shall be maintained in operation during the occupancy of any building or portion thereof.

Chapter 8

SAFE EGRESS EXITS

General

Sec. 801. Every dwelling unit or guest room shall have access directly to the outside or to a public corridor. All buildings or portions thereof shall be provided with exits, exitways, and appurtenances as required by Chapter 33 of the Building Code.

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

All egress or rescue windows from sleeping rooms shall have a minimum net clear opening of 5.7 square feet. The minimum net clear opening height dimension shall be 24 inches. The minimum net clear opening width dimension shall be 20 inches. Where windows are provided as a means of egress or rescue they shall have a finished sill height not more than 44 inches above the floor.

Chapter 9

FIRE PROTECTION

General

Sec. 901. 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 or in fire zone; and shall be provided with the appropriate fire-extinguishing systems or equipment required by Chapter 38 of the Building Code.

Chapter 10

SUBSTANDARD BUILDINGS

Definition

Sec. 1001. (a) General. Any building or portion thereof including any dwelling unit, guest room or suite of rooms, or the premises on which the same is located, in which there exists any of the following listed conditions 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.

(b) Inadequate Sanitation. Inadequate sanitation shall include but not be limited to the following:

1. Lack of, or improper water closet, lavatory, bathtub or shower in a dwelling unit.
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.
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.
6. Lack of adequate heating facilities.
7. Lack, 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 as determined by the health officer.

(c) Structural Hazards. Structural hazards shall include but 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 which 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 which list, bulge, or settle, due to defective material or deterioration.

9. Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety.

(d) Nuisance. Any nuisance as defined in this Code.

(e) Hazardous Wiring. All wiring except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good condition and is being used in a safe manner.

(f) Hazardous Plumbing. All plumbing except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good condition and which is free of cross connections and siphonage between fixtures.

(g) Hazardous Mechanical Equipment. All mechanical equipment, including vents, except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good and safe condition.

(h) 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 exterior wall coverings, including lack of paint, or weathering due to lack of paint or other approved protective covering.
4. Broken, rotted, split, or buckled exterior wall coverings or roof coverings.

(i) Fire Hazard. Any building or portion thereof, device, apparatus, equipment, combustible waste, or vegetation which, in the opinion of the Chief of the Fire Department or his deputy, 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.

(j) Faulty Materials of Construction. All materials of construction except those which are specifically allowed or approved by this Code and the Building Code, and which have been adequately maintained in good and safe condition.

(k) Hazardous or Unsanitary Premises. Those premises on which an accumulation of weeds, vegetation, junk, dead organic matter, debris, gar-

bage, offal, rat harborages, stagnant water, combustible materials, and similar materials or conditions constitute fire, health, or safety hazards.

(l) **Inadequate Maintenance.** Any building or portion thereof which is determined to be an unsafe building in accordance with Section 203 of the Building Code.

(m) **Inadequate Exits.** All buildings or portions thereof not provided with adequate exit facilities as required by this Code except those buildings or portions thereof whose exit facilities conformed with all applicable laws at the time of their construction and which have been adequately maintained and increased in relation to any increase in occupant load, alteration or addition, or any change in occupancy.

When an unsafe condition exists through lack of, or improper location of exits, additional exits may be required to be installed.

(n) **Inadequate Fire-protection or Fire-fighting Equipment.** All buildings or portions thereof which are not provided with the fire-resistive construction or fire-extinguishing systems, or equipment required by this Code, except those buildings or portions thereof which 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.

(o) **Improper Occupancy.** All buildings or portions thereof occupied for living, sleeping, cooking or dining purposes which were not designed or intended to be used for such occupancies.

Chapter 11 NOTICES AND ORDERS OF BUILDING OFFICIAL

General

Sec. 1101. (a) Commencement of Proceedings. Whenever the Building Official has inspected or caused to be inspected any building and has found and determined that such building is a substandard building, he shall commence proceedings to cause the repair, rehabilitation, vacation, or demolition of the building.

(b) **Notice 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:

1. The street address and a 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 Section 202 of this Code.

3. A statement of the action required to be taken as determined by the Building Official.

(i) If the Building Official has determined that the building or structure must be repaired, the order shall require that all required permits be secured therefor and the work physically commenced within such time (not to exceed 60 days from the date of the order) and completed within such time as the Building Official shall determine is reasonable under all of the circumstances.

(ii) If the Building Official has determined that the building or structure must be vacated, the order shall require that the building or structure shall be vacated within a certain time from the date of the order as determined by the Building Official to be reasonable.

(iii) If the Building Official has determined that the building or structure must be demolished, the order shall require that the building be vacated within such time as the Building Official shall determine reasonable (not to exceed 60 days from the date of the order); that all required permits be secured therefor within 60 days from the date of the order, and that the demolition be completed within such time as the Building Official shall determine is reasonable.

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 Housing Advisory and 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 right to an administrative hearing and determination of the matter.

(c) **Service of Notice and Order.** The notice and order, and any amended or supplemental notice and order, shall be served upon the record owner, and posted on the property; and one copy thereof shall be served on each of the following if known to the Building Official or disclosed from official public records: the holder of any mortgage or deed of trust or other lien or encumbrance of record; the owner or holder of any lease of record; and 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 on him by the provisions of this Section.

(d) **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 his 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.

(e) **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.

Recordation of Notice and Order

Sec. 1102. 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 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 new certificate 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.

Repair, Vacation and Demolition

Sec. 1103. (a) Standards to be Followed. 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. If any building declared a substandard building under this ordinance shall either be repaired in accordance with the current Building Code or shall be demolished at the option of the building owner.

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 to be vacated.

Notice to Vacate

Sec. 1104. (a) Posting. Every notice to vacate shall, in addition to being served as provided in Section 1101 (c), be posted at or upon each exit of the building; and shall be in substantially the following form:

DO NOT ENTER

UNSAFE TO OCCUPY

It is a misdemeanor to occupy this build-

ing, or to remove or deface this notice.

Building Official

City of

(b) **Compliance.** Whenever such notice is posted, the Building Official shall include a notification thereof in the notice and order issued by him under subsection (b) of Section 1101, reciting the emergency and specifying the conditions which necessitate the posting. No person shall remain in or enter any building which 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 subsection shall be guilty of a misdemeanor.

Chapter 12

APPEAL

General

Sec. 1201. (a) Form of Appeal. Any person entitled to service under Section 1101 (c) 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:

1. A heading in the words: "Before the Board of Appeals of the City of _____"
2. A caption reading: "Appeal 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 of that specific 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, that 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 adjacent property and is ordered vacated and is posted in accordance with Section 1104, such appeal shall be filed within 10 days from the date of the service of the notice and order of the Building Official.

(b) 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 Board of Appeals.

(c) Scheduling and Noticing Appeal for Hearing. As soon as practicable after receiving the written appeal the Housing Advisory and Appeals Board shall fix a date, time, and place for the hearing of the appeal by the Board. Such date shall be not less than 10 days nor 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 his address shown on the appeal.

Effect of Failure to Appeal

Sec. 1202. Failure of any person to file an appeal in accordance with the provisions of Sections 1101 and 1201 shall constitute a waiver of his right to an administrative hearing and adjudication of the notice and order, or to any portion thereof.

Scope of Hearing on Appeal

Sec. 1203. Only those matters or issues specifically raised by the appellant shall be considered in the hearing of the appeal.

Staying of Order Under Appeal

Sec. 1204. Except for vacation orders made pursuant to Section 1102, enforcement of any notice and order of the Building Official issued under this Code shall be stayed during the pendency of an appeal therefrom which is properly and timely filed.

Chapter 13

PROCEDURES FOR CONDUCT

OF HEARING APPEALS

General

Sec. 1301. (a) Hearing Examiners. The Board may appoint one or more hearing examiners or designate one or more of its members to 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 by him to the Board for decision.

(b) 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.

(c) Reporting. The proceedings at the hearing shall also be reported by a phonographic reporter if requested by any party thereto. A transcript of the proceedings shall be made available to all parties upon request and upon payment of the fee prescribed therefor. Such fees may be established by the Board, but shall in no event be greater than the cost involved.

(d) 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 him for good cause shown so long as the matter remains before him.

(e) 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.

(f) 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.

Form of Notice of Hearing

Sec. 1302. 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 Board or name of hearing examiner) at.....on the.....day of....., 19....., 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 filing an affidavit therefor with (Board or name of hearing examiner)."

Subpoenas

Sec. 1303. (a) Filing of Affidavit. The Board or examiner 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 an affidavit therefor which states the name and address of the proposed witness; specifies the exact things 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.

(b) Cases Referred to Examiner. In cases where a hearing is referred to an examiner, all subpoenas shall be obtained through the examiner.

(c) Penalties. Any person who refuses without lawful excuse to attend any hearing, or to produce material evidence in his possession or under his control as required by any subpoena served upon such person as provided for herein shall be guilty of a misdemeanor.

Conduct of Hearing

Sec. 1304. (a) Rules. Hearings need not be conducted according to the technical rules relating to evidence and witnesses.

(b) Oral Evidence. Oral evidence shall be taken only on oath or affirmation.

(c) 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.

(d) 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 which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this state.

(e) Exclusion of Evidence. Irrelevant and unduly repetitious evidence shall be excluded.

(f) Rights of Parties. Each party shall have these 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 him to testify;
5. To rebut the evidence against him;

6. To represent himself or to be represented by anyone of his choice who is lawfully permitted to do so.

(g) **Official Notice.** 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 which 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.

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

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 or hearing examiner.

4. **Inspection of the premises.** The Board or the hearing examiner 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 or the hearing examiner shall state for the record upon completion of the inspection the material facts observed and the conclusions drawn therefrom. Each party then shall have a right to rebut or explain the matters so stated by the Board or hearing examiner.

Method and Form of Decision

Sec. 1305. (a) Hearing before Board Itself. Where a contested case is heard before the Board itself, no member thereof who did not hear the evidence or has not read the entire record of the proceedings shall vote on or take part in the decision.

(b) **Hearing before Examiner.** If a contested case is heard by a hearing examiner alone, he shall within a reasonable time (not to exceed 90 days from the date the hearing is closed) submit a written report to the Board. Such report shall contain a brief summary of the evidence considered and state the examiner's findings, conclusions and recommendations. The report also shall contain a proposed decision in such form that it may be adopted by the Board as its decision in the case. All examiner's reports filed with the Board shall be matters of public record. A copy of each such report and proposed decision shall be mailed to each party on the date they are filed with the Board.

(c) **Consideration of Report by Board—Notice.** The Board shall fix a time, date, and place to consider the examiner's report and proposed decision. Notice thereof shall be mailed to each interested party not less than five days prior to the date fixed, unless it is otherwise stipulated by all of the parties.

(d) **Exceptions to Report.** Not later than two days before the date set to consider the report, any party may file written exceptions to any part or all of the examiner's report and may attach thereto a proposed decision together with written argument in support of such decision. By leave of the Board, any party may present oral argument to the Board.

(e) **Disposition by the Board.** The Board may adopt or reject the proposed decision in its entirety, or may modify the proposed decision.

(f) **Proposed Decision Not Adopted.** If the proposed decision is not adopted as provided in subsection (e), the Board may decide the case upon the entire record before it, with or without taking additional evidence; or may refer the case to the same or another hearing examiner to take additional evidence. If the case is reassigned to a hearing examiner, he shall prepare a report and proposed decision as provided in subsection (b) hereof after any additional evidence is submitted. Consideration of such proposed decision by the Board shall comply with the provisions of this Section.

(g) **Form of Decision.** The decision 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 the appellant personally or sent to him by certified mail, postage prepaid, return receipt requested.

(h) **Effective Date of Decision.** The effective date of the decision shall be as stated therein.

Chapter 14

ENFORCEMENT OF THE ORDER OF THE BUILDING OFFICIAL OR THE BOARD OF APPEALS

Compliance

Sec. 1401. (a) General. After any order of the Building Official or the Housing Advisory and Appeals Board made pursuant to this Code shall have become 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.

(b) Failure to Obey Order. If, after any order of the Building Official or Housing Advisory and 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 subsection (a) of this Section or (ii) institute any appropriate action to abate such building as a public nuisance.

(c) 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.

Building Official
City of....."

2. No person shall occupy any building which 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 which 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 hereinafter 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.

Extension of Time to Perform Work

Sec. 1402. Upon receipt of an application from the person required to conform to the order and an agreement by such person that he will comply with the order if allowed additional time, the Building Official may, in his discretion, grant an extension of time, not to exceed an additional 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 his notice and order.

Interference with Repair or Demolition Work Prohibited

Sec. 1403. 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 which has been ordered repaired, vacated or demolished under the provisions of this Code, or with any person to whom such building has been lawfully sold pursuant to the provisions of this Code, whenever such officer, employee, contractor or authorized representative of the city, 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 or authorized or directed pursuant to this Code.

Chapter 15

PERFORMANCE OF WORK

OF REPAIR OR DEMOLITION

General.

Sec. 1501. (a) Procedure. When any work of repair or demolition is to be done pursuant to Section 1401 (c) 3 of this Code, the Building Official shall cause the work to be accomplished by city personnel or by private contract under the direction of the Building Official. Plans and specifications therefor may be prepared by the Building Official; or he may employ such architectural and engineering assistance on a contract basis as he may deem reasonably necessary.

(b) Costs. The cost of such work shall be paid from the 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 City Council shall determine is appropriate.

Repair and Demolition Fund

Sec. 1502. (a) General. The City Council shall establish a special revolving fund to be designated as the Repair and Demolition Fund. Payments shall be made out of said fund upon the demand of the Building Official to defray the costs and expenses which may be incurred by the city in doing or causing to be done the necessary work of repair or demolition of dangerous buildings.

(b) Maintenance of Fund. The Council 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 of 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 hereinafter provided for. All funds collected under the proceedings hereinafter provided for, shall be paid to the City Treasurer who shall credit the same to the Repair and Demolition Fund.

Chapter 16

RECOVERY OF COST

OF REPAIR OR DEMOLITION

Account of Expense, Filing of Report: Contents

Sec. 1601. The Building Official shall keep an itemized account of the expense incurred by the city in the repair or demolition of any building done pursuant to the provisions of Section 1401 (c) 3 of this Code. Upon the completion of the work of repair or demolition, said Building Official shall prepare and file with the City Clerk a report specifying the work done, 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 persons entitled to notice pursuant to subsection (c) of Section 1401.

Report Transmitted to Council—Set for Hearing

Sec. 1602. Upon receipt of said report, the City Clerk shall present it to the City Council for consideration. The City Council shall fix a time, date and place for hearing said report, and any protests or objections thereto. The City Clerk 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 his name and address appear on the last equalized assessment roll of the county, if such so appear, or as known to the Clerk. Such notice shall be given at least 10 days prior to the date set for hearing and shall specify the day, hour, and place when the Council will hear and pass upon the Building Official's report, together with any objections or protests which may be filed as hereinafter provided by any person interested in or affected by the proposed charge.

Protests and Objections—How Made

Sec. 1603. Any person interested in or affected by the proposed charge may file written protests or objections with the City Clerk 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 City Clerk shall endorse on every such protest or objection the date it was received by him. He shall present such protests or objections to the City Council at the time set for the hearing, and no other protests or objections shall be considered.

Hearing of Protests

Sec. 1604. Upon the day and hour fixed for the hearing the City Council shall hear and pass upon the report of the Building Official together with any such objections or protests. The Council may make such revision, correction or modification in the report or the charge as it may deem just;

and when the Council 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 City Council on the report and the charge, and on all protests or objections, shall be final and conclusive.

Personal Obligation or Special Assessment

Sec. 1605. (a) General. The City Council may thereupon order that said charge shall be made a personal obligation of the property owner or assess said charge against the property involved.

(b) Personal Obligation. If the City Council orders that the charge shall be a personal obligation of the property owner, it shall direct the City Attorney to collect the same on behalf of the city by use of all appropriate legal remedies.

(c) Special Assessment. If the City Council orders that the charge shall be assessed against the property it shall confirm the assessment, cause the same to be recorded on the assessment roll, and thereafter said assessment shall constitute a special assessment against and a lien upon the property.

Contest

Sec. 1606. 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.

Authority for Installment Payment of Assessments with Interest

Sec. 1607. The City Council, in its discretion, may determine that assessments in amounts of \$500.00 or more shall be payable in not to exceed five equal annual installments. The Council'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 by a resolution adopted prior to the confirmation of the assessment.

Lien of Assessment

Sec. 1608. (a) 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 be upon a parity. The lien shall continue until the assessment and all interest due and payable thereon are paid.

(b) 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.

Report to Assessor and Tax Collector: Addition of Assessment to Tax Bill

Sec. 1609. After confirmation of the report, certified copies of the assessment shall be given to the City Assessor and the City Tax Collector, who shall add the amount of the assessment to the next regular tax bill levied against the parcel for municipal purposes.

Filing Copy of Report with County Auditor

Sec. 1610. 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 August 10th. 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.

Collections of Assessment: Penalties for Foreclosure

Sec. 1611. The amount of the assessment shall be collected at the same time and in the same manner as ordinary municipal taxes are collected; and shall be subject to the same penalties and procedure and sale in case of delinquency as provided for ordinary municipal taxes. All laws applicable to the levy, collection and enforcement of municipal taxes shall be applicable to such assessment.

If the City Council 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 municipal 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 municipal taxes.

Repayment of Repair and Demolition Fund

Sec. 1612. 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 City Treasurer who shall credit the same to the Repair and Demolition Fund.