

Where there is electrical power available within three hundred (300) feet of any building, such building shall be connected to such electrical power. Every habitable room shall contain at least two electrical convenience receptacles or one convenience receptacle 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.

C. Ventilation. Ventilation for rooms and areas and for fuel-burning appliances shall be provided as required in the Oakland Building Code and in this Code. Where mechanical ventilation is provided in lieu of the natural ventilation required by Section 15.08.220 of this Code, such mechanical ventilating system shall be maintained in operation during the occupancy of any building or portion thereof.

D. Electrical Switch Location. Switching devices controlling electrically supplied equipment and fixtures shall be listed and approved and shall not be readily accessible to a bathtub or shower receptor. (Ord. 11833 § 3 (part), 1995: prior code § 8-7.01)

Article VIII. Exits

15.08.280 General.

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, exitways and appurtenances as required by Articles III and X of the Oakland Building Code.

Sleeping rooms below the fourth story shall have at least one operable window or exterior door approved for emergency escape or rescue. The units shall be operable from the inside to provide a full clear opening without the use of separate tools. (Ord. 11833 § 3 (part), 1995: prior code § 8-8.01)

15.08.290 Fire assemblies.

Fire assemblies which customarily or repeatedly are maintained in an open position shall have automatic closing devices installed. (Ord. 11833 § 3 (part), 1995: prior code § 8-8.02)

15.08.300 Transoms.

All Group R - Division I occupancies heretofore

erected shall have no transoms, windows or similar fenestration from apartments or guest rooms opening onto a public corridor. All such existing openings shall be fixed in a closed position and covered with a minimum of three-fourth (0.75) inch thick plywood or one-half (0.5) inch thick gypsum wallboard or equivalent material. (Ord. 11833 § 3 (part), 1995: prior code § 8-8.03)

15.08.310 Wooden stairs.

No closet or other storage compartment shall be constructed under any wooden stair or landing in a Group R - Division 1 occupancy more than two stories in height. Such space shall be entirely open and maintained free of all storage, utility meters, heating facilities, and similar encumbrances, unless said space is enclosed as required by the Oakland Building Code for a stairway enclosure without doors or other communicating openings. (Ord. 11833 § 3 (part), 1995: prior code § 8-8.04)

Article IX. Fire Protection

15.08.320 General.

All buildings or portions thereof shall be provided with the degree of fire-resistive construction as required by the Oakland Building Code for the appropriate occupancy, type of construction and location on the property, and shall be provided with appropriate fire-extinguishing systems or equipment required by the Oakland Fire Code and Chapter 9 of the Oakland Building Code. (Ord. 11833 § 3 (part), 1995: prior code § 8-9.01)

15.08.330 Smoke detectors.

In guest rooms, approved devices used to detect the products and components of combustion (smoke detectors) shall be installed with captive screws or other approved method to preclude unauthorized tampering or removal of the device. (Ord. 11833 § 3 (part), 1995: prior code § 8-9.02)

Article X. Substandard Buildings

15.08.340 Definition.

A. General. Any building or portion thereof which is determined to be an unsafe building in accordance with Section 102 of the Oakland Build-

ing Code; or 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 conditions referenced in this section 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 are declared to be substandard buildings.

B. 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 closet, lavatory, 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;
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 as determined by the health officer.

C. Structural Hazards. Buildings or portions thereof shall be deemed substandard when they are or contain 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, ceilings 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. Buildings or portions thereof in which there exists any nuisance as defined in this Code are deemed substandard buildings.

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

F. Hazardous Plumbing. Plumbing which was installed in violation of code requirements in effect at the time of installation or plumbing not installed in accordance with generally accepted construction practices in areas where no codes were in effect or which has not been maintained in good condition or which is not free of cross-connections or siphonage between fixtures shall be considered substandard.

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

H. **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 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, 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 a substandard building.

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

K. **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 premises constitutes fire, health or safety hazards which shall be abated in accordance with the procedures specified in Article XI of this Code.

L. **Inadequate Exits.** Except for those buildings or portions thereof which 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 exit, or when other conditions exist which are dangerous to human life.

M. **Inadequate Fire Protection or Fire Fighting 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 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.

N. **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 shall be considered substandard.

O. **Inadequate Maintenance.** (HSC Section 17920.3). Any building or portion thereof which is determined to be an unsafe building due to inadequate maintenance, in accordance with the latest edition of the Uniform Building Code. (Ord. 11833 § 3 (part), 1995: prior code § 8-10.01)

Article XI. Substandard Notices and Orders

15.08.350 General.

A. **Commencement of Proceedings.** When the Building Official has inspected or caused to be inspected building and has found and determined that such building is a substandard building, the Building Official 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 15.08.090 of this Code.

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

a. 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 sixty 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.

b. 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.

c. 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 sixty days from the date of the order), that all required permits be secured therefor within sixty 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:

a. will order the building vacated and posted to prevent further occupancy until the work is completed; and

b. may proceed to cause the work to be done and charge the costs thereof against the property or its owner.

5. Statements advising:

a. that any person having any record title or legal interest in the building may request a hearing with the Hearing Examiner regarding the order or

a related action of the Building Official. Such request shall be made in writing and filed with the Building Official within fourteen days from the date of service of such order, provided, however, that if the building or structure is in such condition as to make it imminently hazardous to the life, limb, property, safety, health, or welfare of the occupants, the public, or adjacent property, and if ordered vacated and is posted as required by this Code, such request for hearing shall be filed within five days from the date of the service of the order of the Building Official; and

b. that failure to request a hearing in a timely manner will constitute a waiver of all right to an administrative hearing and determination of the matter.

C. Method of Service. The Building Official shall serve all substandard Notices and Orders, and all amendments or supplements thereto, to the property owner by one or more of the following methods of service:

1. by personal delivery with acknowledged receipt; or

2. by certified mailing, postage prepaid, return receipt requested to the last known mailing address; or

3. constructive public notification, including but not limited to the following:

a. filing of an affidavit with the Oakland City Clerk certifying to the time and manner in which such order was sent by regular mail; or

b. publication in a newspaper of general circulation; or

c. conspicuous posting on or in the vicinity of the property.

The Building Official shall promulgate a departmental policy to specify which of the above noted methods of serving notice shall be required for each of the various proceedings taken hereunder.

Copies of said Notices and Orders, amendments, and supplements served to the property owner shall also be provided to each of the following as known to the Building Official or disclosed from official public records:

4. holder of any mortgage or deed of trust or other lien or encumbrance of record; and

5. owner or holder of any lease of record; and

6. 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.

D. Dangerous Building or Structure. Whenever the Building Official will cause the immediate vacation of a dangerous building or structure as defined in Section 15.08.380(B)(2) of this Code and all other endangered property similarly in perilous risk or the immediate abatement by the City or its contractors of dangerous and perilous conditions or defects or both, reasonable measures shall be taken to notify the record owners of the pending abatement actions, to include visual communication by posting of the premises and oral communication by telephone or in person and written communication by personal delivery or telegraph or facsimile, unless circumstances and time do not otherwise permit. Notification as defined in Section 15.08.350B shall also be served as soon as practicable following the abatement action. (Ord. 12088 § 6 (part), 1998; Ord. 11833 § 3 (part), 1995: prior code § 8-11.01)

15.08.360 Recordation of substandard 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 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. (Ord. 11833 § 3 (part), 1995: prior code § 8-11.02)

15.08.370 Rehabilitation, repair, removal and demolition.

A. Any building or structure or portion thereof declared substandard under this Code shall be made to comply with one of the following:

1. The building shall be rehabilitated or the structure repaired in accordance with the current Oakland Building Code or other current code applicable to the type of substandard conditions requiring rehabilitation or repair; or

2. The building or structure shall be demolished or removed.

B. Compliance.

1. Application for permits to rehabilitate, repair, remove, or demolish a substandard building or structure or portion thereof shall be made within ten days after service of the Notice and Order. All permits must be obtained within twenty days after said service, and all work shall be finalized and approved within thirty days after obtaining said permits. Failure to obtain said permits and complete the required work as specified herein shall result in the demolition of the building by the Building Official. The Building Official may grant extensions to the permit issuance and completion requirements specified herein as may be reasonable.

2. Conditions of Compliance including, but not limited to, issuance of required permits and Certificate of Occupancy and Report of Residential Building Record, establishment of performance durations, and payment of all fees, charges, assessments, penalties, liens, accrued interest, performance completion security, and performance monitoring deposit shall be required for all such rehabilitation, repair, demolition, or removal. (Ord. 12088 § 6 (part), 1998; Ord. 11833 § 3 (part), 1995: prior code § 8-11.03)

15.08.380 Notice to vacate.

A. Vacant Building.

1. Any substandard building or structure or portion thereof declared substandard under this Code which does not constitute a danger either to life and limb of the occupants or to private or public property or to health or safety of the public may be vacated.

2. Any building or structure or portion thereof declared substandard under this Code which by