

INTRODUCED BY COUNCILMEMBER _____


CITY ATTORNEY**ORDINANCE No. 12151 C. M. S.****AN ORDINANCE ADOPTING LOCAL AMENDMENTS TO THE CALIFORNIA BUILDING STANDARDS CODE, CALIFORNIA CODE OF REGULATIONS (CCR), TITLE 24, PART 9 (CALIFORNIA FIRE CODE) AND AMENDING THE OAKLAND MUNICIPAL CODE CHAPTER 15.12**

Whereas, the Council of the City of Oakland does hereby find that premises exist within the City which are hazards of fire or explosion because there exist vacant and occupied buildings thereon and also conditions thereon or therein, and such buildings and conditions are hazards to life or property because of failure to keep them in a reasonable degree of repair; or lack of proper storage facilities, or lack of disposal or improper disposal of vegetation or materials susceptible to uncontrolled combustion; or failure to reduce the amount of or provide adequate separation from a fuel load contributing to the risk of a fire hazard; or improper handling and use of hazardous substances, materials, and devices; or overcrowding of the premises by public patrons; or physical impairment or improper maintenance of exits and paths of travel and means of emergency access; or improper maintenance of fire detection and warning devices and equipment and systems; or improper maintenance of fire suppression equipment and systems; or any combination of these factors, which has resulted in such premises jeopardizing life or property in the use or occupancy of buildings or premises so as to be detrimental to the health, safety, or general welfare and the comfortable enjoyment of living, or the people of the City; and

Whereas, the Council of the City of Oakland further hereby finds that hazardous premises and such hazardous buildings existing thereon and such hazardous condition existing thereon or therein are dangerous to the public health, safety, and the comfortable enjoyment of living of the people; that conditions existing on such premises necessitate excessive and disproportionate expenditure of public funds for public safety, fire protection and other public services; and that the conditions on such hazardous premises cause a drain upon public revenue and impair the efficient and economical exercise of governmental functions in such areas; and

Whereas, the Council of the City of Oakland further hereby finds that the elimination of hazardous premises and of conditions dangerous or imminently hazardous to life or limb or health or safety of the public or other property and the prevention of the occurrence and recurrence of hazardous premises and of dangerous or imminently hazardous conditions in the future is in the best interests of the citizens of Oakland, the State of California, and the entire United States; and that the accomplishment of this end will be fostered and encouraged by the enactment and enforcement of this Ordinance; and

Whereas, the Council of the City of Oakland further hereby finds that the requirements of the California Environmental Quality Act (CEQA) of 1970, the Guidelines as prescribed by the Secretary for Resources, and the provisions of the Statement of Objectives, Criteria, and Procedures for Implementation of the California Environmental Quality Act: City of Oakland, have been satisfied, and that in accordance with Section 1506(b)(3) of the California Code of Regulations the adoption of local amendments to the California Model Fire Code, California Code of Regulations (CCR), Title 24, Part 9, and amending the Oakland Municipal Code Chapter 15.12 are exempt from the provisions of the California Environmental Quality Act; and

Whereas, the Council of the City of Oakland further hereby finds that the enactment of this Ordinance is essential to the public interest and that its enforcement should be liberally construed to effectuate the purposes as stated in this Ordinance; and

Whereas, the Council of the City of Oakland further hereby finds that the California Fire Code, with local amendments thereof as recited herein, shall be the governing code of the City; and

Whereas, the edition of the California Fire Code as recited herein is the most current in publication:

California Building Standards Code, 1998 Edition, California Code of Regulations (CCR), Title 24, Part 9 (California Fire Code); and

Now Therefore, the Council of the City of Oakland does ordain as follows:

SECTION 1. Ordinances Repealed

City of Oakland Ordinances 11,640 CMS and all amendments thereof that conflict within or between or among the provisions of this Code are hereby repealed.

SECTION 2. Municipal Code Re-Adoptions

The following Sections of the Oakland Municipal Code, Chapter 15.12 are hereby re-adopted in total without amendments:

Sections 15.12.020 and 15.12.030

SECTION 3. Municipal Code Amendments

A. Section 15.12.010 of the Oakland Municipal Code is hereby amended in part to read as follows:

**Sec. 2.406 COST A CHARGE AGAINST THE PROPERTY AND OWNER.
STATEMENT OF COSTS. COLLECTION OF COSTS**

The fees and costs incurred and the penalties assessed and the interest accrued in obtaining Real Property Ownership reports, and in ascertaining violations or affecting abatement thereof shall be charged against the property and owners and may be recovered by all appropriate legal means, including but not limited to Priority Lien and Special Assessment of the general tax levy, or civil and small claims court action brought by the City, or both. Said fees, costs, penalties, and interest shall be as established in the Master Fee Schedule of the City of Oakland.

Prior to recordation of a Priority Lien and Special Assessment, the Fire Chief shall provide the property owner an itemized list of the fees, costs, penalties, and interest accruing to said lien, with a Demand for Payment thereof. Said Demand shall indicate that failure to pay expeditiously will result in the recordation of said lien against the property and the owner, heirs, successors, and assigns.

If said fees, costs, penalties and accruing interest are not fully paid within seven calendar days after service of said demand, the Fire Chief shall record with the Alameda County Recorder a certificate of Priority Lien and Special Assessment which shall be a priority lien against the property described therein until the amount thereof, plus accrued interest has been paid in full. The amount of said lien shall draw interest thereon at a rate as established in the Master Fee Schedule from and after the date of service of said demand. The statute of limitations shall not run against the right of the City of Oakland to enforce payment.

Sec. 2.407 METHOD OF COLLECTION: PROPERTY TAX GENERAL LEVY.

As an alternative method of collection of the amount of said lien, the Fire Chief may transmit said lien to the Alameda County Tax Collector, who shall thereupon enter said amounts on the County Assessment Book opposite the description of the particular lot or parcel of land, and said amount shall be collected together with all other taxes levied against the property. The assessment shall be subject to the same penalties and interest and to the same procedure under foreclosure and sale, in the case of delinquency, as provided for all other municipal and county taxes against the property, and all laws applicable to the levy, collection, and enforcement of general property taxes are hereby made applicable to such special assessment.

B. All other provisions of Section 15.12.010 of the Oakland Municipal Code not amended as indicated in subsection A above shall be re-adopted without amendments.

Introduced = 6-15-99

IN COUNCIL, OAKLAND, CALIFORNIA, JUN 22 1999, 19__

PASSED BY THE FOLLOWING VOTE:

AYES- BRUNNER, CHANG, MILEY, NADEL, REID, RUSSO, SPEES AND
PRESIDENT DE LA FUENTE — 8

NOES- None

ABSENT- None

ABSTENTION- None

ATTEST:



CEDA FLOYD

City Clerk and Clerk of the Council
of the City of Oakland, California

NOTICE AND DIGEST

ORDINANCE ADOPTING LOCAL AMENDMENTS TO THE CALIFORNIA MODEL FIRE CODE AND INCORPORATING SAID AMENDMENTS INTO THE OAKLAND MUNICIPAL CODE

This ordinance makes local amendments to the 1998 triennial edition of the California Model Fire Code (Title 24) which becomes effective on July 1, 1999. These amendments are necessary to make the model code compatible with local practices, policies, construction methods, and climatic, geologic, and topographic conditions. These amendments are substantially the same as those adopted by the City for previous editions of the model code. The primary new change is to include an alternative method of assessing and collecting fees for abatement of violations.

This California Model Fire Code with local amendments thereof shall be the governing code of the City of Oakland.

The Oakland Tribune

Making a difference from the Bay to the Valley



66 Jack London Sq. Oakland, CA. 94607
(510) 208-6340

LEGAL NO. _____

1543902

PUBLIC NOTICE
NOTICE AND DIGEST

**ORDINANCE ADOPTING LOCAL
AMENDMENTS TO THE CALIFORNIA
MODEL FIRE CODE AND
INCORPORATING SAID AMENDMENTS
INTO THE OAKLAND MUNICIPAL CODE**

This ordinance makes local amendments to the 1998 triennial edition of the California Model Fire Code (Title 24) which becomes effective on July 1, 1999. These amendments are necessary to make the model code compatible with local practices, policies, construction methods, and climatic, geologic, and topographic conditions. These amendments are substantially the same as those adopted by the City for previous editions of the model code. The primary new change is to include an alternative method of assessing and collecting fees for abatement of violations.

This California Model Fire Code with local amendments thereof shall be the governing code of the City of Oakland.

This Ordinance was introduced at the regular council meeting, Tuesday evening, June 15, 1999, and passed to print 8 Ayes, 0 Noes. Hearing on final adoption is set for regular Council Meeting at One City Hall Plaza, Council Chambers, on the third floor in Oakland, California, Tuesday evening, June 22, 1999 at 7:00 p.m.

Three full copies are available for use and examination by the public in the office of the City Clerk at One City Hall Plaza, 1st floor, Oakland, California.

CEDA FLOYD, City Clerk

The Oakland Tribune, Legal No. 1543902
June 22, 1999

FILED
OFFICE OF THE CITY CLERK
OAKLAND

99 JUN 30 AM 9:40

PROOF OF PUBLICATION

Case No. _____

In the matter of
City of Oakland

Samantha Allen-Wise

deposes and says that he/she was the Public Notice Advertising Clerk of THE OAKLAND TRIBUNE a newspaper of general circulation as defined by Government Code Section 6000 adjudicated as such by the Superior Court of the State of California, County of Alameda (Order No. 237798, December 4, 1951) which is published and circulated in Oakland Township in said county and state seven days a week.

That the _____

Notice & Digest

of which the annexed is a printed copy, was published in every issue of THE OAKLAND TRIBUNE on the following dates.

June 22, 1999

I certify (or declare) under the penalty of perjury that the foregoing is true and correct

Date June 22, 1999

at Oakland, California

Samantha Allen-Wise
Public Notice Advertising Clerk

The Oakland Tribune

Making a difference from the Bay to the Valley



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(510) 208-6340

LEGAL NO.

1543908

INSTRUMENT NO. 1543908
GROSSVENDOR HOTEL

**ORDINANCE ADOPTING LOCAL
AMENDMENTS TO THE CALIFORNIA
MODEL BUILDING CODES AND
INCORPORATING SAID AMENDMENTS
INTO THE OAKLAND MUNICIPAL CODE**

These ordinances make local amendments to the 1998 triennial editions of the California Model Building Codes (Titles 24) which become effective on July 1, 1999. These amendments are necessary to make the model codes compatible with local practices, policies, construction methods, and climatic, geologic, and topographic conditions. These amendments are substantially the same as those adopted by the City for previous editions of the model codes. The primary new changes are to establish alternative building code standards for the conversion of existing commercial buildings to residentially oriented live-work in the urban core.

These California Model Building Codes with local amendments thereof shall be the governing codes of the City of Oakland.

This Ordinance was introduced at the regular council meeting, Tuesday evening, June 15, 1999, and passed to print 8 Ayes, 0 Noes. Hearing on final adoption is set for regular Council Meeting at One City Hall Plaza, Council Chambers, on the third floor in Oakland, California, Tuesday evening, June 22, 1999 at 7:00 p.m.

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CEDA FLOYD, City Clerk

The Oakland Tribune, Legal No. 1543908
June 22, 1999

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OAKLAND DM
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Samantha Allen-Wise
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