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City Attorney

# OAKLAND CITY COUNCIL

RESOLUTION No. \_\_\_\_\_ C.M.S.

Introduced by Councilmembers Kaplan and Gallo

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## RESOLUTION RESCINDING ANY POLICY EXEMPTING VACANT PROPERTIES FROM FIRE INSPECTIONS AND DIRECTING THE CITY ADMINISTRATOR TO DEVELOP PROCEDURES, STANDARDS AND CRITERIA FOR INSPECTION OF VACANT BUILDINGS/STRUCTURES FOR COMPLIANCE WITH FIRE REGULATIONS

**WHEREAS**, a countervailing municipal function is the delivery of fire safety services to Oakland neighborhoods to protect life and property and enhance the quality of life in the City; and

**WHEREAS**, on December 2, 2016, a devastating fire occurred in a purportedly vacant building located at 1315 31<sup>st</sup> Avenue Oakland, California, resulting in the death of 36 individuals; and

**WHEREAS**, unsafe vacant buildings/structures exist in the City of Oakland and in every other city in the nation, and the condition of these properties threaten the health and welfare of the citizens of the City as well as that of City employees; and

**WHEREAS**, unsafe vacant buildings/structures may be abandoned or listed as “vacant” when, in fact, they are in active use without the knowledge of City officials and staff, and this practice makes it easier for irresponsible property owners to remain under the City’s radar and avoid fire safety compliance and relevant building and code regulations; and

**WHEREAS**, the City of Oakland adopted the 2013 California Fire Code, as amended, and section 311 of the Code imposes fire safety requirements on vacant buildings/structures and authorizes Oakland fire officials to enforce said requirements; and

**WHEREAS**, vacant buildings/structures must comply with fire safety requirements, which may include (1) maintaining fire alarms, sprinklers and standpipe systems in operable condition, (2) providing fire resistance partitions separating vacant tenant spaces from occupied spaces, and (3) removing combustibles and hazardous materials; and

**WHEREAS**, the City Council wishes to protect life and property and reduce the risk of catastrophic fires through enforcement of fire code regulations applicable to vacant buildings/structures; and

**WHEREAS,** Oakland City Charter, Section 207 vests the City Council with all powers of legislation in municipal affairs, including the power to adopt policies and priorities for the protection of life and property; now, therefore, be it

**RESOLVED:** That the City Council hereby declares it shall be the policy of the City of Oakland to inspect vacant buildings/structures for compliance with fire regulations consistent with state and local laws; and be it

**FURTHER RESOLVED:** That the City Administrator shall (1) establish procedures to implement this policy in accordance with this Resolution, (2) rescind any city policy or directive exempting vacant buildings/structures from fire inspections, and (3) return to Council in 30 days to advise Council of the actions taken; and be it

**FURTHER RESOLVED:** That this resolution and any policies and procedures adopted by the City shall not establish or impose liability on the City of Oakland nor create a cause of action by any third party, and the City expressly does not waive any legal rights, defenses, or statutory immunities provided by law.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GIBSON MCELHANEY, GUILLEN, KALB, KAPLAN,  
AND PRESIDENT REID

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_  
LaTonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California