



City Attorney

OAKLAND CITY COUNCIL
ORDINANCE NO. 13362 C.M.S.

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2016 MAR 10 PM 1:06

AN ORDINANCE AMENDING CHAPTER 15.12, SECTION 114.3 OF THE OAKLAND FIRE CODE TO AUTHORIZE USE OF THE LIEN PROCESS TO RECOVER UNPAID ADMINISTRATION AND REINSPECTION FEES, FINES, INTEREST, PENALTIES, AND COLLECTION FEES AND OTHER COSTS ASSOCIATED WITH ENFORCEMENT OF THE FIRE CODE.

WHEREAS, the City of Oakland Fire Code authorizes Oakland Fire Department to provide annual compliance inspections for hazardous vegetation inspections at no cost to property owners to preserve life, health, safety, and the community; and

WHEREAS, the Oakland Fire Code as set forth in Oakland Municipal Code Chapter 15.12, Section 15.12.020 includes Oakland Amendments to the 2013 California Fire Code, including Section 114.3; and

WHEREAS, Section 15.20.020, including Oakland Amendments to the 2013 California Fire Code, Section 114.3 "Method of Collection: Additional Amount of Costs to Tax Bill: authorizes the Fire Code Official to turn over to the County Assessor for inclusion in the next property assessment the total sum of unpaid costs; and

WHEREAS, expanding Section 114.3 to authorize the Fire Code Official to use the lien process will allow for the recovery all costs relating to the enforcement of the fire code to abate violations, including administrative and reinspection fees, fines, penalties, interest, and collection fees owed to the City by the property owner of record; now, therefore

THE COUNCIL OF THE CITY OF OAKLAND DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The City Council finds and determines the forgoing recitals to be true and correct and hereby adopts and incorporates them into this Ordinance.

SECTION 2. The Municipal Code is hereby amended to add, delete, or modify sections as set forth below section numbers and titles are indicated in **bold type**; additions are indicated by underscoring and deletions are indicated by ~~strike-through type~~; portions of the regulations not cited or not shown in underscoring or strike-through type are not changed.

SECTION 3. Oakland Municipal Code Chapter 15.12, Section 15.12.020 Oakland Amendments

to the 2013 California Fire Code, Section 114.3 is hereby amended in its entirety to read as follows:

114.3 Method of collection: Additional Amount of Costs to Tax Bill Procedure.

With the confirmation of the report by the City Council, the nuisance abatement charges contained therein that remain unpaid by the owner of the subject property shall constitute a special assessment against said property as it has received the special benefit of City abatement services. Such charges shall be collected, along with City administrative and a ~~re-inspection~~ reinspection fees at such time as is established by the County Assessor for inclusion on the next property tax roll.

The Fire Code Official shall turnover to the County Assessor for inclusion in the next property tax assessment the total sum of unpaid nuisance abatement charges consisting of the abatement costs, administrative and ~~re-inspection~~ reinspection fees, fines, penalties, interest, and collection fees from the date of recordation of the ~~lien~~ lien, at the rate established and as described in the Master Fee Schedule.

Thereafter, said assessment may 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 the same procedure of sale as provided for ordinary delinquent municipal taxes. The special assessment shall be on parity and the same priority as general property taxes.

SECTION 4. This ordinance shall be effective immediately, if passed by the affirmative vote of at least six City Council members; if this ordinance is passed by the affirmative vote of five City Councilmembers it will be effective seven days after final passage.

IN COUNCIL, OAKLAND, CALIFORNIA, = APR 19 2016

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID, PRESIDENT GIBSON MCELHANEY - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

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

Introduction Date
= APR 05 2016

Date of Attestation: 4/20/16

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NOTICE AND DIGEST

Revising the Oakland Municipal Code Chapter 15.12, Fire Code, Section 114.3 “Method of Collection: Additional Amount of Costs to Tax Bill Procedure,” will enable the City to recover costs the City incurred while conducting compliance inspections for hazardous vegetation inspections, when real property is found non-compliant after the first inspection. The Amendment will allow the City to use the lien process to recover unpaid administrative and reinspection fees, fines, penalties, interest, and collection fees from non-compliant property owners at the rates established and described in the Master Fee Schedule.