

Chapter 22.08

PARTIALLY DESTROYED BUILDINGS**Sections:**

22.08.010	Title and Purpose.	22.08.070	Financial Hardship.
22.08.020	Definitions Generally.	22.08.080	Duties of Public Works Director.
22.08.025	Partially Destroyed Buildings.	22.08.090	Costs to be Borne by Property Owner.
22.08.030	Notice to Property Owner.	22.08.100	Lien.
22.08.040	Duties of Property Owner.	22.08.110	Interest Charges.
22.08.050	Failure to Abate.		
22.08.060	Findings.		

22.08.010 Title and Purpose.

The City Council hereby finds that the continued presence in an area or neighborhood of a partially destroyed building causes a blight on that neighborhood, adversely affects neighboring property values, invites vandalism, and may result in injury to persons and property. The City Council further finds that the continued presence of partially destroyed buildings is an unsightly and blighting physical object contrary to the general welfare and character of the community. The City Council further finds that the health, safety and welfare of the City requires the removal, repair, or reconstruction of partially destroyed buildings by the property owner or removal of said buildings by the City at the expense of the property owner after the property owner has been given the opportunity, but fails to carry out his duty to abate the condition. (Ord. 4032, 1979.)

22.08.020 Definitions Generally.

For the purposes of this chapter, words, phrases and terms not specifically defined in the Municipal Code shall have the meanings stated in the most recent versions of the California Building Code, as adopted and amended by the City, or Uniform Housing Code that has been adopted by the City. (Ord. 5451, Section 5, 2008; Ord. 4032, 1979.)

22.08.025 Partially Destroyed Buildings.

A partially destroyed building shall be any building or structure or part thereof which has received damage by fire, earthquake, flood, wind or by any similar cause except normal usage and which has not been repaired and which will require reconstruction or repair in order to restore the building or structure to its prior use and normal exterior appearance. (Ord. 4032, 1979.)

22.08.030 Notice to Property Owner.

The Building Official of the City shall give written notice by either personal service or by mail to the property owner of record of a partially destroyed building. Said notice shall include a copy of this chapter of the Code and a statement that the Building Official has determined that the building is a partially destroyed building with a brief and concise description of the conditions which make said building violative of this chapter. Said statement shall also specify a time within which the partially destroyed building shall be repaired, reconstructed or removed by the property owner. (Ord. 4032, 1979.)

22.08.040 Duties of Property Owner.

Within forty-five (45) days after receipt of written notice from the Building Official as provided for in §22.08.030, the property owner shall either remove the partially destroyed building or begin actual repair or reconstruction of such partially destroyed building. The Building Official, upon a showing of good cause and that the removal, repair or reconstruction is delayed due to causes beyond the control of the property owner, may extend the period of time for commencement and/or completion of the work. (Ord. 4032, 1979.)

22.08.050 Failure to Abate.

In the event the property owner has not begun the repair and reconstruction or removal of the structure within the time limits set forth in §22.08.040, the Building Official shall cause to be filed for record with the County Recorder, a Notice of Intention to Record a Notice of Order to Abate describing the real property, naming the property owner thereof, describing the violation and giving notice of the City Council hearing. The Building Official shall give written notice by personal delivery or mail to the property owner that the City intends to carry out the removal of the structure and have the cost of said removal be made a charge against the property owner and lien against the property, unless the building is removed, repaired and/or reconstructed so as to eliminate the condition that is violative of this chapter. The Building Official shall also advise the property owner that he has a right to attend and present evidence at a scheduled hearing before the City Council of the City of Santa Barbara for the purpose of final determination that the building is a partially destroyed building as defined under this chapter, that the blighting condition should be eliminated and that the building should be removed by the City if the violation of this chapter is not eliminated by other parties. Said hearing shall begin no later than thirty (30) days after the date of the personal delivery or mailing of the notice and may be continued by the City Council. (Ord. 4032, 1979.)

22.08.060 Findings.

Upon completion of the hearing, the City Council shall find as to the fact that the building is a partially destroyed building and upon such fact being found shall determine that the building shall be removed, repaired, and/or reconstructed by the property owner within a prescribed time or the City shall cause the building to be removed. Said determination shall be made based upon the evidence presented and a report from the Building Official regarding the existing condition of the building, the estimated costs of repair, reconstruction and removal and the desirability of abating the blighted condition. If the City Council makes such a determination, written findings and an order shall be approved. After said hearing, the City Clerk shall cause to be filed for record a Notice of Order to Abate with the County Recorder and shall give all parties who have a recorded interest in the property notice of such recordation by mail. (Ord. 4032, 1979.)

22.08.070 Financial Hardship.

If the property owner makes an application to the City Council for financial assistance for the repair and/or reconstruction of the partially destroyed building prior to the conclusion of the hearing conducted under 22.08.050 and during the course of that hearing it is determined by the City Council that said partially destroyed building included a legal dwelling as defined by City zoning ordinance; and, if the City Council finds during said hearing that the property owner of said partially destroyed building desires to repair and/or reconstruct the building; and, if the property owner is unable, after making reasonable efforts, to obtain the necessary financing for said repair and/or reconstruction and does not have his or her own financial resources to complete same; and, if the City Council determines that it would be both appropriate and desirable to repair and/or restore said dwelling, then under such conditions the City Council may:

- a. determine that a financial hardship exists;
- b. determine that the restoration of the dwelling is consistent with the City's housing plans, programs, and priorities thereof;
- c. authorize the appropriate City department, advisory committee, commission, or authority to process an appropriate application for financial assistance from any source of funds then available to the City or to any resident of the City, for the purpose of repair and/or reconstruction of said dwelling;
- d. upon the authorization set forth in (c) above, extend the prescribed time for the removal, repair or reconstruction to such date as shall allow sufficient time to determine the outcome of the application for financial assistance. (Ord. 4032, 1979.)

22.08.080 Duties of Public Works Director.

The Public Works Director shall, after completion of the hearing and approval of the findings by the City Council that the building is a partially destroyed building, and after the failure of property owner to remove, repair or reconstruct the partially destroyed building within the prescribed time as set forth in the order, obtain the necessary services by contract or by using City forces to carry out the removal of the partially destroyed building as directed by City Council. A record shall be kept of all costs incurred by the City including time spent for the preparation of plans and the supervision of the work to carry out the removal of the building as a partially destroyed building. Upon completion of said efforts, the Public Works Director shall file a report with the City Council as to the costs incurred. The property owner shall be provided a copy of said report, notice of a hearing before the City Council, and an opportunity to appear before the City Council to be heard regarding the reasonableness of the costs incurred by the City. (Ord. 4032, 1979.)

22.08.090 Costs to be Borne by Property Owner.

Upon completion of the hearing before the City Council as to the reasonableness of the costs, the City Council shall determine the reasonable costs incurred by the City to remove the partially destroyed building and the property owner shall be advised of said amount which shall be due and payable to the City. Upon request of the property owner, the City may agree to a mutually acceptable payment schedule. (Ord. 4032, 1979.)

22.08.100 Lien.

In the event the amount determined to be due and payable to the City is not paid within thirty (30) days after the determination by the City Council or as otherwise agreed, said amount shall become a charge against the property involved. The City Administrator shall thereafter cause the amount of said charge to be recorded on the assessment roll as an assessment against the property and thereafter said assessment shall constitute a special assessment and lien against and upon the property. Any portion of said assessment remaining unpaid after the due date for payment thereof shall be subject to the penalties and proceedings then in effect for property taxes due within the City of Santa Barbara. (Ord. 4032, 1979.)

22.08.110 Interest Charges.

The City shall be entitled to interest at the rate applicable for unpaid taxes on all costs incurred by the City as determined pursuant to Section 22.08.090. (Ord. 4032, 1979.)