

ORDINANCE NO. 2151

**AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF MERCED, CALIFORNIA,
AMENDING CHAPTER 17.16, "ABATEMENT OF
DANGEROUS BUILDINGS CODE," OF THE
MERCED MUNICIPAL CODE DEALING WITH
ESTABLISHMENT OF A BUILDING AND
HOUSING BOARD OF APPEALS BY AMENDING
SECTION 17.16.010 AND ADDING SECTIONS
17.16.030, 17.16.040, AND 17.16.050**

**THE CITY COUNCIL OF THE CITY OF MERCED DOES ORDAIN
AS FOLLOWS:**

SECTION 1. AMENDMENT TO CODE. Section
17.16.010, "Uniform Code for the Abatement of Dangerous Buildings
– Adoption" of the Merced Municipal Code, is hereby amended to
read as follows:

**"17.16.010 Uniform Code for the Abatement of
Dangerous Buildings – Adoption.**

That certain document in book form entitled "Uniform
Code for the Abatement of Dangerous Buildings, 1997
Edition," three (3) certified copies of which are on file in
the office of the city clerk, published by the International
Conference of Building Officials, as amended by the
State Building Standard Commission, which provides for
a just, equitable and practicable method, to be cumulative
and in addition to any other remedy available at law,
whereby buildings or structures which from any cause
endanger the life, limb, health, morals, property, safety or
welfare of the general public or their occupants, may be
required to be repaired, vacated or demolished, and
providing procedures for processing appeals on decisions
made by the Chief Building Official, and providing for

enforcement of orders, performance or work, repair or demolition, and for recovery of costs of repair or demolition, as hereinafter amended, deleted and added to, is hereby adopted by reference as the abatement of dangerous buildings code of the city.”

SECTION 2. ADDITION TO CODE. Section 17.16.030 of the Merced Municipal Code is hereby added to read as follows:

“17.16.030 Establishment of Building and Housing Board of Appeals.

That Section 205 of said Abatement of Dangerous Buildings Code be amended to read as follows:

Section 205 – BOARD OF APPEALS

A. In order to hear and decide appeals of orders, decisions or determinations made by the Chief Building Official relative to the application and interpretation of the Merced Municipal Code, including all Building Code, Housing Code, Administrative Code, Electrical Code, Mechanical Code, Plumbing Code, Fire Prevention Code, and Abatement of Dangerous Buildings Code adopted by reference, there shall be and hereby is created a Building and Housing Board of Appeals, consisting of five (5) members to be appointed by motion of the city council adopted by at least five (5) affirmative votes, at least three (3) of whom shall be registered or licensed professionals in the trade of design, engineering, construction, or inspection of buildings, all of whom are qualified by experience and training to pass upon matters pertaining to building construction, engineering, or fire inspection. In addition thereto, the Chief Building Official shall be an ex officio member, shall act as Secretary to the Board, and shall have a voice but no vote or authority to make or second any motion upon any matter before the Board.

B. The members so appointed shall serve for a term of four (4) years. The members first appointed to the Board shall classify themselves by lot that by the following City Council election the term of two (2) of the members shall expire. Said lot shall provide for the grouping of terms to such an extent as is necessary in order that the term of at least two (2) members shall expire on each succeeding City Council election.

C. The Board shall adopt reasonable rules and regulations for conducting its hearings and shall render all of its decisions and findings in writing. The Board shall hold office at least once a year, or as called for by a majority of the members of the Board, or as requested by the Chief Building Official. The decision of the Board shall be final and conclusive on all matters decided therein. Upon receipt of the Board's written decision, the Chief Building Official shall proceed in accordance therewith.

D. The Building and Housing Board of Appeals shall have no authority relative to interpretation of the administrative provisions of, nor shall the Board be empowered to waive requirements of, the Merced Municipal Code including all Building Code, Housing Code, Administrative Code, Electrical Code, Mechanical Code, Plumbing Code, Fire Prevention Code, and Abatement of Dangerous Buildings Code adopted by reference."

SECTION 3. ADDITION TO CODE. Section 17.16.040 of the Merced Municipal Code is hereby added to read as follows:

"17.16.040 Recordation of Notice and Order.

That Section 402 of said Abatement of Dangerous Buildings Code be amended to read as follows:

Section 402 – RECORDATION OF NOTICE AND ORDER

A. Upon issuing a notice and order, the Chief Building Official, or a duly appointed deputy, may, in the exercise of his discretion, file in the Office of the County Recorder of the County of Merced a certificate describing the property and certifying that the building is a substandard building, and that the owner has been so notified. Whenever the correction 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, or an appeal has been granted declaring the building to not be substandard, the Chief Building Official, or a duly appointed deputy, shall file a new certificate with the County Recorder certifying that the building has been demolished, that all required corrections have been made, or that an appeal has been granted so that the building is no longer substandard, whichever is appropriate.

B. When the Chief Building Official has not, in the exercise of his discretion, recorded a certificate under the provisions of subsection (A) of this Section, if compliance is not had within the time specified in the notice and order, and if no appeal has been properly and timely filed, or an appeal has been heard and denied, the Chief Building Official, or a duly appointed deputy, shall at that time file a certificate in the Office of the County Recorder of the County of Merced, in accordance with and subject to the provisions set forth in subsection (A) of this Section.”

SECTION 4. ADDITION TO CODE. Section 17.16.050 of the Merced Municipal Code is hereby added to read as follows:

“17.16.050 Notice to Vacate.

That subsection 404.1 of Section 404 of said Abatement of Dangerous Buildings Code be amended to read as follows:

Section 404.1. Posting. Every notice to vacate shall, in addition to being served as provided in Section 401.3, be posted at or upon each exit of the building and shall be in substantially the following form:

**DO NOT ENTER
UNSAFE TO OCCUPY**

It is a misdemeanor to occupy this building, or to remove
or deface this Notice.

By Order of the Chief Building Official
City of Merced"

SECTION 7. EFFECTIVE DATE. This Ordinance shall be in full force and effect thirty (30) days after its adoption.

SECTION 8. SEVERABILITY. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 9. PUBLICATION. The City Clerk is directed to cause a copy of this Ordinance to be published in the official newspaper at least once within fifteen (15) days after its adoption.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Merced on the 15th day of March, 2004, and was passed and adopted at a regular meeting of said City Council held on the 5th day of April, 2004, by the following called vote:

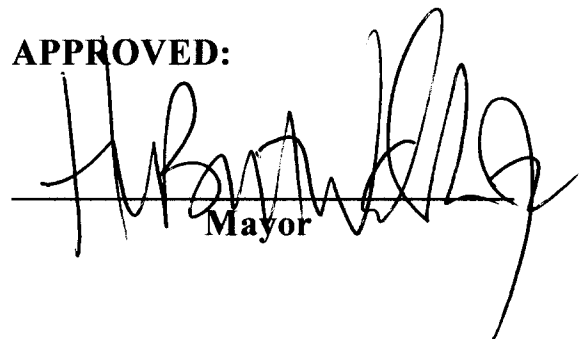
AYES: **Council Members:** SANDERS, WOOTEN, CORTEZ, SPRIGGS,
GABRIALT-ACOSTA, OSORIO, WALSH

NOES: **Council Members:** NONE

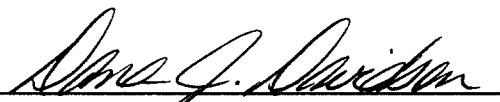
ABSTAIN: **Council Members:** NONE

ABSENT: **Council Members:** NONE

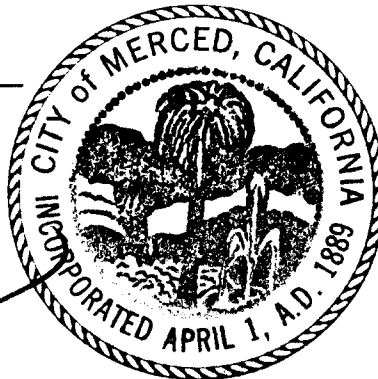
APPROVED:


Mayor

ATTEST:
JAMES G. MARSHALL, CITY CLERK

BY: 
Deputy City Clerk

(SEAL)



APPROVED AS TO FORM:


City Attorney

678 W. 18th Street, Merced, CA 95340
(209) 385-6838
(209) 384-5805

City of Merced

Fax

To: Terri Fierro, Merced County Times

From: Dana Davidson

Fax: 209-358-7108

Pages: 7

Phone: 209-358-5311

Date: 4/7/2004

Re: Ordinance #2151

CC:

☒ **Urgent** ☐ **For Review** ☐ **Please Comment** ☐ **As Requested** ☐ **Please Recycle**

● **Comments:** Please publish the attached ordinance in the legal section of the County Times on Thursday, April 15, 2004.

Please referenced purchase order #63393 and verify receipt by calling #385-6837.

PROOF OF PUBLICATION

(2015.5 C.C.P)

Proof of Publication of

STATE OF CALIFORNIA)

)ss.

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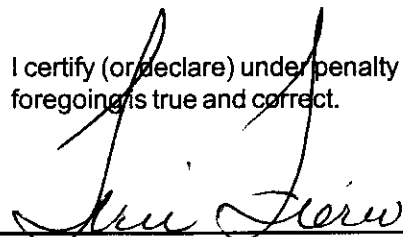
COUNTY OF MERCED

I am a citizen of the United States and a resident of the county aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the printer foreman or principal clerk of The Merced County Times, a newspaper of general circulation, printed and published in the City of Merced, County of Merced, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Merced, State of California, under the date of December 14, 1999, Case Number 143600; that the notice, of which the annexed is a printed copy has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

APRIL 15, 2004

Ordinance No. 2151

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



Date: April 14, 2004

Proof of Publication - Merced County Times, Box 772, Merced
Adjudged a newspaper of general circulation

This space is for the County Clerk's
Filing Stamp

Copy of notice here

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DAIN AS FOLLOWS:
SECTION 1. AMENDMENT TO
CODE. Section 17.16.010, "Uni-
forms Code for the Abatement
of Dangerous Buildings-Adop-
tion" of the Merced Municipal
Code, is hereby amended to
read as follows:
"17.16.010 Uniform Code for
the Abatement of Dangerous
Buildings - Adoption.
That certain document in book
from entitled "Uniform Code for
the Abatement of Dangerous
Buildings, 1997 Edition," three
(3) certified copies of which are
on file in the office of the city
clerk, published by the Interna-
tional Conference of Building
Officials, as amended by the
State Building Standard Com-
mission, which provides for a
just, equitable and practicable
method, to be cumulative and in
addition to any other remedy
available at law, whereby build-
ings or structures which from
find any cause endanger the life,
shall limb health morals property.
be once at least once a
year, or as called for by a ma-
jority of the members of the
Board, or as requested by the
amended to read as follows: