

ORDINANCE NO: 1801

URGENCY ORDINANCE OF THE TOWN OF LOS GATOS
PROVIDING FOR THE DEMOLITION OF DANGEROUS PROPERTY

THE TOWN COUNCIL OF THE TOWN OF LOS GATOS DOES HEREBY ORDAIN:

SECTION I

Findings

- (a) The Town Council has adopted a proclamation of local emergency as a result of severe damage to buildings and structures resulting from earthquakes occurring on and after October 17, 1989; and
- (b) The owners of several buildings and structures suffering such damage have indicated a need to demolish such structures; and
- (c) The Town may be required to demolish certain unsafe structures because the owners cannot be located, lack adequate financial resources, or are unwilling to demolish the unsafe structure; and
- (d) Protection of the public, health, safety and general welfare requires that the Town's existing ordinances be modified by authorizing emergency hearing and review procedures for demolition permits; and
- (e) The existence of severely damaged buildings and structures pose a current and immediate threat to the public health, safety and welfare and this ordinance must take effect immediately in order that the emergency demolition procedures can be implemented.

SECTION II

Emergency Demolition Procedure - Notice and Hearing

- (a) Whenever the Building Official determines that a building or structure has been severely damaged and may require immediate demolition he shall retain an independent structural engineer to examine the structure. If the independent engineer determines that demolition is required, the Building Official shall issue a Notice to the record owner of the building.
- (b) The Notice shall contain:
 - (1) The street address of the property, and legal description if available.

- (2) A statement that the building is dangerous and description of physical condition.
 - (3) A statement that demolition is required.
 - (4) Notice of the date and time of a hearing to be held before the Town Manager no sooner than forty-eight (48) hours and no later than five (5) days after delivery of the notice.
- (c) The notice shall be served on the owner of record of the property and shall be posted on the property.

SECTION III

Notice and Hearing

- (a) If the property owner disputes the determination of the Building Official or cannot, after exercise of reasonable diligence by the Town, be located, the Town Manager shall hold a hearing at the date and time specified in the Notice. The Town Manager shall review the engineering report prepared for the Town and any evidence submitted by the property owner. If the evidence shows that the building is an immediate threat to public health and safety, the Town Manager shall order the building demolished and authorize issuance of an emergency demolition permit. The Town Manager shall issue a decision at the hearing or no later than twenty-four (24) hours after the hearing.
- (b) Any property owner aggrieved by the decision the Town Manager may appeal the Manager's decision to the Town Council by filing a written notice of appeal with the Town Clerk within twenty-four (24) hours after the Town Manager's decision. Any appeal filed under this section shall be set for a hearing at a special meeting of the Town Council held not less than three (3) days after filing of the notice of appeal. At the hearing, the Town Council shall review the engineering report prepared for the Town and any evidence submitted by the property owner. If the evidence shows that the building is an immediate threat to the public health and safety, the Council shall order the building demolished and authorize issuance of an emergency demolition permit. The Town Council shall issue a decision at the hearing or no later than twenty-four (24) hours after the hearing.

- (c) If the property owner concurs in the determination of the Building Official, the Town Manager, or Town Council, as the case may be, the Town shall issue an emergency demolition permit, ordering that the property be demolished within five (5) days from the date of issuance. As a condition of issuance, the property owner must sign a statement absolving the local agency and the State of any liability relative to demolition and removal.
- (d) If the Town Manager or Town Council determines that the building must be demolished and the property owner does not concur in the decision, cannot be located or does not comply with an emergency demolition permit within the time specified, the Town shall cause the demolition of the building or structure. The costs of such demolition shall be confirmed by the Town Council and shall, after recording of the Town Council's order, be a lien against the property until paid.
- (e) Before the Town causes the demolition of any structure for which an emergency demolition permit has been issued, the Town shall make every effort to obtain a signed statement from the property owner stating:
 - (1) That the property owner does not have insurance covering the removal of the disaster-damaged structure; and
 - (2) That the property owner absolves the local agency and the State from any liability relative to demolition and removal.
- (f) When the Town causes the demolition of any structure constructed of bricks or other unique materials (i.e., wrought iron railing, sandstone, etc.) that could be reused to preserve the historic character of the downtown, the Town will pay any additional demolition costs incurred to separate the unique materials from other debris and to transport the unique materials to a storage location determined by the Town.
- (g) The property owner has a right of first refusal to purchase any unique materials by paying such additional demolition costs within ninety (90) days after a demolition permit is issued, so long as the property owner signs a written statement that the unique materials will be used only for reconstruction on the site from which the unique materials were removed.
- (h) Thereafter, the Town may sell the unique materials for reconstruction and use the proceeds of such sale to offset the additional demolition costs.

- (i) The demolition of any building or structure pursuant to the provisions of this ordinance is exempt from CEQA pursuant to Public Resources Code Section 21080(b) (3) and CEQA Guideline 15359.

SECTION IV

Effective Date

The ordinance is effective immediately and shall be published once in the Los Gatos Weekly, a newspaper of general circulation, published in the Town of Los Gatos within fifteen (15) days.

The foregoing ordinance was passed and adopted a regular meeting of the Los Gatos Town Council on the 6th day of November, 1989, by the following vote:

AYES: COUNCIL MEMBERS Thomas J. Ferrito, Robert L. Hamilton,
Brent N. Ventura, Mayor Joanne Benjamin

NOES: COUNCIL MEMBERS _____

ABSTAIN: COUNCIL MEMBERS _____

ABSENT: COUNCIL MEMBERS Eric D. Carlson

SIGNED:

Joanne Benjamin
MAYOR OF THE TOWN OF LOS GATOS

ATTEST:

Marcus J. Cooper
CLERK OF THE TOWN OF LOS GATOS

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