ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF (TOWN OF, COUNTY OF, CITY AND COUNTY OF) _____, STATE OF CALIFORNIA, ADDING A NEW CHAPTER _____ TO DIVISION _____ OF THE _____ MUNICIPAL CODE (COUNTY CODE), RELATING TO POST-DISASTER DEMOLITION.

The City Council (County Board of Supervisors of) of the City of (County of, City and County of) _____, State of California, ordains as follows:

Section 1. Chapter _____ is added to Division ____ of Title ____ of the City of (County of, City and County of) _____ municipal (county) code, to read:

Chapter _____. Post-disaster Demolition.

Sections:

_____Intent
_____Application of Provisions
_____Definitions
_____Demolition Criteria
_____Demolition Criteria for Historic Buildings or Structures
_____Board of Appeals

Section _____ Intent

This chapter establishes demolition criteria for all buildings and structures damaged, as a result of a disaster for which a local emergency has been declared by the City Council (Town Council, Board of Supervisors), to the degree where demolition is a viable alternative to repair.

Section _____ Application of Provisions.

The provisions of this chapter are applicable following each disaster when a local emergency has been declared by the City Council (Town Council, Board of Supervisors) to all buildings or structures regulated by the City (Town, County, City and County) of _____. The Council (Board) may extend the provisions as necessary.

Section _____ Definitions.

For the purposes of this chapter, the following definitions apply:

(a) **Event** shall mean any natural occurrence which results in the declaration of a disaster and shall include wind storms, earthquakes, floods, etc.

(b) **Historic building or structure** shall be any building or structure included on the national register of historic places, the state register of historic places or points of interest, or a local register of historic places. Historic buildings and structures shall also include those buildings and structures within a recognized historic district wherein the specific building has historic significance.

(c) **State Historic Preservation Officer (SHPO)** is the individual appointed by the Governor, pursuant to Section 101(b)(1) of the National Historic Preservation Act of 1966, as amended, to administer the State Historic Preservation Program.

Section _____ Demolition Criteria.

(a) Within _____ days after the event, any building or structure determined by the building official to represent an imminent hazard to public health and safety, or to pose an imminent threat to the public right of way, shall be condemned and immediately demolished. Such condemnation and demolition shall be performed in the interest of public health and safety without condemnation hearings otherwise required by the Municipal (County) Code.

(b) If, after the specified time frame noted in subsection (a) any building or structure is determined by the building official to represent a hazard to the health and safety of the public, or to pose a threat to the public right of way, the building official shall duly notify the building owner and proceed with a condemnation hearing within _____ business days of the notice in accordance with municipal code (county code) section _____.

(c) For any building or structure wherein the owner has decided to demolish rather than repair, the owner, or owner's representative, shall follow the established procedures to secure a demolition permit.

Section _____ Demolition of Historic Buildings or Structures.

(a) Within _____ days after the event, any historic building or structure determined by the building official to represent an imminent hazard to the health and safety of the public, or to pose an imminent threat to the public right of way, the building official shall notify the State Historic Preservation Officer that one of the following actions will be taken:

(1) Whenever possible, within reasonable limits as determined by the building official, the building or structure shall be braced or shored in such a manner as to mitigate the hazard to public health and safety or the hazard to the public right of way.

(2) Whenever bracing or shoring is determined not to be reasonable, the building official shall cause the building or structure to be condemned and immediately demolished. Such condemnation and demolition shall be performed in the interest of public health and safety without a condemnation hearing as otherwise required by municipal (county) code. Prior to commencing demolition, the building official shall photographically record the entire building or structure.

(b) If, after the specified time frame noted in subsection (a) and less than 30 days after the event, a historic building or structure is determined by the building official to represent a hazard to the health and safety of the public or to pose a threat to the public right of way, the building official shall duly notify the building owner of his/her intent to proceed with a condemnation hearing within _____ business days of the notice in accordance with municipal code (county code) section _____. The building official shall also notify the Federal Emergency Management Agency, in accordance with the National Historic Preservation Act of 1966, as amended, of its intent to hold a condemnation hearing.

(c) For any historic building or structure wherein the building official and the owner have agreed to demolish the building or structure within 30 days after the event, the building official shall submit to the Federal Emergency Management Agency, in accordance with the National Historic Preservation Act of 1966, as amended, a request to demolish. Said request shall include all substantiating data.

(d) If after 30 days from the event, the building official and the owner of a historic building or structure agree that the building or structure should be demolished, such action will be subject to the review process established by the National Historic Preservation Act of 1966, as amended.

Section _____ Board of Appeals.

(a) The provisions of this chapter may be appealed to the City (Town, County, City and County) of _____ Board of Appeals pursuant to Municipal (County) Code section _____.