

Chapter 2.47

ARTS COMMISSION

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- 2.47.110 Purpose and functions.

2.47.010 Short title.

This chapter shall be known as the "arts commission ordinance." (Ord. 6265 § 1 (part), 1988)

2.47.020 Establishment.

The city recognizes the performing and fine arts as a profession, essential to human needs and which enhance the city's physical beauty, economic health and quality of life.

There is, therefore, created and established a commission of the city to be known as the "arts commission," which shall act as a coordinator and catalyst bringing government, the arts community and public together for the cultural benefit of all.

Hereafter the "arts commission" shall be called "commission." (Ord. 6265 § 1 (part), 1988)

2.47.030 Membership—Appointment and terms.

A. The commission shall consist of 9 members, who shall be appointed as follows:

1. Each of the 7 councilmembers and the mayor shall nominate 1 member for a total of 8 members.
2. The mayor shall nominate the remaining 1 member from persons recommended by the 7 councilmembers.

3. All nominations are subject to ratification by the city council.

B. Members shall be appointed for a term of 3 years, and shall serve no more than 2 consecutive terms. A term of less than 1 year is not considered a full term. Terms expire on June 30th of the applicable years. A member shall continue in office for the term for which he/she was appointed or until his/her successor is appointed. No member who has served 2 consecutive terms shall be eligible for reappointment to the commission prior to the passage of a 2-year interval.

C. If a member ceases to reside in the city prior to the expiration of a term, the member may complete the term only upon approval by the city council pursuant to Section 2.45.020.

D. Any member of the commission may be removed by the city council at its pleasure. (Ord. 6820 §§ 6, 45 (part), 2000; Ord. 6265 § 1 (part), 1988)

2.47.040 Qualifications.

A. All members shall be residents of the city; provided however, that persons appointed by a director need not reside in said director's district.

B. Members should have a broad and informed perspective of the arts along with a demonstrated knowledge and responsiveness to the existing arts community and community at large.

C. Members shall represent a cross section of the city's age, multi-cultural, socio-economic, professional, artistic and volunteer diversity and have an appreciation for Pasadena's rich cultural tradition.

D. Members shall have a minimum of 5 years experience in 1 of the following areas:

1. Arts and cultural organizations;
2. Arts education;
3. Arts patronage or volunteerism;
4. Professional artistry. (Ord. 6265 § 1 (part), 1988)

2.47.050 Absences and vacancies.

A. In the event a member has 3 consecutive unexcused absences from meetings of the commission, the city council may declare the office of such member vacant. The staff to the commission shall advise the secretary to the mayor of any member with 3 consecutive unexcused absences. The chair of the commission may excuse absences.

B. Vacancies, whether scheduled or unscheduled, shall be filled, by the person who nominated the member to the vacant office, or by his/her successor, in the same manner as set forth in Section 2.47.030. (Ord. 6820 § 45 (part), 2000; Ord. 6265 § 1 (part), 1988)

2.47.060 Election of officers.

At the first meeting of the commission, and thereafter at its first meeting of each subsequent year, the members shall elect a chair and a vice chair. In the absence or disability of the chair and vice chair, the commission may designate a temporary chair. (Ord. 6265 § 1 (part), 1988)

2.47.070 Meetings—Records.

A. The commission shall meet at least once a month and all its meetings shall be open to the public pursuant to the Ralph M. Brown Act. Special meetings may be called by the chair or a majority of the commission.

B. A quorum shall be a majority of the commission seats filled by the city council. A seat is deemed to be filled after a nominee has been sworn in by the city clerk. No action of the commission shall be valid without the affirmative vote of at least 3 members.

C. The commission shall keep a record, which shall be available for public inspection, of all of its resolutions, proceedings, and other actions. (Ord. 6820 § 7, 2000; Ord. 6675 § 1 (part), 1996; Ord. 6265 § 1 (part), 1988)

2.47.080 Rules and regulations.

The commission shall adopt and amend, by the affirmative vote of 5 members, rules and regulations for the conduct of the commission's business consistent with this chapter. Such rules and regulations shall be submitted to the city council and shall not become effective until approved and ordered filed by the council. (Ord. 6820 § 8, 2000; Ord. 6265 § 1 (part), 1988)

2.47.090 Annual report.

The commission shall submit an annual report and workplan to the city council no later than September 1st of each year. Attendance records of members shall be included as part of the annual report. (Ord. 6930 § 2, 2003; Ord. 6820 § 45 (part), 2000; Ord. 6265 § 1 (part), 1988)

2.47.100 Disclosure requirements.

Members of the commission shall be required to file annual statements of economic interest pursuant to the city's conflict of interest code. (Ord. 6265 § 1 (part), 1988)

2.47.110 Purpose and functions.

A. The commission shall advise the city council on matters pertaining to the city's arts and cultural program which shall:

1. Foster public and private partnerships for providing arts and cultural programs for the youth of Pasadena;

2. Promote access for the public to the highest quality arts opportunities possible;

3. Promote the work of artists and arts groups and celebrate the city for its ethnic diversity, creativity and its leadership in arts and culture;

4. Provide grants-in-aid to individual and group artists, cultural groups and arts organizations;

5. Encourage the provision of cultural and artistic facilities and features in public and commercial construction.

B. The commission shall appoint highly qualified peer panels for specific time periods to:

1. Select public art and art in public places;

2. Review and evaluate requests for funding;

3. Advise the commission on the allocation of funds from the cultural trust fund and other general fund revenues appropriated to the arts.

C. The commission shall, from time to time, make recommendations to the city council on the selection of professional management firms to administer the city's arts and cultural program. (Ord. 6820 § 45 (part), 2000; Ord. 6265 § 1 (part), 1988)

RULES AND REGULATIONS

ARTICLE I

NAME

The name of this advisory body is the Arts Commission.

ARTICLE II

PURPOSE

SECTION 1. Consistent with the purposes of its establishment, as set forth in Section 2.47.020 of the Pasadena Municipal Code, the Arts Commission adopted the following mission statement on October 5, 1989:

The purposes of the Arts Commission are:

1. Foster public and private partnerships for providing arts and cultural programs for the youth of Pasadena.
2. Promote access for the public to the highest quality arts opportunities possible.
3. Promote the work of artists and arts groups and celebrate the city for its ethnic diversity, creativity and its leadership in arts and culture.
4. Provide grants-in-aid to individual and group artists, cultural groups, and arts organizations.
5. Encourage the provision of cultural and artistic facilities and features in public and commercial construction.

ARTICLE III

MEMBERSHIP

SECTION 1. The membership of this commission shall be limited to eleven (11) members.

SECTION 2. Members shall be appointed in conformity with applicable provisions of Chapter 2.47.030, Title 2 of the Pasadena Municipal Code.

SECTION 3. Any member desiring to resign from the commission shall submit his/her resignation in writing to the chair of the commission and to the person who appointed and/or nominated the member to the commission, or his/her successor.

SECTION 4. Any member with three consecutive unexcused absences will be removed from the commission. The chair of the commission is empowered to excuse absences for good cause. A member must advise the chair in advance of any anticipated absence from a scheduled meeting.

SECTION 5. Absent members cannot vote by proxy on issues before the commission at scheduled meetings.

SECTION 6. Upon appointment, all members shall receive a copy of these rules and regulations and Chapter 2.47 of the Pasadena Municipal Code relating to this commission.

SECTION 7. Each member has the right:

- a. To receive timely notice of all meetings with accompanying documents;
- b. To receive a copy of the minutes prior to approval;

- c. To make motions or to second them;
- d. To debate motions;
- e. To vote on motions;
- f. To hold office on the commission; and
- g. To make recommendations to the commission.

SECTION 8. No member shall purport to represent or speak on behalf of the commission without the prior approval of a majority of the commission.

SECTION 9. Code of Ethics.

a. If, due to any of the following factors, a member has a conflict of interest in a matter before the commission, that member shall declare the interest publicly, refrain from participating in the deliberations, abstain from voting on the matter, leave the hearing room during any hearing and deliberations and not discuss the matter with any other commission member prior to final action by the commission:

- (1) Member is a client, employee or business associate of a party with a matter before the commission;
- (2) Member is related by blood, marriage or adoption to a party with a matter before the commission;
- (3) Member has a financial interest in the matter before the commission;
- (4) Member and the party with a matter before the commission are affiliates in an association which would cause a reasonable person to question the commission

member's impartiality in resolving the matter before the commission;

(5) Member is a friend or acquaintance of a party with a matter before the commission which would cause a reasonable person to question the commission member's impartiality in resolving the matter before the commission.

b. No member shall participate in any matter before the commission in which he/she may have a bias prejudicial to the interests of the public or which would give the appearance of impropriety.

c. If a member is required by City ordinance and the Political Reform Act to file a Statement of Economic Interest and fails or declines to do so, that member is disqualified from further service on the commission.

ARTICLE IV

OFFICERS

SECTION 1. The officers of the commission shall be a chair and vice-chair. The secretary may be a member of the City staff. The commission may have a parliamentarian at its option.

SECTION 2. The chair shall have the following responsibilities: preside at all meetings of the commission; vote on every motion as other members; call special meetings when

necessary; compose the agenda; appoint the parliamentarian for the commission; prepare the annual report for submission to the Board of Directors; fix the date, hour and place of meeting; make appointments to committees; execute official communications; sign orders or recommendations of the commission; advise the Board of Directors of the names of members with three unexcused absences and of upcoming vacancies; and conduct commission business in a manner consistent with these bylaws.

SECTION 3. The vice-chair shall perform the duties of an absent or disabled chair and perform such other duties as are assigned by the chair. In the absence of both the chair and vice-chair, the members shall select a temporary chairperson.

SECTION 4. The secretary shall have the following responsibilities: record the minutes of all proceedings before the commission; maintain the records of the commission in complete and up-to-date order; report all correspondence to the commission; advise the chair three months prior to expiration of appointments; advise the chair of any members with three consecutive unexcused absences; assist in the preparation of the agendas; and make and serve all notices.

SECTION 5. The parliamentarian shall assist the commission to resolve questions of parliamentary procedure using Robert's Rules of Order as a guide. The rules contained in the current edition of Robert's Rules of Order (newly revised) shall govern the commission in all cases to which they are applicable

and are not inconsistent with these rules, the Pasadena Municipal Code, or the Ralph M. Brown Act.

SECTION 6. The officers shall be elected by open ballot to serve for one year or until their successors are elected. Their terms of office shall begin immediately upon election at the annual meeting.

SECTION 7. No member shall hold more than one office at a time. No member shall be eligible to serve more than two consecutive terms in the same office.

ARTICLE V

MEETINGS - GENERAL RULES

SECTION 1. The regular meetings of the commission shall be held on the second Thursday of every month at 5:30 P.M. Written notice of these meetings, including the date, time and location, shall be given to each member, the Board of Directors and the City Manager.

SECTION 2. The regular meeting in July shall be known as the annual meeting and shall be for the purpose of electing officers, and for any other business that may arise.

SECTION 3. Special meetings may be scheduled by the chair or a majority of the commission. The purpose of the meeting shall be stated in the notice. Except in cases of emergencies, notice of special meetings shall be given at least 24 hours in advance.

SECTION 4. Six (6) members of the commission shall constitute a quorum.

SECTION 5. All meetings of the commission shall be held in accordance with the Ralph M. Brown Act and shall be open to the public as provided by law.

SECTION 6. A matter must be on the agenda to be discussed and acted upon unless otherwise provided by law. A matter may be included in the agenda by a member or by staff. If a member timely requests that an item be included on the agenda, that item shall be included on the next regular meeting agenda.

ARTICLE VI.

MEETINGS - SPECIAL RULES

SECTION 1. Scheduled meetings should begin no later than 6:00 P.M. unless otherwise extended by the commission.

SECTION 2. At the discretion of the Chair, discussion on any agenda item shall be limited to three minutes unless the commission votes to extend discussion.

SECTION 3. A member may be asked not to speak longer than three minutes during discussion.

SECTION 4. Members should not prolong discussions by repeating an argument already made by another member. Discussions by members shall be monitored by the chair.

SECTION 5. The order of business at all meetings shall be as follows:

- a. Call to order
- b. Roll call
- c. Approval or correction of minutes
- d. Old business
- e. New business
- f. Reports, correspondence
- g. Public hearings
- h. Public comments
- i. Concluding comments from the commissioners
- j. Adjournment

ARTICLE VII

MEETINGS - MOTIONS

SECTION 1. The commission may employ five motions in reaching decisions:

- a. Motion for Action: A proposal by a member that the commission do a special thing; e.g., "I move that the commission issue an order to Mr. _____ directing him to remove the abandoned cars from the property."
- b. Motion to Amend: A proposal to amend a motion made by insertion, addition, deletion, or substitution; e.g., "I move to amend the motion by insertion of the words "by February 9, 1988" after the words "rat harborage."

- c. Motion to Rescind: A proposal to repeal a motion before a different course of action is decided. (Once a motion has been approved, reflection or investigation may prove it to be impractical. Because the motion is in the minute book, it must be repealed.) E.g., "I move that the action ordering demolition of the building be rescinded."
- d. Motion to Table: A proposal to cut off discussion and action on a motion that has been made. (This allows time for further investigation and ends heated discussion. The motion must be voted upon at once and can be brought back at a future meeting.) e.g., "I move that the motion be tabled until the commission has a chance to review the committee's report."
- e. Motion to Suspend the Order of Business: A proposal made when circumstances such as an interruption, late arrival, or early departure necessitate an alteration or change in the agenda; e.g., "I move that the order of business be suspended immediately after the reading of the minutes to discuss the after-effects of the earthquake."

SECTION 2. Once a motion is before the commission, the chair shall not permit the public to speak or comment during the commission's discussion of that motion.

SECTION 3. All voting on issues before the commission shall be by voice vote unless a roll call is requested by the chair or a member of the commission. There shall be no secret ballots.

SECTION 4. After a motion has been made and seconded, the chair shall repeat the motion for the commission. The chair may rule the motion out of order or restate the motion so that the commission may know what is before it for consideration and action.

SECTION 5. The chair shall announce the vote on the motion. In announcing the vote, the chair shall state whether the motion carried or failed and the number of votes for and against. A vote shall be determined on the basis of a majority of those voting, which does not include abstentions.

SECTION 6. No action of the commission shall be valid unless it receives the affirmative vote of four members.

ARTICLE VIII

MEETINGS - HEARING PROCEDURES

SECTION 1. The commission shall follow the procedure outlined below in conducting hearings:

- a. The title of the matter shall be announced by the chair.
- b. A city staff member shall then present the matter to the commission.

- c. The chair shall call for the applicant, proponent, or opponent to present his/her view, additional facts, or evidence.
- d. The chair shall call for statements from other persons favoring the matter; then from persons opposing the matter under consideration.
- e. The applicant, proponent or opponent shall be given an opportunity for rebuttal at the completion of the statements.
- f. The chair shall declare the hearing closed.
- g. By motion, the commission shall take action on the matter.
- h. The chair shall announce the decision of the commission.
- i. All decisions of the commission relating to matters requiring a public hearing shall be in writing and shall be mailed to the parties by the next regular meeting.

ARTICLE IX

COMMITTEES AND PANELS

SECTION 1. Unless otherwise provided in Chapter 2.47 of the Pasadena Municipal Code, the chair may appoint members to ad hoc committees or panels necessary to carry on the

work of the commission. Each ad hoc committee shall consist of at least one member of the commission. Recommendations from an ad hoc committee shall be advisory to the commission. The chair shall define their area of operation and concern, and establish rules of operation. The chair shall be an ex officio member of all committees so created.

SECTION 2. The commission hereby establishes a nominating committee which shall recommend nominees for office on the commission. The nominating committee shall consist of three persons appointed by the chair. The committee shall be activated at the April meeting and shall report its nominees at the May meeting.

ARTICLE X

AMENDMENT OF RULES

SECTION 1. These rules may be amended at any regular meeting of the commission by a majority vote, provided that the amendment has been submitted in writing at the previous meeting. Proposed amendments must be submitted to the Board of Directors for final approval.

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Chapter 2.55

CODE ENFORCEMENT COMMISSION

Sections:

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2.55.150	Commission orders.
2.55.160	Noncompliance with a commission order.
2.55.170	Costs and account payments.
2.55.180	Interference prohibited.
2.55.190	Violation—Penalty.

2.55.010 Short title.

This chapter shall be known as the "code enforcement commission ordinance." (Ord. 6518 § 2, 1993; Ord. 6229 § 2 (part), 1987)

2.55.020 Establishment.

There is created and established a commission of the city to be known as the "code enforcement appeals commission" and hereinafter called "commission." (Ord. 6229 § 2 (part), 1987)

2.55.030 Membership—Appointment and terms.

A. The commission shall consist of 9 members, who shall be appointed as follows:

1. Each of the 7 councilmembers and the mayor shall nominate 1 member for a total of 8 members.

2. The mayor shall nominate the remaining 1 member from persons recommended by the 7 councilmembers.

3. All nominations are subject to ratification by the city council.

B. A member shall be appointed for an initial term of 3 years, and shall serve periodic three-year terms thereafter if re-nominated by the councilmember who originally nominated that member. Terms expire on June 30th of the applicable years. A member shall continue in office for the term for which he/she was appointed or until his/her successor is appointed.

C. If a member ceases to reside in the city prior to the expiration of a term, the member may complete the term only upon approval by the city council pursuant to Section 2.45.020.

D. Any member of the commission may be removed by the city council at its pleasure. (Ord. 6905 § 4, 2002; Ord. 6820 §§ 9, 45 (part), 2000; Ord. 6268 § 5, 1988; Ord. 6232 § 1, 1988; Ord. 6229 § 2 (part), 1987)

2.55.040 Qualifications.

A. All members shall be residents of the city; provided, however, that a person nominated by a director need not reside in the director's district.

B. No members shall be employees of the city or its agencies.

C. Members shall possess general knowledge of code provisions related to the commission's purpose and functions (e.g., housing, health, building and zoning). (Ord. 6229 § 2 (part), 1987)

2.55.050 Absences and vacancies.

A. In the event a member has 3 consecutive unexcused absences from meetings of the commission or upon the death or resignation of a member, the city council may declare the office of such member vacant. The staff to the commission shall advise the secretary to the mayor of any member with 3 consecutive unexcused absences. The chair of the commission may excuse absences.

B. Vacancies, whether scheduled or unscheduled, shall be filled by the person who nominated the member to the vacant office, or by his/her successor, in the same manner as set forth in Section 2.55.030. (Ord. 6820 § 45 (part), 2000; Ord. 6229 § 2 (part), 1987)

2.55.060 Election of officers.

At the first meeting of the commission, and thereafter at its first meeting of each subsequent year, the members shall elect a chair and a vice chair. In the absence or disability of the chair and vice chair, the commission may designate a temporary chair. (Ord. 6229 § 2 (part), 1987)

2.55.070 Meetings—Records.

A. All meetings of the commission shall be held in accordance with the Ralph M. Brown Act and shall be open to the public except as provided by law. Special meetings may be called by the chair or a majority of the commission. The commission shall meet at least once a month to hear cases. Additional meetings may be scheduled depending on the volume of cases, or emergencies as defined in Section 14.12.100(D) of this code, or as requested by the administrator of neighborhood services.

B. The commission shall keep a record, which shall be available for public inspection, of all of its resolutions, decisions, proceedings and other actions. (Ord. 6396 § 1, 1990; Ord. 6268 § 6, 1988; Ord. 6229 § 2 (part), 1987)

2.55.073 Initial hearings.

A. The commission shall divide itself into 3 member rotating panels for the purpose of holding initial hearings on violations of the municipal code. These panels shall be constituted and are authorized to hear, rule and issue orders on cases filed by code enforcement inspectors. Two members of the panel shall constitute a quorum. No action taken shall be valid unless it receives the affirmative vote of 2 members of the panel.

B. A panel decision becomes final on the 11th day following the date the decision is mailed to the interested party. (Ord. 6396 § 2 (part), 1990)

2.55.075 Appeals.

A. An interested party may appeal a panel determination to the full commission by filing an appeal application with the administrator of neighborhood services within 10 days following the date the decision is mailed to that party. A quorum of the full commission shall be a majority of the commission

seats filled by the city council. A seat is deemed to be filled after a nominee has been sworn in by the city clerk. No action of the full commission shall be valid without the affirmative vote of at least three members.

B. The appeal application shall set forth previously unavailable new evidence regarding the matter, or state specifically the manner in which the panel determination was not supported by the record, misinterpreted the municipal code, misapplied established city policy, or erred in some other respect.

C. The appeal application shall be reviewed by the administrator of neighborhood services to determine procedural compliance with subsection B of this section.

D. Whenever an appeal is timely filed and meets one of the requirements of subsection B of this section, the administrator of neighborhood services shall schedule a date for the hearing. The date of the hearing shall be within 30 to 60 days of the filing of the appeal application, depending on the circumstances in the case.

E. At the appeal hearing, the commission shall review the record of the decision, hear testimony, and receive evidence relevant to the panel decision from the appellant, staff or any other party affected by the panel determination.

F. At the close of the hearing, the commission shall affirm, modify or reverse the panel determination. When a decision is modified or reversed, the commission shall state the specific reasons for the modification or reversal.

G. The decision of the full commission shall be the final administrative authority.

H. If the commission fails to act upon an appeal within the time limits prescribed in this section, the panel determination from which the appeal was taken shall be deemed affirmed. (Ord. 6820 § 10, 2000; Ord. 6675 § 3, 1996; Ord. 6396 § 2 (part), 1990)

2.55.080 Rules and regulations.

The commission shall adopt and amend, by the affirmative vote of 5 members, rules and regulations for the conduct of the commission's business consistent with this chapter. Such rules and regulations shall be submitted to the city council and shall not

become effective until approved and ordered filed by the council with the city clerk. (Ord. 6820 § 45 (part), 2000; Ord. 6268 § 7, 1988; Ord. 6232 § 2, 1988; Ord. 6229 § 2 (part), 1987)

2.55.090 Annual report.

The commission shall submit an annual report and workplan to the city council no later than September 1st of each year. Attendance records of members shall be included as part of the annual report. (Ord. 6930 § 4, 2003; Ord. 6820 § 45 (part), 2000; Ord. 6229 § 2 (part), 1987)

2.55.100 Disclosure requirements.

Members of the commission shall be required to file annual statements of economic interest pursuant to the city's conflict of interest code. (Ord. 6229 § 2 (part), 1987)

2.55.110 Purpose and functions.

The primary purpose of the commission is to hear and rule on cases and appeals regarding enforcement of particular provisions in Title 6, 14, 17, Chapter 8.48, and Chapter 9.58 of this code, and to order action on cases of noncompliance presented by city staff. The commission also advises the council on code enforcement matters and animal control issues. (Ord. 6905 § 5, 2002; Ord. 6253 § 5, 1988; Ord. 6229 § 2 (part), 1987)

2.55.120 Controlling standards in vacation, repair, rehabilitation or demolition.

The commission shall be guided in its deliberations by the following considerations:

A. If the substandard building or premises can reasonably be repaired or rehabilitated so that it will no longer exist in violation of the terms of the code, it shall be ordered repaired or rehabilitated;

B. If the substandard building or premises is in such condition as to make it dangerous to the health, safety or general welfare of its occupants, it shall be ordered to be vacated, and repaired or rehabilitated;

C. Where a substandard building cannot be repaired so that it will no longer exist in violation of the terms of the code, it shall be vacated and repaired or demolished;

D. Where a substandard building is a health or fire hazard existing or erected in violation of the terms of this code or any ordinance of this city, or statute of the state, it shall be vacated and repaired, or demolished and removed;

E. An order to repair may be satisfied by demolition. The commission shall conduct a hearing on any proposed demolition. (Ord. 6229 § 2 (part), 1987)

2.55.130 Notice of hearing.

A. Notice of the hearing shall be given which shall set forth the street address of the premises which are the subject of the hearing, and a legal description, sufficient for identification of the premises. It shall contain a brief statement of the violations rendering the building or premises a substandard building in violation of the code or state law. It shall state the date, hour and place of the hearing and shall order all interested parties who desire to be heard in the matter to appear before the council.

B. One copy of the notice shall be posted at the entrance to the building or premises involved. One copy of the notice shall be served on the persons listed below, either by personal service or by certified mail by the enforcement officer at the person's last known address:

1. The person, if any, in real or apparent charge and control of the premises involved;

2. The owner of record and lessee of record if an order to vacate or demolish is being requested by city staff;

3. The holder of the mortgage, trust deed or similar lien or encumbrance of record.

C. To the extent it is practical to do so, the enforcement officer shall give notice to any person having any other estate or interest in the building, or land involved.

D. The notice shall be posted or mailed and served at least 10 days prior to the date set for hearing, exclusive of the day of service. (Ord. 6820 § 45 (part), 2000; Ord. 6396 § 3, 1990; Ord. 6229 § 2 (part), 1987)

2.55.140 Hearing procedures.

A. At the request of the aggrieved person or the administrator of housing and neighborhood services, the commission shall hold a hearing upon the find-

ings of the enforcement officer and hear and consider evidence offered by the city staff, the owner, occupant or person in charge and control, mortgagee, lessee or any person having any estate or interest in the building or premises, pertaining to the matter set forth in the notice of hearing.

B. Each member of the commission shall have the power to administer oaths and issue subpoenas. The city clerk shall cause such subpoenas to be issued under the seal of the city and the police chief shall cause such subpoenas to be served. Wilful failure to appear to testify in response to any such subpoena or to produce any item under a subpoena duces tecum shall be punished as a misdemeanor.

C. Whenever in the course of any proceeding taken hereunder, the commission shall require additional evidence, it may request that the premises be inspected by the planning, housing and development services department, fire department or the health officer. The department to which such request is directed shall inspect the premises and a report in writing shall be transmitted to the commission within 5 business days of the receipt of the request for inspection. The report shall be considered along with other evidence at the hearing.

D. After the hearing, the commission shall order the building vacated, repaired, rehabilitated or demolished and removed, or any combination thereof, or reverse the findings of the enforcement officer in whole or in part or continue the hearing to a date certain.

E. The commission shall specify the time limit within which the necessary action shall be completed. The commission shall consider the following factors in setting the time for compliance with its orders:

1. Existence or nonexistence of a life, health or other type of hazard to the occupant or others in the building or premises;
2. Severity of the hazard or negative effect upon the community;
3. Number and extent of separate items that must be completed in order to bring the building or premises into compliance with this code;
4. Extent of resources available to the offending party(s) to correct the violations(s);

5. Length of time the violation(s) has been known to exist and the amount of time the enforcement officer has given for compliance previously

6. The existence or nonexistence of mitigating factors which caused the building or premises to be in violation or which may affect the amount of time needed for compliance.

F. The commission may divide the violation(s) into groups requiring compliance at various intervals with inspection to be conducted at each stage by the enforcement officer. (Ord. 6229 § 2 (part), 1987)

2.55.150 Commission orders.

A. An order to repair or rehabilitate shall set forth the street address of the building. An order to vacate or demolish and remove shall set forth the street address of the building and a legal description of the premises sufficient for identification. The order shall contain a statement of the violations which render the building or premises substandard.

B. The order shall specify the time within which the work required must be commenced or completed.

C. The enforcement officer may for good cause shown, extend the time for completion upon written application by an interested party.

D. A copy of the order to vacate, repair, rehabilitate or demolish and remove any building shall be posted at the entrance to the building, and shall be served in the manner above prescribed in the case of the notice of hearing, upon all persons to whom the notice of hearing is required to be served.

E. The owner or other person having charge and control over any building or premises determined to be substandard who fails to comply with an order to vacate, repair, rehabilitate or demolish and remove such building is guilty of a misdemeanor.

F. The occupant or lessee in possession who fails to vacate such building in accordance with an order given as provided in the code is guilty of a misdemeanor.

G. Any person who removes a notice or order posted as required in the code is guilty of a misdemeanor. (Ord. 6229 § 2 (part), 1987)

2.55.160 Noncompliance with a commission order.

Whenever an emergency order to vacate, repair, rehabilitate or demolish and remove any building has not been complied with within the time set by the commission, the administrator of housing and neighborhood services may implement the work specified in such order if requested by the commission. Demolitions must be accomplished in accordance with the city's Growth Management Ordinance. A statement of the cost of the work shall be transmitted to the city council who shall cause the same to be paid in the manner herein provided. (Ord. 6820 § 45 (part), 2000; Ord. 6354 § 1, 1989; Ord. 6229 § 2 (part), 1987)

2.55.170 Costs and account payments.

A. Cost incurred under this chapter shall be paid out of the city treasury and constitute a lien against the property upon which the nuisance was maintained and shall also become a personal obligation of the owner of the property at the time the nuisance was abated. Such costs shall also be charged as a special assessment against the premises.

B. Costs incurred under this chapter which have been paid out of the city treasury shall be collected in the following manner:

1. The city shall file and record a lien for such costs with the county clerk;
2. Payment of city billing for city-incurred costs by remittance in cash within 30 days of the initial billing;
3. Beginning 30 days after initial billing, all unpaid accounts shall be delinquent and shall incur service charges at the rate of 1.5 percent per month on the outstanding balance, provided such balance does not exceed \$1,000.00. The service charge on that part of the outstanding balance which exceeds \$1,000 shall be at the rate of 1 percent per month;
4. At any time prior to transfer to the secured property tax roll, the owner of the premises may enter into a contract with the city providing for installment payments of the city costs and any incurred service charges. The period for payment shall not exceed 12 months. During the term of the con-

tract, installment payments shall include finance charges at the rate of 1.5 percent per month on any outstanding balance under \$1,000.00 and 1 percent per month on that part of any outstanding balance which exceeds \$1,000.00;

5. In January and July of each year there shall be published once in the local newspaper a list of delinquent unpaid accounts, except those contract accounts which are not in arrears. All delinquent accounts so listed shall have added thereto a charge of \$3.00 to cover the cost of the publication;

6. On August 15th of each year, all delinquent unpaid accounts, including contract accounts then in arrears, shall be transferred to the secured property tax roll and shall thereafter be collected in the manner provided for special assessments;

7. When such unpaid accounts are transferred to the secured property tax roll for collection purposes, a penalty in an amount equal to 10 percent of the accrued unpaid balance of the account shall be added to the amount transferred;

8. Charges as transferred to the tax roll shall be subject to those penalties which would apply to delinquent secured property taxes. (Ord. 6229 § 2 (part), 1987)

2.55.180 Interference prohibited.

No person shall obstruct, impede or interfere with any representative of the commission, or with an inspector of a city department, or with any person who owns or holds any estate or interest in a building which has been ordered to be vacated, repaired, rehabilitated or demolished and removed, or with any person to whom such building has been lawfully sold pursuant to the provisions of applicable code whenever any such representative of the commission, inspector, purchaser or person having an interest or estate in such building is engaged in vacating, repairing, rehabilitating or demolishing and removing any such building pursuant to the provisions of applicable codes, or in performing any necessary act preliminary to or incidental to such work, as authorized or directed pursuant hereto. (Ord. 6229 § 2 (part), 1987)

2.55.190 Violation—Penalty.

A. No person shall erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building in the city, or cause or permit the same to be done contrary to or in violation of any of the provisions of applicable codes.

B. Any person, firm or corporation violating any of the provisions of applicable codes shall be guilty of a misdemeanor, and upon conviction of any such violation such person shall be punishable by a fine of not more than \$500.00, or by imprisonment in city jail for not more than 180 days, or by both such fine and imprisonment. (Ord. 6229 § 2 (part), 1987)