

EXHIBIT D

ORDINANCE NO. 4

BOARD OF DIRECTORS, HALF MOON BAY FIRE PROTECTION DISTRICT, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

NUISANCE ABATEMENT ORDINANCE

The Board of DIRECTORS of the Half Moon Bay Fire Protection District of the County of San Mateo, State of California, DO ORDAIN as follows:

SECTION 1. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Owner. The word "owner" shall mean and include the person owning the fee, or his agents, executors, administrators or guardians.

Public nuisance. For the purposes of this article, the terms used in describing a public nuisance shall include, but shall not be limited to the following meanings:

(a) A building shall be deemed to be dangerous to the public or the occupants thereof, or unsafe, when it fails to comply in any respect with the provisions of the Fire Prevention Code of the district as such Code is effective at the time the notice specified by section 3 is posted in the manner set forth in section 3, or is structurally unsound.

(b) A fire hazard shall mean any condition, arrangement or act which will increase or may cause an increase of the hazard or menace of fire to a greater degree than that customarily recognized as normal by persons in the public service of preventing, suppressing or extinguishing fire, or which may obstruct, delay or hinder, or may become the cause of obstruction, delay or

hindrance to the prevention, suppression or extinguishment of fire.

Enforcement official. The Chief of the District, or other officer or employee of the District who is delegated the position and responsibility of fire inspector.

SECTION 2. ~~Declared to be a public nuisance.~~

Every building or structure which has become so dilapidated through old age, neglect, misuse, deterioration, decay, or otherwise, so as to be dangerous to the public or the occupants thereof, unsafe, untenable, a health hazard, a fire hazard, a breeding place for rodents, is structurally unsound, or a likely residence for vagrants or dissolute persons, is hereby declared to be a public nuisance.

SECTION 3. ~~Notice to abate nuisance.~~

Whenever the enforcement official shall find any building or structure so dilapidated as described in the preceding section, he shall give notice, in the manner hereinafter stated, directing the owner thereof to appear before the district board at a stated time and show cause why such building or structure should not be condemned as a public nuisance and such nuisance be abated as herein provided. The notice shall be headed "NOTICE TO ABATE NUISANCE" in letters of not less than three-quarters of an inch in height, and shall be substantially in the following form:

NOTICE TO ABATE
NUISANCE.

THE OWNER OF THE DILAPIDATED BUILDING OR STRUCTURE
SITUATED ATIN THE HALF MOON BAY FIRE PROTEC-
TION DISTRICT, IS HEREBY NOTIFIED TO APPEAR BEFORE THE DISTRICT
BOARD AT ITS MEETING TO BE HELD, 19... AT THE

....., AT THE HOUR OF
O'CLOCK P.M., OR AS SOON THEREAFTER AS HE MAY BE HEARD, AND SHOW
CAUSE, IF ANY HE HAS, WHY SAID BUILDING OR STRUCTURE SHOULD NOT
BE CONDEMNED AS A PUBLIC NUISANCE AND SAID NUISANCE BE ABATED
BY RECONSTRUCTING OR PROPERLY REPAIRING SAID BUILDING OR STRUCTURE,
OR BY RAZING OR REMOVING THE SAME.

DATED, 19.....

.....
ENFORCEMENT OFFICIAL

The enforcement official shall post conspicuously at least one copy of such notice on the building or structure sought to be so condemned. He shall also send another copy by registered mail, postage prepaid, addressed to the person who is named as the owner on the books of the County assessor, in case the address of such person is known to him, but the failure to mail such notice or the failure of any owner to receive the same shall not affect in any manner the validity of any proceedings taken hereunder, providing such notice has been posted as hereinbefore mentioned. Such notice must be posted as aforesaid at least ten days before the time fixed for the hearing before the district board.

Upon giving notice as required herein, the enforcement official shall file an affidavit with the district secretary certifying to the time and manner in which the same was done. He shall also file therewith any receipt card which may have been mailed back to him in acknowledgment of the receipt of such notice by registered mail, providing he mailed such notice in addition to posting the same.

SECTION 4. ~~Hearing before board as to action to be taken; abatement of nuisance.~~

At the time fixed in the notice referred to in the preceding section, the board shall proceed to hear the testimony of the enforcement official and the testimony of the owner and other

competent persons, respecting the condition of the building or structure sought to be condemned, and the estimated cost of its reconstruction, repair or removal, after which the board may condemn the same and order its razing or removal, or take such other action in the premises as they may deem advisable. The board may continue such hearing from time to time.

If the owner fails to appear at the time fixed for such hearing, or the time to which such hearing may have been continued, the board shall proceed to hear the testimony of the enforcement official and other competent persons respecting the condition of such building or structure, after which they may pass a resolution declaring such building or structure to be a public nuisance and directing the owner to abate such nuisance within thirty days from the passage of such resolution, by having such building or structure properly reconstructed or repaired, or by having the building razed or removed, and notifying him that if such nuisance is not so abated, the building or structure will be razed or removed by the enforcement official and the expense thereof made a lien on the lot or parcel of land from which it was removed.

Upon the passage of such resolution, the enforcement official shall post a copy thereof conspicuously on the building or structure so condemned, and mail another copy to the person named as the owner on the books of the county assessor, if his address is known to him, after which he shall file his affidavit with the district secretary certifying to the time and manner of posting a copy of such resolution, and also as to the mailing of a copy, in case a copy was mailed.

SECTION 5. ~~Jurisdiction of enforcement official to abate.~~

Thirty days after posting a copy of the resolution declaring a building or structure a public nuisance as stated in

article, the enforcement official shall be deemed to have acquired jurisdiction to abate such nuisance by razing or removing the building or structure so condemned and, unless the nuisance is abated by the owner or his agent in the meantime, the enforcement official shall thereupon raze and remove the condemned building or structure or have the same done under his direction and supervision.

SECTION 6. ~~Sale of material contained in condemned building.~~

Any salable lumber and other materials contained in any condemned building or structure as provided in this article shall be sold by the enforcement official at public auction after not less than five days' notice thereof published in a newspaper of general circulation published and circulated in the district, either before or after the building or structure has been razed or removed, and the amount received from the sale of such lumber and material shall be deducted from the expense of razing or removing the same.

SECTION 7. ~~Expenses involved in razing or removing condemned buildings.~~

The enforcement official shall keep an itemized account of the expenses involved in the razing or removal of any condemned building or structure under this article, and deduct therefrom the amount received from the lumber and materials as provided in the preceding section. He then shall post conspicuously on the property from which the building or structure was removed a verified statement of the gross and net expense of razing or removing the building or structure, together with a notice of the time and place when and where such statement shall be submitted to the district board for approval and confirmation. He shall mail another copy of such statement and

notice to the person named as the owner on the books of the county assessor, if his address is known to him, after which he shall file his affidavit with the district secretary certifying to the time and manner of posting such statement and notice, and also as to the mailing of a copy in case a copy was mailed.

SECTION 8. ~~Same - Confirmation?~~

At the time fixed for hearing on the statement of expense referred to in the preceding section, the board shall consider the statement and such objections as may be offered against it; whereupon, they shall modify, amend or confirm the same as submitted; provided, that they may continue such hearing from time to time. When finally confirmed, the district secretary shall transmit a certified copy to the county assessor and another to the county tax collector. In addition, at the time of delivery of the annual tax rate statement to the county, the district secretary shall include a statement of any expenses to be collected with district taxes pursuant to this article.

SECTION 9. ~~Same - Lien on property?~~

Upon final confirmation of the statement of expenses referred to in section 8, the expense of abating any such nuisance, less any money received from lumber or other material as mentioned in section 6 shall constitute a lien on the real property upon which the same was abated or removed, and the amount thereof shall be added to the next succeeding tax bill against such property, and shall be collectable at the same time and in the same manner as general district taxes are collected, and shall be subject to the same penalties and procedure in case of delinquency; provided, that if the amount received from lumber or other materials should in any case exceed the expense of razing or removing such building or structure, then, and in that event, such excess shall be deposited with the district

treasurer to the credit of the owner and be payable to him on demand.

This Ordinance shall take effect and be in force from and after thirty (30) days after its passage.

Regularly passed and adopted this 13th day of May, 1968.

Ayes and in favor of said Ordinance:

DIRECTORS :

Joseph H. Marsh
Myloso
Pi Meyer

Noes and against said Ordinance:

DIRECTORS :

Absent : DIRECTORS :

Joseph H. Marsh
PRESIDENT Board of DIRECTORS
Half Moon Bay Fire Protection District

ATTEST:

Myloso
Secretary of said Board.