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2 **Ordinance #09-06**

3 **AN ORDINANCE OF THE ALBANY CITY COUNCIL ADOPTING SECTION 2-35**
4 **SERVICE OF NOTICES OF THE ALBANY MUNICIPAL CODE**

5 **WHEREAS**, staff has recommended that a provisions describing alternative methods of
6 service of notices be added to Chapter 2 of the Albany Municipal Code; and
7

8 **WHEREAS**, the Council concurs that such section be added to Chapter 2 and waives
9 reading of this Ordinance.

10 **NOW, THEREFORE, THE ALBANY CITY COUNCIL HEREBY ORDAINS AS**
11 **FOLLOWS:**

12 **Section 1: Section 2-35, entitled Service of Notices is hereby enacted and shall read as**
13 **follows:**

14 **2-35.1 Service of Notices**

15 A. Whenever a notice is required to be given under the Municipal Code for
16 enforcement purposes, the notice shall be served by any of the following methods unless
17 different provisions are otherwise specifically stated to apply:

18 1. Personal service; or

19 2. Certified mail, postage prepaid, return receipt requested. Simultaneously,
20 the same notice may be sent by regular mail. If a notice that is sent by certified mail is returned
21 unsigned, then service shall be deemed effective pursuant to regular mail, provided the notice
22 that was sent by regular mail is not returned.

23 3. Posting the notice conspicuously on or in front of the property. The form
24 of the posted notice shall be approved by the City Administrator.

25 B. Service by certified or regular mail in the manner described above shall be
26 effective on the date of mailing.

27 C. The failure of any person with an interest in the property to receive any notice
28 served in accordance with this section shall not affect the validity of any proceedings taken under
this Code.

D. The notice requirements in this section do not apply to initial Notices of Violation
which may be sent by regular mail. Service of a Notice of Violation by regular mail is effective
on the date of mailing.

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2 **2-35.2 Proof of Service of Notices**

3 Proof of service of notice may be made by the certificate of any officer or employee of
4 this City or by affidavit of any person over the age of eighteen years. The proof of service shall
5 show that service was done in conformity with this Code or other provisions of law applicable to
6 the subject matter concerned.

7 **2-35.3 Constructive Notice of Recorded Documents**

8 Whenever a document is recorded with the County Recorder as authorized or required by
9 the Municipal Code or applicable state codes, recordation shall provide constructive notice of the
10 information contained in the recorded documents.

11 **Section 2: Publication**

12 This ordinance shall be published in a newspaper of general circulation in the City of
13 Albany, which said newspaper is designated for that purpose, or it shall be posted in three
14 locations.

15 **Section 3: Severability**

16 If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason
17 held to be invalid, such decision shall not affect the validity of the remaining portions of the
18 ordinance, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the
19 fact that any one or more sections, subsections, sentences, clause or phrases be declared invalid.

20 **Section 4: Effective Date**

21 This ordinance shall become effective 30 days on or after its final passage and adoption.

22 Date:

23 _____
24 Mayor Marge Atkinson