



FORT BRAGG POLICE DEPARTMENT

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COUNCIL COMMITTEE ITEM SUMMARY REPORT

MEETING DATE: MARCH 26, 2024
TO: COMMUNITY DEVELOPMENT COMMITTEE
FROM: VALERIE STUMP
AGENDA ITEM TITLE: Receive Report and Provide Direction on Proposed Code Enforcement Cost Recovery Fees and Vacant Property Registration

BACKGROUND:

In 2021, when the City designated staff to Code Enforcement, it was discovered that the adopted Code Enforcement fees were inefficient at calculating the real costs of code enforcement activity, and they were being utilized in a way that did not recover costs of implementing a Code Enforcement Program.

For this reason, in 2022 Code Enforcement brought forward the Administrative Hearing Ordinance (Fort Bragg Municipal Code Ch. 1.12) to the Council. The Ordinance established administrative penalties for violations of the code. The adoption of this Ordinance led to the removal of the established Code Enforcement fees with the intent to revisit cost recovery for Code Enforcement at a later date.

On October 18, 2023, Code Enforcement presented a draft "Vacant Property Registration" (VPR) ordinance to the City of Fort Bragg Public Safety Committee. Accompanied with the staff report was a proposed Fee Schedule that would also be considered for adoption if the committee directed staff to move forward with the draft to the full council. This reopened the discussion of establishing Code Enforcement fees that would apply to all Code Enforcement activity, including the Vacant Property Registration.

OVERVIEW:

COST RECOVERY FEES

Code Enforcement is establishing fees that will be charged to involved parties to recover the costs of processing a case. Fees will only be charged for extraneous

activity. Administrative penalties are separate from Code Enforcement fees, and will be eligible for financial hardship waivers.

Of the fees recommended for adoption, an inspection fee will likely be the most commonly charged fee. An inspection fee, when authorized, would offset staff costs of repeatedly responding to properties in order to verify whether violations have been corrected. Sometimes, multiple inspections over a several month period are required in order to verify compliance. An additional purpose to charge these fees is to incentivize property owners to promptly address the verified violations, come into compliance, and avoid the additional inspection fees.

Establishment of a Code Enforcement Document Recording Fee is requested to offset staff costs of researching real property identification, property owner identification, document preparation, copying and mailing to accomplish recordation of Notice of Violation Liens, Claims of Monetary Liens to recover City expenditures, and Special Assessments.

Code Enforcement has recently been advising property owners of the potential for recordation of the violations and have determined this action, in of itself, has been instrumental in gaining voluntary compliance.

In order to officially implement cost recovery fees, some minor updates to the code must be adopted. The proposed changes would occur in FBMC Chapter 6.12. The changes are minimal additions that are highlighted in the attached **FBMC Chapter 6.12 Draft Updates**.

The code updates were written and reviewed by attorneys.

VACANT PROPERTY REGISTRATION

Vacant properties pose significant challenges for housing within the City of Fort Bragg. The prevalence of vacant properties has become a growing concern, and the City of Fort Bragg Code Enforcement Team desires to establish proactive measures to effectively combat these issues.

On June 23, 2023, Code Enforcement introduced the idea of a Vacant Property Registration (VPR) Ordinance to the Public Safety Committee. They had some questions, but ultimately agreed to advance the ordinance to the Council. Code Enforcement would like feedback from the Community Development Committee prior to proceeding to Council.

Code Enforcement has identified 200 parcels within Fort Bragg's jurisdiction that could potentially qualify as vacant under an adopted ordinance, encompassing both residential and commercial properties, as well as developed and undeveloped parcels. Many properties are in a state of neglect, causing nuisances that contribute to blight and structure deterioration. Currently, there is limited incentive for development or rehabilitation, and enforcing nuisance conditions can be challenging, particularly with out-of-area or corporate owners. This lack of motivation adversely impacts housing availability and the overall beauty of the City.

The implementation of a Vacant Property Registration Ordinance offers a proactive solution to address the issue of neglected properties within Fort Bragg. Such an

ordinance would establish a framework for identifying and registering vacant properties on an annual basis. It would require property owners to provide up-to-date contact information and designate a local representative for properties owned by out-of-area individuals or corporations.

Furthermore, the ordinance would authorize regular inspections to ensure that vacant properties are adequately maintained and secured to prevent blight, vandalism, and unauthorized occupancy. By holding property owners accountable for the upkeep of their vacant properties, the City can mitigate the adverse effects of neglect and promote community revitalization.

The proposed location of the Vacant Property Registration chapter is in Title 6 of the Fort Bragg Municipal Code. The attached **FBMC 6.13 Draft** shows the addition of Chapter 6.13 to Title 6. Another option would be to put the chapter in Title 15 as it pertains to building safety.

The Vacant Property Registration ordinance was reviewed by an attorney.

FEE DEVELOPMENT

Cases outside of the Vacant Property Registration will only be charged fees for inspections and administrative process when a property owner has not met the first established deadline for abatement. The cost recovery fees have not been finalized, however, they will be similar, if not the same, to the fees specified in the **Proposed Vacant Property Registration Fees** attachment.

The annual Vacant Property Registration fee will cover the costs associated with administrative tracking by Code Enforcement staff, billing and accounting by Finance staff, and annual inspections by Code Enforcement staff. Additional inspection fees will apply to properties that require verification of compliance regarding any Noticed Violations identified during an annual inspection.

The fees were calculated by the estimated time to complete a task and the fully loaded staff rates of Code Enforcement and Finance staff.

CONCLUSION:

Establishing cost recovery fees will allow the City to recover some of the costs of processing a code enforcement case. It will also incentivize property owners to reach compliance faster to avoid accruing fees.

The Vacant Property Registration is an opportunity for Code Enforcement to be more proactive in improving the stability of Fort Bragg housing stock. It will assist in gathering critical data about the state of our housing. An additional benefit is that the ordinance may encourage property owners to use, improve, or sell the property.

ATTACHMENTS:

1. FBMC 6.12 Draft Updates
2. FBMC 6.13 Draft
3. Proposed Vacant Property Fees