



# City of Fort Bragg

416 N Franklin Street  
Fort Bragg, CA 95437  
Phone: (707) 961-2823  
Fax: (707) 961-2802

## Meeting Agenda Public Safety Committee

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Wednesday, June 21, 2023

3:00 PM

Town Hall, 363 N. Main Street and Via Video  
Conference

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### MEETING CALLED TO ORDER

### ROLL CALL

### COMMITTEE MEMBERS PLEASE TAKE NOTICE

*Committee Members are reminded that pursuant to the Council policy regarding use of electronic devices during public meetings adopted on November 28, 2022, all cell phones are to be turned off and there shall be no electronic communications during the meeting. All e-communications such as texts or emails from members of the public received during a meeting are to be forwarded to the City Clerk after the meeting is adjourned.*

### ZOOM WEBINAR INVITATION

*This meeting is being presented in a hybrid format, both in person at Town Hall and via Zoom.*

*You are invited to a Zoom webinar.*

*When: Jun 21, 2023 03:00 PM Pacific Time (US and Canada)*

*Topic: Public Safety Committee Meeting*

*Please click the link below to join the webinar:*

*<https://us06web.zoom.us/j/81063586760>*

*Or Telephone: +1 669 444 9171 or +1 253 205 0468 (\*6 mute/unmute, \*9 raise hand)*

*Webinar ID: 810 6358 6760*

*To speak during public comment portions of the agenda via zoom, please join the meeting and use the raise hand feature when the Chair or Acting Chair calls for public comment on the item you wish to address. Written public comments may be submitted to [lgodinez@fortbragg.com](mailto:lgodinez@fortbragg.com)*

### 1. APPROVAL OF MINUTES

- 1A. [23-151](#) Approve Minutes of the Public Safety Committee Meeting December 21, 2022.

**Attachments:** [PSCM 2022-12-21](#)

### 2. PUBLIC COMMENTS ON NON-AGENDA ITEMS

### 3. CONDUCT OF BUSINESS



**ADA NOTICE AND HEARING IMPAIRED PROVISIONS:**

*It is the policy of the City of Fort Bragg to offer its public programs, services and meetings in a manner that is readily accessible to everyone, including those with disabilities. Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities.*

*If you need assistance to ensure your full participation, please contact the City Clerk at (707) 961-2823. Notification 48 hours in advance of any need for assistance will enable the City to make reasonable arrangements to ensure accessibility.*

*This notice is in compliance with the Americans with Disabilities Act (28 CFR, 35.102-35.104 ADA Title II).*



# City of Fort Bragg

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## Text File

File Number: 23-151

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**Agenda Date:** 6/21/2023

**Version:** 1

**Status:** Business

**In Control:** Public Safety Committee

**File Type:** Committee Minutes

**Agenda Number:** 1A.

Approve Minutes of the Public Safety Committee Meeting December 21, 2022.



# City of Fort Bragg

416 N Franklin Street  
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Phone: (707) 961-2823  
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## Meeting Minutes Public Safety Committee

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Wednesday, December 21, 2022

3:00 PM

Via Video Conference

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### MEETING CALLED TO ORDER

Meeting Chair Peters opened the meeting at 3:10 PM

### ROLL CALL

Present: 2 - Bernie Norvell and Lindy Peters

### 1. APPROVAL OF MINUTES

1A. [22-617](#) Approve Minutes of the Public Safety Committee Meeting February 16, 2022.

Moved by Chair Peters and seconded by Committee Member Norvell that the minutes be approved as presented.

### 2. PUBLIC COMMENTS ON NON-AGENDA ITEMS

Public Comments made by:

Nick regarding bicycle safety

### 3. CONDUCT OF BUSINESS

3A. [22-618](#) Discussion Regarding Flock Cameras

Chief of Police Cervenka presented the topic of Flock Cameras and their potential asset to the Police Department for the safety of our community. Flock Cameras are a self contained, solar powered, stand alone unit that read vehicle license plates which can alert law enforcement agencies of any wanted vehicles in the area. Chief Cervenka went on explaining the benefits of installing these cameras within the City of Fort Bragg especially since staffing is on the decline and crimes is on a rise. The cameras are biased, based on to the fact that they only read vehicle license plates and do not focus on drivers and or passengers. They will not be used as traffic enforcement either since they are not meant to be used for that purpose. The retention of information for the cameras is a 30 day retention period, after that the data is automatically deleted.

Chief Cervenka made it clear that the Police Department wants to be transparent with public and inform the public of the purchase and installment of the Flock Cameras in the City. The proposed locations of cameras would be a at Pudding Creek Bridge, Grove Street, Walnut Street, Noyo Bridge, and the intersection of Highway 20 and South Harbor Drive.

According to Chief Cervenka the estimated cost for two years for the Flock Cameras is \$48,000

which includes: the purchase of the cameras, the software program, data and transparency portal. Currently, the Fort Bragg Police Department is working with Pacific Gas and Electric to obtain a \$5,000 grant to assist with the purchase of the cameras that will be installed next to their substation on Grove Street and service center on Walnut Street.

Chair Peters questioned the fact if these cameras are live feed cameras. Laura Holland from Flock Safety responded that the cameras are still images and no live image is available.

Chief Cervenka reiterates that with these cameras our Police Department will be connecting to other law enforcement agencies within the County and will be very beneficial.

Chair Peters commented that the price for the cameras and software package is reasonable considering you are not able to have the man power in the Department to do what these cameras do. Peters had no objections to the purchase of the cameras on behalf of the committee but suggest to put it before the City Council to be approved in order to keep the transparency.

### **3B. [22-619](#) Increase Of Fentanyl In The Community**

Chief of Police Cervenka began stating that there has been a surge on overdose cases in the City. The Fort Bragg Police Department have made efforts to contain the overdose cases from increasing further. He mentioned that in the last month there have been four arrest within the City of Fort Bragg connected to fentanyl drug sales. Currently the officers are working towards obtaining more information to where these local subjects obtain their fentanyl from and collaborating with Mendocino County Task Force to attempt in cutting off fentanyl supplies to this area. The Fort Bragg Police Department will be receiving a sophisticated drug testing piece of equipment through the Asset Forfeiture Program from the Mendocino County District Attorney Office in January. The drug testing equipment will be used out in the field by officers to test materials and suspected narcotics without endangering their life.

As of now, only one officer within the Police Department is trained in Advanced Roadside Impaired Driving Enforcement. Within the next coming year the Police Department will be hosting the same training for the rest of the officers in the department so that they can start identifying drivers under the influence of narcotics.

Chair Peters commented on the danger of fentanyl. Chief Cervenka reiterated that fentanyl is very dangerous especially when the exposure is airborne to a non tolerant person.

## **4. MATTERS FROM COMMITTEE / STAFF**

### **4A. [22-620](#) Receive Oral Update From Staff on Departmental Activities**

Fire Chief Orsi reminded the community on fire safety and to use common sense when it comes to candles and numerous extension cords this time of year. Chief Orsi mentioned that people in the community have been much safer in the most recent years when it comes to fire safety. He had no further updates for the Fire Department.

Chief of Police Cervenka briefly mentioned the recruitments for Community Service Officer, Peace Officer, and Sergeant. He briefly commented that Code Enforcement has been moved over to the Police Department from City Hall and is now settled in. Chief Cervenka commended the Care Response Unit for doing an outstanding job with the Extreme Weather Shelter. Lastly, he mentioned that in May the Police Department will be hosting a training called "Why'd You Stop Me", a program that is very progressive in de-escalation and tactical communication efforts in helping the community and Police Department work better together.

Public Works Director John Smith provided an update on the new signage that will be installed in the areas of the school zones. In addition there will be new signs to keep commercial compressor unit trucks out of residential areas due to the noise level. Lastly, he mentioned the new water meter project that it is currently underway.

## **ADJOURNMENT**

**Chair Peters adjourned the meeting at 4:05 PM**



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## Text File

File Number: 23-152

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**Agenda Date:** 6/21/2023

**Version:** 1

**Status:** Business

**In Control:** Public Safety Committee

**File Type:** Staff Report

**Agenda Number:** 3A.

Proposed Ordinance For Vacant Property Registration



**TITLE:**

**RECEIVE REPORT OF PROPOSED ORDINANCE “VACANT PROPERTY REGISTRATION”**

**ISSUE:**

Currently there are over 200 identified vacant parcels within the city limits, including lots, residences, and commercial properties. Many, if not most, appear unkempt, dilapidated, and with identifiable nuisances. Currently there is little motivation for these properties to be developed, rehabilitated, and the enforcement of the identified nuisance conditions are difficult, especially with out of area or corporate property owners. This lack of motivation negatively affects available housing and the general appearance of property in the city.

**ANALYSIS:**

The existing Ford Bragg Municipal Code (FBMC) Section 6.12.040 identifies Nuisance Conditions and complaints to code enforcement are made on a regular basis. It is difficult at times to identify a responsible party because online property indexes are not up to date, there is no open utility account, and insufficient history with the property that would identify a current property owner. Many of these properties would appear to a reasonable person to be abandoned or not in a state of maintained care.

An ordinance requiring the registration of these parcels on an annual basis would allow for quicker identification of responsible parties, require a local contact person or contractor when an owner resides out of the area, authorize inspections to verify a property is free of nuisance conditions and its security is up to date. It would provide for closed or unused businesses to maintain their property up to a standard, resulting in beautifying the commercial zoned districts and requiring the owners to act in a responsible manner when it comes to their vacant properties.

One would conclude that with over ninety undeveloped lots and with the identified housing shortage there should be more residential development now occurring within the city. With many of these properties having a history of long-time ownership within a family, it is an easy conclusion there is little motivation to develop a property when there is only a minimal property tax obligation each year. This ordinance would cause many of these owners to consider development of the property or sale of the property to a new owner willing to develop.

In researching information for this proposed ordinance, a large number of municipalities and counties have enacted a vacant property ordinance in some form. Most ordinances were enacted in 2008 in response to the sudden increase in property foreclosures and the subsequent reality of

increased, corporate, non-local owners. Municipalities reported increased blight from lack of maintenance and security of these properties and took these steps to counter those issues. Municipalities reported great success in requiring non local owners to provide maintenance and security. Ordinances were modified and adopted to include all vacant properties, again, with reported great success. Costs of the program are offset by registration and inspection fees.

**FISCAL IMPACT:**

The fiscal impact of implementing this ordinance needs to be studied further. The implementation of the Annual Registration Fees and Inspection Fees will offset the program costs with predictable revenue. Other long term revenue gains and increased local economic impact can be reasonably anticipated with; 1. Increased property taxes from the development of vacant lots and reassessment of sold properties; 2. Potential increases to local population resulting in additional tax revenue from positive economic growth; 3. Potential increased revenue from additional licensing fees for new business.

**CONSISTENCY:**

The proposed change could positively impact the General Plan's 2019 Housing Element Introduction D, to add 200 single family homes, townhouses, and low to moderate income development over the next 8 years. Additionally this ordinance will work hand in hand with Program H-1.6.1 by continuing to update the vacant parcels map in order to provide information to potential developers regarding infill opportunities. Goal H-5 may be positively impacted with potentially improving existing housing supply through housing rehabilitation and housing preservation.

**ATTACHMENTS:**

- 1 Proposed Ordinance Text with Proposed Codification
- 2 Suggested Fee Schedule

# PROPOSED VACANT PROPERTY REGISTRATION ORDINANCE TEXT

## 6.13.010 PURPOSE

The purpose of this Chapter is to ensure all vacant properties comply with minimum property maintenance requirements, to encourage proactive and preventive maintenance of properties, to ensure maintenance issues are quickly and efficiently remedied, and to promote the health, safety, and welfare of the people of the City of Fort Bragg.

## 6.13.020 SEVERABILITY

If any provision of this Ordinance and Chapter is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, that invalidity will not affect the remaining provisions of this Ordinance and Chapter, which can be implemented without the invalid provisions, and to this end, the provisions of this Ordinance are declared to be severable.

## 6.13.030 DEFINITIONS

As used in this Chapter, the following terms and phrases are defined as follows:

A "Active Construction" means that construction activity is taking place at a property without any pause, interruption, or suspension greater in duration than 45 days, and the owner, owner of record, or a duly authorized agent, servant, assign, employee, or contractor acting or providing services on behalf thereof, is on-site at a property that is under construction, actively engaged in construction, maintenance, demolition, or related administrative activity, without any pause, interruption, or suspension greater in duration than 15 days.

B "Allowable use" means the property use as permitted by zoning ordinance; allowable by right, or use permit.

C "Blight" or "Blighted property" means any one or more of the following conditions or activities:

(1) Abandoned Building or Structure.

(a) A building or structure which is not being inhabited, occupied, or used and which is unsecured. For purposes of this Chapter, a building or structure is unsecured when the public can gain entry without the consent of the owner.

(b) A partially constructed, reconstructed, or demolished building or structure upon which work is abandoned. Work is deemed abandoned when there is no valid and current building or demolition permit, or when there has not been any substantial work on the project for a period of six (6) months or more.

(2) Attractive Nuisance. Property which is in an unsecured state so as to potentially constitute an attraction to children, a harbor for transients, criminals, or other unauthorized persons, or so as to enable persons to use the property for the purpose of committing a nuisance or unlawful act.

(3) A building or structure which is in a state of disrepair:

(a) Exterior wall and/or roof coverings which have become deteriorated and do not provide adequate weather protections, resulting in termite infestation and/or dry rot.

(b) Broken or missing windows or doors which constitute a hazardous condition or a potential attraction to trespassers.

(c) Building exteriors, walls, fences, signs, retaining walls, driveways, walkways, sidewalks, or other structures on the property which are broken, deteriorated, or substantially defaced, to the extent that the disrepair is visible from any public right-of-way or visually impacts neighboring public or private property or presents an endangerment to public safety.

(d) Building exteriors, walls, fences, signs, retaining walls, driveways, walkways, sidewalks, or other structures on the property which have been repainted in such a manner that the appearance may be further deteriorated or substantially defaced.

(4) Property Inadequately Maintained.

(a) Overgrown, diseased, dead, or decayed trees, weeds, or vegetation that: (1) are likely to harbor rats, pigeons, vermin, and other nuisances; or (2) substantially detract from the aesthetic and property values of neighboring properties; or (3) constitute a fire hazard or other condition that is dangerous to the public health, safety, or welfare; or (4) are likely to attract use as shelter by transients.

(b) Solid waste, which includes "garbage," "refuse," and "rubbish," and all "solid waste" as may be defined in this Code, constitutes blight and blighted property in the following situations: (1) the accumulation of solid waste is visible from a street or public right-of-way, is not enclosed in a City-approved container, and is present for more than 72 consecutive hours; or (2) the accumulation of solid waste is being stored or disposed of in a manner that would allow the material to be transported by wind or otherwise onto or upon any public street, public right-of-way, or neighboring property, unless the method of storage or disposal is specifically allowed by this Code.

(5) Any swimming pool, pond, or other body of water which is abandoned, unattended, unfiltered, drained with no cover to prevent the existence of a hazard, or not otherwise maintained, resulting in polluted water. "Polluted water" is defined for the purpose of this Chapter, as water which contains organic growth, including algae, remains of rubbish, refuse, debris, papers, and any other foreign matter or materials, which, because of its nature or locations, constitutes an unhealthy or unsafe condition.

D "Building" means any structure, including, but not limited to, any residential, commercial, industrial, or assembly structure, approved for occupancy on either a lot of record or within a single project approved by the City pursuant to the City's Zoning Code.

E "Commercial Properties" means all properties in the City that are not developed for solely single family residential uses. The term "commercial properties" includes apartment buildings that include five or more rental units.

F "Development Related Agreement" means an agreement between the City and at least one other person or entity whereby an owner secures the authorization and approval of the City, whether through a duly authorized written contract, or via a land use permit or entitlement approval, to pursue a development or redevelopment project at a property where one or more abandoned buildings or structures, and/or vacant building is located.

G "Downtown" means all streets and portions of streets within the area described as follows: All that area bounded by Pine Street on the north, Oak Street on the south, Main Street on the west, McPherson Street on the east and North Harrison Street heading east on Redwood Avenue. Synonymous with CBD?

H "Enforcement Official" means the City Manager, Building Official, the Chief of Police, the Fire Chief, or their respective designees.

I “Evidence of Vacancy” means any building in the context of the totality of circumstances that would lead a reasonable Enforcement Official to believe that the building is vacant or occupied by a person without a legal right of occupancy. Such real property conditions include, but are not limited to: overgrown or dead vegetation; accumulation of newspapers, circulars, flyers, or mail; past due utility notices or disconnected utilities; accumulation of trash, junk, or debris; the absence of window coverings such as curtains, blinds, or shutters; the absence of furnishings or personal items consistent with residential habitation; or statements by neighbors, passersby, delivery agents, or government employees that the property is vacant.

J “Historic Building or Site” means any building, structure, or site previously designated as an historic landmark by the City Council pursuant to the provisions of Chapter [17.74.030](#) of the CLUDC, or Chapter 18.74.030 of the ILUDC, which building or site is not located on lands owned by the United States for the benefit of any member of any federally recognized Indian tribe, or subject to a restriction against alienation imposed by the United States.

K “Local” means within 40 driving miles of the building, structure, or real property in question.

L “Out of Area” means in excess of 40 road or driving miles of the building, structure, or real property in question.

M “Owner” means any person having legal or equitable title or any interest in real property, including all persons shown as owners on the last equalized assessment roll of the Mendocino County Assessor’s Office. An owner includes a person with power of attorney, an executor of estate, trustee, or who is a court appointed administrator, conservator, guardian, or receiver.

N “Person” means any natural person, partnership of any kind, corporation, limited liability company, association, joint venture, or other organization, however formed, as well as trustees, heirs, executors, administrators, or assigns, or any combination of such persons.

O “Vacant building” means a building where at least thirty-five percent (35%) of the total floor area within the building is not lawfully occupied.

P “Vacant parcel” means a legal parcel with no building improvements, or with limited improvements that cannot not be classified as a residential building or commercial business.

#### **6.13.040 SCOPE**

A Applicability. The provisions of this Chapter shall apply generally to all improved and unimproved real property throughout the City of Fort Bragg where any of the conditions specified in this Chapter are found to exist.

B Regulations Cumulative. The regulations provided by this Chapter are cumulative to each other and to any other available under City, State, or federal law.

C Authority to Enforce Chapter. The Enforcement Official is authorized to administer and enforce this Chapter. The Enforcement Official may adopt supplemental regulations or policies to implement and interpret this Chapter. These regulations or policies must conform with the purpose of this Chapter.

D Development Agreement Exemption. In the event that the City enters a development related agreement with the owner or developer of a property incorporating the partial or total demolition, repair, reconstruction, or preservation of a vacant building or structure the vacant building or structure in question is exempt from application of this Chapter, provided that the property is maintained in strict accord with the terms and conditions of the development related agreement. In the event that the City

Manager, or his or her designee, determines in the City Manager's sole discretion the owner or developer of a property is in default with respect to any term or condition of a development related agreement through which any building or structure is exempt from application of this Chapter, the City may issue written notice to that owner that if the default in question is not cured in its entirety within 30 days of the issuance, that the exemption provided by this Section shall be revoked, and that this Chapter shall immediately become fully applicable to the building or structure in question.

**6.13.050 SERVICE REQUIREMENTS**

A Except as otherwise provided, any notice required to be served under this Chapter must be completed by either:

- (1) Personal service; or
- (2) Service by United States mail addressed to the person to be notified at the address as listed in the last equalized assessment roll. Service by mail is complete at the time of deposit in the mail. Failure of any person to receive a properly-addressed notice by mail shall not invalidate any action, decision, determination, or proceeding under this Chapter.

**6.13.060 REGISTRATION REQUIRED FOR VACANT PARCELS AND BUILDINGS**

A Registration Required. An owner of a vacant parcel or building must register their property with the Enforcement Official within 10 days of the building becoming vacant or being deemed vacant. If any building shows evidence of vacancy, it is hereby deemed vacant. All vacant parcels, as defined by this chapter, must be registered within sixty calendar days of the effective date of this ordinance and renewed annually.

B Application Required. Any person seeking to register a vacant parcel or vacant building must submit a complete, written application to the City using a form adopted by the City for that purpose.

C Application Contents. The application for registration pursuant to this Section must contain or be accompanied by the following:

- (1) The name and address of each owner and the local property management company, if any, responsible for the security, maintenance, and marketing of the property in question; and, the security agency, if any, responsible for the "continuous physical monitoring" as provided for within this Chapter .
- (2) A maintenance plan describing and documenting how the maintenance requirements of this Chapter will be complied with.
- (3) Documentation and information showing compliance with the local property management company requirements of this Chapter.

D Annual Registration. The registration pursuant to this Section must be renewed annually, no later than January 31 of each calendar year.

E Fee. The City Council may establish by resolution, and from time to time may amend, an annual registration fee and inspection fees. An application for registration or reregistration must be accompanied by the submission of the required fee. Registration fees are nonrefundable and may not be prorated. The fee represents the registration cost for a calendar year and the cost of one annual compliance inspection. When a subsequent compliance inspection is necessary to verify corrections of violations, a subsequent inspection fee shall be charged.

F Notice City of Changes to Registration. Any person, partnership, association, corporation, fiduciary, or other legal entity that has registered a property under this Chapter must notify the Enforcement Official in writing of any change of information contained in the registration within 10 days of the change.

**6.13.070 MAINTENANCE REQUIREMENTS FOR VACANT BUILDING AND PARCELS**

A Maintenance Required. It is unlawful for any owner to maintain any improved property in violation of the provisions of this Chapter. All vacant buildings, residential and commercial, must be maintained in compliance with the Fort Bragg Municipal Code.

B Additional Requirements for Commercial Properties. Any vacant commercial building must be maintained in accordance with the following requirements:

- (1) All doors, windows, and other openings are secured in accordance with this Chapter.
- (2) Any temporary site perimeter fencing is placed in connection with a building permit.
- (3) The property must be continuously monitored, as follows:
  - (a) Buildings with fire sprinkler systems must be maintained in working order.
  - (b) Buildings with a centralized and registered fire and burglar alarm system must be maintained in working order, and monthly reports showing continued and active service shall be submitted to the Enforcement Official.
  - (c) Buildings without fire sprinkler systems or fire alarm or burglar alarm systems shall be provided with continuous physical monitoring by means of an onsite patrol. "Continuous physical monitoring" shall mean the use of a licensed security agency operating in the City of Fort Bragg and providing regular surveillance of the vacant building as part of the agency's security route.
- (4) A quarterly report from the property owner or the property owner's representative or property management company that identifies each date inspections were performed for the reporting period and a statement affirming that the building interior, exterior, and the entire site was inspected, the landscaping is maintained in good condition, and that all buildings are secure.

C Requirements For Buildings Vacant More Than 90 Days. No person may allow a building designed for human use or occupancy to stand vacant for more than 90 days, unless the person establishes by substantial evidence to the reasonable satisfaction of the Enforcement Official that at least one of the following applies:

- (1) Active Construction. The building is the subject of Active Construction for repair or rehabilitation in order to make the building habitable, and the owner is progressing diligently to complete such repair or rehabilitation within one year of the issuance of the building permit related to such repair or rehabilitation.
- (2) Active Marketing. The building or property contains no Fort Bragg Municipal Code violations, is ready for occupancy, and is actively being offered for sale, lease, or rent.
- (3) Active Maintenance. The person is actively maintaining and monitoring the building, which includes:
  - (a) Maintenance of landscaping and plant materials in good condition.
  - (b) Maintenance of the exterior of the building including, but not limited to, paint, finishes, windows, doors, and signage in good condition and in compliance with this Chapter.

- (c) Any sign which advertises a use or business not being made on the premises, the name of the owner or user, or which identifies a product, an interest, service, or entertainment not available on the premises is regulated pursuant to CLUDC 17.38.040 and ILUDC 18.38.040.
- (d) Regular removal of all exterior trash, debris, and graffiti.
- (e) Prevention of criminal activity on the premises including, but not limited to, trespassing, use and sale of controlled substances, and criminal street gang activity.
- (f) Any windows screened will be in accordance with application and approval of the City of Fort Bragg Community Development Department Planning staff.
- (g) Securing the property in a manner so as not to be accessible to unauthorized persons. Secure manner includes, but is not limited to, closing and locking of windows, doors (walk-through, sliding and garage), gates, and any other opening that may allow access to the interior of the property or structure(s). In the case of broken windows, securing includes the replacement of the broken window.
- (h) Maintaining sufficient utility services to provide power for any alarm or security system and to properly irrigate all landscaping on the property.
- (i) The building or the lot on which the building is located, and the landscaping on such lot, does not contribute to and is not likely to contribute to blight because the owner is actively maintaining and monitoring the building and the lot so that it does not contribute to blight.

**6.13.080 LOCAL PROPERTY MANAGEMENT REQUIRED**

- A Any owner located more than 40 miles by road from a property containing a vacant building that must be registered, must provide a name and contact information of a local individual or property management company who must be contracted to perform weekly inspections to ensure compliance with the Fort Bragg Municipal Code.
- B The property must be posted with the name and contact phone number of the local individual or property management company. The posting must be no less than 18" X 24", must be of a font that is legible from a distance of 45 feet, and must contain the following: "THIS PROPERTY MANAGED BY (LOCAL INDIVIDUAL OR PROPERTY MANAGEMENT COMPANY)," and "TO REPORT PROBLEMS OR CONCERNS CALL (PHONE NUMBER)."
- C The posting must be placed on the interior of a window facing the street to the front of the property so it is visible from the street, or secured to the exterior of the building facing the street of the front of the property so it is visible from the street. If no such area exists, the posting must be on a stake of sufficient size to support the posting, in a location that is visible from the street to the front of the property, and to the extent possible, not readily accessible to potential vandalism. Exterior posting must be constructed of, and printed with weather resistant materials.
- D The local individual or property management company must inspect the property on a weekly basis to determine if the property is in compliance with the requirements of this Chapter and must perform all monitoring duties prescribed in this Chapter. If the individual or property management company determines the property is not in compliance with this Chapter or any provision of the Fort Bragg Municipal Code, it is the individual or company's duty to notify the owner and bring the property into compliance.



**6.13.090 MONITORING PROGRAM FOR COMMERCIAL PROPERTIES**

A Monitoring Program Established. A program monitoring commercial properties is hereby established. The Enforcement Official is responsible for administering the monitoring program to enforce this Chapter.

B Monitoring Program Duties. The Enforcement Official has the duty and responsibility to do the following pursuant to the monitoring program:

- (1) Inspect properties in the City to identify commercial buildings that are vacant.
- (2) Order vacant commercial buildings to comply with this Chapter and any other applicable codes.
- (3) Order vacant commercial buildings that are open and accessible to be secured against unlawful entry in accordance with this Chapter.
- (4) Order the property on which the vacant commercial building is located to be properly maintained or cleared of trash and debris.
- (5) Initiate proceedings against the owner of any vacant commercial building found to be in violation of this Chapter or any other applicable code.
- (6) Maintain surveillance over vacant commercial buildings so that timely code enforcement proceedings are commenced in the event the property becomes substandard or a nuisance.
- (7) Establish and enforce rules and regulations for the implementation and compliance with the Property Improvement Program.
- (8) Identify blighted property and to initiate proceedings against the owner of record of any blighted property for failure to remedy such blight.

C Fee Imposed. There is imposed upon every owner of a vacant commercial building monitored pursuant to this Chapter an annual vacant commercial building monitoring fee in an amount the City Council may establish by resolution, provided that the fee shall not exceed the estimated reasonable cost of monitoring the vacant commercial building.

D Fee Procedure. If unpaid in connection with a vacant building registration, a vacant commercial building monitoring fee may be billed and mailed to the owner of the property. Any owner aggrieved by the decision of the Enforcement Official relating to a vacant registration fee bill may appeal the decision to the Administrative Hearing Officer or Body in the manner provided in Chapter 1.06 of this Code. If the fee is not paid within 60 days following billing, the City Council may thereupon order that the fee be specially assessed against the property involved. If the City Council orders that the fee be specially assessed against the property, it shall confirm the assessment and thereafter said assessment may be collected at the same time and in the same manner as ordinary real property taxes are collected and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary real property taxes. All laws applicable to the levy, collection, and enforcement of real property taxes are applicable to the special assessment. The City Council may also cause a notice of lien to be recorded. The notice shall, at a minimum, identify the record owner or possessor of the property, set forth the last known address of the record owner or possessor, a description of the real property subject to the lien, and the amount of the fee.

**6.13.100 ENFORCEMENT**

A Violation Unlawful. It is unlawful and declared a public nuisance for any person to violate any provision of this Chapter.

B Criminal Penalties. Any person who violates any provision of this Chapter is guilty of a misdemeanor punishable by a fine of up to \$1,000, or by imprisonment in the County jail not exceeding six months, or by both such fine and imprisonment, except the City Attorney may prosecute a violation of this Chapter as an infraction, in his or her discretion, as set forth in Section 1.04.060 of this Code.

C Administrative Penalties. Any person who violates any provision of this Chapter may be issued an administrative penalty in accordance with this Section and Chapter 1.12 of this Code.

(1) Appeal and Collection of Penalty. The Enforcement Official's administrative penalty may be appealed in the manner provided in Chapter 1.08 of this Code. Any administrative penalty may be collected as provided in Chapter 1.06 of this Code.

(2) Fine for Non-Residential Properties. For any non-residential properties subject to this Chapter, the initial penalty shall be \$1,500.00. If the violation continues after the compliance date in the first administrative citation or any extension period granted by the City, a second administrative penalty in the amount of \$3,000.00 may be issued. If the violation continues after the compliance date in the second administrative citation or any extension period granted by the City, a third administrative penalty in the amount of \$15,000.00 may be issued. For any residential properties subject to this Chapter, the penalties shall be in the amounts set forth in Section 1.12.070 of this Code.

D Civil or Equitable Enforcement. Nothing in this Chapter prevents the City Attorney from bringing a civil or equitable action, at his or her discretion, to seek the abatement of any violation of this Code.

E Ongoing Violations. Each and every day a violation is maintained, caused, aided, abetted, concealed, suffered, or permitted is a separate offense.

F Remedies Cumulative. The remedies, procedures, and penalties provided by this Chapter are cumulative to each other and to any other available under City, State, or federal law.

G Joint and Several Liability. The duties and liabilities specified in this Chapter are joint and several among and between all owners.



# City of Fort Bragg

416 N Franklin Street  
Fort Bragg, CA 95437  
Phone: (707) 961-2823  
Fax: (707) 961-2802

## Text File

File Number: 23-153

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**Agenda Date:** 6/21/2023

**Version:** 1

**Status:** Business

**In Control:** Public Safety Committee

**File Type:** Staff Report

**Agenda Number:** 3B.

Discuss FBMC Chapter 15.06 Automatic Fire Sprinkler And Alarm Systems

## Public Safety

### Fort Bragg Municipal Code, Chapter 15.06 Automatic Fire Sprinkler & Alarm Systems

Issue: During the last attempt to clarify this chapter a sentence was altered that has proven to be detrimental to the intent of this ordinance. By omitting the 36 month time frame (as pointed out in the attachment) we have created a “loop-hole” that if taken advantage of pretty much omits the requirement of sprinklers. What makes this an even greater issue is that owners of commercial property that abide by the intent of the ordinance and install sprinklers as required are seeing projects that cost much more not being required to do so. As currently written, the following scenario could and has happened.

The City is presented a set of plans for a remodel with an estimated cost of \$150,000. The owner is informed that they are required to install fire sprinklers as they have went over the \$75,000 threshold. Fire sprinklers are installed.

The City is presented 6 separate plans each for a portion of a remodel project. Each plan has an estimated cost of \$50,000. The total estimated cost of this project will be \$300,000. The owner is not required to install fire sprinklers because none of the plans presented meet or exceed the \$75,000 threshold. As there is no time frame in the ordinance, these plans can be submitted one after the other.

After both projects are completed, the owner of the building with fire sprinklers is questioning why he had to install sprinklers when the other building with twice the work did not. They are questioning the fairness of this and are right to do so.

By simply adding the portion of the altered sentence that was removed, the City would create a fair and even sprinkler ordinance for the commercial building owners.

Definitions contained in the California Fire Code, California Code of Regulations, Title 24, Part 9, 2019 Edition, shall apply to this chapter unless specifically amended. Whenever any of the following names or terms are used in any of the compilations adopted by reference by this chapter such names or terms shall have the following meanings:

**APPEAL AUTHORITY.** As defined in Chapter 1.06.

**BUILDING.** Any building or group of buildings that requires a sprinkler under this chapter or the California Fire Code, California Code of Regulations, Title 24, Part 9, 2019 Edition.

**BUILDING PERMIT VALUATION.** The value of repairs, maintenance and remodel work as determined by the Mendocino County Planning and Building Department through their plan review process. The building permit valuation will include the total of all active building permits for the building at the same location, excluding separate permits to install automatic fire sprinkler systems.

(Ord. 957, § 2, passed 01-13-2020)

#### **15.06.030 AUTOMATIC FIRE SPRINKLER SYSTEMS – REQUIRED.**

- A. All new buildings shall have an automatic fire sprinkler system installed, unless specifically exempted in accordance with § 15.06.050.
- B. Buildings in existence prior to the adoption of this code shall be subject to the requirements for automatic fire sprinkler systems upon the change of occupancy to a higher hazard level as defined by the Fire Marshal.
- C. Existing commercial and multifamily buildings which are remodeled, added to, or altered, including maintenance and repair activities, when the ~~valuation cost of such work within any 36-month period~~ ~~building permit valuation cost of such~~ exceeds \$75,000, shall have an automatic fire sprinkler system installed. The sprinkler system shall be connected with water service as determined by the Director of Public Works. Roof replacement costs will not be calculated into the \$75,000 limit. Determination of the building permit valuation of work completed shall proceed as follows:
1. As determined by the Mendocino County Planning and Building Department through their plan review process and completed on the application for any building permit.
  2. The Fire Marshal shall: (a) review the building permit, plans and building permit valuation at the time of the building permit application submittal; and (b) review the building permit, any applicable building permit application and plans upon any change in scope of work or modification to the building permit application to determine if the building permit valuation of the

## CHAPTER 15.06 AUTOMATIC FIRE SPRINKLER AND ALARM SYSTEMS

### Section

- 15.06.010 Purpose
- 15.06.020 Definitions in general
- 15.06.030 Automatic fire sprinkler systems – Required
- 15.06.050 Exemptions and waivers
- 15.06.060 Annual inspection and maintenance
- 15.06.070 *[Reserved]*
- 15.06.080 Fire alarm systems defined and required
- 15.06.090 Violations

#### **15.06.010 PURPOSE.**

- A. The California Fire Code, California Code of Regulations, Title 24, Part 9, 2019 Edition, as modified and amended from time to time, establishes certain standards for automatic fire extinguishing systems. A copy of the code, in its latest form, is on file in the office of the Fire Chief.
- B. The purpose of this chapter is to provide regulations establishing minimum standards for automatic fire sprinkler systems where the standards are not specifically covered by the California Fire Code. Where specific standards are provided by the California Fire Code and provide a greater degree of fire protection than the provisions of this chapter, those standards shall apply. In those cases where the California Fire Code does not provide specific standards, the terms of this chapter shall apply.
- C. The intent of this chapter is to apply those fire protection standards which will provide the residents and property owners of the City the greatest degree of fire protection which is reasonable under the circumstances. All buildings are subject to the provisions of this chapter.

(Ord. 957, § 2, passed 01-13-2020)

#### **15.06.020 DEFINITIONS IN GENERAL.**

Definitions contained in the California Fire Code, California Code of Regulations, Title 24, Part 9, 2019 Edition, shall apply to this chapter unless specifically amended. Whenever any of the following names or terms are used in any of the compilations adopted by reference by this chapter such names or terms shall have the following meanings:

**APPEAL AUTHORITY.** As defined in Chapter 1.06.

**BUILDING.** Any building or group of buildings that requires a sprinkler under this chapter or the California Fire Code, California Code of Regulations, Title 24, Part 9, 2019 Edition.

**BUILDING PERMIT VALUATION.** The value of repairs, maintenance and remodel work as determined by the Mendocino County Planning and Building Department through their plan review process. The building permit valuation will include the total of all active building permits for the building at the same location, excluding separate permits to install automatic fire sprinkler systems.

(Ord. 957, § 2, passed 01-13-2020)

#### **15.06.030 AUTOMATIC FIRE SPRINKLER SYSTEMS – REQUIRED.**

- A. All new buildings shall have an automatic fire sprinkler system installed, unless specifically exempted in accordance with § 15.06.050.
- B. Buildings in existence prior to the adoption of this code shall be subject to the requirements for automatic fire sprinkler systems upon the change of occupancy to a higher hazard level as defined by the Fire Marshal.
- C. Existing commercial and multifamily buildings which are remodeled, added to, or altered, including maintenance and repair activities, when the building permit valuation cost of such exceeds \$75,000, shall have an automatic fire sprinkler system installed. The sprinkler system shall be connected with water service as determined by the Director of Public Works. Roof replacement costs will not be calculated into the \$75,000 limit. Determination of the building permit valuation of work completed shall proceed as follows:
1. As determined by the Mendocino County Planning and Building Department through their plan review process and completed on the application for any building permit.
  2. The Fire Marshal shall: (a) review the building permit, plans and building permit valuation at the time of the building permit application submittal; and (b) review the building permit, any applicable building permit application and plans upon any change in scope of work or modification to the building permit application to determine if the building permit valuation of the

proposed work and all work completed on the building for all active building permits exceeds the \$75,000 threshold.

3. If the building permit valuation exceeds the threshold, the Fire Marshal shall require installation of fire sprinklers per this chapter prior to approval of the building permit or final inspection.

(Ord. 957, § 2, passed 01-13-2020)

#### **15.06.050 EXEMPTIONS AND WAIVERS.**

A. All 1- and 2-family dwellings and detached utility (“U” occupancy) buildings are exempted from the requirement to install automatic fire sprinkler systems.

B. The Fire Chief may grant exemptions for the automatic fire sprinkler system requirements for new construction by placing such conditions upon construction and/or use of the building so as to reduce the fire risk to a diminished level and by making a finding that the use of structure would present low or no fire risk. Examples:

1. Portable fire extinguisher or Class 2 standpipe installation;
2. Providing 1-hour resistive occupancy separation for equipment rooms;
3. Sprinklers undesirable because of nature of the contents in the room/area, the items being noncombustible or not exposed to other rooms/areas.

(Ord. 957, § 2, passed 01-13-2020)

#### **15.06.060 ANNUAL INSPECTION AND MAINTENANCE.**

The owner of any building in which automatic fire alarm systems or fire sprinkler systems have been installed shall have the systems inspected and maintained per NFPA 25 and shall provide a report of the inspection to the Fire Chief.

(Ord. 957, § 2, passed 01-13-2020)

#### **15.06.070 [RESERVED].**

(Ord. 957, § 2, passed 01-13-2020)

#### **15.06.080 FIRE ALARM SYSTEMS DEFINED AND REQUIRED.**

A. **FIRE ALARM SYSTEM** means all devices, controls, and circuits, together with the energy necessary to sound the alarm, electrically supervise the system, and activate the alarm bells, trouble bells or trouble signals.



B. Every new building shall have installed an approved, automatically operated fire alarm system designed to warn all occupants simultaneously. In addition, the Fire Chief may require that this system be monitored in the manager's quarters and/or by a supervising station as defined in NFPA 72. The Fire Chief may also require the installation of a manually operated fire alarm system.

C. All required fire alarm systems shall be installed in accordance with NFPA 72.

D. Exceptions to this section are all "U" occupancies. These exceptions do not apply to 1- and 2-family dwellings within a building that otherwise requires an alarm system (i.e., commercial occupancy below a dwelling).

(Ord. 957, § 2, passed 01-13-2020)

### **15.06.090 VIOLATIONS.**

Failure to comply with the requirements of this chapter is hereby declared to be unlawful and a public nuisance, and shall be subject to the remedies and penalties established by Chapter 6.12.

(Ord. 957, § 2, passed 01-13-2020)

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The Fort Bragg Municipal Code is current through Ordinance 972, passed September 27, 2021.

Disclaimer: The city clerk's office has the official version of the Fort Bragg Municipal Code. Users should contact the city clerk's office for ordinances passed subsequent to the ordinance cited above.

City Website: <https://city.fortbragg.com/>

City Telephone: (707) 961-2823

Code Publishing Company

## Fort Bragg - Buildings and Construction

is not limited to, all structural, electrical and mechanical systems as well as all interior and exterior finishes.

**VALUATION.** The value of repairs, maintenance and remodel work as determined by the Fire Marshal or a third-party cost estimator.

**VALUE.** The value of completing all repairs, maintenance and remodel work. This includes the cost of materials and labor and profit and overhead. The value is the price charged to a client for work completed by a licensed independent contractor.  
(Ord. 916, § 3, passed 08-24-2015)

### 15.06.030 AUTOMATIC FIRE SPRINKLER SYSTEMS – REQUIRED.

A. All new buildings shall have an automatic fire sprinkler system installed, unless specifically exempted in accordance with § 15.06.050.

B. Buildings in existence prior to the adoption of this code shall be subject to the requirements for automatic fire sprinkler systems upon the change of occupancy to a higher hazard level as defined by the Fire Marshal.

C. Existing commercial and multifamily buildings which are remodeled, added to, or altered, including maintenance and repair activities, when the valuation cost of such work within any 36-month period exceeds \$75,000, shall have an automatic fire sprinkler system installed. The sprinkler system shall be connected with water service as determined by the Director of Public Works. Roof replacement costs will not be calculated into the \$75,000 limit. Determination of the valuation of work completed shall proceed as follows:

1. The applicant shall submit the value of all work on the sprinkler valuation form with the building permit.

2. The Fire Marshal shall: (a) review the form at the time of the building permit submittal, and (b) review the project at the time of the building permit final to determine if the valuation of the proposed work and all work completed within the past 3 years exceeds the \$75,000 threshold.

3. If the project valuation exceeds the threshold, the Fire Marshal shall require installation of fire sprinklers per this chapter prior to approval of the final inspection for the building permit.

4. If an applicant disputes the valuation of the project by the Fire Marshal, the applicant may appeal the project to the appeal authority.

5. During the appeal process the applicant shall provide: (a) a cost estimate, prepared by a licensed architect; and/or (b) all invoices and receipts from the project's licensed contractor; and/or (c) all material receipts and timesheets for the project to the appeal authority. In the event that the applicant is unable or unwilling to provide detailed cost data, or if the City determines that the data is provided by an entity with a conflict of interest with regard to the project, the applicant shall pay for a third party contractor/cost estimator (selected by the City) to prepare a valuation of the work.

6. In the absence of evidence proving that the value of the work is less than \$75,000, the appeal will be denied and fire sprinklers will be installed as required by the Fire Marshal prior to the final of the building permit for the project.

(Ord. 916, § 3, passed 08-24-2015)

- A. All new buildings shall have an automatic fire sprinkler system installed, unless specifically exempted in accordance with § 15.06.050.
- B. Buildings in existence prior to the adoption of this code shall be subject to the requirements for automatic fire sprinkler systems upon the change of occupancy to a higher hazard level as defined by the Fire Marshal.
- C. Existing commercial and multifamily buildings which are remodeled, added to, or altered, including maintenance and repair activities, when the building permit valuation cost of such exceeds \$75,000, shall have an automatic fire sprinkler system installed. The sprinkler system shall be connected with water service as determined by the Director of Public Works. Roof replacement costs will not be calculated into the \$75,000 limit. Determination of the building permit valuation of work completed shall proceed as follows:
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  2. The Fire Marshal shall: (a) review the building permit, plans and building permit valuation at the time of the building permit application submittal; and (b) review the building permit, any applicable building permit application and plans upon any change in scope of work or modification to the building permit application to determine if the building permit valuation of the proposed work and all work completed on the building for all active building permits exceeds the \$75,000 threshold.
  3. If the building permit valuation exceeds the threshold, the Fire Marshal shall require installation of fire sprinklers per this chapter prior to approval of the building permit or final inspection.



# City of Fort Bragg

416 N Franklin Street  
Fort Bragg, CA 95437  
Phone: (707) 961-2823  
Fax: (707) 961-2802

## Text File

File Number: 23-192

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**Agenda Date:** 6/21/2023

**Version:** 1

**Status:** Business

**In Control:** Public Safety Committee

**File Type:** Staff Report

**Agenda Number:** 3C.

Discuss Skunk Train Whistle During After Hours

To whom it may concern,

Regarding the tourist attraction entertainment Skunk Train blowing its horn multiple times per day and night, and as late as 1 AM in the middle of the night... I protest! Since 2017, SMART quiet zones in Santa Rosa, Petaluma, Penngrove, Cotati and Rohnert Park are in effect. Once Quiet Zones are established, SMART trains may no longer use horns at railroad crossings in those areas, unless there is an emergency. Residents are told to please use caution near all railroad crossings and near all tracks and trains. \*Please note, train engineers are still required by law to blow their horn if they see an unsafe situation, trespassers on the tracks, construction workers, or any other hazardous situation.

Background: Federal railroad regulations allow local agencies to establish "quiet zones" that limit the use of train horns within their jurisdictions. Currently every jurisdiction along the SMART corridor is pursuing a "quiet zone". Forming a quiet zone is a multiple step process that requires submittal of Notice of Intent (NOI) and a 60-day review period and submittal of a Notice of Establishment and another review period. If Supplemental Safety Measures (SSMs) are proposed, these measures must be constructed and operational before a Notice of Establishment can be submitted.

Various cities in California and Oregon post signs at train crossings saying a variant of "Caution, trains crossing roadway do not sound their horns!"

That's very interesting. But the Skunk Train is not a passenger or freight train. It's an amusement entity, a recreational experience, similar to the different circuses and amusement parks that perform in Fort Bragg at various times. There absolutely should be no question of the Skunk Train being allowed to disrupt the daily life, let alone the sleep, of local residents.

As the former owner of Ricochet Ridge Ranch horse trail rides and weekly riding vacations, I would have delighted in loudly blasting the sound of a horse whinnying hourly as we crossed Hwy 1 in Cleone in order to advertise my recreation business, as does the Skunk Train to advertise theirs. I certainly could have argued that doing so would have enhanced the safety of those riding my horses, and people in vehicles on Hwy 1. We could have blasted the whinny sound throughout MacKerricher State Park, since pedestrians and cyclists often used the same trails, and we rode across vehicle access roads in MacKerricher.

As the grandmother of a young boy who is daily startled and often awakened from sleep at his playgrounds and home in Fort Bragg, I respectfully ask the Fort Bragg City Council enact a quiet zone in Fort Bragg, prohibiting the Skunk Train from blowing its horn except in the case of an emergency.

Lari Shea

Coastal Mendocino County resident and business owner since 1968.

To Fort Bragg Public Safety Committee:

The Skunk Train whistle is very loud and disturbs the peace for a great many Fort Bragg residents.

The whistle is a public nuisance hazard to the health and tranquility of Fort Bragg's citizens.

Many people, especially children and seniors, take afternoon naps that are abruptly disrupted by the whistle. Other people are recovering from illness. The blare of the whistle wakes us up and shocks us on a regular basis.

The decibel level is very high.

The whistle is completely unnecessary for public safety. The train has gates and lights and a clanging sound that is more than sufficient to warn people and cars of an oncoming train.

Many towns, including Santa Rosa, have enacted Quiet Zone ordinances to keep trains from disturbing the peace of local residents.

I request that City Staff develop a Quiet Zone ordinance so that the Skunk Train is not allowed to use their whistle at any time.

Thank you.

Ted Rabinowitsh

Fort Bragg Resident



# City of Fort Bragg

416 N Franklin Street  
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Phone: (707) 961-2823  
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## Text File

File Number: 23-154

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**Agenda Date:** 6/21/2023

**Version:** 1

**Status:** Business

**In Control:** Public Safety Committee

**File Type:** Staff Report

**Agenda Number:** 4A.

Receive Oral Update from Staff on Departmental Activities