



FORT BRAGG POLICE DEPARTMENT

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COUNCIL COMMITTEE ITEM SUMMARY REPORT

MEETING DATE:

TO: PUBLIC SAFETY COMMITTEE
FROM: GEORGE LEINEN
AGENDA ITEM TITLE: Receive Report and Provide Direction on Proposed Vacant Property Registration Ordinance

BACKGROUND:

On June 23, 2023, Code Enforcement introduced the idea of a Vacant Property Registration (VPR) Ordinance to the Committee. The Committee was interested in finding out more about the Ordinance and had two questions:

- (1) How would this Ordinance affect and/or assist with vacancy in commercial zones? Would this be an additional or alternative tool to a vacancy tax?
- (2) Has legal identified any issues with the ordinance? Are there any concerns with infringement on property rights?

Code Enforcement would like to summarize the purpose and highlights of the Ordinance for the committee once again, address the questions the committee may have, and receive direction on moving this Ordinance forward to City Council.

OVERVIEW:

PURPOSE

The purpose for this ordinance is to provide the City another tool of accountability for property owners. The potential impact is creating a system that results in better and more frequent communication with property owners and preventing properties from falling into a state of neglect. Consistent complaints for these properties are for:

- Vacant lots with overgrown vegetation, signs of illegal dumping, trash and junk buildup, transient activity, and/or visual blight.
- Unoccupied dwellings that appear abandoned often with broken or boarded up windows, exterior graffiti, lack of maintenance, neglected yards, an accumulation of trash or stored items, and/or transient activity.
- Vacant commercial properties that appear abandoned and/or do not have signs actively marketing the property for lease or for sale; commercial properties who have had no activity for several years and are an eyesore next to open/active businesses.

At the request of the Public Safety Committee, the proposed ordinance text was submitted to the City Attorney for review. The City Attorney felt that special considerations for commercial buildings should also apply to residential.

HIGHLIGHTS OF THE ORDINANCE

Below is a summary of some of the highlights, implementation goals, and the potential impacts this Ordinance could have on the community.

1. Purpose (6.13.010)
 - a. Reduce and combat neighborhood blight.
 - b. Establish better security practices for property owners in partnership with the City.
 - c. Provoke property owners to consider existing use and condition of property.
 - d. Reduce the appearance of properties that look abandoned to deter illegal activity onto these properties.
2. Definitions
 - a. Section defines important distinctions as they relate to the Ordinance, including “Local,” “Vacant Building,” “Vacant Parcel,” and “Blighted Property.”
3. Registration (6.13.060)
 - a. Registration is required by owners of properties with vacant parcels and/or buildings, and will need to be renewed annually.
 - b. Within 10 days of becoming vacant, it is the responsibility of the owner to register the property with the City.
 - c. An application developed by the City will be required for registration.
 - d. Several pieces of information are required on the application, including whether information has changed since the previous year such as ownership or contact information.
4. Undeveloped Lots (6.13.070)
 - a. Requires lots to be visually maintained with consistent property checks (i.e. managed vegetation, no trash or junk buildups, calls to PD if active transient activity, active trespass letters on file).
5. Unoccupied Residential Dwellings (6.13.070 C)
 - a. Property managed and appearance maintained.
 - b. Property actively listed for rent or for sale, or has an active development permit in process.
 - c. Residences used as second homes (not vacation rentals), and occupied in excess of 60 days per year can be subject to a waiver, as long as property is maintained by local maintenance contractor whose contact is accessible to Code Enforcement.
6. Unoccupied Commercial Buildings (6.13.070 & 6.13.090)
 - a. Exterior appearance maintained.
 - b. No Commercial Building Code violations.
 - c. Property actively listed for lease or for sale, or has an active development permit in process.
 - d. Increased number of inspections with documented check-ins to the property.
7. Local Property Management (6.13.080)
 - a. Owners located more than 40 miles away must provide a local contact who will perform the required weekly inspections.

- b. Contact info must be posted onsite.
8. Enforcement (6.13.100)
 - a. Section stipulates what tools can be utilized by Code Enforcement for cases of noncompliance or Noticed Violations.
 - b. Ordinance provides City the ability to charge the registration fee to subject properties and then bill back the property owner.
 - c. Enforcement to start 60 days after implementation of Ordinance.

FEE DEVELOPMENT AND COST RECOVERY

The annual registration fee is to 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. All other enforcement and abatement costs will be billed upon approval of accounting report by staff or Council.

Code Enforcement is currently working with Finance to establish fees based on the estimated time to complete tasks and the fully loaded rate of the staff involved. The attached fee calculation sheet does not reflect the final amounts.

CONSIDERATIONS

- Would this Ordinance replace or work in tandem with a vacancy tax for commercial businesses?

Between the VPR Ordinance and the vacancy tax, the Ordinance provides more options to both the owner and the City. It allows the City to have more consistent and thorough inspections of the vacant properties. There would be exemption options for property owners with the Ordinance. If both the VPR Ordinance and the vacancy tax were adopted, then the vacancy tax can factor into the registration fee of commercial properties.

- How would this Ordinance impact property rights?

All aspects of the VPR require participation from the property owner by their own volition, court order, and/or Council approval. Code Enforcement would proceed with formal process which requires adequate noticing and due process prior to issuing citations, penalties, or warrants.