



# 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, October 18, 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: Oct 18, 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/85276342154>

*Or Telephone: (\*6 to mute/ un mute, \*9 raise hand)*

*+1 507 473 4847 US*

*+1 564 217 2000 US*

*Webinar ID: 852 7634 2154*

*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 Laura Godinez at [lgodinez@fortbragg.com](mailto:lgodinez@fortbragg.com)*

### 1. APPROVAL OF MINUTES

1A. [23-344](#) Approve Minutes of the Public Safety Committee Meeting June 21, 2023.

**Attachments:** [PSCM 2023-06-21](#)

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

**3. CONDUCT OF BUSINESS**

- 3A. [23-345](#) Continue Discussion Regarding Skunk Train Whistle and Quiet Zone Implementation
- 3B. [23-346](#) Continue Discussion Regarding Proposed Ordinance for Vacant Property Registration  
  - Attachments:** [Council Committee Item Summary Report](#)
  - [Proposed Vacant Property Registration](#)
  - [Fee Schedule](#)
- 3C. [23-347](#) Discuss Electrical Bicycles and Other Types of Mobility Devices Speeding on the Coastal Trail

**4. MATTERS FROM COMMITTEE / STAFF**

- 4A. [23-348](#) Receive Oral Update from Staff on Departmental Activities

**ADJOURNMENT**

STATE OF CALIFORNIA     )  
   )ss.  
 COUNTY OF MENDOCINO    )

I declare, under penalty of perjury, that I am employed by the City of Fort Bragg and that I caused this agenda to be posted in the City Hall notice case on Friday October 13, 2023.

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Laura Godinez-Administrative Assistant-PD

**NOTICE TO THE PUBLIC**

**DISTRIBUTION OF ADDITIONAL INFORMATION FOLLOWING AGENDA PACKET DISTRIBUTION:**

- *Materials related to an item on this Agenda submitted to the Council/District/Agency after distribution of the agenda packet are available for public inspection in the lobby of City Hall at 416 N. Franklin Street during normal business hours.*
- *Such documents are also available on the City of Fort Bragg’s website at <http://city.fortbragg.com> subject to staff’s ability to post the documents before the meeting*

**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).*



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## Text File

File Number: 23-344

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**Agenda Date:** 10/18/2023

**Version:** 1

**Status:** Business

**In Control:** Public Safety Committee

**File Type:** Committee Minutes

**Agenda Number:** 1A.

Approve Minutes of the Public Safety Committee Meeting June 21, 2023.



# City of Fort Bragg

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## Meeting Minutes 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

Meeting Chair Peters opened the meeting at 3:16 PM

### ROLL CALL

**Present:** 2 - Lindy Peters and Jason Godeke

**Absent:** 1 - Bernie Norvell

### 1. APPROVAL OF MINUTES

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

Moved by Chair Peters and seconded by Council Member Godeke that the minutes be approved as presented.

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

None.

### 3. CONDUCT OF BUSINESS

**3A.** [23-152](#) Proposed Ordinance For Vacant Property Registration

Code Enforcement Officer Leinen presented the proposed ordinance that was put together based off his research from other cities in the State of California. Leinen stated the benefits of the proposed ordinance to the City. He mentioned that the fee schedule is being developed and in a near future he would supply that document.

Captain O'Neal supplies examples of how the proposed ordinance works and the benefits to the City.

Chair Peters reiterates the procedures Code Enforcement Officers go through with any complaints made and the issues regarding commercial properties.

The committee agreed to bring back the proposed ordinance once a fee schedule is completed and once the City Attorney reviews the proposed ordinance.

Public comment made by Jacob Patterson.

**3B.** [23-153](#) Discuss FBMC Chapter 15.06 Automatic Fire Sprinkler And Alarm Systems

Fire Chief Orsi explains that several years ago there was specific wording taken out the FBMC Chapter 15.06 that ended up causing confusion and conflicts. He plans on amending the wording on the on the current code to reflect explanatory information on the permit amounts so that there is equality among the community and all comply with the requirements.

Chairman Peters makes the recommendation to bring the topic forward to City Council as an agenda item.

**3C. [23-192](#)** Discuss Skunk Train Whistle During After Hours

Captain O'Neal began the discussing by providing background information on the Federal Railroad Administration (FRA) mandates regarding the amount of sounding whistles that need to be made within any intersection. The local government does not have the ability to override the FRA mandates but do have the ability to enact a "Quiet Zone". Captain O'Neal goes into depth regarding the safety measures that need to be in place in order to enact a "Quiet Zone" and the application process.

Public comments where made by:

Malia Elsner

Roger Paul

Jacob Patterson

Lari Shea

Tammy Bray

Chairman Peters communicates to the public he is aware and understands their concerns regarding the after hour whistle sounding but he reminds the public that for now we have to respect the outdated law that the Federal Railroad Administration has in place.

Council Member Godeke agrees that this topic has become acute mainly due to the after hours the train whistle has been sounding. He would like more research done on the potential cost if the City is responsible for all the changes involved.

Chairman Peters recommends to have a member from the Skunk Train attend a committee meeting to have input on the discussion. He suggested to continue the discussion until the next committee meeting.

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

**4A. [23-154](#)** Receive Oral Update from Staff on Departmental Activities

Chairman Peters recommended that in next committee meeting we discuss electrical bicycles going too fast on the coast trail. He has had numerous complaints from the community and would like to hold a discussion on speeders.

Chief Orsi gave his update on a new engine that is going to be delivered on sometime in July.

Captain O'Neal commented on numerous changes with in the Police Department and mentioned the Pudding Creek Bridge "hard shut down nights" and what is planned for those nights when no through traffic can access the bridge.

**ADJOURNMENT**

Chair Peters adjourned the meeting at 4:17 PM



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## Text File

File Number: 23-345

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**Agenda Date:** 10/18/2023

**Version:** 1

**Status:** Business

**In Control:** Public Safety Committee

**File Type:** Staff Report

**Agenda Number:** 3A.

Continue Discussion Regarding Skunk Train Whistle and Quiet Zone Implementation





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## Text File

File Number: 23-346

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**Agenda Date:** 10/18/2023

**Version:** 1

**Status:** Business

**In Control:** Public Safety Committee

**File Type:** Staff Report

**Agenda Number:** 3B.

Continue Discussion Regarding Proposed Ordinance for Vacant Property Registration



## ***FORT BRAGG POLICE DEPARTMENT***

250 Cypress Street  
Fort Bragg, CA 95437-5437

***NEIL J. CERVENKA***  
Chief of Police

(707) 961-2800  
Fax: (707) 961-2806

### **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.

# 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.

Hours				
<b>1</b>	<b>Registration Process</b>			
	Identify Property	0.3	\$ 18.15	
	Notify Property Owner	0.2	\$ 12.10	
	Receive registration	0.2	\$ 12.10	
	Finance	0.3	\$ 17.64	
	Postage/Printing		\$ 0.70	
			<b>\$ 60.69</b>	Proposed Fee <b>\$ 60.00</b>
<b>2</b>	<b>Initial Inspection &amp; Documentation Process</b>			
	2a. Undeveloped Parcel	0.5	\$ 30.26	
	Postage/Printing		\$ 0.70	
			<b>\$ 30.96</b>	Proposed Fee <b>\$ 30.00</b>
	2b. Vacant Residential	0.6	\$ 36.31	
	Postage/Printing		\$ 0.70	
			<b>\$ 37.01</b>	Proposed Fee <b>\$ 37.00</b>
	2c. Vacant Commercial	1.1	\$ 66.56	
	Postage/Printing		\$ 0.70	
			<b>\$ 67.26</b>	Proposed Fee <b>\$ 67.00</b>
<b>3</b>	<b>Subsequent Inspections</b>			
	Fee in this section are only charged if initial inspection determines noncompliance.			
	Additional Inspection	0.5	\$ 30.26	
	Invoicing- Finance	0.5	\$ 29.40	
	Postage/Printing		\$ 0.70	
			<b>\$ 60.35</b>	
				Proposed Fee <b>\$ 60.00</b>
	This fee will be charged for each inspection until the property is found in compliance.			

<b>Annual Registration Fees</b>		
Annual Registration Fees are calculated by combining the Registration Process Fee and the Initial Inspection and Documentation Process Fee for each property type.		
Undeveloped Parcel	Proposed Fee	<b>\$ 90.00</b>
Vacant Residential	Proposed Fee	<b>\$ 97.00</b>
Vacant Commercial	Proposed Fee	<b>\$ 127.00</b>
Annual Registration Fee will be charged at the start of every calendar year.		



# City of Fort Bragg

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

## Text File

File Number: 23-347

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**Agenda Date:** 10/18/2023

**Version:** 1

**Status:** Business

**In Control:** Public Safety Committee

**File Type:** Staff Report

**Agenda Number:** 3C.

Discuss Electrical Bicycles and Other Types of Mobility Devices Speeding on the Coastal Trail



# City of Fort Bragg

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

## Text File

File Number: 23-348

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**Agenda Date:** 10/18/2023

**Version:** 1

**Status:** Business

**In Control:** Public Safety Committee

**File Type:** Staff Report

**Agenda Number:** 4A.

Receive Oral Update from Staff on Departmental Activities