

**AN ORDINANCE AMENDING CHAPTER 6
HEALTH AND SANITATION TO ADD
SECTION 6.29 “VACANT PROPERTIES” TO
DIVISION 3 OF THE FORT BRAGG
MUNICIPAL CODE, ESTABLISHING A
VACANT BUILDING AND LOT COMMERCIAL
PROGRAM (VBLC) AND PROVIDING FOR
THE REGISTRATION, MAINTENANCE, AND
MONITORING OF VACANT OR ABANDONED
COMMERCIAL PROPERTIES.**

ORDINANCE NO. XXX-2025

WHEREAS, Downtown Fort Bragg is the heart of our community and a key driver of the local economy; and

WHEREAS, an increasing number of commercial spaces in the Central Business District (CBD) have sat vacant or underused, sometimes for many years; and

WHEREAS, long-term vacancies affect the pedestrian experience, reduce business for neighboring stores, reduce tax revenue, deter investment, and give the impression of economic stagnation/decline; and

WHEREAS, unmaintained properties can also create public safety concerns, attract vandalism or illegal dumping, and place additional demands on City resources; and

WHEREAS, other California cities have addressed these challenges through measures like vacancy registries, vacant property taxes, temporary activation programs, and small business incentives; and

WHEREAS, these tools aim to keep downtown areas vibrant, encourage the reuse of empty spaces, and reduce blight; and

WHEREAS, the project is exempt from CEQA, per the provisions of Sections 15061(b) (3) the commonsense exemption; and

WHEREAS, the City Council held a duly noticed public hearing on August 25, 2025, to consider the this Muni Code Amendment, accept public testimony; and

Section 1. Legislative Findings. The City Council finds and declares:

1. Downtown Fort Bragg and other commercial areas are vital to the community's economic, social, and cultural health.
2. Vacant or abandoned commercial properties, when not actively maintained, can attract vandalism, illegal dumping, trespassing, and other public safety concerns.

3. Prolonged vacancies diminish pedestrian activity, deter investment, reduce property values, and create a perception of economic decline.

NOW, THEREFORE, the City Council ordains as follows:

Section 2. Section 6.29 of the Fort Bragg City Code is hereby added as follows:

- 6.29.10 Purpose
- 6.29.20 Definitions
- 6.29.30. Applicability
- 6.29.40. Vacant Building Registration Requirements
- 6.29.50. Maintenance and Monitoring Requirements
- 6.29.60. Temporary Activation
- 6.29.70. Enforcement
- 6.29.80. Hardship Waivers

6.29.10 PURPOSE

The purpose of establishing a Vacant Building & Lot Commercial Program is to: encourage timely re-occupancy of commercial properties; require active maintenance of vacant properties; support business attraction and downtown vitality; and recover costs for monitoring and enforcement without burdening the General Fund.

6.29.10 DEFINITIONS

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

COMMERCIAL ZONE means any property located within the City's commercial zoning districts as defined in the City's Zoning Map.

VACANT means a commercial building or lot that is unoccupied or unused for ninety (90) or more days, without an active business, permitted temporary use, or active construction under a valid building permit.

ABANDONED means a property with a recorded Notice of Default or showing clear evidence of neglect.

OWNER means any person, entity, partnership, corporation, trust, or their legal representative holding title or beneficial interest to a commercial property.

VACANT LOT means a parcel in a commercial zone without an active permitted use and showing signs of neglect, including but not limited to overgrown vegetation, debris accumulation, or damaged fencing.

VIOLATION. A building that is vacant for ninety (90) days or more, and subject to a recorded Notice of Default; or showing evidence of neglect, including boarded or broken windows, graffiti,

disconnected utilities, overgrown vegetation, uncollected mail, abandoned displays, junk visible from the storefront, or similar conditions.

6.29.30. APPLICABILITY

This Chapter applies to all commercial buildings and lots within the City of Fort Bragg that meet the following criteria:

A building or lot that is vacant for ninety (90) days or more and subject to a recorded Notice of Default or showing evidence of a vacancy violation.

This Chapter applies only to the commercial portion of a mixed-occupancy building. Residential units are exempt unless they also meet the definition of vacant and abandoned under a separate ordinance.

6.29.35 VACANT BUILDINGS PROHIBITED

a. No person shall permit or allow a commercial building to remain vacant for more than ninety (90) days, unless the owner establishes by substantial evidence to the reasonable satisfaction of the Enforcement Official that one (1) of the following applies and the property is registered pursuant to this Chapter:

1. The building is the subject of an active building permit for repair or rehabilitation and the owner is progressing diligently to complete the work. The building permit must have been issued within one (1) year, unless the Enforcement Official determines additional time is warranted.
2. The building and the property on which it is located complies with this Code, does not contribute to blight, is ready for occupancy, and either of the following applies:
 - a. The building is actively being offered for sale, lease, or rent; or
 - b. The building is actively maintained and monitored by the owner or the owner's authorized representative and is being maintained in compliance with this Code and State law. Active maintenance and monitoring shall include, without limitation:
 1. Maintenance of landscaping and plant material in good condition;
 2. Maintenance of the exterior of the building, including paint and finishes, in good condition;
 3. Prompt and regular removal of all exterior trash, debris, and graffiti;
 4. Ongoing compliance with all applicable codes and regulations; and
 5. Prevention of criminal activity on the premises, including but not limited to drug use or sales, prostitution, gang activity, vandalism, loitering, or trespassing.

6.29.40. VACANT BUILDING REGISTRATION REQUIREMENTS

- A. **Notice of Violation:** A. Whenever an Enforcement Officer finds that a provision of this code has been violated, he or she shall notify the violator in writing of the violation. The form of written notice shall be a Notice of Violation, which shall be served on the violator in the manner described in § 6.12.060 and 6.12.090. A notice of violation shall be issued when a property is identified as non-compliant. Property Owners will have thirty (30) days to correct violations before mandatory registration.
- B. **Mandatory Registration:** It is mandatory for all property owners to register in the City's Vacant Building and Lot Commercial Program, if violations are not corrected within thirty (30) days or upon recording of a Notice of Default.
- C. **Registration Fee:** \$150 annual registration and \$150 monthly monitoring fee per vacant property and \$100 for vacant lots. Fees are due upon registration and monthly thereafter until the property is re-occupied or in active use. The fees set forth in this section are initial amounts and are subject to revision by (1) resolution of the City Council or (2) inclusion in the City's master fee schedule. The fines set forth are subject to revision by resolution of the City Council.
- D. **Required Registration Information:** The property owner is required to provide the following information to the City:
- Ownership details and contact information,
 - Designated local agent, if the owner resides outside Mendocino County, and
 - Description of property condition and intended use or marketing plan.
- E. **Recovery of Enforcement Costs.** The City may recover enforcement costs per section 6.12.070.

6.29.50. MAINTENANCE AND MONITORING REQUIREMENTS

Upon Registration in the Vacant Building and Lot Commercial Program, property owners are obligated to:

1. Post signage visible from the public right-of-way with owner and/or property manager contact information.
2. Maintain building exteriors, grounds, and landscaping in compliance with City Nuisance and Building Codes.
3. Remove trash, debris, and graffiti promptly.
4. Conduct monthly inspections and submit monthly reports to the City.
5. Keep the property secure from trespassers and weather damage.
6. Maintain storefront windows in good repair; if ground-floor retail, keep interiors clean and visible from the street.
7. Security from Trespassers

a. All doors and windows of the building shall be in good, working condition and locked.

b. All broken doors and windows shall be replaced or covered in a manner acceptable to the Enforcement Official.

c. The Enforcement Official, at their discretion, may require securing the property with steel panels, or having all windows and doors installed and a working theft-prevention

system with an active account with a third-party security company, or any other reasonable measures to prevent trespassers.

d. The Enforcement Official, at their discretion, may require the building to have lighting at entrances and exits from dusk until dawn. All entrance/exit lighting must be installed with automatic timers in accordance with applicable City codes.

6.29.55. SIGNAGE REQUIREMENTS

All registered vacant commercial buildings and lots must have visible signage posted in a location clearly visible from the public right-of-way that meets the following standards:

1. **“No Trespassing” Sign** — Must meet City standards and comply with California Penal Code § 602 for enforcement purposes.
2. **Contact Information** — Must list the property owner’s or authorized local agent’s name and a phone number or email address for inquiries or reporting issues.
3. **Property Status Signage** — Must clearly state the property’s status, such as:
 - “UNDER MAINTENANCE — NOT AVAILABLE FOR SALE, LEASE, OR RENT,” or
 - “AVAILABLE — FOR SALE/LEASE/RENT” (if the property is actively being marketed).
4. **Prohibited** — No signage may misrepresent the property’s availability or status. Property owners are not required to advertise availability unless they are actively marketing the property.
5. **Readability Requirements** – Signage must be of sufficient size, lettering, and placement to be easily legible from the adjacent public right-of-way:
 - For window-mounted signs on storefronts abutting the public sidewalk: minimum 8.5" x 11" with lettering at least 1 inch high for contact information and 2 inches high for “No Trespassing.”
 - For signs on vacant lots or buildings set back more than 10 feet from the public right-of-way: minimum 18" x 24" with lettering at least 2 inches high for contact information and 4 inches high for “No Trespassing.”
 - Signs must be placed within 10 feet of the primary public street frontage for vacant lots, free from obstruction by vegetation, structures, or other barriers.
6. **Maintenance of Signage** – Signs must remain clean, legible, and securely affixed at all times while the property remains subject to registration.
7. **Prohibited Practices** – No signage may misrepresent the property’s availability or status. Property owners are not required to advertise availability unless they are actively marketing the property, but they must still comply with all other signage requirements.

6.29.60. TEMPORARY ACTIVATION

Owners may temporarily activate vacant spaces through the following activities: Art installations, pop-up retail, nonprofit uses, vendor marketplaces, or other uses to maintain visual appeal and deter crime. Applicants may be required to obtain a Limited Term Permit for temporary activities depending on the type of activity.

6.29.65 INACTIVE STOREFRONTS

A. **Definition.** An “Inactive Storefront” is any ground-floor commercial unit in a Commercial Zone that is closed to the public for more than fifty percent (50%) of normal business hours over any continuous sixty (60)-day period without an approved Temporary Closure Plan filed with the City.

B. **Temporary Closure Plan.** For closures of thirty (30) or more days, the owner or operator shall submit a plan stating: (1) the reason for closure; (2) the anticipated reopening date; and (3) contact information for inquiries.

C. **Maintenance During Inactivity.** Inactive storefronts shall (1) maintain windows in good repair and free of graffiti, clutter, and broken glass; (2) provide adequate lighting; (3) keep sidewalks and entryways clean, accessible, and safe; and (4) post signage with the closure reason and anticipated reopening date in a prominent location.

D. **Temporary Activation Encouragement.** Owners are encouraged to make inactive storefronts available for approved temporary uses, including but not limited to pop-up retail or dining, art displays or student projects, nonprofit programming, or rotating vendor markets.

E. **Transition to VBLC Program.** Any inactive storefront exceeding six (6) months without an approved Temporary Closure Plan or active temporary use shall be deemed a “vacant commercial property” under this Chapter and subject to all VBLC registration, maintenance, and monitoring requirements.

6.29.70. ENFORCEMENT

A. Failure to register or maintain a property as required is a violation of this Chapter and subject to administrative penalties under the City’s Muni Code Nuisance Provisions (Chapter 6.12). Each day a violation continues constitutes a separate offense.

6.29.80. MONITORING FEE WAIVERS

Monitoring fees may be waived upon a showing by the owner that:

1. The owner has obtained a valid building permit and is progressing diligently to repair, rehabilitate, or otherwise prepare the property for occupancy; or
2. The property is in full compliance with all applicable City codes and is actively being marketed for sale, lease, or rent.

6.29.90 MONITORING PROGRAM PROCEDURES

A. **Authority** – The Community Development Department shall administer a program for identifying and monitoring the maintenance of all vacant commercial buildings and lots in the City. The program shall be documented, regularly updated, and made available for public review.

B. Purposes – The purposes of the monitoring program are to:

1. Identify commercial buildings and lots that become vacant;
2. Ensure vacant properties that are open and accessible are secured against unlawful entry;
3. Initiate enforcement proceedings against owners of vacant properties that are substandard or a nuisance;
4. Maintain surveillance to ensure timely enforcement;
5. Establish and enforce rules for program compliance consistent with this Chapter.

C. Monitoring Fee – In addition to registration fees, an annual monitoring fee shall be imposed on each vacant commercial building or lot monitored pursuant to this Chapter, in an amount set by City Council resolution. The fee shall not exceed the estimated reasonable cost of monitoring.

D. Fee Waiver – The monitoring fee may be waived if the owner:

1. Has obtained a valid building permit and is progressing diligently toward repair or occupancy; or
2. The property meets all applicable codes and is actively offered for sale, lease, or rent.

E. Procedure – The monitoring fee shall be billed to the property owner as listed on the last equalized assessment roll. Owners may apply for a waiver within 30 days of billing by providing substantial evidence to the Community Development Department.

F. Appeals – Owners may appeal denial of a fee waiver to the City's Hearing Officer within ten (10) days of the decision, in accordance with City procedures.

G. Collection – Fees unpaid after 60 days may be specially assessed against the property and collected in the same manner as real property taxes. The City may also record a lien against the property for unpaid amounts.

Section 3. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council of the City of Fort Bragg hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases may be held invalid or unconstitutional.

Section 4. Effective Date and Publication. This ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage. Within fifteen (15) days after the passage of this Ordinance, the City Clerk shall cause a summary of said Ordinance to be published as provided in Government Code §36933, in a newspaper of general circulation published and circulated in the City of Fort Bragg, along with the names of the City Council voting for and against its passage.

The foregoing Ordinance was introduced by Councilmember _____ at a regular meeting of the City Council of the City of Fort Bragg held on August 25, 2025 and

adopted at a regular meeting of the City of Fort Bragg held on _____, 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSED:

Jason Godeke

Mayor

ATTEST:

Diana Paoli
City Clerk

PUBLISH: DATE, 2025 and _____ (by summary).