

From: [Jacob Patterson](#)
To: [City Clerk](#)
Cc: [Whippy, Isaac](#)
Subject: Public Comment -- 11/10/25 CC Mtg., Item No. 7C, Vacancy Ordinance
Date: Monday, November 10, 2025 12:54:36 PM
Attachments: [Att 1 - ORD Vacancy - Revision.pdf](#)

City Council & Staff,

There are a couple of typos and formatting errors in the proposed ordinance. I have taken the liberty of correcting them and am submitting the corrected version as a public comment. I recommend that you introduce the ordinance tonight "as amended" and use the corrected version (along with any other changes you might want to make) rather than the version in the agenda materials. Nothing substantive was changed.

Best,

--Jacob

**AN ORDINANCE AMENDING TITLE 6 HEALTH AND
SANITATION TO ADD CHAPTER 6.30 “VACANT
BUILDINGS AND LOTS” TO THE FORT BRAGG**

**MUNICIPAL CODE, ESTABLISHING A VACANT
COMMERCIAL BUILDING PROGRAM AND
PROVIDING FOR THE REGISTRATION,**

**MAINTENANCE, AND MONITORING OF VACANT OR
ABANDONED COMMERCIAL BUILDINGS**

ORDINANCE NO. XXXX-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) and throughout the City 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

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 buildings and lots, when unmaintained, constitute a public nuisance and create conditions that attract vandalism, illegal

dumping, criminal trespassing, and other immediate public safety and health hazards. The presence of unmaintained vacant commercial buildings and lots in the Central Business District directly undermines coastal aesthetics and the City's efforts to promote a world-class tourist and visitor experience.

NOW, THEREFORE, the City Council ordains as follows:

Section 2. Chapter 6.30 “Vacant Buildings and Lots” is hereby added to Title 6 “Health and Sanitation” of the Fort Bragg Municipal Code as follows:

- 6.30 VACANT BUILDINGS AND LOTS
- 6.30.10 Purpose
- 6.30.20 Definitions
- 6.30.30 Vacant Commercial Building and Lot Registration Requirements
- 6.30.40 Maintenance and Monitoring Requirements
- 6.30.50 Temporary Activation
- 6.30.60 Enforcement
- 6.30.70 Hardship Waivers
- 6.30.80 Administrative Regulations and Delegation

CHAPTER 6. 30 VACANT BUILDINGS AND LOTS

6.30.10 PURPOSE

The purpose of establishing a Vacant Commercial Building & Lot 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.

6.30.20 DEFINITIONS

For this chapter 6.30, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

OWNER . an “Owner“ shall mean any person, entity, partnership, corporation, trust, or their legal representative holding record title to real property, and shall include any Beneficiary, Trustee, mortgagee, or other party with a legal or equitable interest in the property that has initiated foreclosure proceedings or acquired the property through foreclosure.

VACANT OR ABANDONED. A building, commercial unit within a building, or lot shall be defined as Vacant or Abandoned if it (1) is unoccupied and unsecured; or (2) unoccupied and secured by boarding or other similar means; or (3) is unoccupied and is subject to a nuisance condition set forth in Fort Bragg Municipal Code Section 6.12.040;

or (4) is unoccupied and has multiple code violations; or (5) has been unoccupied for over 90 consecutive days. Notwithstanding the foregoing a building shall not be considered Vacant or Abandoned if any of the following apply:

- (1) There is a valid building permit for repair, rehabilitation, or construction of a building on the parcel and the owner completes the repair, rehabilitation, or construction within one year from the date the initial permit was issued.
- (2) The building, or relevant commercial unit therein, complies with all codes, is ready for occupancy, and is actively being offered for sale, lease, or rent.
- (3) The building, or relevant commercial unit therein, complies with all codes and is undergoing a probate process that does not exceed two years from the date of the decedent's death. Upon expiration of the two-year period, the building shall become subject to the requirements of this Chapter.
- (4) For the duration of a temporary activation pursuant to Section 6.30.40. Upon cessation, termination, or closure of the temporary activation a building shall become subject to the requirements of this Chapter.

6.30.30 VACANT COMMERCIAL BUILDING AND LOT REGISTRATION REQUIREMENTS

- A. **Notice of Violation:** Whenever an Enforcement Officer, as defined in Section 6.12.015 of this Municipal Code, has probable cause to believe, based upon inspection, complaint, or report, that a building, or relevant commercial unit therein, or a lot located within the Central Business District and other Commercial zones within the City is Vacant or Abandoned and has not been registered as required by this Chapter or otherwise finds that a provision of this Chapter has been violated, the Enforcement Officer shall notify the Owner(s) in writing of the violation. The notice of violation, shall be served on the Owner(s) as determined by the current equalized assessment roll or the supplemental roll or title report obtained by the City. The Owner(s) shall be provided 30 days to correct violations.
- B. **Mandatory Registration:** It is mandatory for all Owners of Vacant or Abandoned buildings, commercial units within buildings, or lots located in the Commercial zones of the City of Fort Bragg to register the building, unit, or lot in the City's Vacant Commercial Building and Lot Program, within 30 days after it has become Vacant or Abandoned.

Exception for Immediate Hazard:

If City staff determines that a Vacant or Abandoned building presents an imminent threat to public health, safety, or welfare—including, but not limited to, evidence of transient intrusion, illegal occupancy, or other hazardous conditions—the Community Development Director (“Director”) or their designee may require registration and compliance within a shorter timeframe, not to exceed ten days from the date of notice.

C. **Registration Fee:** The Owner shall pay an annual registration fee, which shall be due when the Owner submits the registration form to the City and every anniversary thereafter each year the building or lot remains Vacant or Abandoned. If the Owner rents the building to a tenant who occupies the premises in a manner that complies with all provisions of state and local law prior to the registration payment deadline, the building shall be removed from the City's registry. The fee shall be established by separate Resolution of the City Council.

D. **Required Registration Information:** The Owner of a Vacant or Abandoned building, unit, or lot is required to provide the following information to the City:

1. Owner(s) details and contact information.
2. The name, mailing address, and 24-hour contact information of designated local agents or responsible parties who will maintain the building or lot, if the Owner resides outside Mendocino County. The Owner shall also provide proof of the required on-site posting displaying the agent's name and contact information in a location clearly visible from the public right-of-way.
3. Description of property condition.
4. Methods by which the Owner has secured the building or lot against unauthorized entry.
5. A statement of the Owner's intended use and plans for the building or lot, including details of any active marketing for sale or lease, such as the listing broker or agent, listing date, asking price or rent, and copies of current listing agreements or advertisements, if the Owner seeks an Active Marketing Waiver.
Statement of fire and liability insurance coverage of the building or lot,
Such other information as the City may require.
6. Lender/Trustee Name, street address, and 24-hour contact information for the current Beneficiary, Trustee, or loan servicing company, if a Notice of Default has been recorded against the property.
7. Such other information as the City may require.

6.30.40. MAINTENANCE AND MONITORING REQUIREMENTS

A. **Obligations:** Upon Registration in the Vacant Commercial Building and Lot Program, Owners are obligated to do all the following:

1. Post signage that is no less than 18" x 24", with text legible from 45 feet, listing the owner's authorized local agent and 24-hour contact phone number. The signage must contain the clear headers: "THIS PROPERTY MANAGED BY" and "TO REPORT PROBLEMS OR CONCERNS CALL".
2. Maintain the building or lot including interior, grounds, and landscaping in compliance with City Nuisance and Building Codes and all applicable state or local law and regulations.
3. Remove trash and debris as necessary to maintain the property free of nuisance, and completely remove or obscure all graffiti, tagging, or similar markings within 72 hours of discovery or notification by the City.

4. Conduct monthly inspections and submit monthly reports to the City in a format approved by the Director.
5. Keep any structures on the property free and secure from unauthorized persons. If protective boarding is necessary, it shall comply with the following minimum standard: exterior-grade plywood of minimum 3/4-inch thickness, secured with non-removable hardware (e.g., carriage bolts), and painted with exterior-grade paint that matches the exterior color of the building.
6. Maintain storefront windows in good repair; if ground-floor retail, keep interiors visibly clean from the street (e.g., free from items stored on the premises).
7. Maintain current fire and liability insurance coverage as required by the City of Fort Bragg. The policies require advance, written notice to the Community Development Director in the event of cancellation or reduction of coverage.
8. Pay to City a monitoring fee which shall be due on the first of every month the building or lot remains registered as Vacant or Abandoned in the Vacant Commercial Building and Lot Program and is not subject to Temporary Activation pursuant to Section 6.30.50. The fee shall be established by separate Resolution of the City Council.

6.30.50. TEMPORARY ACTIVATION

- A. **Purpose.** The primary purpose of Temporary Activation is to enhance the appearance, safety, and pedestrian activity of the Central Business District by utilizing otherwise Vacant or Abandoned storefronts or spaces for short-term, seasonal, or special-purpose uses. Temporary Activations are intended to deter nuisance activities such as graffiti, vandalism, and unauthorized entry while contributing positively to downtown vibrancy and community aesthetics.
- B. **Authorization.** Temporary Activations shall be subject to review and approval by the Community Development Director or their designee. The Director is authorized to implement a streamlined, low-fee permit or administrative approval process for temporary activities that enhance aesthetics, promote community engagement, or otherwise benefit the public, consistent with the intent of this Chapter.
- C. **Duration and Eligibility.** Owners may temporarily activate a Vacant or Abandoned building, storefront, or lot for short-term, seasonal, or special-purpose tenants for a period not to exceed three months per activation, unless an extension is approved by the Director.
- D. **Permit and Registration Requirements.**
1. Applicants may be required to obtain a Limited Term Permit, Encroachment Permit, or other applicable City authorization, depending on the nature of the activity.
 2. All short-term, seasonal, or special-purpose tenants must register with the City prior to commencing operations to determine the necessary permits and fees.
 3. The Property Owner shall remain fully responsible for:

- a) The initial registration of the Vacant or Abandoned property;
- b) Payment of the Annual Registration Fee; and
- c) Compliance with all maintenance standards set forth in Section 6.30.40.

E. **Conditions of Approval.** The Director may impose reasonable conditions to ensure the temporary activation remains compatible with surrounding uses, maintains public safety, and advances the goals of this Chapter.

F. **Reversion to Vacant Status.** Upon cessation, termination, or expiration of the Temporary Activation, the property shall automatically revert to Vacant or Abandoned status and become subject to all registration and monitoring requirements of this Chapter.

6.30.60. ENFORCEMENT

- A. **Remedies.** Owner(s) that fail to register, fail to maintain their building or lot, or violate any provision of this Chapter shall be guilty of a public nuisance and may be subject to any combination of the following remedies:
1. **Administrative Penalties and Fines:** Imposition of administrative penalties and fines established by Resolution, including late fees for failure to register, pursuant to the City's administrative citation procedure.
 2. **Cost Recovery and Liens:** The City may recover all costs incurred for inspection, abatement, enforcement, and administrative activities associated with violations of this Chapter. Such costs shall be a personal obligation of the Owner(s) and may be collected through any lawful means, including but not limited to:
 - a) placement as a special assessment and lien against the property pursuant to Government Code §38773.5; and
 - b) recovery through civil action or small claims court.
 3. **Criminal Penalties:** Violations of this Chapter may be prosecuted as either an infraction or a misdemeanor, at the discretion of the City Attorney, consistent with Fort Bragg Municipal Code Chapter 1.12 and applicable State law.
 4. **Equitable Relief:** Pursuit of civil or equitable remedies, including injunctions to compel compliance.
- B. **Joint and Several Liability.** All duties, responsibilities, and liabilities established under this Chapter shall be joint and several among all persons or entities meeting the definition of "Owner" under Section 6.30.20. This includes, but is not limited to, record title holders, beneficiaries, trustees, mortgagees, and other parties with legal or equitable interests in the property. The City may pursue enforcement, cost recovery, or civil action against any or all responsible parties to compel compliance or recover outstanding fees and costs

6.30.70. HARDSHIP WAIVERS

A hardship waiver of fees and charges required by this chapter, including the annual registration fee and monthly monitoring fee may be granted by the City Manager upon a

showing of good cause and financial inability to pay. All Hardship Waivers are subject to a verification process and any adopted criteria for determining eligibility for this waiver. The City Manager shall have sole discretion for approving or denying all hardship waiver requests. The final determination of a hardship waiver request will be provided to the requester in writing and mailed to the address identified on the request.

A hardship waiver shall apply only to the cumulative monitoring fees, which represent the financial obligation for an owner claiming financial inability to pay. Properties approved for a hardship waiver shall still be required to register under this chapter to provide the City with upto-date contact information and marketing details and to perform all other obligations set forth in Section 6.30.40. This Hardship Waiver is distinct from the waivers available for properties engaged in active marketing, construction, or activation pursuant to Section 6.30.20 and Section 6.30.50.

6.30.80 ADMINISTRATIVE REGULATIONS AND DELEGATION

The City Manager is authorized to adopt rules and regulations and to develop all related forms and/or other materials and take other steps as needed to implement this Chapter, and make such interpretations of this Chapter as necessary to achieve the purposes of this Chapter. The City Manager may delegate any authority within their discretion as deemed reasonably necessary.

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 November 10, 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).