

BEFORE THE CITY COUNCIL OF THE CITY OF FORT BRAGG

**AN ORDINANCE AMENDING CHAPTER
6.12 (NUISANCES) OF TITLE 6 (HEALTH
AND SANITATION) OF THE FORT
BRAGG MUNICIPAL CODE TO INCLUDE
MAINTENANCE STANDARDS FOR
VACANT COMMERCIAL BUILDINGS**

ORDINANCE NO. 941-2018

WHEREAS, the City adopted regulations establishing the definition of a public nuisance and the procedures for abating a public nuisance in 2003; and

WHEREAS, the City's existing regulations governing public nuisances does not include comprehensive maintenance standards for vacant commercial buildings; and

WHEREAS, on August 13, 2018, the City Council of the City of Fort Bragg determined that certain aspects of vacant commercial buildings contribute to nuisance conditions.

NOW, THEREFORE, the City Council ordains as follows:

Section 1. Legislative Findings. The City Council hereby finds as follows:

1. The City has the authority to define what constitutes a public nuisance in the Municipal Ordinance.
2. The purpose of establishing maintenance standards for vacant commercial buildings is to:
1) create enforceable standards to support economic development and safe and healthy commercial districts by ensuring that vacant properties are move-in ready; and 2) address the detrimental and blighting impacts of chronically vacant storefronts on the public health, safety, and welfare.
3. This ordinance is exempt from the California Environmental Quality Act ("CEQA"), pursuant to Section 15061(b)(3) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations).

Section 2. Chapter 6.12 of Title 6 of the Fort Bragg Municipal Code entitled Nuisances is hereby amended to include:

6.12.040 NUISANCE CONDITIONS.

V. Commercial buildings, which are closed, vacant, or inoperative for a period exceeding 90 days shall be declared a public nuisance, unless maintained to the following standards:

1. Windows must be kept clean, unobstructed by stored items or temporary coverings, and in a move-in ready condition equivalent to and consistent with occupied buildings in close proximity, except that temporary coverings are allowed during the period of time

that an active building permit has been issued and tenant improvements are actually under construction;

2. Local contact information for the property owner or property manager must be posted and clearly displayed on the front door;

3. The interior and exterior of the structure must be maintained clear of trash, debris and stored items, except for those commercial fixtures directly associated with a prior or proposed legal use of the building;

4. The exterior surfaces and paint, millwork and trim shall be kept clean and maintained in good condition equivalent to and consistent with occupied buildings in close proximity, to achieve a uniform appearance with the surrounding area and present a move-in ready condition for future tenants or business operators; and

5. All nuisance conditions listed in this Section 6.12.040 are applicable to vacant buildings and in cases of immediate danger to health and safety or emergency may be caused to be abated prior to the 90-day period first stated above.

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 _____ at a regular meeting of the City Council of the City of Fort Bragg held on September 10, 2018 and adopted at a regular meeting of the City of Fort Bragg held on September 24, 2018, by the following vote:

**AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSED:**

**Lindy Peters
Mayor**

ATTEST:

June Lemos, CMC
City Clerk

PUBLISH: September 13, 2018 and October 4, 2018 (by summary).
EFFECTIVE DATE: October 24, 2018.