

## **9.32.210 Property Maintenance—Vacant, Unoccupied or Abandoned Buildings**

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- A. Intent and Findings. The City Council establishes private property maintenance standards as a city and community goal to preserve and enhance the aesthetic appearance of buildings and appurtenant amenities. It is critical to the promotion of the public health, safety and welfare that the City establish minimum property maintenance standards to maintain and enhance the livability and community appearance with respect to vacant, unoccupied or abandoned buildings throughout the City. The City Council further finds that it is a goal of the City to engage in the promotion of an aesthetically pleasing community through the enforcement of property maintenance standards to prevent real property from becoming blighted, unattractive, dilapidated or deteriorated, which conditions result in diminution in property values and impairment of enjoyment and use of surrounding properties.
- B. This section is enacted pursuant to Article XI, Section 7 of the California Constitution.
- C. Property Maintenance Standards for Vacant, Unoccupied or Abandoned Buildings. It is unlawful and a public nuisance for any person, corporation or other legal entity to own, lease, occupy, control or manage any vacant, unoccupied or abandoned structures and buildings in conflict with the following standards:
1. Landscaping. All existing plant vegetation shall be maintained in a healthy state. Vegetation, including but not limited to, plants, trees, shrubbery and grass that are dead, decayed or diseased shall be removed. Overgrown vegetation shall be trimmed. Grass and weeds higher than 18 inches shall be considered overgrown.
  2. Debris and Stored Materials. The property shall be kept clean and sanitary. There shall be no accumulation of debris, junk, wood, trash or other materials on the property. There shall be no materials, equipment, vehicles, broken or discarded furniture, boxes, lumber, junk or trash stored in any yard area of the property. There shall be no trash or garbage container bins or boxes that are unclean, uncovered or damaged. Debris, furniture, fixtures, construction materials, trash, equipment, inoperable vehicles, and auto parts shall be removed on a weekly basis.
  3. Unpainted and Deteriorated Painted Buildings. Those buildings, or portions of buildings, whose paint has been deteriorated, graffitied or eroded, shall be repainted. Deterioration is exhibited by substantial fading of color, or decay, or excessive cracking, or peeling, discoloration, dry rot, warping or termite infestation so as to render the building and related structures unsightly. Any repairs, additions, improvements, boarded up materials, or additions of any kind whatsoever made to the building or related structures shall be in the same color scheme of the existing improvements.
  4. Damaged Buildings and Structures. Buildings or structures, or portions thereof, that are damaged, dilapidated or inadequately maintained, shall be repaired. Buildings and structures shall be kept free of any hazardous conditions that require repair, or proper maintenance, including but not limited to, broken glass in windows and doors, and exposed wiring.
  5. Infestations. The property shall be kept free of any rodent, varmint or insect infestation, as determined by county vector control.
  6. Excavations and Pools. Any excavation, pool, pond or swimming pool posing an attractive nuisance or other condition constituting a detriment to the public health, safety or general welfare shall be filled in with earth, in accordance with the [Uniform Building Code](#) and other applicable codes. This requirement applies to pools where the bottom is not visible from the deck.
  7. Security, Lighting and Fencing. Buildings and structures shall be secured, locked and made inaccessible to persons not authorized to use same. Unless perimeter or security fencing was installed as part of an approved site plan, perimeter or security fencing may be installed only with the approval of the City Manager or designee.
    - a. Exterior lighting shall be provided and maintained operational during all hours of darkness to illuminate the building perimeter and yard areas. Lighting shall be of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons on the property.
    - b. Fencing (including, but not limited to, chain link) shall not be permitted to secure the property; existing fencing installed on the property shall be removed within 60 days from enactment of this section. This prohibition is based on the finding that the mere appearance of these fences contributes to further decay, dilapidation and unsightly appearance of the property as fences, intended to secure a vacant property, provides the owner a false sense of security and makes it easier to forsake property maintenance.

D. Enforcement of Violations.

1. Notice of Violation/Remedial Plan. Any person, corporation or other legal entity who owns, leases, occupies, controls or manages the subject property receiving a notice of violation of this section shall provide to the City, within 10 days, a remedial plan containing specific items of corrective work to address the noted violations, which plan shall first be approved by the City Manager or designee, before corrective work is undertaken. The corrective work shall be completed within the time prescribed by the City Manager or designee. In the event that the responsible party proposes demolition as the remedial plan, the demolition plan shall provide for removal of unsightly cement foundations or other structures remaining after the demolition work.

2. Administrative and Judicial Remedies.

a. If the responsible party does not take corrective action to conform the property to the standards of this section, the City Manager or designee may petition the City Council, through a noticed public hearing for a finding that the property constitutes a public nuisance; and an order that the property be brought into compliance with this section, or demolished. Notice of the public hearing shall be given pursuant to [Government Code](#) Section 6061, and shall be served on the responsible party as follows:

- i. By personal service; or
- ii. By certified mail, return receipt requested; or
- iii. By electronic facsimile, acknowledged as received by the responsible party; or
- iv. By substituted service as provided for, pursuant to [Code of Civil Procedure](#) Section 415.20(b).

b. The public hearing shall be held not less than five calendar days following the date of service on the responsible party. The notice of hearing served on the responsible party shall include the notice of violation and a brief description of the nature of the public hearing, and the time and location of the hearing.

c. All expenses of any abatement action by the City shall be charged to the property owner, and shall also become an indebtedness of the owner of such structure or premises, and shall also be a lien on the affected property, in the same manner as provided in Municipal Code Section [9.32.180](#).

d. In the event that the City Council confirms that the condition of the property constitutes a public nuisance, it shall thereby order, at its discretion, that the buildings and/or structures be demolished, if appropriate, or brought into compliance with this section.

e. The City Attorney, at his or her discretion, may elect to obtain a court order confirming and validating the resolution ordering demolition, prior to city action to demolish the subject nuisance condition.

f. The City Council shall adopt written findings supporting its determination, which shall be mailed by first class mail to the property owner and/or responsible party.

3. Criminal and Civil Relief. As an additional remedy, the City Attorney is authorized to take direct criminal or civil action in a court of competent jurisdiction against the responsible party to cause the correction of any violation under this section. (2758 § 2, 2009)