



CITY OF WEED

550 Main Street
P. O. Box 470
Weed, CA 96094

(530) 938-5020
(530) 938-5096 (FAX)

www.ci.weed.ca.us

ORDINANCE NO. 429-2015

AN ORDINANCE OF THE CITY OF WEED ESTABLISHING REGULATIONS REGARDING ABANDONED, ACCESSIBLE AND DISTRESSED REAL PROPERTY

THE CITY COUNCIL OF THE CITY OF WEED DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 16.30 is hereby added to Title 16 of the Weed Municipal Code to read in its entirety as follows:

CHAPTER 16.30 ABANDONED, ACCESSIBLE AND DISTRESSED REAL PROPERTY

Sections

- 16.30.010 General.
- 16.30.020 Definitions.
- 16.30.030 General requirements.
- 16.30.040 Registration statement requirements.
- 16.30.050 Property inspection.
- 16.30.060 Requirements for owners
- 16.30.070 Fee Schedule.
- 16.30.080 Administration.
- 16.30.090 Violations and penalties.
- 16.30.100 Appeal.

16.30.010 General. The city council hereby establishes a mechanism to protect neighborhoods from becoming blighted through the lack of maintenance and security of abandoned, accessible, or distressed real property, to establish a property registration program, and to set forth guidelines for the maintenance of abandoned, accessible, or distressed commercial real property.

16.30.020 Definitions. A. As used herein, "abandoned" means a commercial building, structure, or other real property that is vacant and unoccupied, including property in which forty percent (40%) of the square footage of the gross floor area of the building is vacant. As used herein, the use of all or a portion of a building for storage is not occupancy unless that storage is itself a business operation or is accessory to an on-going business operation conducted within the same building. Occupancy under this part means only occupancy by a person with a legal right to occupancy.

B. As used herein, "accessible" means real property or structures not secured or open in such a way as to prevent unauthorized access.

C. As used herein, "distressed" means property which has been vacant for a period of at least six (6) consecutive months.

D. As used herein, "owner" means the record title holder and any agent of the title holder with the right of possession or access to the property which is the subject of this chapter.

E. As used herein, “commercial” means a building or structure that is within a commercial zone and is used, in whole or part, for commercial purposes, or an empty lot that is within a commercial zone.

16.30.030 General requirements. A. Effective ninety (90) days after the effective date of this ordinance, the owner of any abandoned property as defined herein shall within sixty (60) days after the building becomes distressed or within thirty (30) days after assuming ownership of such distressed property, whichever is later, file a registration statement for each such property with the city clerk on forms provided by the city clerk for such purposes. The registration shall remain valid for one (1) year from the date of registration. The owner shall be required to renew the registration annually as long as the building remains vacant, abandoned, accessible, or distressed and shall pay a registration or renewal fee as prescribed in this chapter for each vacant, abandoned, accessible, or distressed property registered.

B. Any owner of any building that meets the definition of vacant, abandoned, accessible, or distressed property prior to ninety (90) days after the effective date of this ordinance, shall file a registration statement for that property within sixty (60) days after said deadline. The registration statement shall include the information required under paragraph (A) above, as well as any additional information the city clerk may reasonably require.

C. The owner shall notify the city clerk within thirty (30) days of any change in the registration information by filing an amended registration statement on a form provided by the city clerk for such purposes.

D. The registration statement shall be deemed prima facie proof of the statements therein in any administrative enforcement proceeding or court proceeding instituted by the city against the owner or owners of the building.

16.30.040 Registration statement requirements. A. The registration statement shall include the name, street address and telephone number of a natural person eighteen (18) years of age or older, designated by the owner or owners as the authorized agent for receiving notices of code violations and for receiving process, in any court proceeding or administrative enforcement proceeding, on behalf of such owner or owners in connection with the enforcement of any applicable code or of this chapter. This person must maintain an office in the state of California or reside within the state of California.

B. The registration statement shall also include the name of the person responsible for maintaining and securing the property, if different from the person identified in paragraph (A), above.

C. The registration statement shall also include the name, address and telephone number of the agent authorized to rent the property or the name, address and telephone number of the listing real estate agent who is authorized to list the property.

D. An owner who is a natural person and who meets the requirements of this section as to location of residence or office may designate him or herself as agent in paragraph (A), the person responsible for maintaining and securing the property in paragraph (B), and the agent authorized to rent the property in paragraph (C).

E. By designating an authorized agent under the provisions of paragraph (A) of this section the owner consents to receive any and all notices of Weed Municipal Code violations concerning the registered vacant, abandoned, accessible, or distressed property and all process in any court proceeding or administrative enforcement proceeding brought to enforce such code provisions concerning the registered property by service of the notice or process on the authorized agent. Any owner who has designated an authorized agent under the provisions of this section shall be deemed to consent to the continuation of the agent’s designation for the purposes of this section until the owner notifies the city clerk of a change of authorized agent or until the owner files a new annual registration statement. The designation of an authorized agent in no way releases the owner from responsibility or liability under any requirement of this chapter.

16.30.050 Property inspection. After filing a registration statement or renewal of a registration statement, the owner of any vacant, abandoned, accessible, or distressed property shall provide access to the city to conduct an exterior and interior inspection of the building to determine compliance with the Municipal Code, following reasonable notice.

16.30.060 Requirements for owners. The owner of any building that has become vacant, abandoned, accessible, or distressed property, and any person maintaining, operating or collecting rent for any such building that has become vacant shall, within thirty (30) days:

A. Enclose and secure the building against unauthorized entry as provided in the applicable codes adopted by the city.

B. Keep the property free of weeds, dry brush, dead vegetation, trash, junk, debris, building materials, accumulation of newspaper, circular, flyers, notices (except those required by federal, state, or local law), discarded personal items including, but not limited to, furniture, clothing, large and small appliances, printed material or any other items that give the appearance the property is abandoned.

C. Provide that visible front and side yards be landscaped and maintained to the neighborhood standard. As used herein, "neighborhood standard" means the condition of real property that prevails in and through the neighborhood where a vacant, abandoned, accessible, or distressed property is located. When determining the neighborhood standard, no vacant, abandoned, accessible, or distressed property shall be considered

D. Provide that windows in commercial buildings either display art work, display merchandise offered for sale by another business within the community, display materials provided by a Weed community non-profit organization, or be covered with plain white paper.

E. Remove the signage for any previous tenant as required by the Weed Municipal Code.

F. Post a sign affixed to the building indicating that the property is available for rent, for sale, or both and providing the name, address and telephone number of the owner, the owner's authorized agent for the purpose of renting the property or the listing agent, and the person responsible for day-to-day supervision and management of the building, if such person is different from the owner holding title. The sign shall be of a size and placed in such a location so as to be legible from the nearest street or sidewalk, whichever is nearer, but shall be no smaller than 18" x 24".

G. Repair or rehabilitate the property so it meets all applicable codes adopted by the city for occupancy, or otherwise obtain a permit to demolish the building.

16.30.070 Fee Schedule. The initial registration fee for each vacant, abandoned, accessible, or distressed property shall be \$500, but may be reduced to \$100 if the city clerk receives acceptable evidence that the property has been listed for sale or rent at a reasonable price with a licensed real estate agent authorized to sell or lease the property. The fee for the first and every subsequent renewal is \$500.

16.30.080 Administration. The city administrator may issue rules and regulations for the administration of the provisions of this chapter.

16.30.090 Violations and Penalties. A. Violation of this chapter is a strict liability offense. A violation occurs regardless of a violator's intent or knowledge of the violation.

B. Any owner who is not in full compliance with this chapter or of any rules or regulations authorized and issued hereunder shall be subject to penalty as provided for other violations of this Municipal Code.

C. The remedies in this section are cumulative to, and not in place of, other rights and remedies available to the city pursuant to the Municipal Code. The city attorney or designee may pursue other rights or remedies, including, but not limited to, commencement of a civil or

administrative action to abate the condition as a public nuisance.

D. If the city takes administrative action to abate the condition of a property subject to the registration requirement, in addition to, or in lieu of the remedies in this chapter, the following administrative penalties shall apply.

1. Upon being found to be violation of this chapter, each party subject to an abatement order shall pay an administrative penalty of up to \$1,000.

2. If a violation of this chapter addressed by abatement order has not been abated, cured, remedied or eliminated to the reasonable satisfaction of the city administrator by the thirtieth (30th) day after the deadline imposed by the city administrator, each party subject to said abatement order shall pay a supplemental administrative penalty of up to \$5,000.

3. If a violation of this chapter addressed by abatement order has not been abated, cured, remedied or eliminated to the reasonable satisfaction of the city administrator by the sixtieth (60th) day after the deadline imposed by the city administrator, each party subject to said abatement order shall pay a supplemental administrative penalty of up to \$25,000.

E. In each instance when a party becomes subject to an administrative penalty specified in this section, the city administrator shall issue an order providing written notice of that party's obligation to make payment of said administrative penalty. Each such order shall constitute a debt of the record owner and a special assessment against the subject property, having the same legal status as an order determining cost of abatement of a public nuisance.

F. If a party becomes subject to an administrative penalty when that party is the property's owner of record, or is otherwise responsible as provided under this chapter, that party is not relieved of its obligation to pay the penalty based upon the subsequent sale of the property in question to another.

16.30.100 Appeal. Any monetary penalty or other punitive action by the city authorized under this chapter may be appealed by the party against whom it is imposed to the city's administrative citation hearing officer, the decision of whom shall be final. A request for such an appeal shall be in writing and must be submitted to the city within sixty (60) days after the city issues written notice of the imposition of the penalty or other punitive action. Pending the results of the appeal, the appellant shall deposit any monetary penalty with the city clerk, unless the appellant does not have the financial ability to do so.

Section 2. The city attorney is hereby authorized to prepare a summary of the ordinance as required by Government Code Section 36933.

Section 3. The city clerk is hereby authorized to publish the summary and post certified copies of the full text of the proposed and then adopted ordinances as required by Government Code Section 36933.

Section 4. This ordinance shall take effect and be in force thirty (30) days after its passage.

Section 5. This ordinance shall be published in the Weed Press, a newspaper of general circulation in the City of Weed, within fifteen (15) days after its passage.

I HEREBY CERTIFY the foregoing ordinance was introduced for first reading at a special meeting of the City Council of the City of Weed held the 16th day of July, 2015, and thereafter adopted at a regular meeting of said Council held the 13th day of August, 2015, by the following vote to wit:

AYES: Council Members Green, Greene, Hall, Palfini, and Sutton
NOES: None
ABSENT: None

/s/ Bob Hall, Mayor, City of Weed

ATTEST: /s/Deborah Salvestrin, City Clerk



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VACANT PROPERTY REGISTRATION FORM

Entire form must be filled out completely and accurately to be accepted. Mail to: Department of Finance, or FAX to 530-938-5096.

Pursuant to Ordinance No. 429-2015, the owner of any abandoned property (as defined therein) shall within sixty (60) days after the building becomes distressed or within thirty (30) days after assuming ownership of such distressed property, whichever is later, file a registration statement for each such property with the city clerk on forms provided by the city clerk for such purposes. The registration shall remain valid for one (1) year from the date of registration. The owner shall be required to renew the registration annually as long as the building remains vacant, abandoned, accessible, or distressed and shall pay a registration or renewal fee in the prescribed in this chapter for each vacant, abandoned, accessible, or distressed property registered.

The initial registration fee for each vacant, abandoned, accessible, or distressed property shall be \$500, but may be reduced to \$100 if the city clerk receives acceptable evidence that the property has been listed for sale or rent at a reasonable price with a licensed real estate agent authorized to sell or lease the property.

STREET ADDRESS: _____

Registration Date: _____

Registration Fee: **\$500**

I. OWNER(S) AND REPRESENTATIVE(S):

A. Landowner

1. Full Name (Print): _____
2. Street Address: _____
3. City: _____ ST: _____ Zip: _____
4. Phone: _____ Cell: _____
5. E-mail Address: _____

B. Lien Holder(s) or Others with Legal Interest in the Property

1. Full Name (Print): _____
2. Street Address: _____
3. City: _____ ST: _____ Zip: _____
4. Phone: _____ Cell: _____
5. E-mail Address: _____

C. Name of Maintenance Company or Property Manager: *(Can be a Realtor, leasing agent, management company or other party with director or indirect control or authority over the building.)*

1. Full Name (Print): _____
2. Street Address: _____
3. City: _____ ST: _____ Zip: _____
4. Phone: _____ Cell: _____
5. E-mail Address: _____
6. Relationship to Owner/Lien Holder: _____

II. DATE BUILDING BECAME VACANT: _____

III. ACKNOWLEDGEMENT OF RESPONSIBILITY: *The undersigned owner/agent: A) certify that the information herein is complete and accurate; 2) assumes responsibility for maintaining and securing the subject building in conformity with the City of Weed Municipal Code (WMC) Chapter 16.30 and other applicable codes; and 3) acknowledges the responsibility to notice the City in writing within 30 days of any changes to information contained in this registration form.*

Owner or Agent: _____ Signature: _____
 (Please Print Name)

IV. ACCESS: After filing a registration statement or renewal of a registration statement, the owner of any vacant, abandoned, accessible, or distressed property shall provide access to the city to conduct an exterior and interior inspection of the building, following reasonable notice, to determine compliance with the Municipal Code. (WMC 16.30.050)

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OWNER SELF INSPECTION CHECKLIST

___ Property is actively listed for sale; Listing Date: _____; Listing agent and contact information

___ Property sale is pending. Closing Date: _____

___ Seller to make repairs prior to closing: or
 ___ Buyer to assume responsibility for repairs. Provide Buyer's Name

 ___ Not sure at this time which party will assume responsibility for repairs

___ Building is being renovated. Completion Date: _____
 ___ All required permits have been issued. Permit(s) No. _____; or
 ___ Applications for all required permits will be submitted by: _____;

___ Code Compliance inspection performed on: _____ Compliance Date: _____

___ Date by which property is to be occupied: _____

Owner/responsible party attests that the following steps have been or will be taken. **For any item left unchecked, you must provide a date by which the item will be completed.**

- ___ The building is enclosed and secured against unauthorized entry as provided in the applicable codes adopted by the city.
- ___ Provision is made that the property is and will remain free of weeds, dry brush, dead vegetation, trash, junk, debris, building materials, accumulation of newspaper, circular, flyers, notices (except those required by federal, state, or local law), discarded personal items including, but not limited to, furniture, clothing, large and small appliances, printed material or any other items that give the appearance the property is abandoned.
- ___ Provision is made that the visible front and side yards be landscaped and maintained to the neighborhood standard. As used herein, "neighborhood standard" means the condition of real property that prevails in and through the neighborhood where a vacant, abandoned, accessible, or distressed property is located.
- ___ Provision is made that windows in commercial buildings either display art work, display merchandise offered for sale by another business within the community, display materials provided by a Weed community non-profit organization, or be covered with plain white paper.
- ___ The signage for any previous tenant has been removed as required by the Weed Municipal Code.
- ___ A sign is affixed to the building indicating that the property is available for rent, for sale, or both and providing the name, address and telephone number of the owner, the owner's authorized agent for the purpose of renting the property or the listing agent, and the person responsible for day-to-day supervision and management of the building, if such person is different from the owner holding title. The sign shall be of a size and placed in such a location so as to be legible from the nearest street or sidewalk, whichever is nearer, but shall be no smaller than 18" x 24".