



City of Stockton

Legislation Text

File #: 25-0188, Version: 1

TO ADOPT AN ORDINANCE CREATING TITLE 15, CHAPTER 15.34, OF THE STOCKTON MUNICIPAL CODE, RELATED TO COMMERCIAL PROPERTY VACANCY AND VACANT LOT REGISTRATION AND A PUBLIC HEARING TO ADOPT A RESOLUTION APPROVING THE AMENDMENT TO THE FISCAL YEAR 2024-25 FEE SCHEDULE

RECOMMENDATION

It is recommended that the City Council:

1. Adopt an ordinance creating Title 15, Chapter 15.34 "Vacant Commercial Property and Vacant Lot Registration" of the Stockton Municipal Code, for the purposes of encouraging property owners to develop vacant buildings and lots to help alleviate properties from becoming public nuisances due to vandalism, disrepair, graffiti, and illegal dumping, thus diminishing the value of surrounding properties and affecting the general safety and welfare of the public.
2. Approve a Resolution to amend the FY 2024-25 Fee Schedule to incorporate fees for the registration of the vacant commercial properties and vacant lots.
3. Authorize the City Manager, or designee, to take all appropriate and necessary actions to carry out the purpose and intent of the ordinance and resolution.

Summary

This staff report recommends that the City Council adopt a Vacant Commercial Property and Vacant Lot Registration Ordinance to address the numerous negative impacts of vacant commercial buildings and vacant land in Stockton. To ensure clarity and consistency throughout this staff report, the terms "Commercial Vacant Property" and "Vacant Land" will be used interchangeably and collectively referred to as "vacant properties." These vacant properties often become eyesores as they fall into disrepair, attracting vandalism, graffiti, and illegal dumping, which diminishes the aesthetic appeal of an area and can lead to decreased property values. The presence of such properties can also deter customers and make it difficult for nearby businesses to thrive.

Furthermore, vacant properties can pose safety risks by becoming havens for criminal activity and presenting hazards due to structural instability or overgrown vegetation. The economic consequences are also significant, as these properties can hinder development by discouraging new businesses and limiting job opportunities. Addressing issues related to vacant properties also places a strain on city resources, requiring time and attention from various departments, including the Fire Department, which plays a crucial role in identifying these locations due to their frequent presence in the field and their keen eye for signs of vacancy and potential hazards. The proposed ordinance aims to mitigate these problems by creating a centralized registry of vacant commercial properties and vacant land, promoting accountability among property owners, facilitating enforcement efforts, and

File #: 25-0188, Version: 1

ultimately supporting revitalization initiatives (Attachment A).

DISCUSSION

Background

Vacant properties can have a significant negative impact on communities. They can contribute to blight by becoming eyesores that attract vandalism, graffiti, and illegal dumping, creating a visual deterrent to potential customers and investors. This can discourage economic development by hindering the appreciation of property values and diminishing the overall appeal of commercial areas.

These vacant properties also often become magnets for criminal activity, such as squatting, drug use, and vandalism, posing safety hazards to both the immediate neighborhood and the broader community. They can also become fire hazards due to neglected maintenance and the accumulation of flammable materials. In Stockton, vacant commercial buildings place a disproportionate burden on City resources, requiring more frequent monitoring and inspections by code enforcement officers to ensure compliance with property maintenance codes and address potential safety violations. They also demand increased attention from police, who must respond to complaints and incidents related to criminal activity, trespassing, and vagrancy. Additionally, building department staff may need to conduct inspections to assess structural integrity and ensure compliance with building codes, further straining city resources. Similarly, unsupervised vacant lots often demand disproportionate City resources as they become popular locations for encampments, overgrown vegetation, and illegal dumping.

Present Situation

The successful implementation of the Commercial Vacant Property Registration Ordinance depends on effective interdepartmental collaboration, leveraging the strengths of the Community Development Department (CDD), the Neighborhood Services Section (NSS), Economic Development Department (EDD), and the Fire Department (FD). By working together and sharing information, these departments can create a comprehensive and effective system for addressing the challenges posed by vacant properties in Stockton. Each department plays a critical role in ensuring that vacant properties are identified, registered, and maintained, ultimately contributing to a safer and more vibrant community.

Upon adoption of this ordinance, NSS will work with other departments to establish a strategic implementation plan, utilizing a list of known commercial vacant buildings and lots. The registration component will be a key component of the implementation plan. By requiring registration, the ordinance would give the City a more accurate understanding of the number, location, and condition of vacant commercial properties. This information can be used to track trends, inform policy decisions, and develop strategies to reduce commercial vacancy and its associated problems. The ordinance would also enable the City to hold property owners accountable to maintain their vacant properties and take steps to mitigate their negative impacts. Additionally, the registration fee would help to offset the costs of administering and enforcing the ordinance, ensuring that the program is sustainable in the long term.

NSS will work closely with CDD's Building Official, who is responsible for ensuring life safety within the city. This close connection between the Building Official and NSS, which operates under the

File #: 25-0188, Version: 1

Building Official's direction, especially as it pertains to commercial property, ensures swift action to address violations and maintain safety in vacant properties. This arrangement will streamline the enforcement process, allowing for coordinated inspections and prompt responses to any issues identified in vacant properties.

The primary focus of NSS will be the enforcement aspect of the ordinance. This specialization allows Code Enforcement officers to dedicate their time and resources to inspecting properties, issuing citations, and pursuing legal action against property owners who fail to comply with the ordinance. This targeted approach ensures that the ordinance is enforced effectively and that vacant properties are properly maintained, minimizing their negative impact on the community.

As the program is developed, the identification of vacant commercial buildings and lots will continue to grow utilizing AI technologies such as City Detect and Tolemi. The Tolemi software can connect to various city, state and federal databases, as well as other outside sources, to assist in the identification of possible vacant properties. By sharing this data with the other departments, the City can create a more comprehensive and efficient system for identifying and addressing vacant properties. This collaborative approach leverages the strengths of all departments, ensuring that vacant properties are identified and addressed promptly, minimizing their negative impact on the community. These software programs are currently in their infancy stages and will take time to learn the City's landscape. During the learning phase, NSS will work with the FD and EDD to assist in identifying vacant properties requiring enforcement.

Publication

The Notice for this public hearing will be published in The Record on February 19, 2025.

FINANCIAL SUMMARY

There are no General Fund costs associated with the adoption of the ordinance as drafted.

Upon approval, the FY 2024-25 Fee Schedule will be amended to include the following Vacant Commercial Building and Vacant Lot Registration Fees:

Vacant Commercial Buildings:

- First Year Fee (and subsequent years if property conforms with SMC 15.32) - \$250
- Second Year Fee (if the property does not conform with SMC 15.32) - \$500
- Third and Subsequent Years Fee (if the property does not conform with SMC 15.32) - \$1,000

Vacant Lots:

Annual Fee - \$250

Attachment A - Proposed Vacant Commercial Property Ordinance redlined version

ORDINANCE NO.

AN ORDINANCE ADDING TITLE 15, CHAPTER 15.34, TO THE STOCKTON MUNICIPAL CODE, RELATED TO COMMERCIAL PROPERTY VACANCY AND VACANT LOT REGISTRATION

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STOCKTON, AS FOLLOWS:

SECTION I. FINDINGS AND INTENT.

Vacant commercial buildings and vacant lots are a major cause and source of blight, especially when the owner fails to actively maintain and manage the building or property. Vacant lots, and buildings, whether boarded, substandard, unkempt, or long-term vacant, discourage economic development, hinder the appreciation of property values, and have a detrimental impact on the economic viability of both commercial and residential areas. Vacant commercial buildings are an attractive nuisance to children, a harborage for rodents, an increased fire hazard, and invite criminal activity such as squatting, vandalism, and dumping. These activities and the eyesore of boarded, substandard, and unkempt vacant buildings deter would-be customers from the area and negatively impact surrounding neighborhoods. The lack of maintenance of vacant lots creates fire hazards, invites squatting and illegal dumping, and negatively impacts the value of surrounding properties.

One (1) vacant commercial building or vacant lot that is not actively well maintained and managed can be the core and cause of spreading blight. A long-term vacant building or vacant lot, even in the absence of code violations, is detrimental to the health, safety, and welfare of the community and contrary to the intended property use. Vacant commercial buildings and lots require more frequent monitoring by code enforcement, police, and Building Department staff. This is a disproportionate use of resources that diverts staff time and resources away from addressing other issues in the community and results in a greater cost to the City. These costs should be borne by the property owner and not the community at large.

The purpose of the vacant commercial building and vacant lot registration and monitoring program is to discourage property owners from allowing buildings and lots to remain vacant, ensure they are properly secured and maintained, help prevent the buildings and lots from becoming a burden to the residents and taxpayers of the City and provide the basis for returning the properties to their intended use.

The provisions of this section are to be supplementary and complementary to all the provisions of the City Code, State and Federal law, and any other statutes or regulations, and nothing in this section shall be read, interpreted, or construed in any manner so as to limit any existing right or power of the City to abate or prosecute any and all violations and nuisances.

SECTION II. AMENDMENT OF CODE.

Title 15, Chapter 15.34 is hereby added to the Stockton Municipal Code as follows:

Chapter 15.34 VACANT COMMERCIAL PROPERTY AND VACANT LOT
REGISTRATION

15.34.010 Title. This ordinance codified in this chapter shall be known as “Vacant Commercial Building and Vacant Lot Ordinance” and is hereinafter referred to within this Chapter 15.34, as “this chapter.”

15.34.020 Purpose. Recognizing that abandoned and vacant buildings and lots contribute to blight in the City, discourage economic development, and diminish appreciation of property values, endanger public health and safety, attract criminal activity, and create fire hazards, it is the responsibility of property owners to prevent buildings and vacant lots from becoming a burden to the neighborhood and community and a threat to the public health, safety, and welfare. The City Council finds that vacant buildings and lots result in increased expenditures for police, fire, and code enforcement inspections and calls. Maintenance of the public health, safety, and welfare thus requires the City to maintain an accurate registration of all vacant commercial buildings and vacant lots and to impose each of the requirements, procedures and penalties set forth herein.

15.34.030 Definitions. For the purposes of this chapter, the following terms are defined as set out in this section:

- A. "Commercial building" means a building, accessory structure, mobile or modular structure, or other structure adapted to permanent occupancy for commercial purposes. A "commercial building" also includes any structure, or any portion of a structure, located within the City and designed or intended for occupancy as a hotel or motel.
- B. "Commercial unit" means each separate space within a commercial building designed or intended for occupancy.
- C. "Securing" as used in this chapter is the same as defined under Chapter 15.32.
- D. "Vacant commercial building" means a commercial building where greater than fifty percent of the non-residential commercial units within the building have been unoccupied for over 30 days, unless one of the following applies:
 - 1. There is a valid building permit for alterations or rehabilitation, excluding standard maintenance and repairs, of the commercial building per the requirements of the California Building Code.
 - 2. The owner or leaseholder has filed an application for required permits for the lawful use and occupancy of the commercial building, where the application is still active per the requirements of the Development Code.
 - 3. In the case of a structure intended as a hotel or motel where the owner or operator is actively engaged in

operating such premises as a hotel or motel. At a minimum, active engagement as a hotel or motel requires that the owner or operator participate as a certified registrant of the Uniform Transient Occupancy Tax Ordinance of the City of Stockton with respect to such premises.

4. Notwithstanding any other provisions of this Chapter, the building conforms to the standards set forth in SMC 15.32 et seq.

E. "Vacant Lot" means a lot within any zoning district unless one of the following applies:

1. There is a valid building permit for the improvement of the lot.
2. The owner or leaseholder has filed an application for required permits for the lawful use and improvement of the lot, where the application is still active per the requirements of the Development Code.
3. Notwithstanding any other provisions of this Chapter, the lot conforms to the standards set forth in SMC 15.32 et seq.

15.34.040 Registration.

—The owner(s) of a vacant commercial building or vacant lot shall, within 30 days after it has become vacant as defined in this chapter, register the commercial building or lot with the Community Development Department, on a form provided by the department.

B. An annual fee, in an amount established by City Council resolution, shall accompany the registration form and be paid annually for the duration of vacancy. Funds derived from said fees shall be allocated to Police Department, Neighborhood Services Section and used to offset the City's cost of inspection, and enforcement under this chapter.

C. Any subsequent owner of a vacant commercial building or lot must register or re-register the building with the City designated officer within 30 days of any transfer of any ownership interest in the building or lot.

D. Registered commercial buildings or lots subject to this chapter shall remain registered as long as the properties remain vacant. If the owner, or a lawful tenant of the owner, occupies the premises in a manner that complies with this chapter and with all other applicable provisions of state and local law, a commercial building may be removed from the department's registry. A commercial building may be removed from the registry upon owner's submission of a de-registration form provided by the department and subject to department approval confirming occupation.

15.34.050 Registration Requirements.

A. The required registration shall be submitted on the form provided by the City and shall include:

1. The name, current mailing address, phone number and any other contact information of the owner and property manager or responsible party as well as the names and addresses of all known lien holders and all other parties with a legal or equitable ownership interest in the building.

2. The addresses of the commercial building and the Assessor Parcel Number(s).

3. Square footage and occupancy rating(s) of the commercial building.

4. State the most recent legal use(s) of the commercial building.

5. The period of time the commercial building or lot is expected to remain vacant, and a plan and timetable for returning the commercial building or lot to appropriate occupancy or use.

6. Statement as to whether there is fire and liability insurance coverage.

7. Methods by which the owner has secured the commercial building against unauthorized entry.

8. Provide such other information as the department may require.

9. Proof of insurance in compliance with section 15.34.100.

E. Upon registration of a vacant commercial building or vacant lot pursuant to this chapter, the owner shall be required to provide authorization to the City of Stockton Police Department to arrest for trespassing pursuant to California Penal Code Section 602, any persons found on the property without the owner's consent or without lawful purpose.

15.34.060 Signage. Any vacant commercial building shall be posted with the name and twenty-four-hour contact phone number of the trustee, beneficiary, owner, realtor, or property management company. The posting shall be no less than eighteen by twenty-four (18 x 24) inches and shall be of a font that is legible from a public right of way and shall contain along with the name and twenty-four-hour contact number the words "THIS PROPERTY MANAGED BY" and "TO REPORT PROBLEMS OR CONCERNS = CALL." The posting shall be placed on the interior of a window facing the street to the front of the property so it is visible from the street or secured to the exterior of the building or structure facing the street to the front of the property so it is visible from the street; if no such area exists, the posting shall be placed on a stake of sufficient size to support the posting in a location that is visible from the street to the front of the property but not readily accessible to vandals. Exterior postings must be constructed of and printed with weather resistant materials. Compliance with this section shall satisfy section 15.32.050(C) if applicable.

15.34.070 Inspection by City.

A City designated officer or their appointee may inspect or cause to be inspected any premises in the City for the purposes of enforcing and assuring compliance with the provisions of this chapter, the fire code, and safeguarding the health, safety, and welfare of the general public. Upon the request of a City building official, code enforcement officer, fire marshal, or a designated appointee, an owner shall provide access to all interior portions of any vacant commercial building or suspected vacant commercial building in order to permit inspections.

15.34.080 Owner Inspection Requirements.

The owner(s) or their property manager shall inspect a vacant commercial building or vacant lot on a monthly basis to determine if the building or lot is in compliance with this chapter or if notification of noncompliance is reported to the owner(s) or their local property manager. The property shall be brought back into compliance with this chapter within 30 days of it becoming out of compliance herewith.

15.34.090 Penalties.

- A. Violations of this chapter shall be treated as a strict liability offense regardless of intent. Any person, firm and/or corporation that violates any portion of this chapter shall be subject to prosecution, public nuisance abatement and/or administrative enforcement pursuant to Chapter 1.24 of the Stockton Municipal Code or any other enforcement and legal remedies available to the City under the law.
- B. All penalties assessed shall be payable directly to the City.
- C. Any and all civil penalties assessed under this section shall be billed to the owner or other responsible party. Failure or refusal to pay any and all such penalties permits the City to pursue any and all available legal remedies for the enforcement and collection of such penalties; including but not limited to, civil actions being filed in any court of competent jurisdiction, abatement of nuisances maintained in violation of this chapter, institution of injunction, mandamus, or other appropriate action or proceedings to enforce the penalty provisions of this chapter.
- D. In addition to all other lawful remedies available to the City to address any violation of this chapter, the code compliance officer or his or her designee may impose an administrative penalty pursuant to Chapter 1.40.

15.34.100 Liability Insurance.

The property owner shall maintain liability insurance on vacant buildings and vacant lots subject to registration. A certificate of insurance for each vacant property shall be provided to the City with the vacant building registration form, whenever an insurance policy has expired, when there is a change of insurance carrier, and upon request from the City. All insurance policies for vacant property shall require notice to the City in the event of cancellation of insurance or a reduction in coverage. The minimum coverage amount shall be \$1,000,000.00 of general liability coverage.

SECTION III. SEVERABILITY.

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions, or applications of the fact which can be given without the invalid provision or application, and to this end the provisions of this act are severable.

SECTION IV. EFFECTIVE DATE.

This ordinance shall take effect and be in full force 30 days after its passage.

ADOPTED: _____

EFFECTIVE: _____

CHRISTINA FUGAZI
Mayor of the City of Stockton

ATTEST:

KATHERINE ROLAND, CMC, CPMC
City Clerk of the City of Stockton

Resolution No.

STOCKTON CITY COUNCIL

RESOLUTION TO APPROVE AMENDMENT TO THE FISCAL YEAR 2024-25 FEE SCHEDULE RELATED TO THE VACANT COMMERCIAL PROPERTY AND VACANT LOT ORDINANCE

Having adopted an ordinance to create Stockton Municipal Code (“SMC”) 15.34 “Vacant Commercial Property and Vacant Lot Registration”, requiring a fee for the administration and enforcement and registration of vacant commercial properties and vacant lots; and,

There is a need to set apart the fees for vacant commercial properties and vacant lots; and,

The City Council finds the fees for vacant commercial properties and vacant lots shall increase, on an annual basis, if the property or lot does not conform to certain security and maintenance requirements; and,

The City Council seeks to implement fees to recover costs for work created by enforcing and inspecting vacant commercial buildings and vacant lots throughout the City; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF STOCKTON, AS FOLLOWS:

1. The City Council approves the amendment of the Fiscal Year 2024-25 Fee Schedule to create new fees concerning vacant commercial properties and vacant lots attached as Exhibit 1 and incorporated by this reference.

2. The City Manager, or designee, is authorized to take whatever actions are necessary and appropriate to carry out the intent of this Resolution.

PASSED, APPROVED, and ADOPTED March 4, 2025.

CHRISTINA FUGAZI
Mayor of the City of Stockton

ATTEST:

KATHERINE ROLAND, CMC CPMC
City Clerk of the City of Stockton

FY 2024-25 Proposed New Fees

POLICE DEPARTMENT

Neighborhood Services Section

<i>Description</i>	<i>Reason</i>	<i>Proposed Amount</i>
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Vacant Commercial Building and Vacant Lot Registration Fees

SMC 15.34	Registration Fees for Vacant Commercial Buildings and Vacant Lots
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Vacant Commercial Buildings

First Year Fee (and subsequent years if property conforms with SMC 15.32)	\$ 250
Second Year Fee (if the property does not conform with SMC 15.32)	\$ 500
Third and Subsequent Years Fee (if the property does not conform with SMC 15.32)	\$ 1,000

Vacant Lots

Annual Fee	\$ 250
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ORDINANCE NO. _____

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One (1) vacant commercial building or vacant lot that is not actively well maintained and managed can be the core and cause of spreading blight. A long-term vacant building or vacant lot, even in the absence of code violations, is detrimental to the health, safety, and welfare of the community and contrary to the intended property use. Vacant commercial buildings and lots require more frequent monitoring by code enforcement, police, and Building Department staff. This is a disproportionate use of resources that diverts staff time and resources away from addressing other issues in the community and results in a greater cost to the City. These costs should be borne by the property owner and not the community at large.

The purpose of the vacant commercial building and vacant lot registration and monitoring program is to discourage property owners from allowing buildings and lots to remain vacant, ensure they are properly secured and maintained, help prevent the buildings and lots from becoming a burden to the residents and taxpayers of the City and provide the basis for returning the properties to their intended use.

The provisions of this section are to be supplementary and complementary to all the provisions of the City Code, State and Federal law, and any other statutes or regulations, and nothing in this section shall be read, interpreted, or construed in any manner so as to limit any existing right or power of the City to abate or prosecute any and all violations and nuisances.

SECTION II. AMENDMENT OF CODE.

Title 15, Chapter 15.34 is hereby added to the Stockton Municipal Code as follows:

Chapter 15.34 VACANT COMMERCIAL PROPERTY AND VACANT LOT REGISTRATION**15.34.010 Title.**

This ordinance codified in this chapter shall be known as “Vacant Commercial Building and Vacant

Lot Ordinance” and is hereinafter referred to within this Chapter 15.34, as “this chapter.”

15.34.020 Purpose.

Recognizing that abandoned and vacant buildings and lots contribute to blight in the City, discourage economic development, and diminish appreciation of property values, endanger public health and safety, attract criminal activity, and create fire hazards, it is the responsibility of property owners to prevent buildings and vacant lots from becoming a burden to the neighborhood and community and a threat to the public health, safety, and welfare. The City Council finds that vacant buildings and lots result in increased expenditures for police, fire, and code enforcement inspections and calls. Maintenance of the public health, safety, and welfare thus requires the City to maintain an accurate registration of all vacant commercial buildings and vacant lots and to impose each of the requirements, procedures and penalties set forth herein.

15.34.030 Definitions.

For the purposes of this chapter, the following terms are defined as set out in this section:

- A. "Commercial building" means a building, accessory structure, mobile or modular structure, or other structure adapted to permanent occupancy for commercial purposes. A "commercial building" also includes any structure, or any portion of a structure, located within the City and designed or intended for occupancy as a hotel or motel.
- B. "Commercial unit" means each separate space within a commercial building designed or intended for occupancy.
- C. "Securing" as used in this chapter is the same as defined under Chapter 15.32.
- D. "Vacant commercial building" means a commercial building where greater than fifty percent of the non-residential commercial units within the building have been unoccupied for over 30 days, unless one of the following applies:
 - 1. There is a valid building permit for alterations or rehabilitation, excluding standard maintenance and repairs, of the commercial building per the requirements of the California Building Code.
 - 2. The owner or leaseholder has filed an application for required permits for the lawful use and occupancy of the commercial building, where the application is still active per the requirements of the Development Code.
 - 3. In the case of a structure intended as a hotel or motel where the owner or operator is actively engaged in operating such premises as a hotel or motel. At a minimum, active engagement as a hotel or motel requires that the owner or operator participate as a certified registrant of the Uniform Transient Occupancy Tax Ordinance of the City of Stockton with respect to such premises.
 - 4. Notwithstanding any other provisions of this Chapter, the building conforms to the standards set forth in SMC 15.32 et seq.
- E. "Vacant Lot" means a lot within any zoning district unless one of the following applies:
 - 1. There is a valid building permit for the improvement of the lot.

2. The owner or leaseholder has filed an application for required permits for the lawful use and improvement of the lot, where the application is still active per the requirements of the Development Code.
3. Notwithstanding any other provisions of this Chapter, the lot conforms to the standards set forth in SMC 15.32 et seq.

15.34.040 Registration.

- A. The owner(s) of a vacant commercial building or vacant lot shall, within 30 days after it has become vacant as defined in this chapter, register the commercial building or lot with the Community Development Department, on a form provided by the department.
- B. An annual fee, in an amount established by City Council resolution, shall accompany the registration form and be paid annually for the duration of vacancy. Funds derived from said fees shall be allocated to Police Department, Neighborhood Services Section and used to offset the City's cost of inspection, and enforcement under this chapter.
- C. Any subsequent owner of a vacant commercial building or lot must register or re-register the building with the City designated officer within 30 days of any transfer of any ownership interest in the building or lot.
- D. Registered commercial buildings or lots subject to this chapter shall remain registered as long as the properties remain vacant. If the owner, or a lawful tenant of the owner, occupies the premises in a manner that complies with this chapter and with all other applicable provisions of state and local law, a commercial building may be removed from the department's registry. A commercial building may be removed from the registry upon owner's submission of a de-registration form provided by the department and subject to department approval confirming occupation.

15.34.050 Registration Requirements.

- A. The required registration shall be submitted on the form provided by the City and shall include:
 1. The name, current mailing address, phone number and any other contact information of the owner and property manager or responsible party as well as the names and addresses of all known lien holders and all other parties with a legal or equitable ownership interest in the building.
 2. The addresses of the commercial building and the Assessor Parcel Number(s).
 3. Square footage and occupancy rating(s) of the commercial building.
 4. State the most recent legal use(s) of the commercial building.
 5. The period of time the commercial building or lot is expected to remain vacant, and a plan and timetable for returning the commercial building or lot to appropriate occupancy or use.
 6. Statement as to whether there is fire and liability insurance coverage.

7. Methods by which the owner has secured the commercial building against unauthorized entry.
 8. Provide such other information as the department may require.
 9. Proof of insurance in compliance with section 15.34.100.
- E. Upon registration of a vacant commercial building or vacant lot pursuant to this chapter, the owner shall be required to provide authorization to the City of Stockton Police Department to arrest for trespassing pursuant to California Penal Code Section 602, any persons found on the property without the owner's consent or without lawful purpose.

15.34.060 Signage.

Any vacant commercial building shall be posted with the name and twenty-four-hour contact phone number of the trustee, beneficiary, owner, realtor, or property management company. The posting shall be no less than eighteen by twenty-four (18 x 24) inches and shall be of a font that is legible from a public right of way and shall contain along with the name and twenty-four-hour contact number the words "THIS PROPERTY MANAGED BY" and "TO REPORT PROBLEMS OR CONCERNS CALL." The posting shall be placed on the interior of a window facing the street to the front of the property so it is visible from the street or secured to the exterior of the building or structure facing the street to the front of the property so it is visible from the street; if no such area exists, the posting shall be placed on a stake of sufficient size to support the posting in a location that is visible from the street to the front of the property but not readily accessible to vandals. Exterior postings must be constructed of and printed with weather resistant materials. Compliance with this section shall satisfy section 15.32.050(C) if applicable.

15.34.070 Inspection by City.

A City designated officer or their appointee may inspect or cause to be inspected any premises in the City for the purposes of enforcing and assuring compliance with the provisions of this chapter, the fire code, and safeguarding the health, safety, and welfare of the general public. Upon the request of a City building official, code enforcement officer, fire marshal, or a designated appointee, an owner shall provide access to all interior portions of any vacant commercial building or suspected vacant commercial building in order to permit inspections.

15.34.080 Owner Inspection Requirements.

A. The owner(s) or their property manager shall inspect a vacant commercial building or vacant lot on a monthly basis to determine if the building or lot is in compliance with this chapter or if notification of noncompliance is reported to the owner(s) or their local property manager. The property shall be brought back into compliance with this chapter within 30 days of it becoming out of compliance herewith.

15.34.090 Penalties.

- A. Violations of this chapter shall be treated as a strict liability offense regardless of intent. Any person, firm and/or corporation that violates any portion of this chapter shall be subject to prosecution, public nuisance abatement and/or administrative enforcement pursuant to Chapter 1.24 of the Stockton Municipal Code or any other enforcement and legal remedies available to the City under the law.

- B. All penalties assessed shall be payable directly to the City.
- C. Any and all civil penalties assessed under this section shall be billed to the owner or other responsible party. Failure or refusal to pay any and all such penalties permits the City to pursue any and all available legal remedies for the enforcement and collection of such penalties; including but not limited to, civil actions being filed in any court of competent jurisdiction, abatement of nuisances maintained in violation of this chapter, institution of injunction, mandamus, or other appropriate action or proceedings to enforce the penalty provisions of this chapter.
- D. In addition to all other lawful remedies available to the City to address any violation of this chapter, the code compliance officer or his or her designee may impose an administrative penalty pursuant to Chapter 1.40.

15.34.100 Liability Insurance.

The property owner shall maintain liability insurance on vacant buildings and vacant lots subject to registration. A certificate of insurance for each vacant property shall be provided to the City with the vacant building registration form, whenever an insurance policy has expired, when there is a change of insurance carrier, and upon request from the City. All insurance policies for vacant property shall require notice to the City in the event of cancellation of insurance or a reduction in coverage. The minimum coverage amount shall be \$1,000,000.00 of general liability coverage.

SECTION III. SEVERABILITY.

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions, or applications of the fact which can be given without the invalid provision or application, and to this end the provisions of this act are severable.

SECTION IV. EFFECTIVE DATE.

This ordinance shall take effect and be in full force 30 days after its passage.

ADOPTED: _____

EFFECTIVE: _____

CHRISTINA FUGAZI
Mayor of the City of Stockton

ATTEST:

KATHERINE ROLAND, CMC, CPMC
City Clerk of the City of Stockton

Vacant Commercial Property Ordinance

City Council Meeting

March 4, 2025

Item 16.1

Background

- ▶ **November 22, 2022:** Stockton PD provided an update to Council regarding tools, tasks, and staffing required to operate a program of this magnitude.
- ▶ **October 18, 2023, and January 17, 2024 :** Updates provided to Legislative and Environmental Committee regarding establishing a Vacant Commercial Registration Program
- ▶ **February 3, 2025:** Legislative and Environmental Committee provided direction to staff to implement the ordinance

Vacant Commercial Building Defined:

- ▶ Property is considered vacant after greater than 50% of commercial units in the building have been unoccupied for over 180 days.
- ▶ Approximately 250 vacant commercial buildings within the City.

Vacant Commercial Property Ordinance Overview:

- ▶ Currently: No registration requirement for vacant commercial buildings or lots.

- ▶ Proposed Ordinance requires property owners to:
 - ▶ Register their vacant commercial building or lot with the City.
 - ▶ Comply with the Stockton Municipal Code (SMC)
 - ▶ Maintain the property

- ▶ Property owners may be subject to fees, fines, or abatement costs if property not maintained or in compliance with the SMC.

Proposed Fees

- ▶ First Year Fee (and subsequent years if property conforms with SMC 15.32)
 - ▶ \$250
- ▶ Second Year Fee (if the property does not conform with SMC 15.32)
 - ▶ \$500
- ▶ Third and Subsequent Years Fee (if the property does not conform with SMC 15.32)
 - ▶ \$1,000
- ▶ Vacant Lot Annual Fee
 - ▶ \$250

Recommendation

- ▶ Adopt an ordinance creating Title 15, Chapter 15.34 “Vacant Commercial Property and Vacant Lot Registration”
- ▶ Approve a Resolution to amend the FY 2024-25 Fee Schedule
- ▶ Authorize the City Manager, or designee, to take all appropriate and necessary actions to carry out the purposes and intent of the ordinance and resolution.