

**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.**

- 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: \_\_\_\_\_

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 CHRISTINA FUGAZI  
 Mayor of the City of Stockton

ATTEST:

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