

Chapter 8.59 - VACANT BUILDING SECURITY AND MAINTENANCE

Sections:

8.59.010 - Purpose/scope.

It is the purpose and intent of the El Monte City Council, through the adoption of this chapter, to establish a vacant building security and maintenance program as a mechanism to protect neighborhoods from becoming blighted through the lack of adequate maintenance and security of vacant buildings or structures which have been vacant or unoccupied for more than thirty (30) consecutive days, except as provided in this chapter.

(Ord. 2730 § 4 (part), 2008)

8.59.020 - Definitions.

For the purposes of this chapter, certain words and phrases used in this chapter are defined as follows:

The words "boarded" or "boarding" shall mean and refer to the coverings of all entry points to a building or structure, including all doors, windows and roof openings, with plywood or other materials for the purpose of preventing entry into the building by any person except the owner or an authorized agent of the owner. For the purposes of residential property, the standards for boarding a vacant residential building or structure, shall be substantially in accordance with Attachment No. 4 of HUD Mortgagee Letter 2007-03, dated January 25, 2007. For the purpose of commercial or industrial use property, the standards for boarding a vacant commercial or industrial building or structure to prevent unauthorized entry into the building shall be as directed by written instruction of the Chief Building Official based upon an inspection of the vacant building by the Chief Building Official or his or her designee.

The words "vacant building" means and refers to any building that is unoccupied by any person, or that is occupied by an authorized person for any amount of time.

(Ord. 2730 § 4 (part), 2008)

8.59.030 - Required boarding and maintenance of vacant buildings.

- A. Each vacant building shall be boarded by the owner when the building can no longer be secured against intrusion by unauthorized persons by means of the closing and locking of doors and windows.
- B. Vacant buildings that are immediately dangerous are defined in Chapter 8.58 of this code, and if any such vacant building is open and accessible to the general public, it may be summarily boarded by the city, pursuant to Chapter 8.58 of this code.

- C. Any building that is boarded, whether by voluntary action of the owner, or as a result of enforcement activity by the city, shall be boarded in compliance with the standard as set forth in Section 8.59.020, under the definition of the term "boarded."
- D. Each vacant building shall be actively maintained and monitored by the owner of the parcel of land on which the vacant building is located.

(Ord. 2730 § 4 (part), 2008)

8.59.040 - Maintenance and monitoring of vacant buildings.

Active maintenance and monitoring of each vacant building or structure on each parcel of land shall include all of the following:

- A. Maintenance of landscaping and plant materials on the parcel of land on which the vacant building is located in good condition.
- B. Maintenance of the exterior of the building and exterior signage and signage structures, in good condition.
- C. Regular removal of all exterior trash and debris from the parcel of land on which the vacant building is located.
- D. Maintenance of the vacant building in continuing compliance with all applicable codes and regulations.
- E. Prompt removal of graffiti which has been applied to any exterior surface on the vacant building or fencing surrounding the building, including graffiti applied to any sign attached to the vacant building.
- F. Prevention of criminal activity on the premises (vacant building and/or the parcel of land on which the vacant building is located), including but not limited to use and sale of controlled substances, prostitution and criminal street gang activity.
- G. The posting of a notice in a conspicuous place on the front of the vacant building stating the name, address, and telephone number of both the owner and, if applicable, the owner's agent in control of the building. This notice shall have lettering not less than two (2) inches high, and shall be generally readable from at least thirty (30) feet away.

(Ord. 2730 § 4 (part), 2008)

8.59.050 - Vacant building regulations.

No owner shall allow a building designed for human use or occupancy to be a vacant building for more than thirty (30) days, unless one of the following applies:

- A. The building is the subject of an active building permit for repair or rehabilitation and the owner is progressing diligently to complete the work of repair or rehabilitation.

- B. The condition of the building complies with all codes, does not contribute to blight, is ready for occupancy, as evidenced by a current certificate of occupancy, and is both actively being:
1. Offered by the owner for sale, lease, or rent; and
 2. Maintained and monitored by the owner as provided in Section 8.59.040.

(Ord. 2730 § 4 (part), 2008)

8.59.060 - Monitoring fee for vacant nuisance properties.

Any vacant building that also constitutes a public nuisance, as defined under this code or as declared to be a public nuisance by the City Council or by the City Attorney in a manner permitted by other applicable law, shall be subject to monthly monitoring fee and enforcement response fee, to recover the city's regulatory costs to monitor and respond to the vacant building. The separate monthly monitoring fee and enforcement response fee as authorized under this section shall be in an amount set by resolution of the City Council and payable by the owner of the parcel of land on which the vacant building is situated. The monitoring fee shall be applicable even in the absence of any action, administrative or otherwise, by the city pursuant to any other provision of the city code. The monitoring fee shall be imposed upon the initial determination that the vacant property or building constitutes a public nuisance. The fee shall thereafter be imposed during each thirty (30) day period following the imposition of the initial monitoring fee. On buildings requiring more than one involuntary city enforcement response within any thirty (30) day period, an additional and separate enforcement response fee shall be imposed upon the owner of the property, for each response, upon the owner. Monitoring fees shall be imposed as long as the vacant building remains a public nuisance as provided in this section.

Any monitoring fee imposed pursuant to this section may be appealed by the owner of the parcel of land on which the vacant building is situated to the city in the same manner as is specified in Chapter 1.18 of this code.

(Ord. 2730 § 4 (part), 2008)

8.59.062 - Administrative penalty.

Notwithstanding the provisions of Section 1.18.040 of this code, any owner of a parcel of property on which a building is situated which is in violation of Section 8.59.030 or 8.59.050 shall be subject to an administrative penalty, in an amount not to exceed one thousand dollars (\$1,000.00) per building for the first violation.

A second administrative penalty shall be imposed upon an owner pursuant to this chapter if the owner's building remains in violation of Section 8.59.030 or 8.59.050 thirty (30) days following the imposition of the first administrative penalty. Additional penalties may be imposed for each succeeding thirty (30) day period

following the imposition of the preceding administrative penalty under this chapter. Additional penalties may be imposed for each violation so long as the violation continues. A second and subsequent penalty shall be in an amount not to exceed two thousand five hundred dollars (\$2,500.00).

If a previous administrative penalty has been imposed pursuant to this chapter upon an owner within six (6) months of the date of the imposition of the prior administrative penalty, and that previous administrative penalty related to a vacant building other than the building subject to a subsequent administrative penalty, any such penalty imposed shall be imposed pursuant to Section 1.18.030 of this code, but in no case shall it be less than two thousand dollars (\$2,000.00), nor more than ten thousand dollars (\$10,000.00).

(Ord. 2730 § 4 (part), 2008)

8.59.064 - Additional authority.

In addition to the enforcement remedies established in Chapters 1.18, 1.19 and 1.24 of this code, the Chief Building Official, or his or her designee, shall have the authority to require the beneficiary/trustee/owner and/or owner of record of any property affected by this section to implement additional maintenance and/or security measures including but not limited to securing any/all door, window or other openings, installing additional security lighting, increasing on-site inspection frequency, employment of an on-site security guard or other measures as may be reasonably required to arrest the decline of the property and/or the vacant building.

(Ord. 2730 § 4 (part), 2008)

8.59.070 - Enforcement.

- A. A violation of this chapter may be enforced by any means as authorized in Chapters 1.18, 1.19 and/or 1.24 of this code.
- B. The city shall be entitled to recover any fees, costs, fines, or penalties, without limitation, incurred by the city with respect to any action taken pursuant to this chapter as provided by Chapter 1.19 of this code or as otherwise authorized by law.

(Ord. 2730 § 4 (part), 2008)

(Ord. No. 2949, § 5, 7-2-2019)

8.59.075 - Appeals.

Any person aggrieved by any of the requirements of this chapter, or by an order of the Chief Building Official, may appeal such matter as provided in Chapter 1.18 of this code.

(Ord. 2730 § 4 (part), 2008)

8.59.080 - Violation/penalty.

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 under Section 1.24.010 and/or administrative enforcement under Chapter 1.18 or 1.19.

(Ord. 2730 § 4 (part), 2008)

8.59.090 - Severability.

If any provision, section, paragraph, sentence or word of this chapter is determined or declared invalid by any final court action in a court of competent jurisdiction or if the application of any provision, section, paragraph, sentence or word of this chapter is inapplicable to a specific situation by reason of any preemptive state or federal legislation or regulation, the remaining provisions, sections, paragraphs, sentences or words of this chapter shall remain in full force and effect.

(Ord. 2730 § 4 (part), 2008)

8.59.092 - Reserved.

Editor's note— Ord. No. 2934, § 3, adopted August 21, 2018, repealed § 8.59.092. Former § 8.59.092 pertained to sunset and derived from Ord. 2730, adopted 2008; Ord. No. 2755, adopted August 3, 2010; Ord. No. 2800, adopted July 31, 2012 and Ord. No. 2863, adopted August 18, 2015.