

CHAPTER 101: VACANT, BLIGHTED BUILDINGS - REGISTRATION AND MAINTENANCE

Section

- 101.01 Definitions
- 101.02 Condition
- 101.03 Registration required
- 101.04 Maintenance
- 101.05 Non-compliance
- 101.06 Occupancy
- 101.07 Grace period

§ 101.01 DEFINITIONS.

For purposes of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BLIGHT. The condition of a specific property or group of properties where the conditions are visible from public streets or right-of-ways and substantially detract from the aesthetics and economic value of the neighboring properties including health and safety hazards, public nuisance, crime, neglect and deterioration of property.

LANDSCAPING. At least 50% of the non-paved portions of the exterior yards (those that are visible to the general public) shall be covered with live trees, shrubs, lawns, or other live or synthetic lawn materials, and the remaining portion of the non-paved portions of the exterior yards shall be covered with live trees, shrubs, lawns, or other live plant materials or shall have decorative landscaping installed, so long as weed block is used where decorative landscaping is installed. Notwithstanding the above, all unpaved areas of a park strip may be landscaped with decorative landscaping, so long as weed block is used.

OVERGROWN. Grass, lawn blades, or weeds that are:

- (1) Over 12 inches long or any ground covering plant material that extends over 12 inches onto a public street, curb, gutter, or sidewalk; or
- (2) Over six inches long or any ground covering plant material that extends over six inches on to the public street, curb, gutter or sidewalk when the condition exists in combination with one or more other violations under this Code.

PARK STRIP. That portion of a street right-of-way that lies between the sidewalk and the outside edge of a street, gutter, or gutter lip, including a driveway approach. Where no curb exists, **PARK STRIP** shall mean the area of property from the sidewalk to the edge of the street pavement.

VACANT BLIGHTED BUILDING. A vacant residential, commercial, or industrial building and all yards surrounding the building that is in violation of one or more provisions of the San Joaquin Municipal Code or California state law, and therefore reduces the aesthetic appearance of its neighborhood, area or district, is offensive to the senses, or is detrimental to nearby properties uses or property values. A blighted building includes a vacant building and the yards surrounding the building that are not being actively maintained, or actively monitored, or actively secured.

VACANT BUILDING. Real property with one or more structures, whether residential, commercial, industrial, or otherwise that is/are unoccupied or occupied by unauthorized persons. In the case of a multi-unit structure or complex, **VACANT** shall mean 50% or more of the units are unoccupied or occupied by unauthorized persons.

(Ord. 2017-102, passed 9-12-2017)

§ 101.02 CONDITION.

All vacant buildings shall be maintained in a non-blighted condition, consistent with the requirements of this chapter. A vacant building in a blighted exterior condition shall be deemed a public nuisance. If the City Manager or City Manager's designee finds the building is being maintained in a blighted condition, the city may issue a notice of correction to the property owner and the property owner may be subject to fines and penalties as set forth in this chapter or as otherwise authorized under this Code.

(Ord. 2017-102, passed 9-12-2017)

§ 101.03 REGISTRATION REQUIRED.

All buildings that have been or are expected to be vacant for longer than 30 days shall be registered, at no cost, with the city. The registration shall include the identity of all record owners, the street address of the vacant building, and a local contact, and shall be maintained only for internal use by the city and law enforcement working for the city.

(Ord. 2017-102, passed 9-12-2017)

§ 101.04 MAINTENANCE.

All vacant buildings shall be actively maintained, monitored and secured in compliance with all of the following standards:

(A) Maintain all yards visible from any public right-of-way, including interior yards visible from adjacent properties to be maintained in a safe and sanitary condition, including keeping all plant materials controlled to avoid overgrowth as defined in this chapter; including park strips, with landscaping as defined in this chapter, installed and maintained in a trimmed, live and healthy condition; the requirements of this division to maintain live plant material shall not be effective if and during the time the city has implemented water shortage contingency rationing under its water conservation requirements.

(B) Maintain the exterior of the building, including but not limited to, paint, finishes, roofing materials, siding, stucco, masonry, railings, steps, gutters, and structural elements in good condition. Painted surfaces shall be deemed in good condition if there is at least 95% coverage of the structural element that is painted.

(C) Remove all trash and debris from exterior of the property within 72 hours of notification.

(D) Comply with all applicable state and local codes and regulations, and any applicable city issued permits and site plans in the replacement and repair of all elements of the exterior of the building.

(E) Take all reasonable steps necessary to prevent criminal activity, including, but not limited to, the use and sale of controlled substances, prostitution, and criminal street gang activity, on the premises. Examples of reasonable steps include actively monitored security alarm systems, cameras, and frequent physical inspections.

(F) Secure and maintain the property, both structure and grounds, against trespassers, including maintaining all windows and doors with locks, replacing all broken doors or windows, and securing any other openings into the structure that are readily accessible to. Securing windows that are visible from any public right-of-way shall be done only with rigid transparent material such as clear Lexan type material with a minimum of 1/8-inch thickness to 1/2-inch thickness. No opaque (typically plywood) boarding materials shall be used where visible from a public right-of-way following 60 days of the effective date of this chapter.

(G) Remove all graffiti on the property within 48 hours of placement on the property.

(H) Maintain the property free of all fire hazards.

(I) Maintain the property free of any attractive nuisance, as defined in Chapter 97 of this Code.

(Ord. 2017-102, passed 9-12-2017)

§ 101.05 NON-COMPLIANCE.

Failure by the property owner to comply with each of the standards set forth in §101.04 above for the exterior of a vacant building within 30 days of notification under this chapter is a separate violation of this Code and subject to the following penalties:

(A) Use of any abatement procedure provided in Chapter 97 of Title IX of this Code;

(B) Issuance of a criminal citation under this Code, should the owner of a vacant building be found responsible for three or more violations of this chapter on three or more separate buildings within a 30-day period;

(C) Issuance of an administrative citation under this Code. There shall be a presumption that a violation continued from day to day between the initial inspection date at which it was observed by the city and a subsequent inspection date at which it continued to exist; and/or

(D) Vacant properties that are not registered on the city's vacant property registry shall be subject to an administrative citation of \$250 per month; and/or

(E) Institution of legal action to pursue any available legal remedy, including but not limited to receivership or injunction, by the City Attorney upon request by the City Council.

(Ord. 2017-102, passed 9-12-2017)

§ 101.06 OCCUPANCY.

If a vacant building has been found to be in violation of this chapter, the building shall not be occupied until all fines and abatement costs are paid, or acceptable arrangements with the city for payment have been made, and the owner certifies the property meets all health and safety code standards that are required for occupancy and the property owner receives a written release from the city. The city reserves the right to require an interior inspection of the property to ensure the property meets local and state law requirements for habitability prior to issuing the city's release for occupancy.

(Ord. 2017-102, passed 9-12-2017)

§ 101.07 GRACE PERIOD.

Owners of newly acquired blighted vacant buildings shall have 30 days from the date of legal possession of the building to be in compliance with this chapter.

(Ord. 2017-102, passed 9-12-2017)