

ORDINANCE NO. 2024 - 1250

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UKIAH ADDING CHAPTER 13 TO DIVISION 3 OF THE CITY CODE, ENTITLED "VACANT AND ABANDONED PROPERTY REGISTRATION AND MAINTENANCE".

The City Council of the City of Ukiah hereby ordains as follows:

SECTION ONE. FINDINGS

1. Neglected vacant or abandoned properties are a major source of blight in the City of Ukiah and pose serious threats to public health, safety, and welfare. They attract criminal and unsafe activities, and as such, are vulnerable to fire, theft, and other illegal activities. The presence of neglected vacant or abandoned buildings and storefronts can lead to neighborhood decline, create nuisance conditions, lower property values, and discourage investment.
2. It is the responsibility of property owners, lenders, trustees, or others with possessory, equitable, or legal interests in the neglected vacant or abandoned lots, buildings including without limitation historic buildings or structures, to maintain, secure, and prevent these buildings and lots from becoming a burden to the neighborhood and community or a threat to public health, safety and welfare.

SECTION TWO.

A new Chapter 13, entitled "VACANT AND ABANDONED PROPERTY REGISTRATION AND MAINTENANCE," shall be added to Division 3 of the Ukiah City Code and shall read as follows:

CHAPTER 13 VACANT AND ABANDONED PROPERTY REGISTRATION AND MAINTENANCE

§3480 PURPOSE

It is hereby declared to be in the public interest to promote the health, safety and welfare of the residents of the City of Ukiah through the adoption of this Chapter, to establish an abandoned or vacant property registration program for residential and commercial properties as a mechanism to protect neighborhoods and commercial areas from becoming blighted through the lack of adequate maintenance and security of abandoned and vacated properties, which program and procedures shall be in addition to all other proceedings authorized by this Code or otherwise by law.

§3481 DEFINITIONS

For the purposes of this Chapter, the following words and phrases are defined as set forth below:

Abandoned Property: Real property that is vacant and either:

1. Under a current notice of default;
2. Under a current notice of trustee's sale;
3. Pending a tax assessor's lien sale;

4. The subject of a foreclosure sale where the title was retained by the beneficiary of a deed of trust involved in the foreclosure; or

5. Transferred under a deed in lieu of a foreclosure sale.

Beneficiary: A lender or holder of a note secured by a deed of trust. When any act is required of the beneficiary and/or the trustee by this Chapter, both are responsible for performing such act and may be charged with a violation of this Code for failure to act.

Deed of Trust: An instrument by which title to real estate is transferred to a third-party trustee as security for a real estate loan and often used in California instead of a mortgage. This term shall include any and all subsequent deeds of trust, i.e., second trust deed, third trust deed, etc.

Distressed: A property that is legally occupied, and either:

1. Under a current notice of default;
2. Under a current notice of trustee's sale;
3. Pending a tax assessor's lien sale;
4. The subject of a foreclosure sale where the title was retained by the beneficiary of a deed of trust involved in the foreclosure; or
5. Transferred under a deed in lieu of a foreclosure sale.

Evidence of vacancy: Any condition that, on its own or combined with other existing conditions, would lead a reasonable person to believe that a property is vacant and not occupied by authorized persons. Such conditions include, but are not limited to, overgrown and/or dead vegetation, accumulation of newspapers, circulars, flyers and/or mail, past due utility notices or disconnected utilities, accumulation of trash, junk and/or debris, the absence of window coverings such as curtains, blinds and/or shutters, the absence of furnishings and/or personal items consistent with residential habitation, and statements by neighbors, passersby, delivery agents, government employees that the property is vacant.

Legal owner: An owner of residential property purchased by that owner at a foreclosure sale or acquired by that owner through foreclosure under a mortgage or deed of trust, as the term is used in California Civil Code § 2929.3.

Local: Within the City of Ukiah city limits.

Notice of default: A recorded notice that a default has occurred under a deed of trust and that the beneficiary intends to proceed with a trustee's sale.

Out of area: outside the City of Ukiah city limits.

Owner: The person having recorded title to the property at any given point in time the record is provided by the Mendocino County recorder's office.

Property: Any unimproved or improved real property, or portion thereof, situated in the City, including the buildings or structures located thereon.

Responsible person: Any person, partnership, association, corporation or fiduciary having legal or equitable title to or any interest in any real property. This term includes trustees and beneficiaries of a deed of trust on the property and any other lien holder on the property.

Secure, Securing: Such measures as may be directed by the City Manager, Building Official, Code Enforcement Officer, Police Chief, Fire Chief, Fire Marshall, or their authorized agents, that assist in rendering the property inaccessible to unauthorized persons, including, but not limited to, the repairing of fences and walls, chaining or padlocking of gates, the repairing or boarding of doors, windows and/or other openings. If boarding of the property is required, such boarding shall be completed to a minimum of the current securing standards of the department of housing and urban development.

Trustee: The person, firm or corporation holding a deed of trust on a property. When any act is required of the beneficiary and/or the trustee by this Chapter, both are responsible for performing such act and may be charged with a violation of this Code for failure to act.

Trutor: A borrower under a deed of trust who deeds property to a trustee as security for the payment of a debt.

Vacant: A property that is not occupied by authorized persons.

§3482 REGISTRATION OF ABANDONED OR VACANT PROPERTIES

A. All abandoned or vacant properties shall be registered with the Business Services Division of the City of Ukiah Community Development Department in accordance with this Section. Any beneficiary and/or trustee who holds a deed of trust on a property located within the City shall, upon default by the trutor, perform an inspection of the property that is security for that deed of trust. This inspection shall be performed prior to recordation of a notice of default with the Mendocino County recorder's office. If the property is found to be vacant, or shows evidence of vacancy, such property shall be deemed abandoned for purposes of this Chapter, and the beneficiary and/or trustee shall, within ten days of the inspection, register the property with the Community Development Department, on a form provided by the Business Services Division. If the property is occupied by authorized persons at the time of inspection, the property shall be re-inspected on a monthly basis until:

1. The default is remedied by the trutor;
2. The foreclosure is completed and the ownership is transferred to a new owner who is not the former beneficiary and/or trustee; or
3. The property is found to be vacant, at which time it shall be registered with the Business Services Division of the Community Development Department within ten days of the inspection.

B. Registration under this Chapter shall include the following information for both the beneficiary and trustee:

1. The street address (not a P.O. box) of the corporation or individual, and if different, the mailing address.
2. A direct contact name and telephone number for the person handling the deed of trust and/or foreclosure.

3. The local property manager responsible for the security and maintenance of the property, if the beneficiary or trustee is located out of the area or if the beneficiary or trustee is unable to conduct regular inspections and maintenance of the registered property.

C. The registration shall also include the annual registration fee, as established and as may be adjusted from time to time by City Council resolution. The amount of the fee charges shall not exceed the reasonable estimated cost of administering the provisions of this Chapter.

D. Registration of a property shall be valid for one year from the date that the property is registered with the City. Registration with the City shall be annually renewed prior to the expiration of the current registration.

E. Any change in the information required by Subsection B of this Section must be reported to the Business Services Division of the Community Development Department within ten days of that change.

§3483 MAINTENANCE REQUIREMENTS

Responsible persons, including beneficiaries and/or trustees, shall maintain vacant, abandoned or distressed properties located within City limits, as set forth below:

A. The property shall be kept free of items that show evidence that the property is vacant or abandoned, including, but not limited to, weeds, dry brush, dead or overgrown vegetation, trash, junk, debris, building materials, accumulated newspapers, circulars, flyers, notices, discarded personal items, such as furniture, clothing, appliances, and printed material.

B. The property, or structures thereon, shall be maintained free of graffiti, tagging or similar markings by removal or painting over with an exterior grade of paint that matches the color of the exterior of the affected structure or property.

C. Visible front and side yards of such property shall be acceptably landscaped and maintained.

1. Acceptable landscaping includes, but is not limited to, grass or similar ground cover; bushes, shrubs, hedges or similar plantings; and decorative rock or bark. Unacceptable landscaping includes, but is not limited to, weeds, gravel, broken concrete, asphalt, decomposed granite, plastic sheeting, mulch, indoor-outdoor carpet or other similar materials.

2. Acceptable maintenance includes, but is not limited to, regular watering, irrigation, mowing, cutting, trimming or pruning of vegetation and removal thereof.

D. Pools, spas, and hot tubs shall either be:

1. Kept in working order so that the water remains clear and free of pollutants, debris, mosquitoes, mosquito larvae or other similar pests, or

2. Drained and kept dry.

All properties with pools, spas, or hot tubs must comply with security fencing requirements mandated by California law.

E. If any vacant or abandoned property is owned by an out of area beneficiary, trustee, or owner, such person or entity shall contract with a local property management company to perform maintenance required by this Section.

F. Compliance with this Chapter does not relieve any responsible person of any other obligations set forth in this Code or other state and federal laws, or covenants conditions and restrictions, or any homeowners' association rules that may apply to the property.

§3484 SECURITY REQUIREMENTS

A. Responsible persons shall secure all vacant and abandoned properties against unauthorized entry. This includes, but is not limited to, closing and locking all windows, doors (including sliding doors and garage doors), gates, and any other openings of such size that would allow a child to access the interior of the property and buildings or structures thereon. If doors or windows cannot be secured by other means, they may be boarded.

B. If any vacant or abandoned property is owned by an out of area beneficiary, trustee, or owner, and if such beneficiary, trustee, or owner cannot physically maintain and regularly inspect the property, such person or entity shall contract with a local property management company to perform weekly inspections to ensure that the requirements of this Chapter, and any other applicable laws, are being met.

C. All vacant and abandoned property shall be posted with the name and a 24-hour contact phone number for the trustee, beneficiary, owner or local property management company responsible for the maintenance and security of the property. The posting shall conform to the following requirements:

1. The posting shall be 18" x 24" and lettering on the posting shall be of a 1" font size.
2. The posting shall state "THIS PROPERTY MANAGED BY _____. TO REPORT PROBLEMS OR CONCERNS, CALL _____."
3. The posting may be placed in any of the following locations, so long as the posting is visible from the street facing the front of the property:
 - a. In the interior of a window;
 - b. Secured to the exterior of the building; or
 - c. On a stake of sufficient size to support the posting.

Any exterior posing shall be constructed of and printed with weather-resistant materials.

§3485 MONITORING PROGRAM AND PURPOSE

A. Vacant buildings are a major cause and source of blight in residential and nonresidential neighborhoods, especially when the owner of the building fails to maintain and manage the building to ensure that it does not become a liability to the neighborhood. Vacant buildings often attract transients and criminals, including drug users. Use of vacant buildings by transients and criminals, who may employ primitive cooking or heating methods, creates a risk of fire for the vacant buildings and adjacent properties. Vacant properties are often used as dumping grounds for junk and debris and are often overgrown with weeds and grass. Vacant buildings which are boarded up to prevent

entry by transients and other long-term vacancies discourage economic development and retard appreciation of property values.

B. Because of the potential economic and public health, welfare and safety problems caused by vacant buildings, the City needs to monitor vacant buildings, so that they do not become attractive nuisances, are not used by trespassers, are properly maintained both inside and out, and do not become a blighting influence in the neighborhood. City departments involved in such monitoring include Police, Community Development, and the Ukiah Valley Fire Authority. There is a substantial cost to the City for monitoring vacant buildings (whether or not those buildings are boarded up), which should be borne by the owners of the vacant buildings. The fees for a monitoring program pursuant to the provisions of this Chapter shall be separate from and in addition to any registration fees or administrative penalties required or otherwise assessed pursuant to the provisions of this Chapter.

§3486 MONITORING PROGRAM PROCEDURES

A. Authority. The Chief Code Enforcement Officer shall be responsible for administering a program for identifying and monitoring the maintenance of all vacant buildings in the City. The program shall be documented and regularly updated. The program shall be available for public review.

B. Purposes. The purposes of the monitoring program shall be:

1. To identify buildings that become vacant;
2. To order vacant buildings that are open and accessible to be secured against unlawful entry pursuant to City codes, including the building code, or other applicable law;
3. To initiate proceedings against the owner of any vacant building found to be substandard as defined in this Chapter or a nuisance under any other provision of this Code;
4. To maintain surveillance over vacant buildings so that timely enforcement proceedings are commenced in the event a building becomes substandard or a nuisance; and
5. To establish and enforce rules and regulations for the implementation and compliance with the provisions of Sections 3482-3484 of this Chapter.

C. Fee imposed. There is imposed upon every owner of a vacant building monitored pursuant to this Chapter, an annual vacant building monitoring fee in an initial amount as the City Council may establish by resolution, provided that the fee shall not exceed the estimated reasonable cost of monitoring the vacant building. The fee shall be applied as to any building, residential or nonresidential, which:

1. Is boarded up by voluntary action of the owner or as the result of enforcement activities by the City; or
2. Is vacant for more than 90 days for any reason.

D. Fee waiver. The vacant building monitoring fee shall be waived upon a showing by the owner that:

1. The owner has obtained a building permit and is progressing diligently to repair the premises for occupancy; or
2. The building meets all applicable codes and is actively being offered for sale, lease, or rent.

E. Procedure. The vacant building monitoring fee shall be billed to the owner of the property and mailed to the owner's address as set forth on the last equalized assessment roll of the Mendocino County assessor. Any owner billed may apply for a waiver on the grounds set forth in Subsection D of this Section by submitting a written statement of the grounds for the waiver, and the owner's daytime telephone number, to the Chief Code Enforcement Officer within 30 days after the billing is mailed to the owner. The owner shall provide substantial evidence in support of the owner's statement of the grounds for the waiver. The Chief Code Enforcement Officer shall review the written statement and all related evidence and may contact the owner to discuss the application for waiver. The Chief Code Enforcement Officer shall prepare a written decision which shall be mailed to the owner and shall set forth the reasons for the decision.

F. Any owner aggrieved by the decision of the Chief Code Enforcement Officer relating to an application for waiver may appeal the Chief Code Enforcement Officer's decision to the City's Hearing Officer by filing with the City Clerk a written notice of appeal within ten days of the decision. The Hearing Officer shall set a time and place for a hearing of such appeal, and notice of such hearing shall be mailed, postage prepaid, to the owner at his or her last known address at least ten days prior to the date set for the hearing. The decision and order of the Hearing Officer on such appeal shall be final and conclusive.

G. If the fee is not paid within 60 days after billing, or within 60 days after the decision of the Chief Code Enforcement Officer, the Chief Code Enforcement Officer may thereupon order that the fee be specially assessed against the property involved. If the Chief Code Enforcement Officer orders that the fee be specially assessed against the property, it shall confirm the assessment and thereafter said assessment may be collected at the same time and in the same manner as ordinary real property taxes are collected and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary real property taxes. All laws applicable to the levy, collection, and enforcement of real property taxes are applicable to the special assessment.

H. The City is also authorized to record a notice of lien. The notice shall, at a minimum, identify the record owner or possessor of the property, set forth the last known address of the record owner or possessor, a description of the real property subject to the lien, and the amount of the fee.

§3487 ENFORCEMENT

A. Any violation of this Chapter shall constitute a public nuisance.

B. Any person, partnership, association, corporation, fiduciary or other legal entity, that owns, leases, occupies, controls or manages any property subject to this Chapter and that causes, permits, or maintains a violation of this Chapter, shall be guilty of a misdemeanor. Violations shall be treated as a strict liability offense; a violation shall be deemed to have occurred regardless of a violator's intent.

C. If the Chief Code Enforcement Officer determines a violation of this Chapter exists, the enforcement official may issue an administrative citation for each day a violation exists, containing fines up to \$1,000.00 per day, per violation, as provided in Chapter 12, Division 3 of this Code, or up to \$2,500 per day, per violation, as provided in Chapter 11, Division 3 of this Code, whichever is applicable. The table below provides guidance as to how these fines will be assessed. The Chief Code Enforcement Officer has discretion to charge the maximum daily penalties depending on the severity and danger to health and safety of the violation.

Days in Violation	Residential Units	Commercial Units
1 to 10	\$100.00 Per Day	\$250.00 Per Day
11 to 30	\$250.00 Per Day	\$500.00 Per Day
Over 30	\$1,000.00 Per Day	\$2,500.00 Per Day

D. This Section is intended to be cumulative to, and not in place of, other rights and remedies available to the City pursuant to this Code or state law, including any civil, criminal and/or administrative action.

E. Any and all costs, including attorney's fees, incurred by the City in enforcing this Chapter shall be recoverable, and shall constitute a lien and special assessment against the subject property, pursuant to the definitions and procedures in Chapters 11 and 12 of this Division, whichever is applicable, and as otherwise provided by this Code.

§3488 JOINT AND SEVERAL LIABILITY

The duties/obligations specified in this Chapter shall be joint and several among and between all trustees and beneficiaries and their respective agents.

SECTION THREE.

1. SEVERABILITY.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council of the City of Ukiah hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

2. EFFECTIVE DATE.

This Ordinance shall be published as required by law in a newspaper of general circulation in the City of Ukiah, and shall become effective thirty (30) days after its adoption.

Introduced by title only on December 18, 2024, by the following roll call vote:

AYES: Rodin, Criss, Orozco, Sher, and Mayor Crane.
 NOES: None.
 ABSENT: None.
 ABSTAIN: None.

Adopted on January 15, 2025, by the following roll call vote:

AYES: Rodin, Criss, Orozco, Sher, and Mayor Crane.
 NOES: None.
 ABSENT: None.
 ABSTAIN: None.


 Douglas F. Crane, Mayor

ATTEST:


 Araceli Sandoval, Deputy City Clerk