

Introduced by Councilmember:

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PASADENA AMENDING TITLE 14 OF THE PASADENA MUNICIPAL CODE TO ADD CHAPTER 14.70 TO SPECIFY MAINTENANCE REQUIREMENTS FOR VACANT BUILDINGS AND LOTS, AMENDING VARIOUS SECTIONS OF TITLE 17 OF SAID CODE REGARDING DEVELOPMENT STANDARDS, AND REPEALING SECTION 17.64.280 (“VACANT LOTS AND BUILDINGS”)

The People of the City of Pasadena ordain as follows:

SECTION 1. This ordinance, due to its length and the corresponding costs of publication, will be published by title and summary as permitted by Section 508 of the City Charter. The approved summary of this ordinance reads as follows:

“SUMMARY

The purposes of Ordinance No. _____ are to minimize the period of time a commercial or residential building creates visual blight in the community, to hasten the abatement of nuisances on vacant lots, and to eliminate duplicative provisions in the Zoning Code. The ordinance requires the owner of a vacant building and/or lot who receives two notices of violation within a twelve-month period, to register the property with the City and submit a maintenance plan. In the event, the owner fails to comply with the registration and maintenance requirements, the administrator of neighborhood services is then authorized to initiate maintenance, with the costs to be billed to the owner. The ordinance also repeals certain duplicative sections of Title 17, the Zoning Code. This ordinance shall take effect upon the expiration of 30 days from its publication by title and summary.”

SECTION 2. The Pasadena Municipal Code is amended to add a new Chapter 14.70 to

read:

"Chapter 14.70

**VACANT BUILDING AND VACANT LOT MAINTENANCE
AND REGISTRATION ORDINANCE**

Sections:

- 14.70.010 - Short title.**
- 14.70.020 - Definitions.**
- 14.70.030 - Purpose.**
- 14.70.040 - Responsibility for enforcement.**
- 14.70.050 - Violation.**
- 14.70.060 - Notification of owner.**
- 14.70.070 - Change of ownership**
- 14.70.080 - Required information.**
- 14.70.090 - Vacant building plan.**
- 14.70.100 - Approval of plan/Modification/Appeal.**
- 14.70.110 - Standards of approval.**
- 14.70.120 - Removal of property from registry.**
- 14.70.122 - Fees**
- 14.70.125 - Special Assessment.**
- 14.70.130 - Alternative enforcement options.**

14.70.010. Short title.

This chapter shall be known as the "vacant building and lot maintenance and registration ordinance."

14.70.020. Definitions.

- A. "Administrator" shall mean the administrator of the Neighborhood Services Division.
- B. "Owner" shall mean the person owning the property as shown on the last equalized tax assessment roll maintained in the L.A. County Assessor's Office.
- C. "Public nuisance" shall mean any act or condition which poses a danger to health or

safety or is offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, or any of the prohibited activities or conditions as set forth in the Property Maintenance and Nuisance Abatement Ordinance.

D. "Visual blight" shall mean any unreasonable or unlawful condition or use of premises or of building exteriors which by reason of its appearance, as viewed at ground level from public streets or neighboring premises, is detrimental to the property of others, or conditions which violate the Property Maintenance and Nuisance Abatement Ordinance, or conditions which violate §14.70.050 (E),(F) and (G) of this chapter.

14.70.030. Purpose.

The purposes of this ordinance are to abate nuisances, and implement a vacant building/lot maintenance plan aimed at minimizing the period of time a building is in a blighted condition, and to hasten abatement of nuisances on vacant lots.

14.70.040. Responsibility for enforcement.

The administrator of neighborhood services shall have responsibility for administration and enforcement of this chapter. In the event a property owner fails, neglects or refuses to abate the nuisance conditions as ordered by the Code Enforcement Commission, the administrator may cause the same to be abated by city employees or by private contract. The costs shall then be billed to the owner and shall become due and payable 30 days thereafter.

14.70.050. Violation.

It is unlawful and a misdemeanor for an owner to do any of the following:

A. Maintain any vacant lot or building in a blighted condition in violation of the

Property Maintenance and Nuisance Abatement Ordinance and this section;

B. Fail to register a vacant lot or building with the Neighborhood Services

Division after receiving two notices of violation in a twelve-month period;

C. Fail to submit a property maintenance plan within ten (10) days after receiving a second notice of violation within a twelve-month period;

D. Fail to comply with an approved vacant building or lot plan or approved modification thereto;

E. Permit the exterior of a building to be in a state of partial construction beyond the expiration date in a building permit;

F. Partially demolish a building; and

G. Permit 50% of a vacant building's painted surface or stucco to be in a state of peeling, cracking or deterioration after notification by the city.

14.70.055. Appeal Rights.

The owner shall have the right to file an appeal of the Notice of Violation and Public Nuisance and costs assessed by the City in abating the nuisance. Appeal shall be filed with the Code Enforcement Commission within ten (10) days of receipt of the Notice or confirmed costs. The decision of the commission regarding costs shall be final. The property owner shall be notified that judicial review of the commission decision is available under the provisions of the California Code of Civil Procedure.

14.70.060. Notification of owner.

A. The administrator of the neighborhood services division shall send the owner a

Notice of Violation and Public Nuisance by first class mail, return receipt requested, notifying the owner that the building or lot has been cited twice within a twelve (12) month period and must be registered and a vacant building or lot plan submitted to the City. The nature of the public nuisance shall be specified in the Notice. The Notice shall also be posted on the property.

B. The owner shall have 30 days to register the property and submit a maintenance plan. If the owner fails to register the property and submit a maintenance plan, the administrator shall place the property on the registry and prepare a maintenance plan. City staff shall maintain the property with the costs to be paid by the owner.

14.70.070. Change of ownership.

If ownership of a vacant building changes during a registration period, the plan shall remain in effect until the new owner has filed a new registration with the city. The new registration shall be in the same form as the original registration and the fee shall be waived for the registration period when the transfer occurred.

14.70.080. Required information.

The owner registering a vacant building shall supply to the city the following information in a written document within 30 days of receiving the second notice of violation:

- A. Name, address and telephone number of owner.
- B. Name, address, and telephone number of any local agent or representative.
- C. Name, address, and telephone number of all persons with any legal interest in the property, building, and premises.
- D. The street address of the building/lot.

- E. The date on which the building or lot became vacant.
- F. A vacant lot or building plan and a diagram of the property.

14.70.090. Vacant building plan.

The vacant building plan shall contain the following:

A. A time schedule and plan of action to repair any doors, windows, or other openings which are boarded-up or otherwise secured by any means other than conventional methods used in the design of the building or permitted for new construction of similar type. The proposed repair shall result in openings secured by conventional methods used in the design of the building or by methods permitted for new construction of similar type. This portion of the plan shall be reviewed by the Urban Conservation Division to ensure compliance with applicable preservation ordinances.

B. A time schedule and plan for regular maintenance of the yard area surrounding the building, including the designation and telephone number of the party or company responsible for maintenance.

C. A time schedule and plan of action to keep any structures present free of graffiti.

D. A time schedule and plan of action to remedy other public nuisances if such are present on the property.

E. If the owner proposes to demolish the vacant building, the plan shall include a time schedule for demolition of the building.

F. An action plan for maintaining the building and keeping it free of trespassers.

G. Long-term plan for use of building or lot.

14.70.100. Approval of plan/Modification/Appeal.

A. The administrator may approve proposed vacant building plans in that official's discretion and in accordance with the standards outlined in Section 14.70.110. If the plan is approved, notice shall be sent to the owner or agent of the vacant building.

B. After notice to the owner, the administrator shall have the right to modify the vacant building plan by altering the dates of performance or the proposed methods of action.

C. The owner may appeal the modification to the Code Enforcement Commission for a final determination. Such appeal must be filed within ten (10) days of receipt of the administrator's notice of modification. The owner may request a hearing or make written objections to be considered with the rest of the administrative record.

D. The decision of the Commission shall be forwarded to the owner or agent of the vacant building within five (5) working days after its adoption.

14.70.110. Standards of approval.

In considering the appropriateness of a vacant lot or building plan, the administrator shall consider the following:

A. The intent of the City Council to minimize the period of time a vacant building or lot creates visual blight in the community .

B. The effect of the proposed plan on adjoining property.

C. The financial condition of the owner.

D. The cost to implement the proposed plan.

E. The length of time the building has been vacant.

F. The presence of any public nuisances on the property.

G. The relative hardship on or gain to the public as contrasted with the hardship or gain to the owner resulting from approval or modification of the proposed plan.

14.70.120. Removal of property from registry.

A. If the building or lot is vacant at the expiration of any registration period and the requirements of the vacant building or lot plan are completed, the property shall be deleted from the City's registry of vacant lots and buildings subject to this chapter.

B. The administrator shall remove property from the registry when the owner obtains a code compliance certificate of occupancy which evidences that there are no health, safety and housing code violations present.

14.70.122. Fees.

A. A fee of \$356.00 must accompany the vacant building or lot registration plan submitted to the administrator. The \$356 fee includes a \$100 filing fee and \$256 for quarterly inspections. For subsequent fiscal years, the fee shall be designated in the city's General Fee Schedule.

B. Registration of a vacant lot or building shall be valid for a period of twelve (12) months. If the building or lot is vacant at the expiration of any registration period and requirements of the vacant building plan are not completed, then the owner shall re-register such building and pay an additional \$356 fee. Fees shall not be prorated or rebated even when the property is removed from the registry prior to the expiration of a twelve-month cycle.

14.70.125. Special assessment.

If the property owner fails to pay abatement costs within thirty (30) days of receipt of a city invoice, the following procedure shall be followed:

A. The City shall keep an itemized report of the expenses involved in abating the nuisance, i.e., the work performed, the cost of the work, including any salvage value and incidental expenses, any administrative costs incurred, a description of the real property upon which the nuisance was located, and the names and addresses of the person entitled to notice under the ordinance. The city shall post conspicuously on the property and shall also mail to the owner of the property a copy of the report of the expenses of the abatement, together with a notice of time and place when the statement will be reviewed and confirmed by the Code Enforcement Commission.

B. If the owner does not pay the expenses of abating the nuisance within 5 days after the time set for reviewing and confirming the statement before the Commission, the cost shall become a special assessment against the real property upon which the nuisance was abated.

C. The total cost for abating the nuisance shall constitute a special assessment against the respective lot or parcel of land to which it relates, and upon recordation with the L. A. County Recorder of a Notice of Lien, shall constitute a lien on said property for the amount of such assessment. After such recordation, a certified copy of the report confirmed by the Commission decision shall be filed with the L. A. County Tax Collector on or before August 15th of each year, whereupon it shall be the duty of said tax collector to add the amounts of the respective assessments to the next regular tax bills levied against said respective lots and parcels

of land for municipal purposes and thereafter said amounts shall be collected at the same time and in the same manner as ordinary municipal 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 municipal taxes. All laws applicable to the levy, collection and enforcement of municipal taxes shall be applicable to such special assessment.

14.70.130. Alternative enforcement options.

The maintenance and registration of a vacant building or lot shall not preclude summary abatement of a public nuisance by the City, or an action to demolish or force rehabilitation of the building pursuant to other provisions in the municipal code or available under other laws.”

SECTION 3. The schedule entitled, “**RS-1, RS-2, RS-4 AND RS-6 DISTRICTS: DEVELOPMENT STANDARDS**” contained in Section 17.20.030 of Title 17 is amended to read as shown in Exhibit 1, attached hereto and incorporated herein by this reference.

SECTION 4. The schedule entitled, “**RM-12 DISTRICT: DEVELOPMENT STANDARDS**” contained in Section 17.22.030 of said code is amended to read as shown in Exhibit 2, attached hereto and incorporated herein by this reference.

SECTION 5. The schedule entitled, “**RM-16, RM-32 AND RM-48 DISTRICTS: DEVELOPMENT STANDARDS**” contained in Section 17.24.030 of said code is amended to read as shown in Exhibit 3, attached hereto and incorporated herein by this reference.

SECTION 6. The schedule entitled, “**CO, CL, CG AND COR DISTRICTS: DEVELOPMENT STANDARDS**” contained in Section 17.28.030 of said code is amended to read as shown in Exhibit 4, attached hereto and incorporated herein by this reference.

SECTION 7. The schedule entitled, “**IG DISTRICT: DEVELOPMENT STANDARDS**” contained in Section 17.32.030 of said code is amended to read as shown in Exhibit 5, attached hereto and incorporated herein by this reference.

SECTION 8. Section 17.64.280 of said code entitled, “**Vacant Lots and buildings**” is hereby repealed.

SECTION 9. This ordinance shall take effect thirty (30) days after publication.

Signed and approved this _____ day of _____ 1998.

Chris Holden
Mayor of the City of Pasadena

I HEREBY CERTIFY that the foregoing ordinance was adopted by the City Council of the City of Pasadena at its meeting held _____, 1998, by the following vote:

AYES:

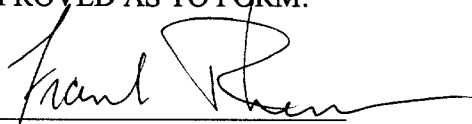
NOES:

ABSENT:

ABSTAIN:

Published:

APPROVED AS TO FORM:



Frank L. Rhemrev
Senior Deputy City Attorney

Jane Rodriguez
City Clerk