

## **ORDINANCE 1390**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SIERRA MADRE ESTABLISHING REQUIREMENTS AND REGULATIONS FOR THE REGISTRATION OF VACANT RESIDENTIAL PROPERTIES.**

**WHEREAS**, the City of Sierra Madre has determined that vacant residences can lead to neighborhood decline and can detract from the aesthetics of the community and quality of life; and

**WHEREAS**, vacant residences can become nuisances, causing the City to incur significant costs in the form of staff time to identify, locate and contact the property owner and/or other responsible parties for code enforcement or public safety actions seeking to maintain and ensure acceptable conditions of these properties; and

**WHEREAS**, the City of Sierra Madre has determined that vacant residents attract vagrants, and/or harbor wild animals, pests, rodents, vectors, and vermin; and

**WHEREAS**, it is the responsibility of the owners of vacant residences and/or any other person(s) holding equity title or any other interest in a vacant residence to prevent such property from becoming a nuisance to the neighborhood and community and/or a threat to the public health, safety, and welfare; and

**WHEREAS**, vacant property owner information collected and maintained by the city would only be accessible by authorized police, fire, code enforcement and public safety personnel; and

**WHEREAS**, notice was duly given of the public hearing on the matter, which public hearing was held before the Planning Commission on August 17, 2017, with all testimony being received being made part of the public record, recommending approval to the City Council; and

**WHEREAS**, the City Council has received the report and recommendations of staff; and

**WHEREAS**, on November 14, 2017, the City Council held a duly noticed public hearing on the matter and introduced Municipal Code Text Amendment 17-05; and

**NOW THEREFORE**, the City Council of the City of Sierra Madre hereby ordains as follows:

**SECTION 1.** Amend Title 8 of the Health and Safety Code, establishing Chapter 8.18 of the Sierra Madre Municipal Code to read as follows:

#### **Chapter 8.18 VACANT RESIDENTIAL PROPERTY REGISTRATION REQUIREMENT**

##### **Sections:**

- 8.18.010 – Purpose and scope
- 8.18.020 – Definitions
- 8.18.030 – Responsible parties
- 8.18.040 – Registration
- 8.18.050 – Registration fees
- 8.18.060 – Property maintenance requirements
- 8.18.070 – Property maintenance plan
- 8.18.080 – Security requirements
- 8.18.090 – Additional requirements

## 8.18.100 – Violations, penalties and appeals

### 8.18.010 - Purpose and Scope.

It is the purpose and intent of the city council, through the adoption of this ordinance, to establish a registration program for vacant residential property as a mechanism to protect residential neighborhoods from becoming blighted through the lack of inadequate maintenance and/or security of vacant properties. Applicable residential zones include the R1 Zone (One Family Residential), R-2 Zone (Two Family Residential), Hillside Management Zone, and Residential Canyon Zone.

### 8.18.020 – Definitions.

As used in this chapter, the following definitions shall apply, and shall supersede any other definitions of the same terms in this code.

“Accessible property” shall mean any property that is accessible either without barrier or through a gate, fence, wall, or other barrier that is broken, unlocked, unsecured, or otherwise missing or lacking.

“Accessible structure” shall mean a building or structure (as defined by the building code) that is unsecured in any manner that could allow access to the interior of the building or structure by unauthorized persons.

“Evidence of vacancy” shall mean any condition that on its own, or combined with other conditions present, would lead a reasonable person to believe that the property is vacant. Such conditions shall include, but shall not be limited to, overgrown and/or dead vegetation; accumulation of newspapers, circulars, fliers, and/or mail; past due utility notices and/or disconnected utilities; accumulation of trash, junk, and/or other debris; the absence of window coverings such as curtains, blinds, and/or shutters; the absence of furnishings and/or personal items consistent with the permitted residential uses permitted within the zone of the real property; or statements by neighbors, passersby, delivery agents, government employees that the property is vacant.

“Out of area” means not within forty (40) driving miles' distance of the subject property.

“Owner” shall mean any person having legal or equitable title or any interest in any real property, including the right to possess and use that property.

“Owner of record” shall mean the person having title to the property at any given point in time as recorded with the Los Angeles County recorder's office.

“Public safety issue” shall mean an event or observation that a representative of the city considers to pose a threat to the uninhabited property, a neighboring property, or a neighboring resident, including, but not limited to, a call or calls for service to which the city or other public safety personnel respond. Examples include trespassing, property damage, fire, suspected illegal activity, compromised power or gas lines, and damaged water pipes.

“Real property” means any improved or unimproved real property owned by any person and/or any building, structure, or other improvement thereon, or any portions thereof.

“Responsible party” shall mean any person or agent thereof for purposes of property maintenance who the property owner designates in writing has having authority to act on the property owner's behalf, and each of whom can promptly respond after being contacted by the city that a public safety issue exists on the vacant property. A “responsible party” includes, but is not limited to, every owner, owner of record, beneficiary, lienholder, trustee, servicing company, real estate agent, property

management company, as well as any person acting on behalf of another responsible party.

“Securing” shall mean and include such measures as may be directed by the city manager (or designee thereof) that assist in rendering real property inaccessible to unauthorized persons, including, but not limited to, the repair of fences, walls, and other barriers; chaining or padlocking of gates; and/or the repair or boarding of doors, windows, and/or other openings. The boarding of any window, door, or other opening shall be completed to a minimum of the current United States Department of Housing and Urban Development (HUD) securing standards at the time the boarding is completed or required and shall be consistent with the requirements of this chapter.

“Vacant property” shall mean a residential property in which the owner or other person authorized by the owner does not live on a day to day basis. Neither periodic visits by a third party nor occupancy by unauthorized persons shall constitute occupancy.

#### 8.18.030 – Responsible parties.

- A. Responsible parties for any real property subject to registration pursuant to this chapter may retain the services of a local property management service provider that shall be responsible for the maintenance and security of the real property. Responsible parties shall provide in writing the name and telephone number of the property management service provider to adjoining neighbors in case of emergency or other issues that arise in connection with the subject property. The retention of a property management service provider shall not relieve other responsible parties of their obligations, duties, or responsibilities for the maintenance and security of the real property.
- B. Responsible parties shall commence the abatement of any unlawful condition existing on real property subject to registration pursuant to this chapter within one-business day for the abatement of property maintenance nuisances, and within one hour to address emergency or public safety issues from the date of being notified of the unlawful condition. Nothing in this chapter relieves any responsible party of the need to obtain approvals, permits, and/or licenses as otherwise required by this code.

#### 8.18.040 – Registration

- A. The owner of any residence vacant or intended to be vacant shall register the property with the city.

Registration shall be made when:

- 1. A property has been vacant for sixty (60) consecutive days or longer;
  - 2. A property becomes vacant or a certificate of occupancy is issued for newly constructed or renovated property, and in either event, the owner does not intend to have the property occupied within sixty (60) days;
  - 3. A property that is vacant during the process of obtaining planning and building entitlements.
  - 4. Vacant properties that are listed for sale.
  - 5. Property owners who are on extended vacations have the option to register their property for information purposes at no fee.
- B. Registered vacant property owner information collected and maintained by the city shall only be accessible by authorized police, fire and code enforcement personnel.

#### 8.18.050 – Registration Fees.

- A. If the real property shows "evidence of being vacant" (as these terms are defined by this chapter), the property owner shall register the real property

with the city, on city approved forms in person or electronically, within ten (10) calendar days of the vacancy and shall pay an annual registration fee as set by resolution of the city council. The registration and accompanying fee shall be valid for one year from the date of registration and is able to be renewed annually.

B. The registration forms, as established by the city manager (or designee thereof) shall contain, at a minimum, the following information:

1. Name and street/office address (not a P.O. Box) and, if different, the mailing address, telephone number, and email address of the owner;
2. The name, street address, telephone and email address of a local property management service provider or other responsible party accountable for the security and maintenance of the real property, as well as identical information for all realtors who have been engaged to market the real property;
3. A statement of intent that provides the following information:
  - a. The expected period of vacancy;
  - b. A detailed plan for the regular maintenance of the real property during the period of vacancy;
4. Persons required to register real property pursuant to this chapter shall keep such property registered and shall comply with all security and maintenance requirements of this chapter (as well as all other provisions of this code) for the entire time such property remains vacant. Persons required to register real property pursuant to this chapter shall also report in writing to the city any change of information contained in the registration within ten (10) calendar days of the change.
5. When real property subject to registration pursuant to this chapter becomes occupied or title is transferred to another responsible party, the property owner and/or prior responsible party shall notify the city in writing within ten (10) calendar days of the property's occupancy or the transfer of title.
6. In such instance where title to a vacant real property that was subject to registration pursuant to the provisions of this chapter has been transferred to another responsible party, the new responsible party shall reregister the real property with the city on city approved forms within ten (10) calendar days of the transfer. Registration forms shall contain, at a minimum, all of the information required by subsection B of this section. A registration fee as set by council resolution shall accompany the registration form.
7. Nothing contained within this chapter relieves a responsible party from complying with any provision of the Sierra Madre Municipal Code or other obligation set forth in any applicable "conditions, covenants, and restrictions" and/or homeowners' association rules and regulations.

#### 8.18.060 – Property Maintenance Requirements.

Real property subject to the registration requirements of this article shall be maintained in a neat, clean, healthful, and sanitary condition at all times. The following conditions do not constitute a neat, clean, healthful, and sanitary condition and shall be explicitly prohibited:

- A. Buildings or structures with graffiti, tagging, or other markings, or graffiti, tagging, or other markings that have not been completely removed or painted over with a color matching the exterior of the remaining portion of the building or structure;
- B. Accumulations of lumber, junk, trash, debris, construction material, household furniture, appliances, clothing, or discarded, unused, or abandoned personal property on exterior portions of the real property;

- C. Accumulations of newspapers, circulars, fliers, notices, or other printed material that give the appearance that the property is vacant (except those required by federal, state, or local law);
- D. Vegetation that is overgrown, dead, decaying and constitutes a fire hazard; or vegetation that is not adequately trimmed, pruned, cut, fertilized, watered, or replaced;
- E. Swimming pools, spas, or other bodies of water that are not maintained in such a manner as to be free and clear of pollutants or debris, or that are maintained in such a manner as to be likely to harbor mosquitoes, insects, or vectors, including, but not limited to, water that is clouded or green, water containing bacterial growth, algae, insect larvae, insect remains, or animal remains; or swimming pools that are not covered, secured and/or maintained in such a manner that water cannot collect or accumulate therein or on top of a cover thereon; and
- F. Accessible property or accessible structures not secured as required by this code.
- G. Nothing contained within this chapter relieves a responsible party from complying with any provision of the Sierra Madre Municipal Code or other obligation set forth in any applicable "conditions, covenants, and restrictions" and/or homeowners' association rules and regulations

#### 8.18.070 – Property Maintenance Plan.

- A. Real property subject to the registration requirements of this article shall submit at time of registration a property maintenance plan that includes:
  - 1. General landscape maintenance.
  - 2. Brush clearance and tree trimming.
  - 3. Building maintenance to ensure that all structures are secure, free of pests, and maintained in a manner consistent with the neighborhood.
  - 4. Regular swimming pool maintenance or other bodies of water, if applicable.
- B. Annual inspection of the exterior of the building to ensure that the building is maintained in accordance with the maintenance plan on file.

#### 8.18.080 – Security requirements.

- A. Structures, swimming pools and other potential hazards located on real property subject to registration pursuant to this chapter (and buildings or structures thereon) shall be secured within seventy two (72) hours of becoming vacant in a manner to prevent access by unauthorized persons.
- B. Responsible parties for any real property subject to registration pursuant to this chapter shall submit an "emergency waiver" to the City of Sierra Madre at the time of registration. The waiver will allow the police department, fire department, code enforcement officer, or public safety personnel to access the property not visible from public view to respond to health and safety concerns such as, but not limited to stagnant water in swimming pools, felled trees, brush hazards or water line breaks.

#### 8.18.090 – Additional requirements.

- A. In addition to the specific maintenance and security requirements provided in this chapter, the planning department, police department, and/or fire department (or designees thereof) shall have the authority to require responsible parties for real property subject to registration pursuant to this

chapter to implement additional maintenance and security measures in order to effectuate the purpose of this chapter, including, but not limited to, the installation of security lighting and increasing the frequency of on-site inspections by the property owner or authorized agent.

- B. At the director's discretion, property inspections in addition to the annual inspection of Section 8.18.070 (B) may be required, and the property owner shall be charged the applicable fee therefor.

#### 8.18.100 – Violations, penalties and appeals.

- A. Notwithstanding any other provision of this chapter to the contrary, any person who causes, permits, or suffers a violation of any provision of this chapter, or who fails to comply with any obligation or requirement of this chapter, is guilty of a misdemeanor punishable in accordance with Title 1, Chapter 1.14 Public Nuisances, Code Enforcement Fees and Attorney's Fees of this code and is also subject to administrative citations in accordance with Title 1, Chapter 1.18 Administrative Enforcement of this code.
- B. Each person shall be guilty of a separate offense for each and every day, or part thereof, during which a violation of this chapter, or of any law or regulation referenced herein, is allowed, committed, continued, maintained, permitted or suffered by such person, and shall be punishable accordingly.
- C. Any responsible party may request a hearing before the Planning Commission in order to challenge or appeal the imposition of any additional maintenance and/or security requirements pursuant to this section in accordance with the requirements, procedures, and provisions of this chapter.
- D. This chapter does not exclusively regulate the use, maintenance, and security of real and/or personal property within the city, and the remedies provided in this chapter are in addition to other remedies and penalties authorized by this code, or by the laws of the state of California or of the United States.

**SECTION 2. Severability.** If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is declared by a court of competent jurisdiction to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council declares that it would have adopted this ordinance and each subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more subsections, phrases, or portions be declared invalid or unconstitutional.

**SECTION 3. Continuity.** To the extent the provisions of this ordinance are substantially the same as previous provisions of the Sierra Madre Municipal Code, these provisions shall be construed as continuations of those provisions and not as new enactments.

**SECTION 4. CEQA.** This ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines §§ 15060(c)(2), 15060(c)(3), and 15061(b)(3). The Ordinance amending Title 8 of the Public Health and Safety Code, establishing Chapter 8.18 of this Ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment; the ordinance does not involve a "project" as defined by Section 15378; and the ordinance is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment; Therefore, It may be seen with certainty that there is no possibility this ordinance will have a significant effect on the environment.

**SECTION 5. Effective Date.** This ordinance shall take effect 30 days after adoption.

**SECTION 6. Certification.** The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

**ORDINANCE 1390 PASSED, APPROVED AND ADOPTED**, this 28th day of November, 2017

**AYES:** Mayor Rachelle Arizmendi, Mayor Pro Tem Denise Delmar, Council Members John Capoccia, Gene Goss, and John Harabedian

**NOES:** None

**ABSENT:** None

  
\_\_\_\_\_  
Rachelle Arizmendi, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Melinda Carrillo, City Clerk

STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES  
CITY OF SIERRA MADRE

I, Melinda Carrillo, City Clerk of the City of Sierra Madre, California, do hereby certify that the foregoing Ordinance 1390 was introduced at a regular meeting of the City Council of the City of Sierra Madre held on the 14th day of November 2017, and was approved and adopted by said Council at its regular meeting on the 28<sup>th</sup> day of November, 2017.