



OFFICE OF THE CITY ATTORNEY
Long Beach, California

CHARLES PARKIN
City Attorney

October 3, 2017

MICHAEL J. MAIS
Assistant City Attorney

MONTE H. MACHIT
Assistant City Attorney

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Receive supporting documentation into the record, conclude the hearing, and declare ordinance amending the Long Beach Municipal Code by adding Chapter 18.29 regarding "Vacant Lots" read the first time and laid over to the next regular meeting of the City Council for final reading. (Citywide)

DISCUSSION

Pursuant to your request on June 13, 2017, the attached ordinance has been prepared and is submitted for your consideration. If adopted, the Ordinance would establish a new Chapter 18.29 of the Municipal Code relating to the maintenance and use of vacant lots in the City. The draft Ordinance acknowledges that vacant lots can become a nuisance in the community if not properly monitored by the property owner or other responsible person. The Ordinance would require that owners of lots meeting the definition of a "vacant lot" would be required to register the lot with the City, pay a monitoring fee, and provide a suitable fence around the lot to the satisfaction of the Director of Development Services in order to prevent the occurrence of nuisance related activities on the property.

The draft Ordinance also establishes general maintenance requirements including the requirement to properly maintain the lot free of weeds, brush, dead vegetation, junk, debris, building materials, graffiti and other noxious substances. The Ordinance exempts from its provisions any lot that has a valid and active construction permit from the City, and establishes a procedure whereby a lot can be exempted from the Ordinance's provisions if the owner or the owner's tenant is engaging in urban agricultural activities pursuant to a valid permit from the City.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,

CHARLES PARKIN, City Attorney

By


MICHAEL J. MAIS
Assistant City Attorney

A16-01796

GARY J. ANDERSON
Charles M. Gale
Anne C. Lattime

C. Geoffrey Allred
Richard F. Anthony
William R. Barry
LaTasha N. Cory
Haleh R. Jenkins
Monica J. Kilaia
Nicholas J. Mascro
Dawn A. McIntosh
Barbara J. McTigue
Lauren E. Misajon
Katrina R. Pickett
Howard D. Russell
Arturo D. Sanchez
Victoria A. Silcar
Linda T. Vu
Amy R. Webber
Theodore B. Zinger

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

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ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH AMENDING THE LONG BEACH
MUNICIPAL CODE BY ADDING CHAPTER 18.29
REGARDING VACANT LOTS

WHEREAS, it has been demonstrated that vacant lots cause harm to the health, welfare and safety of the community, including an increase in criminal activity, litter, graffiti, environmental degradation and diminution of adjacent and neighboring property values;

WHEREAS, the residents of Long Beach must bear the increased cost associated with dealing with the problems of vacant lots including, but not limited to excessive calls for police and code enforcement services;

WHEREAS, it is in the public's best interest that the City of Long Beach establish minimum standards of accountability on the owners or other responsible parties of vacant lots in order to protect the health, welfare and safety of the community;

WHEREAS, the City historically requires well-kept properties and strict enforcement of property maintenance regulations, building regulations and zoning restrictions; and that the property value and general welfare of this community are founded, in part, upon the appearance and maintenance of properties;

WHEREAS, unless the City requires the regulations set forth in this Chapter in order to reduce public nuisances, the property value and social and economic standards of the Long Beach community will be substantially depreciated. Abating public nuisances as identified in this Chapter will enhance the environment of the residents and businesses of the City;

WHEREAS, requiring fencing and basic vacant lot maintenance is reasonably related to reducing crime and alleviating blight associated with existing vacant

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
Lana Beach, CA 90802-4684

1 lots and ensuring that the property value of adjacent properties are not adversely
2 affected.

3 NOW, THEREFORE, the City Council of the City of Long Beach ordains as
4 follows:

5 Section 1. The Long Beach Municipal Code is amended by adding
6 Chapter 18.29 to read as follows:

7 Chapter 18.29

8 MAINTENANCE OF VACANT LOTS

9
10 18.29.060 Purpose.

11 Vacant lots are a major cause and source of visual and other blight in
12 the City, especially when the owner or person in control of a vacant lot fails
13 to maintain and manage the lot to ensure it does not become a liability to
14 the neighborhood. Failure to maintain vacant lots can result in reduced
15 property values; vandalism, graffiti, dumping, and accumulation of litter and
16 other debris. It is the purpose and intent of the City, through the adoption of
17 this Chapter, to regulate vacant lots in the City as a mechanism to protect
18 neighborhoods and commercial areas from becoming blighted due to the
19 lack of adequate maintenance and security of vacant lots and to establish
20 minimum standards of accountability on the owners or other responsible
21 parties of vacant lots in order to protect the health, welfare and safety of the
22 community.

23
24 18.29.070 Definitions.

25 A. "Director" shall mean the Director of Development Services or
26 designee.

27 B. "Owner" shall mean the responsible party, person or entity owning
28 the vacant lot as shown on the last equalized tax assessment roll

1 maintained in the Los Angeles County Assessor's office; or any person, co-
2 partnership, agent, operator, firm, association, corporation, or fiduciary
3 having a legal or equitable interest in the property or who otherwise
4 exercises control of the property, including the trustee or guardian of the
5 estate of any such person, and the executor or administrator of the estate of
6 such person if ordered to take possession or control of the vacant lot by a
7 court of competent jurisdiction.

8 C. "Vacant lot." For the purpose of this Chapter, a vacant lot shall
9 mean any property, lot or parcel that is either undeveloped; or has an
10 existing on site building or structure that is either abandoned, vacant or
11 unleased by the property owner for more than thirty (30) consecutive days.
12 A vacant lot shall not include lots for which construction on the lot is
13 proceeding diligently to completion in compliance with Title 18 of this Code,
14 or for which a building permit has been issued and has not yet expired in
15 accordance with Title 18 of this Code. A vacant lot also shall not include
16 any lot being lawfully utilized for small scale agricultural purposes in
17 accordance with the provisions of Chapter 8.77 of this Code.

18
19 18.29.080 General requirements for maintenance of vacant properties,
20 lots or parcels.

21 Owners, including but not limited to beneficiaries/trustees and other
22 responsible parties, shall:

23 A. Maintain vacant lots and any perimeter fencing free of weeds, dry
24 brush, dead vegetation, trash, garbage, junk, debris, building materials,
25 vehicles, cars, boats, campers, any accumulation of newspapers, circulars,
26 flyers, notices (except those required by federal, state or local law),
27 discarded personal items, including but not limited to furniture, clothing,
28 large and small appliances, graffiti, tagging or similar markings. The

1 property owner or other responsible person must inspect the property at
2 reasonable intervals or take other reasonable steps to ensure that there is
3 no dead or dying vegetation, litter, weeds, graffiti, debris or materials
4 accumulating on the property.

5 B. Enclose and secure the vacant lot with a three (3) foot high white
6 vinyl rail perimeter fence or other suitable fencing material subject to the
7 satisfaction of the Director. All fencing must be provided with a gate to allow
8 access to the vacant lot for emergency services and such fencing shall be
9 maintained in good condition at all times by the property owner. Broken or
10 open fences shall be repaired or replaced within seventy-two (72) hours of
11 notification by the City.

12 C. Subject to the provisions of Chapter 14.36 of this Code, obtain a
13 permit and paint the property address of the vacant lot on the curbface
14 adjacent to the property in conformance with the Uniform Standards
15 described in Section 14.36.030, or any successor section.

16 D. Within thirty (30) days after the lot becomes vacant or within thirty
17 (30) days after the effective date of this Chapter, whichever is later,
18 complete a vacant lot registration application on a form made available by
19 the City and shall register the vacant lot with the Department of
20 Development Services or other such department tasked with the registration
21 of vacant lots. A reasonable extension of time may be granted by the
22 Director for good cause.

23 E. At the time of registering the vacant lot pay an annual fee as
24 established by resolution of the City Council to defray the cost of
25 administering this Chapter. Said fee shall be prorated based upon the
26 month of the year that the registration occurs and the fee is paid.
27 Registration of a vacant lot shall be valid for a period of twelve (12) months.
28 If the lot remains vacant at the expiration of any registration period, then the

1 owner or responsible party shall re-register such vacant lot and pay an
2 additional annual fee. The monitoring fee, which may be billed by the City
3 on a quarterly basis, shall be applicable until such time as the lot is no
4 longer vacant as defined in this Chapter.

5 F. The Director of Development Services shall have the authority to
6 make specific fee exemptions in a case where the property owner has
7 agreed to allow the property to be used and operated for a specific
8 community serving use and for a specific minimum time frame.

9 G. If the annual monitoring fee is not paid when due then the fee
10 may be specially assessed against the property involved. If the fee is
11 specially assessed against the property, said assessment may be collected
12 and shall be subject to the same penalties and the same procedure and
13 sale in case of delinquency as provided for ordinary real property taxes. All
14 laws applicable to the levy, collection and enforcement of real property
15 taxes are applicable to the special assessment.

16 H. The City may also cause a notice of lien to be recorded against
17 the property. The notice shall, at a minimum, identify the record owner or
18 possessor of the property, set forth the last known address of the record
19 owner or possessor, a description of the real property subject to the lien,
20 and the amount of the fee or costs assessed against the property.

21 I. Hearing on charges. Within thirty (30) days from the date that the
22 property owner is mailed a notice regarding the imposition of either yearly
23 monitoring fees or code enforcement response fees or charges, the property
24 owner may demand a hearing as to the reasonableness of the fees or
25 charges imposed. Such demand shall be in writing and presented to the
26 Director of Development Services for the City of Long Beach. Said demand
27 shall describe the property involved, state the reasons for objecting, and
28 include an address of the property owner for service of notice in connection

1 with such hearing. Such demand shall be presented by the City to the
2 Board of Examiners, Appeals and Condemnation for hearing at its next
3 regularly scheduled meeting that is not less than ten (10) and not more than
4 forty-five (45) days thereafter. The Director of Development Services shall
5 give written notice of such hearing to the address furnished by the property
6 owner in the demand for an appeal hearing. At the time set for such
7 hearing, the Board of Examiners, Appeals and Condemnation shall hear all
8 evidence pertinent to the reasonableness of such fees and charges and
9 shall either confirm or modify the charges. The decision of the Board of
10 Examiners, Appeals and Condemnation shall be final. If the amount of the
11 charges is uncontested by the property owner or as set by the Board of
12 Examiners, Appeals and Condemnation on appeal, has not been paid within
13 thirty (30) days after imposition or appeal hearing whichever is later, the
14 payment thereof shall thereupon become delinquent and the amount so
15 imposed or determined shall thereafter bear interest at the rate of twelve
16 percent (12%) per annum until paid, as determined by the tax collector.

18 18.29.090 Non-compliance declared a nuisance.

19 Failure to comply with any of the applicable requirements of this
20 Chapter shall constitute a public nuisance that may be abated by a civil
21 or criminal action, including the imposition of an administrative citation
22 and penalties in accordance with Chapter 9.65 of this Code and recovery
23 of administrative costs and fees incurred by the City in accordance with
24 Chapter 9.37 of this Code. Any violation of this Chapter may be
25 enforced by any method provided by this Code for the abatement of
26 nuisances. The administrative citation process described herein does
27 not preclude the City from recovering any other Code violation or
28 nuisance abatement costs incurred by the City in performing its

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Lona Beach, CA 90802-4664

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enforcement efforts relating to vacant lots.

18.29.100 Removal of Property from Registry.

Prior to the removal of a vacant lot from the registration requirement established by this Chapter, the condition(s) which initially compelled registration of the lot must be resolved and an inspection by the City to determine compliance completed. No owner of a vacant lot shall be relieved of the registration requirement until all City fees, fines, penalties, or costs as applicable are paid in full.

Section 2. The City Clerk shall certify to the passage of this ordinance by the City Council and cause it to be posted in three (3) conspicuous places in the City of Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the Mayor.

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I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of _____, 20____, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

Approved: _____
(Date)

Mayor