

ORDINANCE NO. ORD-08-0010

AN ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF LONG BEACH AMENDING LONG BEACH  
MUNICIPAL CODE SECTIONS 18.21.020, 18.21.040 AND  
18.21.050, RELATING TO MAINTENANCE OF LONG-  
TERM BOARDED AND VACATED BUILDINGS

The City Council of the City of Long Beach ordains as follows:

Section 1. Section 18.21.020 of the Long Beach Municipal Code is  
amended to read as follows:

18.21.020 Owner Responsibilities.

A. No person shall allow a building or structure designed for human,  
industrial, or commercial use, or occupancy to stand vacant for more than  
thirty (30) days unless one of the following applies:

1. The building is the subject of an active building permit for  
repair or rehabilitation, or a permit for demolition, and the owner is  
progressing diligently to complete the repair or rehabilitation;

2. The building meets all applicable codes, does not  
contribute to blight, is ready for occupancy and is actively being offered for  
sale, lease, or rent;

3. The Building Official or designee determines that the  
building does not contribute to, and is not likely to contribute to, blight  
because the owner is actively maintaining and monitoring the building so  
that it does not contribute to blight. Active maintenance and monitoring  
shall include:

a. Maintenance and appropriate watering and care of

1 landscaping and plant materials;

2 b. Maintenance of the exterior of the building,  
3 including but not limited to, paint and finishes, in good condition;

4 c. Regular removal of all trash, debris and graffiti;

5 d. Maintenance of the building or structure in  
6 continuing compliance with all applicable codes and regulations;

7 e. Prevention of criminal activity on the premises,  
8 including, but not limited to, use and sale of controlled substances,  
9 prostitution, or other criminal street gang activity.

10 B. "Vacant Building" or "vacant structure" shall mean a building which  
11 is without a lawful resident or occupant or which is not being put to a lawful  
12 commercial, residential, or industrial use, and which may be unoccupied and  
13 unsecured; occupied and secured by boarding or other similar means;  
14 unoccupied and a dangerous structure or; unoccupied with multiple City  
15 Municipal Code or nuisance violations.

16 C. The owner of any vacant or boarded building or structure, whether  
17 boarded by voluntary action of the owner or as a result of enforcement activity  
18 by the City, shall cause the boarded or vacant building to be rehabilitated for  
19 occupancy within sixty (60) days after the building or structure is boarded or  
20 becomes unoccupied.

21  
22 Section 2. Section 18.21.040 of the Long Beach Municipal Code is  
23 amended to read as follows:

24 18.21.040 Monitoring Program-Department responsibility and fees.

25 A. Purpose. The Building Official or designee shall be  
26 responsible for administering a program for identifying and monitoring the  
27 maintenance of all vacant buildings or structures in the City.

28 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 per Long Beach Municipal Code 18.20.370;
3. To initiate proceedings against any vacant or boarded building or structure found to be substandard as defined in this Title; and,
4. To maintain surveillance over vacant or boarded buildings so that timely code enforcement proceedings are commenced in the event a building becomes substandard or a public nuisance.

C. Notice of Vacant Building.

1. Upon discovery of a potential vacant building by a Code Enforcement Officer or receipt of a complaint about a vacant or boarded building from any source, the City may cause an inspection of the property in order to determine if the building or structure should be classified as a vacant building;
2. If the City determines that a building or portion of a building may be classified as a vacant building under this Chapter, the City shall ascertain the identity of, and contact the owner or agent of the owner, and advise the owner in writing that the building or structure is vacant and that the following measures need to be taken by the owner:
  - a. Immediate measures to temporarily secure the building or structure from unauthorized entry;
  - b. Measures to permanently secure the building during the period of time that the building or structure remains vacant;
  - c. The posting of a sign or signs on the property in a conspicuous place, as determined by the City, which sign[s] shall notify the public of the owners or authorized agents' name and address and an emergency contact telephone number;

1                   3. If the City determines that a building or structure is vacant it  
2 shall cause a "Notice of Vacant Building" to be recorded against the title of  
3 the property, which notice shall make reference to the provisions of this  
4 Chapter and disclose that administrative penalties and costs may likewise  
5 be assessed against the owner and property as a result of the building or  
6 structure remaining in a vacant condition;

7                   4. If the owner fails to take immediate measures to  
8 temporarily or permanently secure the building from unauthorized entry, the  
9 vacant building shall constitute a nuisance and the City may, without further  
10 notice, and by any lawful means, abate the nuisance. In this event, the  
11 owner shall be liable for the costs incurred by the City for inspections or to  
12 secure the building or structure, including costs incurred to ascertain  
13 ownership of the property and obtaining title information, preparing notices,  
14 and any and all administrative costs together with actual labor or material  
15 cost or expense incurred by the City to secure the building or structure or  
16 otherwise abate the nuisance. If the owner does not reimburse the City  
17 within thirty (30) days of being billed therefore, the City may file a lien  
18 against the property for all of the expenses incurred by the City.

19                   D. Optional Vacant Building Plan and Timetable.

20                   1. If the owner of a vacant building files a Vacant Building  
21 Plan and Timetable with the City not later than seven (7) days after the  
22 owner or agent of the owner receives written notice pursuant to Section  
23 18.21.040C, the City is authorized to:

24                   a. Suspend the processing of any citation or other  
25 remedy for violation of this chapter.

26                   b. Extend the period of time in which the owner of a  
27 vacant building must secure the building.

28                   2. The Vacant Building Plan and Timetable must be submitted

1 on forms prepared by the City and must include, at a minimum, the following  
2 information:

3 a. A description of the premises, including the address  
4 thereof;

5 b. The names, addresses, and telephone numbers of  
6 all owners with a right of control over the vacant building or structure;

7 c. The names and addresses of all known lien holders  
8 and all other parties with an ownership interest in the vacant building or  
9 structure;

10 d. The name, address and telephone number of the  
11 owner's property manager or agent, and whether the property manager or  
12 agent has the authority to independently act on the owner's behalf to repair  
13 or maintain the property;

14 e. The period of time the building is expected to remain  
15 vacant;

16 f. If the owner plans on demolishing the building, the  
17 date the building is scheduled for demolition, and whether or not a permit  
18 has been issued for said demolition;

19 g. If the owner plans on returning the building to a  
20 lawful occupancy and use, the estimated date for returning the building to a  
21 lawful occupancy or use, and whether or not a permit has been issued to  
22 return the vacant building to a lawful occupancy or use;

23 h. A plan for regular inspection and maintenance of the  
24 building during the period of vacancy;

25 i. Measures the owner will employ to secure the  
26 building to prevent access by trespassers. One (1) of the following methods  
27 must be used to secure the building as specified in the discretion of the City:

28 (1) Installation of adequate windows and doors,

1 or window and door coverings;

2 (2) Installation and maintenance of adequate  
3 locks for windows and doors;

4 (3) Installation of boards on windows and doors  
5 or security screening to the satisfaction of the City;

6 (4) Employment of security officers to the  
7 satisfaction of the City;

8 (5) Installation, operation, and monitoring of an  
9 electronic security system, which monitors doors and windows by glass  
10 breakage or motion sensors, and a method of responding to alarms from the  
11 electronic security system, other than sole reliance on the City's police  
12 department;

13 (6) Any other methods as specified by the City;

14 j. Measures the owner will employ to monitor and  
15 inspect the property on a weekly basis. The weekly monitoring and  
16 inspection must be performed by the owner, property manager, or agent of  
17 the owner with full authority to maintain and make repairs to the property on  
18 a weekly basis;

19 3. The plan and timetable submitted by the owner or agent of  
20 the owner must be approved by the City. Any and all repairs required to  
21 effect the plan and timetable shall comply with all applicable City of Long  
22 Beach ordinances, codes and regulations. The owner shall be required to  
23 notify the City in writing of any changes in information supplied as part of the  
24 Vacant Building Plan and Timetable within ten (10) days of the change;

25 4. During the period of time that the Vacant Building Plan and  
26 Timetable are in effect, the Owner shall be responsible for paying to the City  
27 the monthly monitoring fee as said fee is established, and from time to time  
28 amended, in accordance with a duly adopted resolution of the City Council;

1                     5. In the event that the owner fails to comply with the Vacant  
2 Building Plan and Timetable, the City shall so notify the owner or authorized  
3 agent and shall thereafter institute appropriate administrative, civil or other  
4 legal action to secure compliance with this Chapter;

5                     E. Monitoring Fee Imposed. Any vacant or boarded building or  
6 structure as defined in this Chapter shall be subject to a monthly monitoring  
7 fee, to recover the City's regulatory costs to monitor the status of the vacant  
8 or boarded building. The monthly monitoring fee shall be set by resolution  
9 of the City Council. The monitoring fee shall be applicable until such time  
10 as the building or structure is no longer vacant or boarded, and shall  
11 likewise be applicable even when a Vacant Building Plan and Timetable is  
12 in effect. The monitoring fee shall be imposed upon the initial determination  
13 that the building is vacant. The fee shall thereafter be imposed in each  
14 thirty (30) day period following the imposition of the initial monitoring fee, to  
15 be billed to the owner on a quarterly basis until such time as the building or  
16 structure is no longer vacant or boarded.

17                     F. Code Enforcement Response Fee. In addition to the Monthly  
18 Monitoring Fee imposed pursuant to this Section, the City also hereby  
19 establishes a further and separate Enforcement Response Fee for actual  
20 costs incurred by the City to respond to or abate substandard or blighted  
21 conditions existing in or about the property upon which the boarded or  
22 vacant building or structure is located. Such costs shall include, but not be  
23 limited to, personnel costs involved with inspecting or responding to calls for  
24 service at the property, personnel costs involved in abating the substandard  
25 or blighted conditions existing on the property, costs of any materials or  
26 supplies either purchased or supplied by the City in connection with the  
27 abatement of any substandard or blighted condition in or about the property,  
28 costs of any contracted services, including the costs of materials, supplies,

1 and labor provided by the City's contractor, if any, costs of procuring title or  
2 ownership information concerning or related to the property, as well as any  
3 other incidental enforcement costs incurred by the City in connection with  
4 remedying the substandard or blighted conditions existing on the property.  
5 The amount of the Code Enforcement Response Fee shall be established  
6 by resolution of the City Council.

7 G. Procedure. The Vacant or Boarded Building Monitoring Fee and  
8 the Code Enforcement Response Fee, if any, shall be billed to the owner of  
9 the property and mailed to the owner's address as set forth on the last  
10 equalized assessment roll of the County Assessor. Said fee or fees and  
11 associated administrative costs shall be charged to and become an  
12 indebtedness of the owner of the property.

13 H. If the Monthly Monitoring or Code Enforcement Response fees or  
14 associated administrative costs and expenses are not paid within thirty (30)  
15 days after billing, then the fee or costs may be specially assessed against  
16 the property involved. If the fees or costs are specially assessed against the  
17 property, said assessment may be collected at the same time and in the  
18 same manner as ordinary real property taxes are collected and shall be  
19 subject to the same penalties and the same procedure and sale in case of  
20 delinquency as provided for ordinary real property taxes. All laws applicable  
21 to the levy, collection, and enforcement of real property taxes are applicable  
22 to the special assessment;

23 I. The City may also cause a notice of lien to be recorded against the  
24 property. The notice shall, at a minimum, identify the record owner or  
25 possessor of the property, set forth the last known address of the record  
26 owner or possessor, a description of the real property subject to the lien,  
27 and the amount of the fee or costs assessed against the property.

28 J. Hearing on Charges. Within thirty (30) days from the date that the



property owner is mailed a notice regarding the imposition of either Monthly Monitoring Fees or Code Enforcement Response Fees or charges, the property owner may demand a hearing as to the reasonableness of the fees or charges imposed. Such demand shall be in writing and presented to the Director of Community Development for the City of Long Beach. Said demand shall describe the property involved, state the reasons for objecting, and include an address of the property owner for service of notice in connection with such hearing. Such demand shall be presented by the City to the Board of Examiners, Appeals and Condemnation for hearing at its next regularly scheduled meeting that is not less than ten (10) and not more than forty-five (45) days thereafter. The Director of Community Development shall give written notice of such hearing to the address furnished by the property owner in the demand for an appeal hearing. At the time set for such hearing, the Board of Examiners, Appeals and Condemnation shall hear all evidence pertinent to the reasonableness of such fees and charges and shall either confirm or modify the charges. The decision of the Board of Examiners, Appeals and Condemnation shall be final. If the amount of the charges is uncontested by the property owner or as set by the Board of Examiners, Appeals and Condemnation on appeal, has not been paid within thirty (30) days after imposition or appeal hearing whichever is later, the payment thereof shall thereupon become delinquent and the amount so imposed or determined shall thereafter bear interest at the rate of twelve percent (12%) per annum until paid, as determined by the tax collector.

Section 3. Section 18.21.050 of the Long Beach Municipal Code is amended to read as follows:

18.21.050 Civil remedy.

1 A. Penalty.

2 1. Any owner of a vacant or boarded building which remains  
3 boarded in violation of Subsection 18.21.020.B or any owner of a building  
4 which remains vacant or boarded in violation of Subsection 18.21.020.A  
5 shall be liable for an administrative penalty in an amount not to exceed one  
6 thousand dollars (\$1000.00) per calendar year per building;

7 2. A second or subsequent administrative penalty imposed  
8 upon any owner pursuant to this section shall be in an amount not to exceed  
9 five thousand dollars (\$5,000.00);

10 B. Procedure.

11 1. The administrative penalty shall be imposed by the Board of  
12 Examiners, Appeals, and Condemnation upon the recommendation of the  
13 Building Official or designee and after the owner shall have been afforded a  
14 hearing before the Board of Examiners, Appeals, and Condemnation. The  
15 hearing shall be conducted in accord with the provisions of Chapter 18.20.  
16 In setting the penalty, the board shall consider the severity of the blighting  
17 conditions on the property and the owner's efforts, or lack thereof, to  
18 remedy the problem. The decision of the Board shall be final;

19 2. The administrative penalty shall be due and payable within  
20 thirty (30) days after the decision of the Board. If the penalty is not paid  
21 within forty five (45) days after the decision of the Board, the penalty shall  
22 become a personal indebtedness or obligation of the property owner or it  
23 may be specially assessed against the property involved. If the property is  
24 specially assessed said assessment may be collected at the same time and  
25 in the same manner as ordinary real property taxes are collected and shall  
26 be subject to the same penalties and the same procedure and sale in case  
27 of delinquency as provided for ordinary real property taxes. All laws  
28 applicable to the levy, collection, and enforcement of real property taxes are

1 applicable to the special assessment;

2 3. The City may also cause a notice of lien to be recorded  
3 against the property. The notice shall, at a minimum, identify the record  
4 owner or possessor of the property and set forth the last known address of  
5 the record owner or possessor, the date on which the penalty was imposed,  
6 a description of the real property subject to the lien, and the amount of the  
7 penalty or costs assessed against the property.

8  
9 Section 4. The City Clerk shall certify to the passage of this  
10 ordinance by the City Council and cause it to be posted in three (3) conspicuous  
11 places in the City of Long Beach, and it shall take effect on the thirty-first (31st) day  
12 after it is approved by the Mayor.

13 I hereby certify that the foregoing ordinance was adopted by the City  
14 Council of the City of Long Beach at its meeting of June 17, 2008, by the  
15 following vote:

16 Ayes: Councilmembers: S. Lowenthal, DeLong, O'Donnell,  
17 Schipske, Andrews, Gabelich,  
18 Lerch, Reyes Uranga.

19 Noes: Councilmembers: None.

20  
21 Absent: Councilmembers: B. Lowenthal.

22  
23  
24 

City Clerk

25  
26  
27 Approved: 6/20/08  
28 (Date)

  
Mayor