

Chapter 25, ARTICLE XXVIII (29)
Vacant Commercial Property Registration and Maintenance

Sections:

25.275: Title
25.276: Purpose and Intent
25.277: Definitions
25.278: Registration Required
25.279: Registration Requirements
25.280: Maintenance and Security Requirements
25.281: Signage Requirements
25.282: City Inspection Authority
25.283: Owner Inspection Requirements
25.284: Liability Insurance
25.285: Administrative Enforcement and Penalties
25.286: Public Nuisance Declaration
25.287: Administrative Guidelines

§ 25.275: Title

This chapter shall be known as the “Vacant Commercial Property Registration and Maintenance Ordinance” and may be cited as the “Vacant Commercial Property Ordinance.”

§ 25.276: Purpose and Intent

The City Council finds and declares that vacant and abandoned commercial properties contribute to blight, discourage economic development and investment, reduce surrounding property values, create attractive nuisances, increase the risk of trespassing, vandalism, illegal dumping, and criminal activity, and pose threats to public health, safety, and welfare. The City Council further finds that vacant commercial properties often result in increased demands upon City services, including law enforcement, fire protection, code enforcement, nuisance abatement, and public safety inspections.

This chapter is intended to identify and monitor vacant commercial properties that present a heightened risk of deterioration, blight, nuisance activity, or increased demands on City services. It is not intended to require registration of vacant commercial properties that remain secure, well maintained, in compliance with applicable laws, and do not create adverse impacts on the surrounding community.

The purpose of this chapter is to:

- A. Establish a registration program for vacant commercial properties;
- B. Require owners of vacant commercial properties to properly secure, maintain, and monitor such properties;
- C. Protect surrounding neighborhoods and commercial areas from deterioration and unsafe conditions;
- D. Assist the City in identifying responsible parties for vacant properties;

- E. Encourage the timely rehabilitation, occupancy, reuse, and productive economic utilization of vacant commercial properties; and
- F. Protect the public health, safety, and welfare.

§ 25.277: Definitions

For purposes of this chapter, the following words and phrases shall have the meanings set forth below:

“Commercial building” means any building, structure, accessory structure, modular structure, or portion thereof designed, intended, or used for nonresidential commercial, office, retail, service, industrial, lodging, or mixed-use commercial purposes.

“Commercial unit” means each separate tenant space or occupancy within a commercial building designed or intended for separate occupancy.

“Director” means the Community Development Director or their designee.

“Out-of-area owner” means an owner whose principal residence or business office is located more than forty (40) miles from the subject property.

“Secured” or “securing” means measures taken to render a property inaccessible to unauthorized persons, trespassers, or squatters, including but not limited to repairing or boarding windows, locking doors and gates, repairing fencing, installing security devices, and maintaining the property in compliance with applicable building, fire, and property maintenance standards.

Any boarding materials shall be painted to match the structure and installed in accordance with applicable Building Code standards.

“Unsecured” means any property or structure that is accessible through broken, compromised, missing, breached, unlocked, or open doors, windows, gates, walls, fencing, or similar openings.

“Vacant commercial property” means a commercial building where more than fifty percent (50%) of the commercial units have been unoccupied for more than one hundred eighty (180) consecutive days. A property shall not be considered vacant if any of the following apply:

- A. There is a valid building permit for active construction, rehabilitation, or tenant improvements, excluding ordinary maintenance and repairs, and work is progressing diligently;
- B. The owner or leaseholder has submitted and is actively pursuing required permits, approvals, or entitlements necessary for lawful occupancy or operation of the property;
- C. The property is actively listed for sale or lease through a licensed broker or commercially recognized listing service and is maintained in compliance with this chapter;
- D. In the case of a hotel or motel, the owner or operator is actively engaged in lawful transient occupancy operations, or the Director determines that temporary vacancy is attributable to circumstances beyond the owner’s reasonable control and that the property is being adequately maintained.
- E. **The property qualifies for an exemption under Section 25.278(G).**

“Exempt property” means a commercial property that would otherwise meet the definition of a vacant commercial property but is not required to register pursuant to Section 25.278 because it qualifies for an exemption established by this chapter.

§ 25.278: Registration Required

- A. **Registration Requirement.** The owner of a vacant commercial property shall register the property with the City within one-hundred and eighty (180) calendar days after the property becomes vacant.

- B. **Registration Fee.** An annual registration fee in an amount established by resolution of the City Council shall accompany the registration. Registration fees shall be reasonably related to the City's costs associated with administration, inspection, monitoring, enforcement, and implementation of this chapter.
- C. **Annual Renewal.** Vacant commercial properties shall remain registered annually for the duration of the vacancy.
- D. **Transfer of Ownership.** Any subsequent owner acquiring an ownership interest in a vacant commercial property shall register or re-register the property within thirty (30) calendar days of transfer.
- E. **De-registration.** A property may be removed from the vacant property registry upon written request by the owner and verification by the Director that:
 - 1. The property is lawfully occupied; or
 - 2. The property otherwise no longer qualifies as a vacant commercial property under this chapter.
- F. **Failure to Register.** If an owner fails to register a vacant commercial property as required by this chapter, the City may register the property and assess applicable registration fees and administrative costs against the owner.
- G. **Registration Exemption.** Notwithstanding the foregoing, the Director may exempt a vacant commercial property from the registration requirements of this chapter upon determining that the property:
 - 1. Is secure, well maintained, and free of blighting conditions;
 - 2. Is in compliance with all applicable federal, state, and local laws, including applicable building, fire, zoning, and property maintenance requirements;
 - 3. Does not constitute a public nuisance or otherwise create adverse impacts on the surrounding community; and
 - 4. Is actively marketed for sale or lease, or is otherwise being lawfully held for future occupancy.

§ 25.279: Registration Requirements

- A. **Registration Form.** The registration shall be submitted on a form approved by the Director and shall include the following:
 - 1. The name, mailing address, telephone number, and email address of the owner;
 - 2. The name, mailing address, telephone number, and email address of any property manager or responsible local contact person;
 - 3. The names and addresses of all known lienholders or parties with a legal or equitable ownership interest in the property;
 - 4. The site address and Assessor's Parcel Number(s);
 - 5. The most recent lawful use of the property;
 - 6. The approximate date the property became vacant;
 - 7. The anticipated duration of the vacancy;
 - 8. A property maintenance, marketing, occupancy, rehabilitation, or reuse plan and timetable;
 - 9. A statement describing the methods used to secure the property;
 - 10. Proof of liability insurance as required by this chapter;
 - 11. A statement regarding whether utilities remain active at the property; and
 - 12. Any additional information reasonably required by the Director for administration of this chapter.
- B. **Local Property Manager.** Out-of-area owners shall designate a local property manager or responsible person authorized to act on behalf of the owner regarding maintenance, inspections, compliance, emergencies, and service of notices. The local property manager shall:
 - 1. Be available twenty-four (24) hours per day, seven (7) days per week;
 - 2. Maintain current contact information with the City; and
 - 3. Possess authority to promptly address violations and emergency conditions.

- C. Trespass Authorization. As a condition of registration, the owner shall authorize the Red Bluff Police Department to enforce trespassing laws pursuant to California Penal Code Section 602 against unauthorized persons present on the property.

§ 25.280: Maintenance and Security Requirements

Owners of vacant commercial properties shall maintain such properties in accordance with this chapter and all applicable federal, state, and local laws. Properties subject to this chapter shall be maintained in a clean, secure, safe, sanitary, and nuisance-free condition, including but not limited to the following:

- A. Landscape Maintenance. Maintain landscaping, weeds, brush, vegetation, and trees to prevent blight, fire hazards, or unsafe conditions.
- B. Trash and Debris Removal. Keep the property free of junk, trash, debris, discarded materials, abandoned personal property, illegal dumping, and hazardous materials.
- C. Graffiti Removal. Remove or paint over graffiti, tagging, or similar markings within seventy-two (72) hours of occurrence using paint that matches the existing exterior surface.
- D. Building Maintenance. Maintain exterior surfaces, roofs, windows, doors, fencing, signage, lighting, and structural elements in good repair.
- E. Security. Secure all structures against unauthorized entry and maintain all security measures in good working condition.
- F. Elimination of Blighting Conditions. Remove outdated advertisements, deteriorated signage, broken materials, unsecured equipment, and other visible conditions contributing to blight.
- G. Compliance with Other Laws. Compliance with this chapter does not excuse compliance with any other applicable provision of the Red Bluff Municipal Code, California Building Code, California Fire Code, or other applicable law.

§ 25.281: Signage Requirements

Any vacant commercial property shall be posted with a weather-resistant sign containing:

- A. The name of the owner, property manager, or responsible party;
- B. A twenty-four-hour contact telephone number; and
- C. The following statement:

“THIS PROPERTY IS MANAGED BY _____”
“TO REPORT PROBLEMS OR CONCERNS CALL _____”

- D. The sign shall:
 - 1. Be at least eighteen (18) inches by twenty-four (24) inches in size;
 - 2. Be legible from the public right-of-way;
 - 3. Be maintained in a readable condition; and
 - 4. Be placed in a location visible from the public right-of-way.

§ 25.282: City Inspection Authority

- A. Inspection Authority. The Director, Building Official, Fire Marshal, Code Enforcement Officer, Police Department, or their designees may inspect or cause inspection of any vacant commercial property for purposes of enforcing this chapter and protecting public health, safety, and welfare.
- B. Access. Upon reasonable notice and as permitted by law, the owner shall provide access to all portions of a vacant commercial property necessary to conduct inspections.
- C. Additional Security Measures. The Director may require additional maintenance or security measures reasonably necessary to prevent deterioration, unauthorized entry, nuisance activity, or unsafe conditions, including but not limited to:
 - 1. Additional lighting;
 - 2. Enhanced fencing or barriers;

3. Additional inspections;
4. Alarm systems;
5. On-site security; or
6. Other reasonable corrective measures.

§ 25.283: Owner Inspection Requirements

- A. Monthly Inspections. The owner or designated property manager shall inspect the vacant commercial property at least once every thirty (30) calendar days.
- B. Correction of Violations. Any condition found to be in violation of this chapter shall be corrected within a reasonable time, not to exceed ten (10) calendar days, unless a shorter period is required to address an immediate health or safety hazard.
- C. Inspection Records. Upon the City's request, the owner shall provide records documenting inspections and corrective actions.

§ 25.284: Liability Insurance

- A. Insurance Required. The owner of a vacant commercial property shall maintain general liability insurance coverage in an amount not less than one million dollars (\$1,000,000.00).
- B. Proof of Insurance. Proof of insurance shall be provided at the time of registration, upon renewal, upon request by the City, and whenever coverage changes.
- C. Notice of Cancellation. Insurance policies shall provide for notice to the City upon cancellation, lapse, or material reduction in coverage.

§ 25.285: Administrative Enforcement and Penalties

- A. Violations. Violations of this chapter shall constitute a public nuisance and may be enforced through any lawful administrative, civil, criminal, or equitable remedy.
- B. Administrative Citations. Violations may be enforced pursuant to the administrative citation procedures set forth in the Red Bluff Municipal Code.
- C. Cost Recovery. The City may recover all enforcement, inspection, abatement, administrative, attorney, and related costs incurred in enforcing this chapter.
- D. Additional Remedies. The City may pursue nuisance abatement, injunctions, liens, special assessments, or any other remedies authorized by law.
- E. Continuing Violations. Each day a violation continues shall constitute a separate offense.
- F. Strict Liability. Violations of this chapter shall be treated as strict liability offenses regardless of intent.

§ 25.286: Public Nuisance Declaration

Any violation of this chapter is declared to be a public nuisance pursuant to the City's police powers and may be summarily abated in accordance with applicable provisions of the Red Bluff Municipal Code and California law.

§ 25.287: Administrative Guidelines

The City Manager or designee may establish administrative rules, procedures, forms, guidelines, and regulations necessary to implement and administer this chapter, provided such rules are consistent with the provisions and intent of this chapter.