

PFF:km
VacantOrd
02/26/08



ORDINANCE NO. 4764

**THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO DOES
ORDAIN AS FOLLOWS:**

Section 1. Sections 09.02.600 through 09.02.670 of Chapter 9.02 of Title 9 of the El Dorado County Ordinance Code is hereby amended to read as follows:

09.02.600 Maintenance of Vacant Buildings.

The Board of Supervisors finds as follows:

A. When the owner of a vacant building fails to actively maintain and manage the building, the building can become a major cause of blight in both residential and nonresidential neighborhoods. Vacant buildings that are boarded, substandard, or unkempt discourage economic development and retard appreciation of property values.

B. It is a responsibility of property ownership to prevent owned property from becoming a burden to the neighborhood and community and a threat to the public health, safety, or welfare.

C. Vacant properties owned by banks, mortgage companies, and other investors present a challenge to County Code Enforcement staff when trying to contact the person who is responsible for active maintenance of the property.

09.02.610 Definitions.

Vacant Building: For the purposes of this chapter, the term "vacant building" means a building that is unoccupied, or occupied by unauthorized persons for any amount of time.

Boarding: For the purposes of this chapter, "boarding" shall mean the covering of all entry points per County standards, including all open doors and windows, with plywood or other materials for the purpose of preventing entry into the building by persons or animals. Only access points to the building that can no longer be secured by normal means need to be boarded.

09.02.620 Vacant building penalty.

No owner shall allow a building designed for human use or occupancy to be a vacant building without active maintenance for more than thirty (30) calendar days, unless one of the following

applies:

- A. The building is the subject of an active building permit for repair or rehabilitation and the owner is progressing diligently to complete the repair or rehabilitation.
- B. The building meets all codes, is ready for occupancy, and is:
 - 1. Actively being offered for sale, lease, or rent, or
 - 2. Is actively being maintained and monitored by the owner, as defined in section 09.02.630 of this section.

Violations of this section are considered a misdemeanor violation per section 09.02.050 of this chapter.

09.02.630 Maintenance and Monitoring of Vacant Buildings.

Active maintenance and monitoring of the building shall include all of the following:

- A. Maintenance of landscaping and plant materials in good condition as required and copied here from CA Health & Safety Code section 17920.3 (h) : Any building or portion thereof, device, apparatus, equipment, combustible waste, or vegetation that, in the opinion of the chief of the fire department or his deputy, is in such a condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause.
- B. Maintenance of the exterior of the building in good condition as required and copied here from CA Health & Safety Code section 17920.3 (g) : Faulty weather protection, which shall include, but not be limited to, the following:
 - 1. Deteriorated, crumbling, or loose plaster.
 - 2. Deteriorated or ineffective waterproofing of exterior walls, roof, foundations, or floors, including broken windows or doors.
 - 3. Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other approved protective covering.
 - 4. Broken, rotted, split, or buckled exterior wall coverings or roof coverings.
- C. Regular removal of all exterior trash and similar materials or conditions as required and copied here from CA Health & Safety Code Section 17920.3 (j) : Those premises on which an accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rodent harborages, stagnant water, combustible materials, and similar materials or conditions constitute fire, health, or safety hazards.
- D. Prevention of criminal activity on the premises, including but not limited to illegal occupancy.
- E. Prevention of any condition recognized in law or in equity as constituting a public nuisance.
- F. Maintenance of the owners current contact information in the Code Enforcement Unit case file.

Once proceedings have been commenced pursuant to this chapter to declare a property to be a violation under this subsection, no such property shall be deemed to be in compliance with this chapter solely because such property thereafter becomes occupied or changes ownership.

09.02.640 Required boarding of vacant buildings.

A. Vacant buildings shall be boarded when the building can no longer be secured against intrusion by the closing and locking of doors and windows. The building shall be posted at each entrance with a sign containing the following:

DO NOT ENTER
It is illegal to enter or occupy this building or premises
or to remove or deface this notice. Trespassers will be prosecuted

B. Vacant buildings that are open and accessible and pose a hazard to the general public that requires immediate correction or elimination may be abated per section 09.02.300 of this chapter.

C. Any building that is boarded, whether by voluntary action of the owner, or as a result of enforcement activity by the county, shall be boarded in compliance with county standards promulgated by the Building Official.

1. The Building Official may allow the owner to board a vacant building in a manner that the Building Official determines adequately prevents unauthorized entry or vandalism.

D. It is the responsibility of the owner, through periodic inspection, to assure the building remains secured.

09.02.650 Administrative penalty.

Any owner of a building that is in violation of section 09.02.630 shall be subject to an administrative penalty, in an amount not to exceed one thousand dollars (\$1,000.00) per building for the first violation.

A second administrative penalty shall be imposed upon an owner pursuant to this article if the owner's building remains in violation of section 09.02.630 for thirty (30) calendar days following the imposition of the first administrative penalty. Additional penalties may be imposed in each thirty (30) calendar day period following the imposition of an administrative penalty under this article. Additional penalties may be imposed so long as the violations continue. A second and any subsequent penalty shall be in an amount not to exceed five thousand dollars (\$5,000.00).

If a previous administrative penalty has been imposed pursuant to this article upon an owner within two years of the date of the imposition of the present administrative penalty, and that

previous administrative penalty related to a vacant building other than the building presently the subject of an administrative penalty, in no case shall the present administrative penalty be less than two thousand dollars (\$2,000.00), nor more than ten thousand dollars (\$10,000.00).

Fines or fees incurred in connection with this section may be recovered per section 09.02.110 of this chapter, by special assessment per the CA Government Code 38773.5, and per the CA Code of Civil Procedures sections 1032 through 1033.5.

09.02.660 Service of Notices.

Notices required by this section shall be served per section 09.02.120 of this chapter.

09.02.670 Rights of Appeal.

Any administrative penalty, or cost of abatement imposed pursuant to this section may be appealed per section 09.02.350 of this chapter.

Section 2. This ordinance shall become effective thirty (30) days following adoption hereof.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the 4 day of March, 2008, by the following vote of said Board:

Ayes: Helen K. Baumann, Norma Santiago
Rusty Dupray, Ron Briggs

ATTEST

CINDY KECK

Clerk of the Board of Supervisors

By Marcie MacFarland
Deputy Clerk

Noes: James R. Sweeney

Absent: None

[Signature]
Chairman, Board of Supervisors

Rusty Dupray

I CERTIFY THAT:

THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE

Date _____

ATTEST: CINDY KECK, Clerk of the Board of Supervisors
of the County of El Dorado, State of California.

By _____
Deputy Clerk