ORDINANCE NO.  ORD-17-0025

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

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

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

Chapter 18.29

MAINTENANCE OF VACANT LOTS

18.29.060 Purpose.

Vacant lots are a major cause and source of visual and other blight in
the City, especially when the owner or person in control of a vacant lot fails
to maintain and manage the lot to ensure it does not become a liability to
the neighborhood. Failure to maintain vacant lots can result in reduced
property values; vandalism, graffiti, dumping, and accumulation of litter and
other debris. It is the purpose and intent of the City, through the adoption of
this Chapter, to regulate vacant lots in the City as a mechanism to protect
neighborhoods and commercial areas from becoming blighted due to the
lack of adequate maintenance and security of vacant lots and to 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.

18.29.070 Definitions.

A. “Director” shall mean the Director of Development Services or
designee.

B. “Owner” shall mean the responsible party, person or entity owning
the vacant lot as shown on the last equalized tax assessment roll
maintained in the Los Angeles County Assessor’s office; or any person, co-
partnership, agent, operator, firm, association, corporation, or fiduciary
having a legal or equitable interest in the property or who otherwise
exercises control of the property, including the trustee or guardian of the
estate of any such person, and the executor or administrator of the estate of
such person if ordered to take possession or control of the vacant lot by a
court of competent jurisdiction.

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

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

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

A. Maintain vacant lots and any perimeter fencing free of weeds, dry
brush, dead vegetation, trash, garbage, junk, debris, building materials,
vehicles, cars, boats, campers, any accumulation of newspapers, circulars,
flyers, notices (except those required by federal, state or local law),
discarded personal items, including but not limited to furniture, clothing,
large and small appliances, graffiti, tagging or similar markings. The
property owner or other responsible person must inspect the property at reasonable intervals or take other reasonable steps to ensure that there is no dead or dying vegetation, litter, weeds, graffiti, debris or materials accumulating on the property.

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

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

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

E. At the time of registering the vacant lot pay an annual fee as established by resolution of the City Council to defray the cost of administering this Chapter. Said fee shall be prorated based upon the month of the year that the registration occurs and the fee is paid. Registration of a vacant lot shall be valid for a period of twelve (12) months. If the lot remains vacant at the expiration of any registration period, then the
owner or responsible party shall re-register such vacant lot and pay an additional annual fee. The monitoring fee, which may be billed by the City on a quarterly basis, shall be applicable until such time as the lot is no longer vacant as defined in this Chapter.

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

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

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

I. Hearing on charges. Within thirty (30) days from the date that the property owner is mailed a notice regarding the imposition of either yearly 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 Development Services 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 Development Services 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.

18.29.090 Non-compliance declared a nuisance.

Failure to comply with any of the applicable requirements of this
Chapter shall constitute a public nuisance that may be abated by a civil
or criminal action, including the imposition of an administrative citation
and penalties in accordance with Chapter 9.65 of this Code and recovery
of administrative costs and fees incurred by the City in accordance with
Chapter 9.37 of this Code. Any violation of this Chapter may be
enforced by any method provided by this Code for the abatement of
nuisances. The administrative citation process described herein does
not preclude the City from recovering any other Code violation or
nuisance abatement costs incurred by the City in performing its
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.
I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of __October 10__, 2017, by the following vote:

**Ayes:** Councilmembers:
- Gonzalez, Pearce, Price,
- Supernaw, Mungo, Andrews,
- Austin, Richardson.

**Noes:** Councilmembers:
- None.

**Absent:** Councilmembers:
- Uranga.

Approved: __10-12-17__
(Date)

*City Clerk*

*Mayor*
AFFIDAVIT OF POSTING

STATE OF CALIFORNIA      ) ss
COUNTY OF LOS ANGELES    )
CITY OF LONG BEACH       )

Samantha Vargas Rios being duly sworn says: That I am employed in the Office of the City Clerk of the City of Long Beach; that on the 12th day of October 2017, I posted three true and correct copies of Ordinance No. ORD-17-0025 in three conspicuous places in the City of Long Beach, to wit: One of said copies in the entrance lobby of City Hall in front of the Information Desk; one of said copies in the Main Library; and one of said copies on the front counter of the Office of the City Clerk.

[Signature]

Subscribed and sworn to before me this 12th day of October, 2017.

[Signature]
CITY CLERK

[Signature]