

## ORDINANCE NO. 01-12

### AN ORDINANCE OF THE CITY OF RIDGECREST AMENDING THE RIDGECREST MUNICIPAL CODE TO PROVIDE FOR A MONITORING FEE ON CERTAIN VACANT OR BOARDED BUILDINGS

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF RIDGECREST AS FOLLOWS:

#### SECTION 1. Purpose.

This ordinance amends the Municipal Code to authorize the imposition of a fee to collect the cost of monitoring vacant or boarded buildings which are not being repaired.

#### SECTION 2. Amendment.

Section 9-8.1 is added to the Ridgecrest Municipal Code to read as follows:

"Sec. 9-8.1 Vacant or Boarded Buildings.

Findings: vacant buildings are a major cause and source of blight in residential and non-residential neighborhoods, especially when the owner of the building fails to actively maintain and manage the building to ensure it does not become a liability to the neighborhood. Vacant buildings often attract transients, homeless people, and criminals, including molesters and drug abusers. Use of vacant buildings by transients and criminals who may employ primitive cooking or heating methods, creates a risk of fire for the vacant building and adjacent properties. Vacant properties are often used as dumping grounds for junk and debris and are often overgrown with weeds and grass. Vacant buildings, which are boarded up to prevent entry by transients and other long-term vacancies, discourage economic development and retard appreciation of property values.

One vacant property, which is not actively being managed and maintained, can be the core and cause of spreading blight.

Because of the potential economic and public health, welfare and safety problems caused by vacant buildings, the City needs to monitor vacant buildings every ninety (90) days, to ensure that they do not become attractive nuisances, are not used by trespassers, are properly maintained both inside and out, and do not become a blighting influence in the neighborhood. Among those City departments involved in such monitoring, include the Community Development Department, the Public Works Department, and the Police Department. There is a substantial cost to the city for monitoring vacant buildings whether or not those buildings are boarded up.

This cost should not be borne by the general taxpayers of the community but rather these costs should be borne by those who choose to leave their buildings vacant."

#### SECTION 3. Amendment.

Section 9-8.2 is added to the Ridgecrest Municipal Code to read as follows:

"Sec. 9-8.2 Definitions.

The following terms are defined for the purposes of this section

"Vacant building" means a residential or commercial building designed for human use or occupancy standing vacant for more than ninety (90) consecutive days.

**Ordinance No. 01-12**

**Page 2**

"Boarded building" means a building in which at least 30% of the window and door surface has been covered over with plywood or other material for the purpose of preventing entry into the building by persons or animals."

**SECTION 4. Amendment.**

Section 9-8.3 is added to the Ridgecrest Municipal Code to read as follows:

"Sec. 9-8.23 Monitoring Fee.

Every owner of a vacant or boarded building shall pay a monitoring fee in an amount to be set by resolution of the City Council. The fee shall not exceed the estimated reasonable cost of monitoring the vacant or boarded building. The building will be subject to a repeat monitoring every ninety (90) days until the building is occupied. The owner will be responsible for the cost of each additional monitoring as set forth above.

The monitoring fee shall be waived upon a showing by the owner, to the satisfaction of the Community Development Director, that:

1. The owner has applied for and is diligently pursuing a building permit or other permits necessary to occupy the building.
2. The owner is proceeding diligently to repair the premises for occupancy.
3. The building is actively being offered for sale, lease or rent by the owner as evidenced by advertisements in the newspaper and other publications and/or listing with a licensed Realty Brokerage and is being actively maintained towards that end as evidenced by the following; maintenance of exterior paint conditions, prevention of weed and trash accumulation, and maintenance of doors and windows."

**SECTION 5. Amendment.**

Section 9-8.4 is added to the Ridgecrest Municipal Code to read as follows:

"Sec. 9-8.4. Procedures.

- a. The monitoring fee shall be billed to the owner(s) of the property and mailed to the owner's address as set forth on the last equalized assessment roll of the Kern County Assessor.
- b. Any owner billed may apply for a waiver by submitting a written statement of the grounds for the waiver, and the owner's daytime telephone number, to the Community Development Director within thirty (30) days after the billing is mailed to the owner. The Community Development Director shall review the written statement and may contact the owner to discuss the application for waiver. The Community Development Director shall prepare a written decision, which shall be mailed to the owner.

Any owner aggrieved by the decision of the Community Development Director relating to an application for a waiver may within thirty (30) days of the Community Development Director's

decision appeal the decision by submitting a written Notice of Appeal and Request for City Council Hearing to the Office of the City Clerk.

c. If the fee is not paid within sixty (60) days after billing or within sixty (60) days after the decision of the Community Development Director or City Council becomes final, the City Council may order the fee be specially assessed against the property. The City Council shall confirm the assessment and thereafter the assessment may be collected at the same time and in the same manner as ordinary real property taxes are collected and shall be subject to the same penalties and the same procedures and sale in case of delinquency as provided for ordinary real property taxes. Laws applicable to the levy, collection, and enforcement of real property taxes are applicable to the special assessment.

The City Council may also cause a Notice of Lien to be recorded. The Notice shall, at a minimum, identify the record owner or possessor of the property, set forth in 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 lien."

**SECTION 6. Other.**

Except as provided herein, the Ridgecrest Municipal Code is reaffirmed and readopted.

**PASSED, APPROVED AND ADOPTED** by the Council of the City of Ridgecrest, County of Kern, State of California on the 17th day of October 2001, by the following vote:

AYES: Mayor Darnell, Council Members Carter, Holloway, Morgan, and Rollins

NOES: None

ABSENT: None

ABSTAIN: None

  
Donna Darnell, Mayor

ATTEST:

  
\_\_\_\_\_  
Harvey M. Rose  
City Clerk