ORDINANCE NO. 2026- ___

AN ORDINANCE OF THE CITY OF CITRUS HEIGHTS ADDING CHAPTER 52 TO THE CITRUS HEIGHTS MUNICIPAL CODE TO ESTABLISH A COMMERCIAL PROPERTY REOCCUPANCY PROGRAM

The City Council of the City of Citrus Heights does ordain as follows:

SECTION 1. There is hereby added as Chapter 52 of the City of Citrus Heights Municipal Code of the following:

CHAPTER 52

Sec. 52-010. Title.

This subdivision shall be known as the "Commercial Property Reoccupancy Program," may be cited as such, and is referenced herein as "the program."

Sec. 52-020. Purpose.

The purpose of this chapter is to ensure all vacant commercial properties comply with minimum property maintenance requirements, while ensuring the City's commercial properties remain viable and leasable for reoccupancy. The intent is to alleviate visual blight and nuisance conditions associated with vacant commercial properties and encourage proactive and preventive maintenance of properties to promote the health, safety, and welfare of the people of the City of Citrus Heights.

Sec. 52-030. Definitions.

For the purposes of carrying out the intent of this chapter, phrases and words shall have the meanings set forth below.

"Commercial Property" means any parcel with a building, structure, or portion thereof within the City that is designed, intended, used or historically used for commercial uses (retail, office, automotive, industrial, or other business purposes). This includes, but is not limited to, properties such as shopping centers, storefronts, multi-tenant space, service stations, public or private meeting facilities, and care facilities.

"Continuous Physical Monitoring" means ongoing physical monitoring conducted by a licensed security company retained for monitoring of the commercial property. Onsite monitoring shall occur at a minimum of four times every 24-hours.

"Office" as defined in Title 106 of the Citrus Heights Zoning Code.

"Owner" means and includes any person having legal title to, or who leases, rents, occupies or has charge, control or possession of, any real property in the City, including all persons shown as owners on the last equalized assessment roll of the County Assessor's Office. Owners include persons with powers of attorney, executors of estates, trustees, or who are court-appointed administrators, conservators, guardians, receivers, and any beneficiary and trustee who holds a deed of trust on a property in the City.

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"Person" means any natural person or legal entity.

“Program Administrator” means the city employee designated by the City Manager to administer the Commercial Property Reoccupancy Program or their designee.

“Self- Register” means that a property owner or responsible party voluntarily submits required registration information to the city before being notified or cited for non-compliance.

"Unoccupied" means not legally occupied. Factors that may be used, typically in combination, to determine whether a building is unoccupied include, but are not limited to: overgrown or dead vegetation; accumulation of newspapers, circulars, flyers, or mail; past due utility notices; the existence of real property tax delinquencies for the land upon which the building is located; disconnected utilities; accumulation of trash, junk, or other debris; the presence of non-functional or broken doors or windows; the absence of furnishings or items consistent with the permitted uses within the zone of the real property; statements by neighbors, passersby, delivery agents, government employees that the property is unoccupied.

"Vacant Commercial Property" means any building that: (1) is unoccupied and unsecured; (2) is unoccupied and secured by boarding or other similar means; (3) is unoccupied and has multiple code violations; (4) has been unoccupied for more than 60 days; (5) is unoccupied and subject to a current notice of default, notice of trustee's sale, or pending tax assessors lien sale; (6) is unoccupied and conveyed by a foreclosure sale resulting in the acquisition of title by an interested beneficiary of a deed of trust or conveyed via a deed in lieu of foreclosure; or (7) is otherwise determined as vacant as determined by the Program Administrator.

Sec. 52-040. Monitoring Program; Authority to Administer and Enforce Chapter.

A. Administration. The program administrator is authorized to administer and enforce this chapter. The program administrator may adopt supplemental regulations or policies to implement and interpret this chapter. These regulations or policies must conform to the purpose of this chapter.

B. Monitoring Program for Vacant Properties. A program monitoring vacant properties is hereby established. The program administrator has the duty to do the following pursuant to the monitoring program:

1. Inspect properties in the City to identify commercial properties that are vacant.

2. Order vacant commercial properties to comply with this chapter and any other applicable codes.

3. Order vacant commercial properties that are open and accessible to be secured against unlawful entry in accordance with this chapter.

4. Initiate proceedings against the owner of any vacant properties found to be in violation of this chapter or any other applicable code.

5. Maintain surveillance over vacant commercial properties so that timely code enforcement proceedings are commenced in the event the property becomes substandard or a nuisance.

Sec. 52-050. Scope.

A. Applicability. The provisions of this chapter apply to all improved commercial properties, real property throughout the City of Citrus Heights where any of the conditions specified in this chapter are found to exist.

B. Regulations Cumulative. The regulations provided by this chapter are cumulative to each other and to any other regulations under City, State, or Federal law.

Sec. 52-060. Service Requirements.

All notices and service requirements pursuant to Chapter 52 shall adhere to the provisions outlined in Chapter 50.

Sec. 52-070. Registration and Exemptions.

A. Registration Required. An owner of a vacant commercial building must register their property with the Program Administrator within 60 days of the building becoming vacant, in accordance with the requirements of this chapter.

B. Exemptions. The provisions of this chapter do not apply to the following vacant commercial properties:

1. Active Construction. Vacant buildings where all of the following conditions are satisfied as determined by the program administrator:

    a. There is a valid building permit for repair, rehabilitation, or construction of the vacant commercial property or there is a valid planning permit for reoccupancy, such as but not limited to a use permit, minor use permit, or design review permit;

    b. The program administrator determines the owner is progressing diligently to complete such repair or rehabilitation within six months of the issuance of the building or planning permit; and

    c. The owner maintains the property free of trash, debris, and graffiti in compliance with applicable codes.

2. Partially Vacant Office Buildings as determined by the program administrator:

    a. Office Buildings without a Code violation within the last 12 months and at least 50% occupied as long as the owner maintains the property free of trash, debris, and graffiti in compliance with applicable codes.

Sec. 52-070. Registration Procedure.

A. Application Required. Any Person seeking to register a vacant property must submit a complete, written application to the City using a form adopted by the City for that purpose.

1. Parcels under Common Ownership. For the purposes of this program, multiple abutting parcels under identical ownership may be considered a single registration if they function as one site or property. This option is available when parcels are:

    - contiguous - parcels sharing a common boundary with no physical separation

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such as a public right of way (public or private street)

- under identical ownership; and
- are part of the same vacant or partially vacant commercial use.

The monitoring fee, however, may reflect the overall size, configuration, or condition of the combined property as determined by the program administrator.

B. Application Contents. The City will not deem an application complete until all information, documents, and fees required under this chapter have been provided to the City. At a minimum, any applicant requesting registration of a vacant property pursuant to this chapter must submit the following information and documentation:

1. The name and address of each owner and any property management company (as applicable) responsible for the security, maintenance, and marketing of the property in question.
2. A maintenance plan describing and documenting how the maintenance requirements of this chapter will be complied with.
3. The methods by which the owner has secured the property against unauthorized entry.
4. A statement regarding any future plans for the property.
5. Proof of fire and liability insurance coverage.
6. Proof of active, continuous monitoring of the property through a monitored burglar and fire alarm system or continuous physical monitoring.
7. Such other identification and information as the program administrator may require.

C. Self Registration. Owners of vacant commercial properties that self-register within 60 days will have the registration fee waived.

- Properties that fail to self register and are identified by the City as vacant will be required to pay applicable registration fee.

D. Registration Fee. Properties that fails to self register, will be notified by the City and must pay the nonrefundable registration fee, as established by resolution of the City Council, at the time of registration and annually thereafter.

E. Annual Registration and Renewal. The registration pursuant to this section must be renewed annually. A registration is valid upon issuance and continues in effect for one year from the date of issue. The registration expires automatically one year following the date of its issuance. Properties that remain vacant after 12 months must renew in accordance with this chapter. The registration fee shall be set by resolution of the City Council for properties that fail to self-register. The fee required is in addition to any other license, permit, or fee required by any other section or chapter of this code. The amount of any fee, cost or charge imposed pursuant to this chapter is a debt to the City of Citrus Heights that may be recovered by any means authorized by law.

F. Annual Monitoring Fee. The owner shall also be required to pay a monitoring fee covering

the full 12-month period at the time of registration for each vacant property registered. The annually paid monitoring fee is intended to cover costs of City staff, including code compliance personnel, to conduct regular inspections of the vacant property to ensure compliance with maintenance and security requirements as outlined in this Article. A monitoring fee shall be set by resolution of the City Council and shall be paid in addition to the annual vacant property registration fee. Failure to pay the monitoring fee may result in enforcement actions as outlined in this Code.

G. Refund of Monitoring Fees. Upon occupation of property. The program administrator shall have the authority to refund monitoring fees for any property that becomes occupied after having been registered as vacant, provided that the property has been inspected and deemed to be in compliance with applicable City codes and ordinances.

1. Conditions for Refund. The refund shall apply only to the monitoring fee, and no portion of the registration fee shall be refunded. The monitoring fee refund will be calculated based on the following criteria:

- If the property becomes occupied on or before the 15th day of any given month, the monitoring fee for that month and all subsequent months shall be refunded.
- If the property becomes occupied after the 15th day of the month, the monitoring fee for that month will not be refunded, but the fees for all subsequent months, if any, will be refunded.

H. Notice City of Changes to Registration. Any person, partnership, association, corporation, fiduciary, or other legal entity that has registered a property under this chapter must notify the program administrator in writing of any change of information contained in the registration within 10 days of the change.

I. Failure to Register. Any failure of an owner to register after notification from city shall be subject to the City's enforcement provisions contained in Section 52-110.

Sec. 52-080. Notice.

If the program administrator has reason to believe that a commercial property is vacant and not registered as required by this chapter, the program administrator may take action. This belief may be based on an inspection, a complaint, or a report from another agency or person. The program administrator may serve the owner with a written notice. The notice will require the owner to register the property as vacant and pay the registration fee. The owner must do so within the time specified in the notice, which may not exceed 30 days.

Sec. 52-090. Maintenance Requirements for Vacant Properties; Inspections.

A. Maintenance Required—Program administrator modification. Each vacant property that is subject to registration must be maintained in compliance with applicable Federal, State, and local law and the maintenance and security requirements provided in Subsections (b) through (g) below. The program administrator may also modify or waive some or all of these requirements in the case of a building that has been damaged by fire, a natural disaster, or other calamity, or if the vacant commercial property has received approval under a Request for Relief.

B. Exterior Maintenance. The owner must actively maintain and monitor the exterior of the vacant commercial property and the grounds so that they remain in continuing compliance

with all applicable codes and regulations, and do not contribute to and are not likely to contribute to blight. Active maintenance and monitoring shall include, but not be limited to:

1. Maintenance of landscaping and plant materials in good condition.
2. Regular removal of all exterior trash, debris, and graffiti.
3. Maintenance of the exterior of the commercial property in a good condition that is structurally safe and preserves the physical integrity of the structure, including but not limited to paint and finishes, foundation, roof, flues, gutters, downspouts, scuppers, flashing, skylights, windows, exterior stairs and decks.
4. Prevention of criminal activity on the premises and trespass by unauthorized persons.
5. Turning off all utilities that are not necessary for the upkeep and maintenance of the commercial property.

C. Interior Maintenance. The owner must preserve the interior of the commercial property from damage by the elements or plumbing leaks and keep it free from accumulation of garbage and other debris, and from infestation by rodents, insects, or other pests.

D. Security. Each vacant property must be secured against unauthorized entry. The methods of security shall be as approved by the program administrator, who shall take into consideration whether the property has been cited for nuisance activities or criminal conduct by another department of the City or another government agency.

E. Insurance. The owner must maintain fire and liability insurance coverage as determined necessary by the program administrator. Any insurance policy requires advanced, written notice to the program administrator in the event of cancellation of insurance or a reduction in coverage.

F. Sign Posting. The owner of the vacant property is required to post a sign at the front of the building, in a conspicuous location protected from the weather, that provides the current name, address, and phone number of the owner of record or property manager. If a notice of default or foreclosure has been recorded for the property, the lender's name, address, and telephone number must also be provided. The sign may be no smaller than eight and one-half (8½) inches by 11 inches.

G. Vacant Commercial Property Monitoring. In addition to the above requirements, any vacant commercial building must be maintained in accordance with the following requirements:

1. Commercial properties with fire sprinkler systems must be maintained in working order.
2. Commercial properties shall maintain a centralized and registered fire and burglar alarm system which must be maintained in working order.
3. Commercial properties without fire sprinkler systems or fire alarm or burglar alarm systems shall be provided with continuous physical monitoring by means of an on-site patrol approved by the program administrator.

H. Inspections. The City shall inspect each registered vacant property on a regular basis to ensure ongoing compliance with the requirements of this section. Any failure of an owner to comply shall be subject to the City's enforcement of the provisions of this chapter.

Sec. 52-100. Request for Relief.

Request for Relief may be considered at registration to exempt a property from annual monitoring fees, if all of the following conditions are met:

A. The commercial property is maintained in good repair, meets all maintenance requirements outlined in this ordinance and is free of;

    1. Graffiti, litter, illegal dumping; and

    2. Broken windows, boarded entrances, deteriorating facades; and

    3. Overgrown or unmaintained landscaping.

B. No public nuisance or enforcement activity

    1. No open or outstanding code enforcement cases or nuisance abatement actions within the last 12 months; and

    2. The property has not generated excessive calls for police, fire, or public service response related to its vacant portions.

C. Time Limitation:

    1. A Request for Relief may be submitted at the time of registration to exempt the property from the monitoring fees. If approved, the relief runs concurrently with the 12-month registration term.

D. Revocation or Renewal

    1. A Request for Relief may be revoked if the site falls out of compliance with any of the conditions above.

Should the property remain vacant after 12 months, the owner may submit a new Request for Relief at the time of annual registration renewal; however, approval and exemption from monitoring fees is not guaranteed.

Sec. 52-110. Penalties.

A. The owner of any property found in violation of the provisions of this section may receive immediate Notice of Violation from the City. Accordingly and notwithstanding other provisions in the Citrus Heights Municipal Code, Notices to Abate are not required under this Section. Registered properties are deemed to have proper notice under this section relative to their maintenance responsibility.

B. Any person who violates the provisions of this section may be subject to any of the following legal enforcement remedy, including but not limited to: Criminal prosecution of a misdemeanor or infraction, civil action, including injunctive relief, administrative enforcement actions, including administrative citation, and/or revocation of a use permit, if applicable. These remedies shall be in addition to any other remedy authorized by law.

C. A vacant property subject to registration and not maintained in accordance with the provisions

of this section is hereby declared to be a public nuisance, subject to abatement, including, without limitation, by rehabilitation, demolition, or repair. The procedures for abatement shall not be exclusive and shall not in any manner limit or restrict the City from abating public nuisances in any other manner authorized by law.

D. The remedies, procedures, and penalties provided by this chapter are cumulative to each other and any others available under this Code or State law. The imposition of a fee or fine under this section shall not preclude the City officials from seeking all other remedial penalties available under this Code.

E. The City's failure to provide notices within any time specified does not constitute waiver by the City of the provisions of this chapter.

SECTION 2. Severability. If any section, subdivision, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 3. Effective Date and Notice. This ordinance shall take effect thirty (30) days after its adoption, provided it is published in full or in summary within fifteen (15) days of its adoption, in a newspaper of general circulation published and circulated in the City of Citrus Heights.

PASSED AND ADOPTED by the City Council of the City of Citrus Heights this ___day of _____, 20__, by the following vote:

AYES: Council Members:
NOES: Council Members:
ABSENT: Council Members:
ABSTAIN: Council Members:

_____
Dr. MariJane Lopez-Taff, Mayor

ATTEST:

_____
Amy Van, City Clerk