

ORDINANCE NO. 2018-0021

Adopted by the Sacramento City Council

May 22, 2018

An Ordinance Adding Chapter 8.136 to the Sacramento City Code Relating to Registration of Vacant Lots

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Chapter 8.136 is added to the Sacramento City Code to read as follows:

Chapter 8.136 REGISTRATION OF VACANT LOTS

8.136.010 Purpose and intent.

- A. The city council finds and determines that there are vacant lots within the city that are undeveloped, poorly maintained, and open to the public by reason of the owner's failure to adequately secure and maintain the lots. These lots are overgrown with weeds; frequently damaged or destroyed by fire; and used by trespassers as places of habitation resulting in the accumulation of junk, debris, and human waste. Any and all of these conditions constitute a public nuisance that adversely affects the public health, safety and general welfare, contribute to the decay of commercial and residential areas, discourage the most appropriate use and development of the lots, and hinders civic improvements.
- B. The public interest requires that all vacant lots comply with the minimum standards necessary to protect the health and safety of the public. The provisions of this chapter establish a vacant lot registration program aimed at securing citywide compliance of vacant lots with minimum standards.

8.136.020 Definitions.

The following definitions apply in this chapter:

"Administrative order" means an order imposing an administrative penalty pursuant to section 1.28.010 or an order to abate issued pursuant to title 8.

"Nuisance vacant lot" means a vacant lot against which two or more administrative orders have been imposed in the prior 36 months.

"Owner" means an owner of record of real property or homeowners' association. A homeowners' association that exercises management or control over a

common area is an owner of the area over which such control is exercised. Exercising control includes, but is not limited to, maintaining the property, holding an easement on the property, or assessing fees on property owners pursuant to agreements, deeds, or recorded documents.

“Vacant lot” means any parcel of real property that is not improved with a community garden, as defined by section 17.108.040, or a completed permitted structure.

8.136.030 Registration and fee required.

- A. Every owner of a vacant lot in the City of Sacramento shall register that vacant lot with the city.
- B. To register a vacant lot with the city, the owner shall submit the following:
 - 1. A completed registration form that contains the following information:
 - a. The street address and assessor’s parcel number;
 - b. Name and current contact information for the owner of the vacant lot, and any lessees or occupants;
 - c. Name and current contact information for the local contact representative as described in section 8.136.050; and
 - d. Any other information as reasonably required by the city manager or designee.
 - 2. The vacant lot program fee, as established in section 8.136.040.
 - 3. Any outstanding fees or penalties that were previously imposed pursuant to this chapter.
- C. No owner shall:
 - 1. Knowingly make a false statement of fact or knowingly omit any information that is required to register a vacant lot pursuant to this section;
 - 2. Fail to notify the city in writing of any change in the information submitted pursuant to subsection B of this section, within 30 days of such change.
- D. Registration is valid for one year.

8.136.040 Vacant lot fees.

- A. The following vacant lot fees are established and imposed:
 - 1. Vacant lot program fee.
 - 2. Nuisance vacant lot monitoring fee.
- B. The city council shall establish by resolution the amounts of the fees specified in subsection A.

8.136.050 Local contact representative.

- A. All owners of vacant lots shall designate a local contact representative with full authority to act on behalf of the owner for all purposes under this chapter, including the acceptance of service of all notices from the city. The owner of the vacant lot may act as the local contact representative.
- B. A local contact representative must establish and maintain a local telephone number and a residence or business address within 35 miles of Sacramento city hall.

8.136.060 Nuisance vacant lots.

- A. When a property becomes a nuisance vacant lot, as defined in section 8.136.020, the owner of the property shall be charged a nuisance vacant lot monitoring fee. The monitoring fee shall be in addition to any other fee or penalty imposed by this code. The monitoring fee may be appealed and collected in the same manner as an administrative penalty, as specified in section 1.28.010.D.
- B. A nuisance vacant lot monitoring fee shall be charged monthly until:
 - 1. A community garden, as defined in section 17.108.040, is installed on the property;
 - 2. A permitted structure is completed on the property; or
 - 3. No administrative order, as defined in section 8.136.020, has been imposed against the property in the prior 24 months.
- C. The owner of a nuisance vacant lot shall post a sign of a minimum size of four feet by four feet on the property with the local contact representative's phone number. This sign shall have lettering of not less than six inches high. The sign must be clearly visible from the public right-of-way.

8.136.070 Violations.

- A. In addition to any other remedy allowed by law, any person who violates a provision of this chapter is subject to criminal sanctions, civil actions, and administrative penalties pursuant to chapter 1.28.
- B. Violations of this chapter are hereby declared to be a public nuisance.
- C. Any person who violates a provision of this chapter is liable for civil penalties of not less than \$250 or more than \$25,000 for each day the violation continues.
- D. All remedies prescribed under this chapter are cumulative and the election of one or more remedies does not bar the city from the pursuit of any other remedy to enforce this chapter.

Adopted by the City of Sacramento City Council on May 22, 2018, by the following vote:

Ayes: Members Ashby, Carr, Guerra, Hansen, Harris, Jennings, Schenirer and Mayor Steinberg

Noes: None

Abstain: Member Warren

Absent: None

Attest: **Mindy Cuppy** Digitally signed by Mindy Cuppy
Date: 2018.06.18 17:17:52 -07'00'

Mindy Cuppy, City Clerk

The presence of an electronic signature certifies that the foregoing is a true and correct copy as approved by the Sacramento City Council.

Passed for Publication: May 15, 2018
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