

ORDINANCE NO. 25-966

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARTESIA, CALIFORNIA, AMENDING CHAPTER 24 (VACANT PROPERTIES) OF TITLE 5 (PUBLIC WELFARE) OF THE ARTESIA MUNICIPAL CODE RELATING TO THE MAINTENANCE OF VACANT PROPERTIES

WHEREAS, the City of Artesia ("City") is authorized under the California Constitution with the police power to safeguard public health, welfare, and safety;

WHEREAS, the City Council declares that vacant properties are a major cause and source of blight in both residential and non-residential neighborhoods;

WHEREAS, properties that remain vacant and unoccupied for any appreciable period of time become a life-safety hazard, fire hazard, and attract crime (frequently involving illegal drug-related activity);

WHEREAS, vacant properties, including lots and buildings, whether or not those buildings are boarded, substandard, structurally deficient, or any part of the property is poorly maintained, neglected for a long term, or exhibiting any combination of these negative qualities, contribute to the growth of blight within the City, depress market values of surrounding properties, discourage economic development, retard appreciation of property values thereby reducing tax revenues, necessitate additional governmental services, significantly interfere with the use and enjoyment of neighboring properties, create an unhealthy and unsafe condition affecting the public and constitutes an unreasonable use of property and a public nuisance;

WHEREAS, the purpose of this Ordinance is to amend Chapter 24 of Title 5 (Public Welfare) of the Artesia Municipal Code ("AMC") entitled, "Vacant Properties," to ensure that owners of vacant properties are known to the City and other interested parties (and can be reached if necessary), ensure that owners of vacant properties are aware of the obligations of ownership under relevant codes and regulations, and ensure that owners meet minimum standards of maintenance of vacant properties;

WHEREAS, the City Council finds that the adoption and implementation of the procedures and standards set forth below for the identification and abatement of public nuisances within the City is within the power and authority of the City to protect the public health, safety, and welfare of the City's citizens;

WHEREAS, the Planning Commission considered this Ordinance on January 21, 2025 and February 18, 2025 and by unanimous vote (5-0) recommended City Council adoption; and

WHEREAS, at a regularly scheduled meeting, the City Council held a hearing concerning the municipal code amendments contained herein as required by law and received testimony from City staff and all interested parties regarding the proposed amendments; and

WHEREAS, all legal prerequisites to the adoption of the Ordinance have occurred.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ARTESIA DOES ORDAIN AS FOLLOWS:

SECTION 1. Incorporation of Recitals. The recitals above are each incorporated by reference and adopted as findings by the City Council.

SECTION 2. Amending Chapter 24 (Vacant Buildings and Foreclosed Properties) of Title 5 (Public Welfare) of the Artesia Municipal Code is hereby amended in its entirety to read as follows with additions shown as underline and deletions in ~~strikethrough~~:

VACANT BUILDINGS AND FORECLOSED PROPERTIES

Sections:

5-24.010	Purpose
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5-24.040	Scope
5-24.050	Service Requirements
5-24.060	Registration and Exemptions
5-24.070	Registration Procedure
5-24.080	Notice
5-24.090	Maintenance Requirements for Vacant Buildings <u>Properties</u> ; Quarterly Inspections
5-24.100	<u>Recordation of Transfer to Loan/Deed of Trust</u>
5-24.110	Fees
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5-24.010 Purpose.

The purpose of this chapter is to ensure all vacant buildings and foreclosed properties comply with minimum property maintenance requirements, to encourage proactive and preventive maintenance of properties, to ensure maintenance issues are quickly and efficiently remedied, and to promote the health, safety, and welfare of the people of the City of Artesia.

5-24.020 Definitions.

For the purposes of carrying out the intent of this chapter, unless the content clearly indicates to the contrary, the following words, phrases, and terms shall have the following meanings:

(a) *Building* means any structure, including, but not limited to, any residential, commercial, industrial, or assembly structure, approved for occupancy on either a lot of record or within a single project approved by the City pursuant to the City's Zoning Code.

(b) *Director* means the Director of the Artesia Community Development Department, or his or her designee.

(c) *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.

(d) *Person* means any natural person or legal entity.

(e) *Vacant building property* means any building that is parcel of land, including lots, which can be undeveloped, and may include any building on the parcel, that is (1) unoccupied and unsecured, (2) unoccupied and secured by fence or boarding or other similar means, (3) unoccupied and has multiple code violations, (4) has been unoccupied for more than 30 days, (5) unoccupied and subject to a current notice of default, notice of trustee's sale, or pending tax assessors lien sale; or (6) 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.

(f) *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 doors or windows; the absence of window coverings such as curtains, blinds, or shutters; the absence of furnishings or personal items consistent with residential or commercial furnishings 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.

(g) Secured means and includes such measures as may be directed by the Director that assist in rendering real property inaccessible to unauthorized persons including, without limitation, the repair of fences, walls, and other barriers, chaining or pad locking of gates, or the repair or boarding of doors, windows, or other openings.

5-24.030 Authority to Administer and Enforce Chapter; Monitoring Program

(a) Administration. The Director is authorized to administer and enforce this chapter. The Director may adopt supplemental regulations or policies to implement and interpret this chapter. These regulations or policies must conform with the purpose of this chapter.

(b) Monitoring Program for Vacant Properties. A program monitoring vacant buildings properties is hereby established. The Director has the duty to do the following pursuant to the monitoring program:

(1) Inspect properties in the City to identify buildings properties that are vacant.

(2) Order vacant buildings properties to comply with this chapter and any other applicable codes.

(3) Order vacant buildings 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 buildings property found to be in violation of this chapter or any other applicable code.

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

5-24.040 Scope.

(a) Applicability. The provisions of this chapter apply to all improved real property throughout the City of Artesia 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.

5-24.050 Service Requirements.

Any notice required to be served under this chapter must be completed by either personal delivery or ~~first-class~~ first-class mail. Service by mail is deemed complete at the time of deposit in the mail. Any notice issued to a registrant may be sent to the mailing address listed on the application submitted to the City. Failure of any registrant to receive a properly addressed notice by mail does not invalidate any action, decision, determination, or proceeding under this chapter.

5-24.060 Registration and Exemptions.

(a) Registration Required. An owner of a vacant buildings property must register their property with the Director within 30 days of the buildings property becoming vacant, in accordance with the requirements of this chapter. Each beneficiary/trustee who holds a deed of trust on a property located within the City shall perform an inspection of the property in question prior to recording a notice of default or similar instrument with the Los Angeles County Recorder's Office. If the buildings property is found to be vacant or shows evidence of vacancy, it is, by this chapter, deemed vacant.

(b) Exemptions. The provisions of this chapter do not apply to the following vacant buildings properties:

(1) **Active Construction.** Vacant buildings properties where all of the following conditions are satisfied:

- i. There is a valid building permit for repair, rehabilitation, or construction of the a vacant building on the vacant property; and
- ii. The owner is progressing diligently to complete such repair or rehabilitation within one year of the issuance of the building permit; and
- iii. The owner regularly removes exterior trash, debris, and graffiti.

(2) **Active Marketing.** The buildings property complies with all codes, is ready for occupancy, and is actively being offered for sale, lease, or rent.

5-24.070 Registration Procedure.

(a) **Application Required.** Any person seeking to register a vacant buildings property must submit a complete, written application to the City using a form adopted by the City for that purpose.

(b) **Application Contents.** The City will not deem an application complete until all information, documents, and fees required under this chapter has been provided to the City. At minimum, any applicant requesting registration of a vacant buildings 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) Such other identification and information as the Director may require.

(c) **Registration Fee.** Each applicant must pay the nonrefundable registration fee, as established by resolution of the City Council, at the time of registration and annually thereafter.

(d) **Annual Registration.** 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 until expiration. It expires automatically on December 31st of each calendar year ~~one year~~ following the date of its issuance, unless suspended, revoked, or renewed in accordance with this chapter.

(e) **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 Director in writing of any change of information contained in the registration within 10 days of the change.

5-24.080 Notice

Whenever the Director has cause to believe, based upon an inspection, complaint, or report from another agency or person, that a building property is vacant and it has not been registered as required by this chapter, then the Director may serve the owner with a written notice requiring the owner to register the building property with the Department as vacant and pay the registration fee within the period of time specified in the notice, which may be no greater than 30 days.

5-24.090 Maintenance Requirements for Vacant Buildings Properties;

Inspections.

(a) **Maintenance Required; Director Modification.** Each vacant building 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 (gj) below. The Director may modify the requirements, below, at

his or her discretion in the case of a partially vacant building property. The Director may also modify or waive some or all of these requirements in the case of a building property that has been damaged by fire, a natural disaster, or other calamity.

(b) **(b) Unimproved Vacant Lot Types.** Persons owning or maintaining vacant lots that were never developed or became vacant after pre-existing buildings, structures or impervious surfaces were removed, must provide a landscape and irrigation plan to the Director for approval within 30 days of the real property becoming vacant.

(c) **Exterior Maintenance.** Upon approval of a landscape and irrigation plan, a vacant property The owner must actively maintain and monitor the exterior of any the building(s) and the grounds, including all lots, 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) A landscaped area must be provided and maintained on all perimeters of a vacant property located adjacent to all streets, alleys, or other public right-a-way.

(2) Landscaped areas must be planted with natural, drought-tolerant vegetation consisting of a combination of trees, shrubs, and groundcover, subject to approval of the Director. For detailed coverage requirements, please refer to Section 9-2.1503 of this Code.

(3) Maintenance of landscaping and plant materials must be in good condition at all times.

(4) Property must be equipped with an operable automatic irrigation system for the ground cover, which must be installed and maintained in good condition at all times. Approved ground cover types for the property include grass, artificial turf, decomposed granite, mulch, woodchips, and gravel or rocks. Detailed coverage requirements for these ground covers can be found in Section 9-2.1503(b) of this Code.

(5) Regular removal of all exterior trash, debris, and graffiti from the property building and its associated lots.

(6) Maintenance of the exterior of the building of any structure on the vacant property, and all associated lots, 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, chimneys, flues, gutters, downspouts, scuppers, flashing, skylights, windows, exterior stairs and decks. All painted area to cover graffiti shall be painted to match the color of the building.

(7) Prevention of criminal activity on the premises and trespass by unauthorized persons.

(8) Turning off all utilities that are not necessary for the upkeep and maintenance of the property building.

(9) Swimming pools, spas, fountains, or other bodies of water that are not maintained to be free and clear of pollutants or debris, or that are likely to harbor mosquitoes, insects, or vectors are prohibited. This includes, but is not limited to, water that is clouded or green, water containing bacterial growth, algae, insect larvae, insect remains, or animal remains. Additionally, swimming pools must be covered, secured, and maintained in such a way that water cannot collect or accumulate either in the pool or on top of the cover thereon.

(d) **Landscape and Irrigation Plan.** Before the City issues a demolition permit on any vacant property in which the construction of a new building, structure, parking lot, or impervious surface is not scheduled to commence within 30 days after demolition, the responsible party must submit a landscape and irrigation plan for review and approval by the Director (with the appropriate plan check fees). The Director may impose any reasonable conditions of approval on the landscape and irrigation plan to ensure that the property will be adequately maintained during the time that it is vacant. Upon approval of the plan, the landscape and irrigation improvements to the vacant property, as specified on the plan, must be completed to the satisfaction of the Director within 30 days after approval of the plans.

(e) **Interior Maintenance.** The owner must preserve the interior of any the building on the 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.

(f) **Security.** Each vacant building property must be secured against unauthorized entry. The methods of security shall be as approved by the Director, 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. To enhance safety and prevent unauthorized access, the following specific security measures are required:

(1) A wrought iron, heavy-duty vinyl, combination blocks & wrought-iron, or other suitable fencing material approved by the Director must be located behind all required perimeter landscaping. The fencing height must comply with Section 9-2.1401 of this Code. All fences and barriers must be provided with a gate to allow access to the vacant property for emergency access.

(2) All perimeter fences and barriers must be maintained in good condition at all times by the responsible party. Any on-site graffiti must be removed by the responsible party within 24 hours of discovery or notification by the City. The responsible party must inspect the property at reasonable intervals for any on-site graffiti and take other steps to reasonably ensure that there is no on-site graffiti.

(g) **Insurance.** The owner must maintain fire and liability insurance coverage as determined necessary by the Director. Any insurance policy must require advanced, written notice to the Director in the event of cancellation of insurance or a reduction in coverage.

(h) **Sign Posting.** The owner of the vacant building property is required to post a sign at the front of the building on the property, 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 8-1/2 inches by 11 inches.

(i) **Additional Requirements for Commercial Buildings.** In addition to the above requirements, any vacant commercial building property, ~~including all lots, be~~ must be maintained in accordance with the following requirements:

(1) If the property has a Bbuilding(s) with fire sprinkler systems, those systems must be maintained in working order.

(2) If the property has a building(s) Buildings with a centralized and registered fire and burglar alarm system, those systems must be maintained in working order.

(3) Buildings without fire sprinkler systems or fire alarm or burglar alarm systems shall be provided with continuous physical monitoring by means of an onsite patrol. "Continuous physical monitoring" shall mean the use of a licensed security agency operating in the City of Artesia and providing regular surveillance of the vacant building property, as part of the agency's security route.

(j) **Quarterly Inspections.** The City shall inspect each registered vacant building property on a quarterly 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.

(k) **Mitigation Plan.** Properties, buildings, or structures that are vacant for more than forty-five consecutive calendar days, in addition to the requirements of subsections (b) through (h), responsible parties of any real property, building, or portion thereof, that has been vacant for at least 45 consecutive calendar days shall also adhere to the following:

(1) Submit a Vacant Property Mitigation Plan to the Planning Division, which demonstrates how the property will be regularly inspected, secured, and maintained in a manner that protects the health, safety, general welfare, and aesthetic standards of the community, as well as which demonstrates goals and plans for demolishing any vacant structure or for the re-occupancy of the vacant property.

(2) Conduct or cause to be conducted sufficient and adequate inspections of any vacant property, building or structure, or portion thereof, to monitor and immediately

abate any condition that does not adhere to the provisions of this chapter and Code. Such inspections shall be conducted at a minimum, once each calendar week, and the results of the inspections shall be documented and be submitted in writing to the Director within 48 hours of each inspection.

(3) Remove all furniture and personal property from the interior of any real property, building, or structure, or portion thereof, that is vacant.

(4) Remove all curtains, blinds, and window coverings from all windows located on the ground level of any vacant building or structure to allow a clear view to the interior of the vacant building or structure, or portion thereof.

(l) **Additional Requirements.** In addition to the specific maintenance and security requirements provided in this chapter, the Director shall have the authority to require responsible parties for vacant properties subject to the registration pursuant to this chapter to implement additional maintenance and security measures in order to effectuate the purpose of this chapter. This may include, but is not limited to, the installation of security lighting, increasing the frequency of on-site inspections, employment of an on-site security guard, and/or posting additional signage at the property.

5-24.100 Recordation of Transfer to Loan/Deed of Trust.

Within 10 calendar days following the purchase or transfer of a loan or deed of trust secured by real property, the new beneficiary and trustee shall record with the Los Angeles County Recorder's Office an assignment of rents or similar document. This document must list the name of the person purchasing or acquiring the loan or deed of trust, along with the mailing address and contact number of the new beneficiary and trustee responsible for receiving payments associated with the loan or deed of trust. This requirement shall not apply to the sale or transfer of a property when such sale or transfer does not include the sale or transfer of any loan or deed of trust associated with such property.

Within 10 calendar days following the change of a trustee in a deed of trust secured by real property, the beneficiary shall record with the Los Angeles County Recorder's office a Substitution of Trustee or similar document that lists the name of all new trustees, as well as the mailing address and contact telephone number of all new trustees.

5-24.1010 Fees.

The City Council may establish by resolution, and from time to time may amend, a registration fee to defray the administration of this chapter, including but not limited to, the registration process, monitoring vacant buildings properties, and enforcing this chapter. The fee required under this chapter 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 Artesia that may be recovered by any means authorized by law.

5-24.1210 Enforcement.

(a) **Violations Unlawful.** It is unlawful and declared a public nuisance for any person to operate, conduct, or maintain a vacant building property contrary to the provisions of this chapter.

(b) **Criminal Penalties.** Any person who violates any provision of this chapter is guilty of a misdemeanor punishable by a fine of up to \$1,000 per each violation per day, or by imprisonment in the County jail not exceeding six months, or by both; except the City Attorney, in his or her discretion, may prosecute a violation of this chapter as an infraction subject to the penalties in Section 1-2.01 of this code.

(c) **Administrative Citations.** Administrative citations may be issued for violations of the provisions of this chapter, as set forth in Chapter 7 of Title 1 of this code.

(d) **Civil or Equitable Enforcement.** The City Attorney may bring a civil or equitable action to seek the abatement of any violation of this chapter.

(e) **Aiding, Abetting, and Omissions.** Whenever in this chapter any act or omission is made unlawful, it shall include causing, permitting, aiding, abetting, suffering,

or concealing the fact of such act or omission.

(f) **Ongoing Violations.** Each and every day a violation is maintained, caused, aided, abetted, concealed, suffered, or permitted is a separate offense.

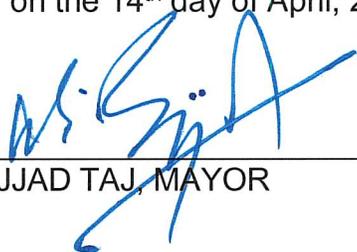
(g) **Remedies Cumulative.** The remedies, procedures, and penalties provided by this Chapter are cumulative to each other and to any other remedies, procedures, and penalties available under City, State, or federal Federal law Law."

SECTION 3. CEQA. The City Council determines that the adoption of this Ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15061(b)(3) as it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

SECTION 4. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or application thereof to any person or place, is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each and every section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact than any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 5. Certification and Publication. The City Clerk shall certify the passage and adoption of this Ordinance and shall cause the same to be published pursuant to state law within fifteen (15) days after its passage, and this Ordinance shall become effective thirty (30) days after its passage.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Artesia, California, at a regular meeting of the City Council held on the 14th day of April, 2025.



ALI SAJJAD TAJ, MAYOR

ATTEST:



JENNIFER ALDERETE, CITY CLERK

APPROVED TO FORM:



BEST BEST & KRIEGER, CITY ATTORNEY

I, Jennifer Alderete, City Clerk of the City of Artesia, do hereby certify that the foregoing Ordinance was adopted at the Regular City Council Meeting held on the 14th day of April 2025, by the following vote:

AYES: COUNCILMEMBERS: AHIR, MANALO, RAMOSO, TREVINO, TAJ
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE



JENNIFER ALDERETE, CITY CLERK