

09.02.600 Maintenance of Vacant Buildings.

The Board of Supervisors finds as follows:

- A. When the owner of a vacant building fails to actively maintain and manage the building, the building can become a major cause of blight in both residential and nonresidential neighborhoods. Vacant buildings that are boarded, substandard, or unkempt discourage economic development and retard appreciation of property values.
- B. It is a responsibility of property ownership to prevent owned property from becoming a burden to the neighborhood and community and a threat to the public health, safety, or welfare.
- C. Vacant properties owned by banks, mortgage companies, and other investors present a challenge to County Code Enforcement staff when trying to contact the person who is responsible for active maintenance of the property.

09.02.610 Definitions.

Vacant Building: For the purposes of this chapter, the term "vacant building" means a building that is unoccupied, or occupied by unauthorized persons for any amount of time.

Boarding: For the purposes of this chapter, "boarding" shall mean the covering of all entry points per County standards, including all open doors and windows, with plywood or other materials for the purpose of preventing entry into the building by persons or animals.

09.02.620 Vacant building penalty.

No owner shall allow a building designed for human use or occupancy to be a vacant building without active maintenance for more than thirty (30) calendar days, unless one of the following applies:

- A. The building is the subject of an active building permit for repair or rehabilitation and the owner is progressing diligently to complete the repair or rehabilitation.
- B. The building meets all codes, is ready for occupancy, and is:
 - 1. Actively being offered for sale, lease, or rent, or
 - 2. Is actively being maintained and monitored by the owner, as defined in section 09.02.630 of this section.

Violations of this section are considered a misdemeanor violation per section 09.02.050 of this chapter.

09.02.630 Maintenance and Monitoring of Vacant Buildings.

Active maintenance and monitoring of the building shall include all of the following:

- A. Maintenance of landscaping and plant materials in good condition as required by CA Health & Safety Code sections 17920.3 (h) and (j).
- B. Maintenance of the exterior of the building in good condition as required by CA Health & Safety Code section 17920.3 (g).
- C. Regular removal of all exterior trash, debris, graffiti, stagnant water, combustible materials, and similar materials or conditions that constitute fire, health, or safety hazards.
- D. Prevention of criminal activity on the premises, including but not limited to illegal occupancy.
- E. Prevention of any condition recognized in law or in equity as constituting a public nuisance.
- F. Maintenance of owners current contact information in the Code Enforcement Unit case file.

Once proceedings have been commenced pursuant to this chapter to declare a property to be a public nuisance under this subsection, no such property shall be deemed to be in compliance with this chapter solely because such property thereafter becomes occupied or changes ownership.

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09.02.640 Required boarding of vacant buildings.

A. Vacant buildings shall be boarded when the building can no longer be secured against intrusion by the closing and locking of doors and windows. The building shall be posted at each entrance with a sign containing the following:

*DO NOT ENTER
It is illegal to enter or occupy this building or premises
or to remove or deface this notice. Trespassers will be prosecuted*

B. Vacant buildings that are open and accessible and pose a hazard to the general public that requires immediate correction or elimination may be abated per section 09.02.300 of this chapter.

C. Any building that is boarded, whether by voluntary action of the owner, or as a result of enforcement activity by the county, shall be boarded in compliance with county standards promulgated by the Building Official.

1. The Building Official may allow the owner to board a vacant building in a manner that the Building Official determines adequately prevents unauthorized entry or vandalism.

D. It is the responsibility of the owner, through periodic inspection, to assure the building remains secured.

09.02.650 Administrative penalty.

Any owner of a building that is in violation of section 09.02.630 shall be subject to an administrative penalty, in an amount not to exceed one thousand dollars (\$1,000.00) per building for the first violation.

A second administrative penalty shall be imposed upon an owner pursuant to this article if the owner's building remains in violation of section 09.02.630 for thirty (30) calendar days following the imposition of the first administrative penalty. Additional penalties may be imposed in each thirty (30) calendar day period following the imposition of an administrative penalty under this article. Additional penalties may be imposed so long as the violations continue. A second and any subsequent penalty shall be in an amount not to exceed five thousand dollars (\$5,000.00).

If a previous administrative penalty has been imposed pursuant to this article upon an owner within two years of the date of the imposition of the present administrative penalty, and that previous administrative penalty related to a vacant building other than the building presently the subject of an administrative penalty, in no case shall the present administrative penalty be less than two thousand dollars (\$2,000.00), nor more than ten thousand dollars (\$10,000.00).

Fines or fees incurred in connection with this section may be recovered per section 09.02.110 of this chapter, by special assessment per the CA Government Code 38773.5, and per the CA Code of Civil Procedures sections 1032 through 1033.5.

09.02.660 Service of Notices

Notices required by this section shall be served per section 09.02.120 of this chapter.

09.02.670 Rights of Appeal.

Any administrative penalty, or cost of abatement imposed pursuant to this section may be appealed per section 09.02.350 of this chapter.

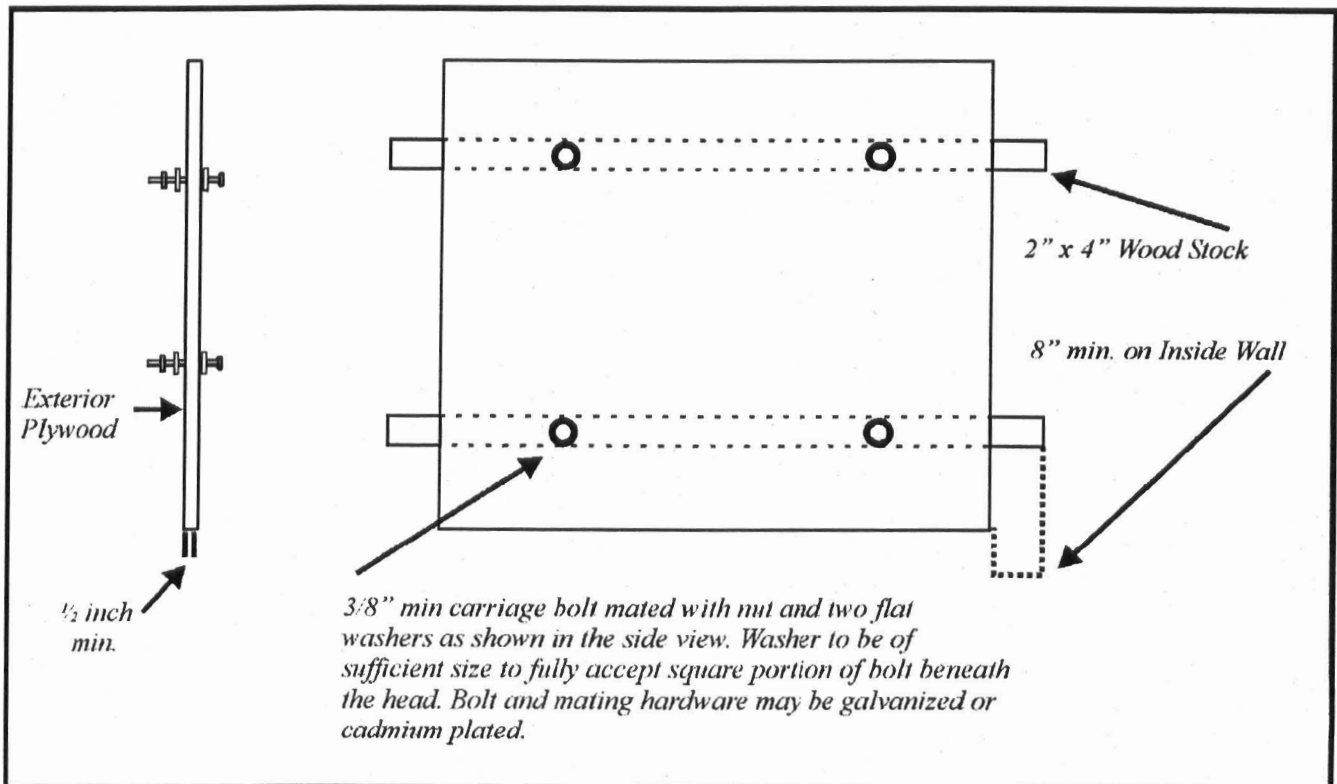
BUILDING BOARD-UP SPECIFICATIONS

Entry Door: A $\frac{3}{4}$ inch exterior grade plywood outer door shall be fitted to an entry door casing with a maximum $\frac{1}{8}$ inch clearance on all sides. The plywood door shall be double hinged from the inside with a hasp and padlock installed for securing. The installation shall be such that any exposed bolt or screw heads cannot be removed (i.e. one way screws, flattened screw shanks or bolt threads or double nuts). The installation should be non-interfering with the property's entry door which shall remain able to open and close free from any obstructions.

MINIMUM SPECIFICATION TO SECURE PROPERTY

1. All windows and doors, except the entry door, through which access to the interior of the dwelling is made, shall be secured.
2. All plywood to be painted to match the main body color of the structure.
3. Minimum $\frac{1}{2}$ inch plywood ($\frac{3}{4}$ inch for doors) or approved material shall be cut to fit openings and be applied in a neat and workman-like fashion. Where possible due to missing glass or structure, the plywood shall be secured with $\frac{3}{8}$ inch minimum carriage bolts, mated with nuts and flat washers through no less than two lengths of 2x4 inch minimum wood stock. The wood stock shall provide a minimum of 8 inches of overlap on each inside edge of the opening.
4. It is the responsibility of the owner, through periodic inspection, to assure the building remains secured.

Active maintenance of all the above requirements must be maintained until the building is occupied or removed from the property.



CA HEALTH AND SAFETY CODE

SECTIONS 17920.1-3

17920. As used in this part:

(a) "Approved" means acceptable to the department.
(b) "Building" means a structure subject to this part.
(c) "Building standard" means building standard as defined in Section 18909.
(d) "Department" means the Department of Housing and Community Development.
(e) "Enforcement" means diligent effort to secure compliance, including review of plans and permit applications, response to complaints, citation of violations, and other legal process. Except as otherwise provided in this part, "enforcement" may, but need not include inspections of existing buildings on which no complaint or permit application has been filed, and effort to secure compliance as to these existing buildings.

(f) "Fire protection district" means any special district, or any other municipal or public corporation or district, which is authorized by law to provide fire protection and prevention services.

(g) "Labeled" means equipment or materials to which has been attached a label, symbol, or other identifying mark of an organization, approved by the department, that maintains a periodic inspection program of production of labeled products, installations, equipment, or materials and by whose labeling the manufacturer indicates compliance with appropriate standards or performance in a specified manner.

(h) "Listed" means all products that appear in a list published by an approved testing or listing agency.

(i) "Listing agency" means an agency approved by the department that is in the business of listing and labeling products, materials, equipment, and installations tested by an approved testing agency, and that maintains a periodic inspection program on current production of listed products, equipment, and installations, and that, at least annually, makes available a published report of these listings.

(j) "Noise insulation" means the protection of persons within buildings from excessive noise, however generated, originating within or without such buildings.

(k) "Nuisance" means any nuisance defined pursuant to Part 3 (commencing with Section 3479) of Division 4 of the Civil Code, or any other form of nuisance recognized at common law or in equity.

(l) "Public entity" has the same meaning as defined in Section 811.2 of the Government Code.

(m) "Testing agency" means an agency approved by the department as qualified and equipped for testing of products, materials, equipment, and installations in accordance with nationally recognized standards.

17920.3. Any building or portion thereof including any dwelling unit, guestroom or suite of rooms, or the premises on which the same is located, in which there exists any of the following listed conditions to an extent that endangers the life, limb, health, property, safety, or welfare of the public or the occupants thereof shall be deemed and hereby is declared to be a substandard building:

(a) Inadequate sanitation shall include, but not be limited to, the following:

(1) Lack of, or improper water closet, lavatory, or bathtub or shower in a dwelling unit.

(2) Lack of, or improper water closets, lavatories, and bathtubs or showers per number of guests in a hotel.

(3) Lack of, or improper kitchen sink.

(4) Lack of hot and cold running water to plumbing fixtures in a hotel.

(5) Lack of hot and cold running water to plumbing fixtures in a dwelling unit.

(6) Lack of adequate heating.

(7) Lack of, or improper operation of required ventilating equipment.

(8) Lack of minimum amounts of natural light and ventilation required by this code.

- (9) Room and space dimensions less than required by this code.
 - (10) Lack of required electrical lighting.
 - (11) Dampness of habitable rooms.
 - (12) Infestation of insects, vermin, or rodents as determined by the health officer.
 - (13) General dilapidation or improper maintenance.
 - (14) Lack of connection to required sewage disposal system.
 - (15) Lack of adequate garbage and rubbish storage and removal facilities as determined by the health officer.
- (b) Structural hazards shall include, but not be limited to, the following:
- (1) Deteriorated or inadequate foundations.
 - (2) Defective or deteriorated flooring or floor supports.
 - (3) Flooring or floor supports of insufficient size to carry imposed loads with safety.
 - (4) Members of walls, partitions, or other vertical supports that split, lean, list, or buckle due to defective material or deterioration.
 - (5) Members of walls, partitions, or other vertical supports that are of insufficient size to carry imposed loads with safety.
 - (6) Members of ceilings, roofs, ceilings and roof supports, or other horizontal members which sag, split, or buckle due to defective material or deterioration.
 - (7) Members of ceiling, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety.
 - (8) Fireplaces or chimneys which list, bulge, or settle due to defective material or deterioration.
 - (9) Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety.
- (c) Any nuisance.
- (d) All wiring, except that which conformed with all applicable laws in effect at the time of installation if it is currently in good and safe condition and working properly.
- (e) All plumbing, except plumbing that conformed with all applicable laws in effect at the time of installation and has been maintained in good condition, or that may not have conformed with all applicable laws in effect at the time of installation but is currently in good and safe condition and working properly, and that is free of cross connections and siphonage between fixtures.
- (f) All mechanical equipment, including vents, except equipment that conformed with all applicable laws in effect at the time of installation and that has been maintained in good and safe condition, or that may not have conformed with all applicable laws in effect at the time of installation but is currently in good and safe condition and working properly.
- (g) Faulty weather protection, which shall include, but not be limited to, the following:
- (1) Deteriorated, crumbling, or loose plaster.
 - (2) Deteriorated or ineffective waterproofing of exterior walls, roof, foundations, or floors, including broken windows or doors.
 - (3) Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other approved protective covering.
 - (4) Broken, rotted, split, or buckled exterior wall coverings or roof coverings.
- (h) Any building or portion thereof, device, apparatus, equipment, combustible waste, or vegetation that, in the opinion of the chief of the fire department or his deputy, is in such a condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause.
- (i) All materials of construction, except those which are specifically allowed or approved by this code, and which have been adequately maintained in good and safe condition.
- (j) Those premises on which an accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rodent harborages, stagnant water, combustible materials, and similar materials or conditions constitute fire, health, or safety hazards.

(k) Any building or portion thereof that is determined to be an unsafe building due to inadequate maintenance, in accordance with the latest edition of the Uniform Building Code.

(l) All buildings or portions thereof not provided with adequate exit facilities as required by this code, except those buildings or portions thereof whose exit facilities conformed with all applicable laws at the time of their construction and that have been adequately maintained and increased in relation to any increase in occupant load, alteration or addition, or any change in occupancy.

When an unsafe condition exists through lack of, or improper location of, exits, additional exits may be required to be installed.

(m) All buildings or portions thereof that are not provided with the fire-resistive construction or fire-extinguishing systems or equipment required by this code, except those buildings or portions thereof that conformed with all applicable laws at the time of their construction and whose fire-resistive integrity and fire-extinguishing systems or equipment have been adequately maintained and improved in relation to any increase in occupant load, alteration or addition, or any change in occupancy.

(n) All buildings or portions thereof occupied for living, sleeping, cooking, or dining purposes that were not designed or intended to be used for those occupancies.

(o) Inadequate structural resistance to horizontal forces.

"Substandard building" includes a building not in compliance with Section 13143.2.

However, a condition that would require displacement of sound walls or ceilings to meet height, length, or width requirements for ceilings, rooms, and dwelling units shall not by itself be considered sufficient existence of dangerous conditions making a building a substandard building, unless the building was constructed, altered, or converted in violation of those requirements in effect at the time of construction, alteration, or conversion.

EL DORADO COUNTY CODE

CHAPTER 15.36

UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS

15.36.010 Adoption.

The latest duly adopted Uniform Code for the Abatement of Dangerous Buildings at the time of the proposed abatement, as published by the International Conference of Building Officials, are hereby adopted by reference for use in El Dorado County. (Ord. 4609, 9-17-2002)

15.36.040 Fines and Enforcement Provisions.

Affected property owners of buildings subject to abatement pursuant to this chapter are liable for fines and subject to enforcement provisions set forth in Chapter 9.02 of the El Dorado County Ordinance Code. (Ord. 4609, 9-17-2002)

Notes

Verbiage has been added to Section 600 (c) to address the purpose of the ordinance.

CA H & S Code sections from 17920.3 have been added to section .630 to clarify maintenance requirements. State law requires County enforcement of section 17920.3. on all occupied structures.

A section requiring a sign with the owner's contact information be posted at the site has been replaced in section 630 (f) with a requirement that the owner's contact information in the CE Unit case file be kept current.

Section .670 clarifies that these actions are appeal able thru our current Administrative Hearing process in .09.02 as always to provide the owner with due process. The Hearing Officer's decision is appeal able to the Board so there are a lot of protections against abuse of the ordinances.

A section requiring a "monitoring fee" (150.00 in Sac City) has been removed. As a \$1,000.00 fee can be charged after 30 days, and the 30 days following the first fee, then \$5,000.00 per month thereafter, it seems of little consequence to add a \$150.00 monthly monitoring fee. Monthly collection procedures are also an issue.

Elk Grove City ordinance 16.18.1100 (3) requires a building permit be issued for the boarding of a vacant building. This was omitted as it seemed unnecessary.

A typical board up requirement sheet is attached here for reference but is not included in the ordinance. Technical procedures are usually left out of the ordinance.

CA Health & Safety Code sections referenced in .630 are attached for reference.

Current El Dorado County Ordinance 15.36 adopts the Uniform Code for the Abatement of Dangerous Building which we use on vacant building being accessed by transients/children. It does not give us the provisions to hold banks/mortgage companies responsible as the ownership quickly changes hands.