




City of Sierra Madre Agenda Report

MaryAnn MacGillivray, Mayor
Don Watts, Mayor Pro Tem
John Buchanan, Council Member
Joe Mosca, Council Member
Kurt Zimmerman, Council Member

Nancy Shollenberger, City Clerk
George Enydei, City Treasurer

TO: - Honorable Mayor MacGillivray and Members of the City Council

FROM: Elaine I. Aguilar, City Manager 

DATE: February 23, 2010

SUBJECT: Consideration of Ordinance No. 1306 Requiring Maintenance of Vacant Commercial Property

SUMMARY

At a previous meeting, the Council directed staff to return with a draft Ordinance that established maintenance requirements for vacant commercial property. Attached is a draft Ordinance for the City Council's consideration.

ANALYSIS

Due to a slowing economy, many cities have experienced increased vacancies in commercial areas. There has also been an increase in the amount of time it takes to find new tenants/owners. This has resulted in properties remaining vacant for longer periods of time, which can result in the deterioration of the property. Sierra Madre has not been immune from this trend. Cities are beginning to implement new procedures and regulations that pertain to the maintenance of vacant commercial properties.

The City currently has property maintenance regulations that pertain to residential and commercial property. The current property maintenance code was adopted many years ago and has not been updated in some time. In addition, the current codes did not anticipate some of the specific non-residential maintenance issues that can be problematic with vacant commercial buildings, storefronts and offices. In addition, there is not adequate, detailed information regarding how vacant properties should be maintained.

At a previous meeting, the Council considered two approaches to dealing with maintenance of vacant commercial properties and directed staff to return with a draft Ordinance that established minimum maintenance requirements. Attached for the Council's consideration is a draft Ordinance. A summary of the Ordinance requirements is listed below:

- Establishes minimum property maintenance requirements, such as maintaining properties in a neat, clean, and healthful condition at all times. The ordinance specifies that certain conditions are explicitly prohibited: graffiti, tagging, painting over graffiti with a color that does not match the building color; accumulations of trash and debris, etc.; dead or overgrown vegetation; signage advertising uses no longer present on site; and structures that are not secured.
- Establishes minimum security requirements, such as: requiring property to be secured within 72 hours of becoming vacant, replacing broken windows or doors with finished materials, and not cardboard, plywood or other temporary means; requiring monitored alarms, video systems, security lighting, or security guard services. The use of guard dogs, untended security alarms, etc. are prohibited.
- Requires the posting of "No Trespassing" signs and the submittal of a letter authorizing the Police Department to remove or arrest unauthorized persons from the property.
- Requires local property management services and the weekly on-site inspection and filing of a written inspection report with the City.

Enforcement of the Ordinance can be handled either by civil or criminal action, or through the City's administrative citation ordinance, depending upon the specific violation. Enforcement would be handled by City staff periodically inspecting vacant property and by responding to calls from the public regarding potential violations.

ALTERNATIVES

The City Council has a number of alternatives:

1. Pass first reading and read by title only, Ordinance 1306, requiring maintenance of vacant commercial property.
2. Direct staff to modify the attached draft Ordinance.
3. Direct staff to return with additional information.
4. Any other option desired by the City Council.

FINANCIAL REVIEW

There is no significant direct financial impact associated with this agenda item. There will be indirect costs associated with Staff time enforcing the Ordinance and conducting appeal hearings etc.

PUBLIC NOTICE PROCESS

This item has been noticed through the regular agenda notification process. Copies of this report are available at the City Hall public counter and the Sierra Madre Public Library.

STAFF RECOMMENDATION

It is recommended that the City Council pass first reading, and read by title only, Ordinance 1306, requiring maintenance of vacant commercial property.