



CITY OF BIGGS Staff Report

TO: City of Biggs City Council

FROM: Mark Sorensen, City Administrator
Scott Friend, AICP, City Planner

MEETING DATE: September 9, 2014; 6:30 p.m.
Biggs City Hall, 3016 Sixth Street, Biggs, CA 95917

SUBJECT: Downtown-Area Building Safety and Code Enforcement

Summary:

The Downtown-Area Code Enforcement Ad Hoc Sub-Committee of the City Council met on Tuesday, August 26 to review and discuss various topics and issues related to the City's code enforcement efforts in the Downtown-area. As a result of the meeting, the Ad Hoc Committee is recommending to the full-Council that direction be given to staff to actively pursue code enforcement and building safety abatement actions in the Downtown-area.

Discussion:

At the meeting on the 26th, staff presented the recent history of the City's code enforcement efforts in the downtown-area; presented information (as known) about the existing conditions of buildings in the downtown-area; and, reviewed and discussed the potential issues and opportunities associated with the pursuit of code enforcement, nuisance and building code violations. The presentation given by staff to the sub-committee (*Attachment A*) was provided to support a broader discussion related to issues associated with public safety concerns (fire hazards, criminal activities, and liability concerns); aesthetic concerns; property value impacts; economic development issues; and, hazard concerns (lead-paint, asbestos, un-reinforced structures, bio-hazards, etc.).

After reviewing staff's presentation and potential non-enforcement avenues to resolution, the public safety risks of inaction and the limits that the existing physical conditions of the Downtown buildings places on opportunities in the City, the Ad Hoc Committee is recommending to full City Council that direction be given to staff to start an active nuisance, code enforcement and building code violation abatement effort in the downtown-area.

If City Council decides to follow the recommendation of the Ad Hoc Committee and direct staff to proceed with this effort, the following steps are presented by staff as a proposed process to formally notify owners of property in the Downtown-area of the City's pending code, building and nuisance enforcement effort:

- 1. Mail a General Information / Notice Letter to all property owners between Sixth and Seventh Streets on both sides of B Street informing them of the City's intent to pursue building enforcement, code enforcement and nuisance code enforcement in the downtown-area. The letter will briefly outline the*

*issues that will be included in this effort and provide a general overview of the City's Code Enforcement process. (A sample letter has been included as **Attachment B**).*

2. Following the distribution of the General Information / Notice Letter, staff will mail individual Violation Notices to properties having violations and begin the code enforcement process.

It is noted to the Council at this time that the City Planner is working with the City Administrator and City Attorney on the identification of options for the pursuit and abatement of issues identified pursuant to this effort. As enforcement options become known, staff will provide updates to the Council on this matter.

Environmental determination:

Not applicable at this time.

Fiscal Impact:

Due in-part to the extent of the violations in the area, the existing physical conditions of the various structures, the probable response of certain downtown-property owners, and, the need general deliberative nature of the code enforcement process (preparation of letters and notices, hearings, public engagement, etc.), staff believes that costs associated with this effort could be substantial and that the time expenditure of the code enforcement effort will exceed the amount of averaged weekly hours currently allocated in the approved budget for the City Planner and the Code Enforcement Officer. Anticipated costs for this effort will or could include: staff time (City Attorney, City Planner, Code Enforcement Officer, City staff); building inspection and building code enforcement fees (Butte County Building Division); mailings and notices; legal and court fees; etc... Due to the number of variables involved in this effort, a specific dollar amount for the effort is unknown at this time.

Recommendation:

The Council Ad Hoc Committee is recommending that the Council provide direction to staff to begin an active code enforcement and building safety abatement effort to address building condition violations, public nuisance conditions and general municipal code violations in the City's downtown-area.

Attachments:

Attachment A – Existing conditions presentation provided to Council sub-committee (Sent electronically to council)

Attachment B – Sample downtown-area abatement effort notice letter

Attachment C – Misc. City Code provisions potentially applicable to this effort



City of Biggs – Planning Department
465 C Street / P.O. Box 1134
Biggs, CA 95917
(530) 868-5447

September XX, 2014

Property Owner: <name>
Mailing Address: <address>

SUBJECT: Informational Notice
City of Biggs Downtown-Area Code Enforcement & Building Safety Enforcement Program

Dear Downtown-Area Property Owner:

The purpose of this notice is to inform property owners within the Downtown-area of the City of Biggs, of the City's intent to initiate code enforcement and building code enforcement efforts intended to address violations of both the California Building Code and the City of Biggs Municipal Code occurring in the Downtown-area. Additionally, this letter is being sent to help explain the formal Code Enforcement process.

The City of Biggs is initiating this effort due in part to growing public safety concern regarding dangerous buildings and property nuisances and the continued decline in the physical conditions of buildings in the Downtown-area. Working at the direction of the City Council, staff is sending this informational notice to all owners of property adjacent to B Street between Sixth and Seventh Streets to notify you of the City's intent to formally initiate a code enforcement process addressing building conditions, building safety and nuisance issues in the area.

Upon review of the buildings in the Downtown-area, staff has identified several structures meeting the City's definition of a *dangerous building* (BMC Chapter 11.25 Dangerous Buildings). Per Section 11.25.010 of the BMC, a nuisance can be declared for buildings and structures meeting the definition of a *dangerous building* as follows:

It shall be unlawful for any person, company, or corporation to allow any building owned or controlled by them to become so dilapidated or out of repair through misuse, neglect, or decay as to be dangerous or untenable, or constitute a fire menace to neighboring buildings and such building is hereby declared to be a public nuisance. (BMC 11.25.010)

Staff has also documented *property nuisances* in the Downtown-area (BMC Chapter 6.25 Health and Safety and Neighborhood Nuisance Abatement). Per BMC Section 6.25.020, a nuisance can be declared for the following conditions:

- *Buildings dilapidated, abandoned, boarded up, or partially destroyed, and buildings having unsecured entry points, broken windows, or broken windows or unsecured entry points covered or boarded over with wood or other materials for more than 30 days.*

- *Unsecured buildings constituting hazardous conditions or inviting or permitting trespassers and malicious mischief.*
- *Unsecured or structurally damaged/unsound awnings or overhangs, porches or building appurtenances.*

City staff will be documenting and surveying for dangerous buildings, code enforcement violations and/or property nuisances in the Downtown-area in the coming weeks. If property under your ownership is found to be in violation of the BMC, a Declaration of Nuisance letter will be sent to you. If you receive the *Declaration of Nuisance* letter, you will have 15 days to abate the nuisance or contact the City with a Plan of Action for the abatement of the identified violation. If you do not voluntarily abate the nuisance during this time, a *Notice to Abate* will be mailed to you and you will have 15 days from the date of the letter to complete the abatement action and clear the identified nuisance condition. If no abatement has occurred after the second letter, an administrative nuisance abatement hearing will be scheduled and conducted at which fines and penalties will be assessed per the BMC and a formal abatement action program will be determined. If, following the nuisance abatement hearing, abatement still does not occur, the matter will be taken to the Superior Court for further action.

It is the strong hope and desire of the City to see these issues abated prior to the initiation of formal code violation proceedings and it is the goal of the City with this effort to improve public safety by decreasing area fire hazards, removing hazardous building conditions, and increasing the safety, aesthetics and viability of the Downtown-area. With this letter, the City asks for your assistance with the voluntary abatement of any code violations that may exist on your property.

City staff is available to discuss this matter and will work with you to resolve any code enforcement violations that exist on your property. If you have any questions or would like to meet with City staff to discuss this matter, please contact Scott Friend at (530) 894-3469 ext. 13214.

Sincerely,
City of Biggs Planning Department



By: _____
Scott Friend, AICP
City Planner

Attachments:

- *Biggs Municipal Code – Chapter 11.25 Dangerous Buildings (excerpts)*
- *Biggs Municipal Code – Chapter 6.25 Health and Safety and Neighborhood Nuisance Abatement (excerpts)*

cc: Mark Sorensen, City Administrator
Gregory Einhorn, City Attorney
Nicole Fillmore, Code Enforcement Officer
Dean Price, Chief, Gridley-Biggs Police Department
Todd Tindell, Butte County / CalFire
Nancy Springer, Butte County Building Official
Project File

Chapter 6.25
HEALTH AND SAFETY AND
NEIGHBORHOOD NUISANCE
ABATEMENT

6.25.010 Purposes.

The purposes of this chapter are: (1) to protect the city's residents from threats to health and safety that result from specified nuisance conditions and (2) to promote an attractive and desirable community by identifying and providing a means to abate specified nuisance conditions that, if permitted to continue, will cause substantial diminution of the enjoyment, use and value of affected properties. [Ord. 389, 2011]

6.25.020 Unlawful property nuisance –

Private property.

It shall be unlawful for any person owning, leasing, renting, occupying or having charge or possession of private property in the city to maintain or to allow to be maintained such property in such manner that any of the following conditions are visible from a public street or right-of-way and/or are found to exist thereon, except as may be allowed by this code:

(5) Buildings and Structures.

- (a) Buildings dilapidated, abandoned, boarded up, or partially destroyed, and buildings having unsecured entry points, broken windows, or broken windows or unsecured entry points covered or boarded over with wood or other materials for more than 30 days.
- (b) Buildings left in a state of partial construction for six months, absent compelling extenuating circumstances.
- (c) Buildings subject to demolition pursuant to applicable permit or other authority, for which demolition has not been diligently pursued.
- (d) Unsecured buildings constituting hazardous conditions or inviting or permitting trespassers and malicious mischief.
- (e) Unsecured or structurally damaged/unsound awnings or overhangs, porches or building appurtenances.

6.25.040 Declaration of public nuisance.

Any private property, or use of private and/or public property, found to be maintained in violation of the foregoing sections is hereby declared to be a public nuisance and shall be abated by rehabilitation, removal, or repair pursuant to the procedures set forth herein. The procedures for abatement set forth herein shall not be exclusive and shall not in any manner limit or restrict the city from enforcing other city ordinances or abating public nuisances in any other manner provided by law. [Ord. 389, 2011]

Chapter 11.25
DANGEROUS BUILDINGS

11.25.010 Nuisance declaration.

It shall be unlawful for any person, company, or corporation to allow any building owned or controlled by them to become so dilapidated or out of repair through misuse, neglect, or decay as to be dangerous or untenable, or constitute a fire menace to neighboring buildings and such building is hereby declared to be a public nuisance. [Ord. 39 § 1, 1915]

11.25.020 Abatement.

Whenever the city council, by resolution, shall determine that any such building is a public nuisance, the health officer shall immediately notify the owner or his agent to abate such nuisance by removing said building within 30 days from the receipt of said notice. [Ord. 39 § 2, 1915]

11.25.030 Violations.

Every person, company or corporation who maintains, permits, or allows such public nuisance as above defined to exist upon any property owned or controlled by them for a period of 30 days after receipt of the notice above mentioned shall be guilty of a misdemeanor and punishable by a fine not exceeding \$300.00 or by imprisonment in the city jail or county jail of Butte County at the rate of one day for every \$2.00 of any fine so imposed and remaining unpaid; provided, however, that nothing herein contained shall be construed as prohibiting the city council from invoking the provisions of Section 377a of the Penal Code, or Section 731 of the Code of Civil Procedure for the abatement of such nuisances. [Ord. 39 § 3, 1915]