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15.04.010 Adoption of the Uniform Fire Code. There is adopted by the city for the purpose of prescribing regulations governing conditions hazardous to life and property from fire and explosion, that certain code and standards known as the Uniform Fire Code, including all appendix chapters, and the Uniform Fire Code Standards, published by the Western Fire Chiefs Association and the International Conference of Building Officials, being particularly in the 1985 editions thereof, and are now being filed in the office of the clerk of the city, and the same are now adopted and incorporated as fully as if set out at length in this chapter, and from the effective date of the ordinance codified in this chapter, the provisions thereof shall be controlling within the limits of the city. (Ord. 56-1986 §1, 1986)

15.04.020 Establishment and duties of bureau of fire prevention.

A. The Uniform Fire Code shall be enforced by the bureau of fire prevention in the fire department of the city, which is established and which shall be operated under the supervision of the chief of the fire department.

B. The chief in charge of the bureau of fire prevention shall be appointed by the city council of the city.

C. The chief of the fire department may detail such members of the fire department as inspectors and shall from time to time be necessary. The chief of the fire department shall recommend to the city council the employment of technical inspectors. In the event the chief of the fire department is absent from the jurisdiction, he may appoint a member of the fire department to act in his place and stead. (Ord. 56-1986 §2, 1986)

15.04.030 Definitions. Whenever the word "jurisdiction" is used in the Uniform Fire Code, it means the area within the legal boundaries of the city. (Ord. 56-1986 §3, 1986)

15.04.040 Storage of flammable or combustible liquids in outside aboveground tanks--Limits established. The storage of flammable or combustible liquids in outside aboveground tanks is prohibited within the city limits of the city; provided, however, that a permit for the same may be obtained for such storage upon showing by the applicant that such storage does not create conditions hazardous to life and property from fire or explosion and that the area of use is not heavily populated or in intensive commercial areas. (Ord. 56-1986 §4, 1986)

15.04.050 Storage of liquefied petroleum gases--Limits established. The limits referred in Section 82.105(a) of the Uniform Fire Code, in which storage of liquefied petroleum gas is restricted, are designated as follows: All areas except those designated M (Industrial) pursuant to the zoning laws of the city. (Ord. 56-1986 §6, 1986)

15.04.060 Storage of explosives and blasting agents prohibited--Limits established. The limits referred to in Section 77.106(b) of the Uniform Fire Code, in which storage of explosives and blasting agents is prohibited, are established as all areas within the boundaries of the city. (Ord. 56-1986 §6, 1986)

15.04.070 Appeals. Whenever the chief disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the chief to the city council of the city within thirty days from the date of the decision appealed. (Ord. 56-1986 §8, 1986)

15.04.080 Penalties.

A. Any person who violates any of the provisions of the code or standards adopted by this chapter or fails to comply therewith, or who violates or fails to comply with any order made there under, or who builds in violation of any detailed statement of specifications or plans submitted and approved there under, or any certificate or permit issued there under, and from which no appeal has been taken, or who fails to comply with such an order as affirmed or modified by the city council or by a court of competent jurisdiction, within the time fixed in this chapter, shall severally for each and every violation and noncompliance, respectively, be guilty of a misdemeanor, punishable by a fine of not more than five hundred dollars or by imprisonment for not more than six months, or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

B. The application of the above penalties shall not be held to prevent the enforced removal of prohibited conditions. (Ord. 56-1986 §9, 1986)



ORDINANCE NO. 2019-6

AN ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF FORT JONES AMENDING SECTION 15 OF THE FORT JONES MUNICIPAL CODE RELATING TO THE ABANDONED, ACCESSIBLE AND DISTRESSED REAL PROPERTY FOR THE TOWN OF FORT JONES.

Chapter 15.30 - ABANDONED, ACCESSIBLE AND DISTRESSED REAL PROPERTY

15.30.010 - General.

The city council hereby establishes a mechanism to protect neighborhoods from becoming blighted through the lack of maintenance and security of abandoned, accessible, or distressed real property, to establish a property registration program, and to set forth guidelines for the maintenance of abandoned, accessible, or distressed commercial real property.

15.30.020 - Definitions.

As used herein:

"Abandoned" means a commercial building, structure, or other real property that is vacant and unoccupied, including property in which forty percent of the square footage of the gross floor area of the building is vacant. As used herein, the use of all or a portion of a building for storage is not occupancy unless that storage is itself a business operation or is accessory to an on-going business operation conducted within the same building. Occupancy under this part means only occupancy by a person with a legal right to occupancy.

"Accessible" means real property or structures not secured or open in such a way as to prevent unauthorized access.

"Commercial" means a building or structure that is within a commercial zone and is used, in whole or part, for commercial purposes, or an empty lot that is within a commercial zone.

"Distressed" means property which has been vacant for a period of at least six consecutive months.

"Owner" means the record title holder and any agent of the title holder with the right of possession or access to the property which is the subject of this chapter.

15.30.030 - General requirements.

- A. Effective ninety days after the effective date of this chapter, the owner of any abandoned property as defined herein shall within sixty days after the building becomes distressed or within thirty days after assuming ownership of such distressed property, whichever is later, file a registration statement for each such property with the city clerk on forms provided by the city clerk for such purposes. The registration shall remain valid for one year from the date of registration. The owner shall be required to renew the registration annually as long as the building remains vacant, abandoned, accessible, or distressed and shall pay a registration or renewal fee in the prescribed in this chapter for each vacant, abandoned, accessible, or distressed property registered.

- B. Any owner of any building that meets the definition of vacant, abandoned, accessible, or distressed property prior to ninety days after the effective date of the ordinance codified in this chapter, shall file a registration statement for that property within sixty days after said deadline. The registration statement shall include the information required under subsection A above, as well as any additional information the city clerk may reasonably require.
- C. The owner shall notify the city clerk within thirty days of any change in the registration information by filing an amended registration statement on a form provided by the city clerk for such purposes.
- D. The registration statement shall be deemed prima facie proof of the statements therein in any administrative enforcement proceeding or court proceeding instituted by the city against the owner or owners of the building.

15.30.040 - Registration statement requirements.

- A. The registration statement shall include the name, street address and telephone number of a natural person eighteen years of age or older, designated by the owner or owners as the authorized agent for receiving notices of code violations and for receiving process, in any court proceeding or administrative enforcement proceeding, on behalf of such owner or owners in connection with the enforcement of any applicable code or of this chapter. This person must maintain an office in the state of California or reside within the state of California.
- B. The registration statement shall also include the name of the person responsible for maintaining and securing the property, if different from the person identified in subsection A, above.
- C. The registration statement shall also include the name, address and telephone number of the agent authorized to rent the property or the name, address and telephone number of the listing real estate agent who is authorized to list the property.
- D. An owner who is a natural person and who meets the requirements of this section as to location of residence or office may designate him or herself as agent in subsection A, the person responsible for maintaining and securing the property in subsection B, and the agent authorized to rent the property in subsection C.
- E. By designating an authorized agent under the provisions of subsection A of this section the owner consents to receive any and all notices of Fort Jones Municipal Code violations concerning the registered vacant, abandoned, accessible, or distressed property and all process in any court proceeding or administrative enforcement proceeding brought to enforce such code provisions concerning the registered property by service of the notice or process on the authorized agent. Any owner who has designated an authorized agent under the provisions of this section shall be deemed to consent to the continuation of the agent's designation for the purposes of this section until the owner notifies the city clerk of a change of authorized agent or until the owner files a new annual registration statement. The designation of an authorized agent in no way releases the owner from responsibility or liability under any requirement of this chapter.

15.30.050 - Property inspection.

After filing a registration statement or renewal of a registration statement, the owner of any vacant, abandoned, accessible, or distressed property shall provide access to the city to conduct an exterior and interior inspection of the building to determine compliance with the municipal code, following reasonable notice.

15.30.060 - Requirements for owners.

The owner of any building that has become vacant, abandoned, accessible, or distressed property, and any person maintaining, operating or collecting rent for any such building that has become vacant shall, within thirty days:

- A. Enclose and secure the building against unauthorized entry as provided in the applicable codes adopted by the city.
- B. Keep the property free of weeds, dry brush, dead vegetation, trash, junk, debris, building materials, accumulation of newspaper, circular, flyers, notices (except those required by federal, state, or local law), discarded personal items including, but not limited to, furniture, clothing, large and small appliances, printed material or any other items that give the appearance the property is abandoned.
- C. Provide that visible front and side yards be landscaped and maintained to the neighborhood standard. As used herein, "neighborhood standard" means the condition of real property that prevails in and through the neighborhood where a vacant, abandoned, accessible, or distressed property is located. When determining the neighborhood standard, no vacant, abandoned, accessible, or distressed property shall be considered
- D. Provide that windows in commercial buildings either display art work, display merchandise offered for sale by another business within the community, display materials provided by a ~~XXXXX~~ community non-profit organization, or be covered with plain white paper.
- E. Remove the signage for any previous tenant as required by the Fort Jones Municipal Code.
- F. Post a sign affixed to the building indicating that the property is available for rent, for sale, or both and providing the name, address and telephone number of the owner, the owner's authorized agent for the purpose of renting the property or the listing agent, and the person responsible for day-to-day supervision and management of the building, if such person is different from the owner holding title. The sign shall be of a size and placed in such a location so as to be legible from the nearest street or sidewalk, whichever is nearer, but shall be no smaller than eighteen inches by twenty-four inches.
- G. Repair or rehabilitate the property so it meets all applicable codes adopted by the city for occupancy, or otherwise obtain a permit to demolish the building.

15.30.070 - Fee schedule.

The initial registration fee for each vacant, abandoned, accessible, or distressed property shall be five hundred dollars, but may be reduced to one hundred dollars if the city clerk receives acceptable evidence that the property has been listed for sale or rent at a reasonable price with a licensed real estate agent authorized to sell or lease the property. The fee for the first and every subsequent renewal is five hundred dollars.

15.30.080 - Administration.

The city administrator may issue rules and regulations for the administration of the provisions of this chapter.

15.30.090 - Violations and penalties.

- A. Violation of this chapter is a strict liability offense. A violation occurs regardless of a violator's intent or knowledge of the violation.
- B. Any owner who is not in full compliance with this chapter or of any rules or regulations authorized and issued hereunder shall be subject to penalty as provided for other violations of this municipal code.
- C. The remedies in this section are cumulative to, and not in place of, other rights and remedies available to the city pursuant to the municipal code. The city attorney or designee may pursue other rights or remedies, including, but not limited to, commencement of a civil or administrative action to abate the condition as a public nuisance.
- D. If the city takes administrative action to abate the condition of a property subject to the registration requirement, in addition to, or in lieu of the remedies in this chapter, the following administrative penalties shall apply.
 - 1. Upon being found to be violation of this chapter, each party subject to an abatement order shall pay an administrative penalty of up to one thousand dollars.
 - 2. If a violation of this chapter addressed by abatement order has not been abated, cured, remedied or eliminated to the reasonable satisfaction of the city administrator by the thirtieth day after the deadline imposed by the city administrator, each party subject to said abatement order shall pay a supplemental administrative penalty of up to five thousand dollars.
 - 3. If a violation of this chapter addressed by abatement order has not been abated, cured, remedied or eliminated to the reasonable satisfaction of the city administrator by the sixtieth day after the deadline imposed by the city administrator, each party subject to said abatement order shall pay a supplemental administrative penalty of up to twenty-five thousand dollars.
- E. In each instance when a party becomes subject to an administrative penalty specified in this section, the city administrator shall issue an order providing written notice of that party's obligation to make payment of said administrative penalty. Each such order shall constitute a debt of the record owner and a special assessment against the subject property, having the same legal status as an order determining cost of abatement of a public nuisance.
- F. If a party becomes subject to an administrative penalty when that party is the property's owner of record, or is otherwise responsible as provided under this chapter, that party is not relieved of its obligation to pay the penalty based upon the subsequent sale of the property in question to another.

15.30.100 - Appeal.

Any monetary penalty or other punitive action by the city authorized under this chapter may be appealed by the party against whom it is imposed to the city's administrative citation hearing officer, the decision of whom shall be final. A request for such an appeal shall be in writing and must be submitted to the city within sixty days after the city issues written notice of the imposition of the penalty or other punitive action. Pending the results of the appeal, the appellant shall deposit any monetary penalty with the city clerk, unless the appellant does not have the financial ability to do so.

15.30.111 – If any provision of this chapter, or of any section hereof, is determined to be void or unenforceable, the remainder thereof shall remain in full force and effect.

15.30.112 – This ordinance shall take effect and be in force thirty (30) days after its passage.

15.30.113 – This ordinance, or a summary hereof prepared by the City Administrator, shall be published in the Siskiyou Daily News, a newspaper of general circulation in the Town of Fort Jones, within fifteen (15) days after its passage.

I HEREBY CERTIFY the foregoing ordinance was introduced for first reading at a Special Meeting of the City Council of the Town of Fort Jones held the 21st day of October 2019, and thereafter adopted at a Regular Meeting of said Council held the 12th day of November, 2019, by the following vote to wit:

AYES: C. Flynn, K. Tasem, M. DeCausmaker, M. Garcia, B. Beckwith

NOES: *NONE*

ABSENT: *NONE*

ABSTAIN: *NONE*

ATTEST:



Paula Basteyns, City Clerk



Chris Flynn, Mayor

