

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BEAUMONT, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BEAUMONT, CALIFORNIA, AMENDING CHAPTER 8.54 OF THE BEAUMONT MUNICIPAL CODE TO EXPAND THE REGISTRATION AND MAINTENANCE REQUIREMENTS FOR VACANT AND ABANDONED PROPERTIES TO INCLUDE ALL PROPERTY TYPES**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT, RIVERSIDE COUNTY, STATE OF CALIFORNIA AS FOLLOWS:

**SECTION 1. CEQA.** The City Council finds that the actions contemplated by this Ordinance are exempt from the California Environmental Quality Act (“CEQA”) pursuant to 15061(b)(3), CEQA review is not required because there is no possibility that this Ordinance may have a significant effect upon the environment and the proposed text amendments constitute a minor alteration in a land use limitation under CEQA Guidelines Section 15305, and such a land use limitation is a permissible exercise of the City's zoning powers.

**SECTION 2. Severability.** The City Council hereby declares that if any provision, section, paragraph, sentence, or word of this Ordinance is rendered or declared to be invalid or unconstitutional by any final court action in a court of competent jurisdiction, or by reason of any preemptive legislation, such invalidity shall not affect the other provisions, sections, paragraphs, sentences, or words of this Ordinance, and to this end the provisions of this Ordinance are severable. The City Council declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed, and the balance of the Ordinance enforced.

**SECTION 3. Prosecution of Prior Ordinances.** Neither the adoption of this Ordinance nor the repeal of any other ordinance of this City shall in any manner affect the prosecution of any violation of any City ordinance or provision of the City of Beaumont Municipal Code, committed prior to the effective date hereof, nor be construed as a waiver of any penalty or the penal provisions applicable to any violation thereof.

**SECTION 4. Findings.** The City Council hereby finds that vacant and abandoned properties, whether residential, commercial, industrial, or mixed-use, often attract illegal dumping, vandalism, trespass, and other public nuisances.

**SECTION 5.** Chapter 8.54 currently regulates only abandoned or foreclosed residential properties.

**SECTION 6.** Expanding the program to include all property types will protect property values, promote public safety, and streamline enforcement.

**SECTION 7. Amendment to Beaumont Municipal Code Chapter 8.54.** Chapter 8.54 is hereby amended as follows (new language in **bold**, deletions in ~~strikeout~~):

**Chapter 8.54**

REGULATION OF VACANT AND ABANDONED RESIDENTIAL PROPERTIES

Sections:

- 8.54.010 Findings
- 8.54.030 Definitions
- 8.54.040 Registration/fees

8.54.010 Findings. The City Council finds that abandoned and distressed residential properties pose a risk to the public peace, health and safety of the citizens of the City of Beaumont because the detrimental effects from the lack of security and maintenance of abandoned and distressed residential properties include dangerous attractive nuisances, increased opportunities for crimes such as squatting, vandalism and burglaries, discouraging buyers from purchasing neighboring homes, lowering property values, and physical and economic blight. **This chapter shall be known as the “Vacant and Abandoned Property Registration Program.”**

8.54.030 Definitions. As used in this Ordinance, the following terms shall have the following meanings:

A.

*"Abandoned Property"* a residential property that is vacant and is under a current Notice of Default and/or Notice of Trustee's Sale, pending Tax Assessor's Lien Sale, or a property that has been the subject of a foreclosure sale where the title was retained by or transferred to the beneficiary of the deed of trust involved in the foreclosure, or a property transferred under a deed in lieu of foreclosure/sale-, **or property that is unoccupied and shows evidence of neglect, disrepair or lack of maintenance, creating a public nuisance.**

B.

*"Neighborhood Standard"* those conditions that are present on a simple majority of properties within a 300-foot radius of an individual abandoned property. An abandoned property that is the subject of a neighborhood standard comparison, or any other abandoned property within the 300-foot radius, shall not be counted toward the simple majority.

C.

*"Out-of-Area"* shall mean in excess of 40 road/driving miles distance of the subject property.

D.

*"Owner"* any person, co-partnership, association, corporation or fiduciary having a legal or equitable title or any interest in any real property.

E.

**"Property" means any parcel of real property, improved or unimproved, of any zoning or use type-residential, commercial, industrial, or mixed-use.**

F.

**"Vacant" means a structure or lot that is unoccupied or not actively maintained for 90 consecutive days.**

5.54.040 Registration/fees. **A. Abandoned properties.** Any beneficiary/trustee who holds a deed of trust on a property located within the City of Beaumont shall perform an inspection of the property that is the security for the deed of trust upon default by the trustor and prior to recording a Notice of Default in the Riverside County Recorder's Office.

~~A.1.~~ If the property is found to be vacant or shows evidence of vacancy, it shall be deemed abandoned and the beneficiary/trustee shall, within ten days of the inspection, register the property with the City Building and Safety Department on forms provided by the Department.

~~B.2.~~

The registration shall contain the name of the beneficiary/trustee (corporation or individual), the direct street/office mailing address of the beneficiary/trustee (no post office box numbers), a direct contact name and phone number for the beneficiary/trustee and, in the case of a corporation or out-of-area beneficiary/trustee, the name, address and telephone number of the local property maintenance company responsible for the security, maintenance and marketing of the property. Any change of the information in the registration required hereunder shall be reported within ten days of the change.0

~~C.~~

**3.** The City Council shall establish a registration fee by minute order. An annual registration fee shall accompany the registration form. The fee and registration shall be valid for the calendar year, or the remaining portion of the calendar year, in which the registration was initially required. Subsequent registrations and fees are due January 1 of ~~the~~ each year and must be received no later than January 31 of the year due. Registration fees will not be prorated.

~~D.4.~~

Abandoned properties shall remain subject to the annual registration, maintenance, security and sign requirement of this Ordinance as long as they remain abandoned.

**B. Vacant Properties. The legal owner or beneficiary of any vacant property shall register the property with the City within 30 days of vacancy or notice by the City. Registration shall include:**

- 1. Name, mailing address, telephone number, and email of the owner and a local responsible party/agent authorized to act 24/7.**
- 2. Evidence of current liability insurance.**
- 3. Payment of an annual registration fee as adopted by City Council resolution.**

**SECTION 8. Effective Date and Publication.** The Mayor shall sign, and the City Clerk shall certify to the passage of this Ordinance and cause the same or a summary thereof to be published within 15 days after adoption in accordance with Government Code Section 36933.

NOW, THEREFORE, BE IT ORDAINED that the City Council of the City of Beaumont, California, approves an amendment to the City Code.

**INTRODUCED AND READ** for the first time and ordered posted at a regular meeting of the City Council of the City of Beaumont, California, held on the X<sup>xx</sup> day of MONTH YYYY, by the following roll call vote:

AYES:

NOES:  
ABSENT:  
ABSTAIN:

**PASSED, APPROVED AND ADOPTED** at a regular meeting of the City Council of the City of  
Beaumont, California, held on the X<sup>XX</sup> day of MONTH, YYYY.

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Name, Mayor

Attest: \_\_\_\_\_  
Name, City Clerk

Approved as to form:

\_\_\_\_\_  
Name, City Attorney