

ORDINANCE NO. 635

AN ORDINANCE OF THE CITY OF CORCORAN
ENACTING REGULATIONS FOR BUILDINGS WHICH
HAVE REMAINED UNSAFE OR BOARDED UP FOR A
SUBSTANTIAL PERIOD OF TIME.

THE CITY COUNCIL OF THE CITY OF CORCORAN DOES ORDAIN AS
FOLLOWS:

Section 1. FINDINGS AND PURPOSE. The City Council of the City of Corcoran hereby finds and declares the following: There are adverse impacts of buildings which remain unsafe or boarded up for substantial periods of time. These types of buildings are in such often in such condition because they have been deemed unsafe to occupy or are uninhabitable. Such buildings become an attractive nuisance for kids, vandals and criminals who engage in criminal activity on the premises. These properties deteriorate the aesthetics for neighboring properties which are in active use. They also create blight or contribute to an increase in blight and thus have adverse secondary impacts in the form of lowering real property values in the neighborhoods in which they are located. The provisions of this ordinance are intended in order to promote the public safety, health, comfort and general welfare, in order to provide a plan for requiring owners of these types of properties to bring the properties into compliance with State and local laws and building standards so that they may be safely and lawfully occupied.

Section 2. CODE REPEAL. Except to the extent expressly indicated otherwise herein, the specific provisions of each and all existing ordinances which are in actual conflict with any provision of this ordinance shall be repealed.

Section 3. CODE AMENDMENT. Subsections (A) and (E) of section 4-1-1 of Title 4, Chapter 1 of the Corcoran Municipal Code are hereby amended to read in their entirety as follows:

4-1-1: NUISANCE; MAINTENANCE OF PROPERTY:

It is hereby declared a public nuisance for any person owning, leasing, occupying or having charge or possession of any premises within this City

to maintain such premises or an alleyway or other public right of way fronting said premises in such manner that any of the following conditions are found to exist thereon:

A. **Unsafe Buildings:** Buildings or structures which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety, health, or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster damage, abandonment, or having been boarded up or posted as “Unsafe to Occupy” for any period of time which is sufficient to correct, repair or demolish the building or structure without either repair or demolition having been accomplished during that time.

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E. **Abandoned Buildings:** Buildings which are abandoned, voluntarily or involuntarily boarded up, partially destroyed, or left unreasonably in a state of partial construction.

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Section 4. CODE AMENDMENT. Section 4-1-9 of Title 4, Chapter 1 of the Corcoran Municipal Code is hereby amended to read in its entirety as follows:

4-1-9: VIOLATION; INFRACTION:

A. The owner of any building or premises who maintains any public nuisance thereon, as defined in this Chapter, or who violates any order of abatement issued by the City Council is guilty of an infraction.

B. Any occupant or lessee in possession of any such building or premises who fails to vacate said building or premises in accordance with an order of abatement provided in this Chapter is guilty of an infraction.

C. Any person who removes any notice or order posted as required in this Chapter is guilty of an infraction.

D. No person shall obstruct, impede or interfere with any representative of a City department or the Planning Commission, or any person having any interest or estate in such building or premises, is engaged, pursuant to the provisions of this Chapter, in enforcing any such order of abatement. Any person doing so shall be guilty of an infraction.

E. The owner of any building or structure upon any parcel within the City of Corcoran, who has either (1) voluntarily or involuntarily boarded up

the windows and/or doors to any such building or structure, or (2) which is presently the subject of a Notice and Order issued by the Building Official in conjunction with the latter's posting of the building or structure as "Unsafe to Occupy", shall promptly, and in no case later than three (3) calendar months from the date of the Notice and Order or the boarding up, whichever occurred earlier, successfully secure all permits and properly complete all work necessary for either the rehabilitation, correction or demolition of the building or structure. The Building Official shall have authority to grant an additional three (3) months extension when the owner has taken affirmative steps to commence said the rehabilitation, correction or demolition, or otherwise whenever required by law. Upon the expiration of the time provided hereunder to rehabilitate, correct or demolish, each calendar day thereafter in which the building or structure remains boarded up, unsafe to occupy or without each aforementioned permit shall constitute a separate public nuisance and violation hereunder.

F. Unless otherwise expressly prohibited, each violation of this Chapter of the Corcoran Municipal Code may be enforced by each and all lawful remedies available under the Municipal Code and applicable State statute(s), including but not limited to civil fines and penalties, infraction citation, criminal prosecution, public nuisance abatement and civil injunction, as appropriate, and all available remedies shall be cumulative and not preclude other available remedies.
(Ord. 355, 9-4-1979)

Section 5. CEQA REVIEW. The City Council hereby finds that this ordinance is not subject to review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15060(c)(2) [the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment] and 15061(b)(3) [there is no possibility the activity in question may have a significant effect on the environment]. In addition to the foregoing general exemptions, the City Council further finds that the ordinance is categorically exempt from review under CEQA under the Class 8 categorical exemption [regulatory activity to assure the protection of the environment]. The City Manager is hereby directed to ensure that a *Notice of Exemption* is filed pursuant to CEQA Guidelines section 15062 [14 C.C.R. § 15062].

Section 6. NO LIABILITY. The provisions of this ordinance shall not in any way be construed as imposing any duty of care, liability or responsibility for damage to

person or property upon the City of Corcoran, or any official, employee or agent thereof.

Section 7. PENDING ACTIONS. Nothing in this ordinance or in the codes hereby adopted shall be construed to affect any suit or proceeding pending or impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance or code repealed by this ordinance, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 8. SEVERABILITY. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this ordinance, or its application to any other person or circumstance. The City Council of the City of Corcoran hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

Section 9. CONSTRUCTION. The City Council intends this ordinance to supplement, not to duplicate, contradict or otherwise conflict with, applicable State and federal law and this ordinance shall be construed in light of that intent. To the extent the provisions of the Corcoran Municipal Code as amended by this ordinance are substantially the same as provisions in the Corcoran Municipal Code existing prior to the effectiveness of this ordinance, then those amended provisions shall be construed as continuations of the earlier provisions and not as new enactments.

Section 10. EFFECTIVE DATE. The foregoing ordinance shall take effect thirty (30) days from the date of the passage hereof. Prior to the expiration of fifteen (15) days from the passage hereof a certified copy of this ordinance shall be posted in the office of the City Clerk pursuant to Government Code section 36933(c)(1) and a summary shall be published once in the The Corcoran Journal, a newspaper printed

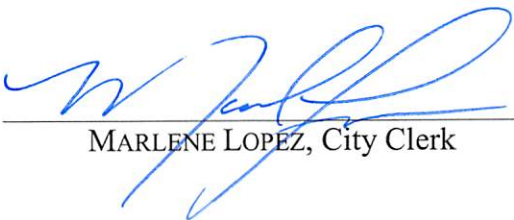
and published in the City of Corcoran, State of California, together with the names of the Council members voting for and against the same.

THE FOREGOING ORDINANCE was passed and adopted by the City Council of the City of Corcoran, State of California on November 28, 2017 at a regular meeting of said Council duly and regularly convened on said day by the following vote:

AYES: Lerma, Nolen, Palmerin, Robertson and Zamora-Bragg
NOES:
ABSTAIN:
ABSENT:



RAYMOND LERMA, Mayor

ATTEST: 
MARLENE LOPEZ, City Clerk