



City of Riverbank  
Office of the City Clerk / Elections

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**CERTIFICATION OF ORDINANCE NO. 2023-004**

STATE OF CALIFORNIA }  
COUNTY OF STANISLAUS } ss:  
CITY OF RIVERBANK }

I, **Gabriela Hernandez**, duly appointed City Clerk of the City of Riverbank, California, **DO HEREBY CERTIFY** that the foregoing **Ordinance No. 2023-004** (consisting of 9 pages) was introduced at a regular meeting of the City Council of the City of Riverbank, held on 05/09/2023, and thereafter was adopted at a regular meeting of the City Council of the City of Riverbank on 05/23/2023, by the following City Council vote of 5-0, to wit:

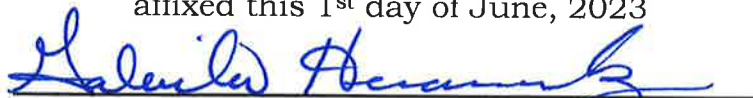
**AYES:** COUNCILMEMBER DISTRICT 1 LUIS URIBE  
COUNCILMEMBER DISTRICT 3 LEANNE JONES CRUZ  
COUNCILMEMBER DISTRICT 4 DARLENE BARBER-MARTINEZ  
VICE MAYOR (CM-D2) RACHEL HERNANDEZ  
MAYOR RICHARD D. O'BRIEN

**NAYS:** NONE  
**ABSENT:** NONE  
**ABSTAINED:** NONE

I **FURTHER CERTIFY** that the foregoing **Ordinance No. 2023-004** was published pursuant to GC § 36933 as follows:

- First Summary published on 04/26/2023 in the Riverbank News by City Clerk Office; and  
Second Summary published on 05/31/2023 the Riverbank News.
- Notices were also posted on the exterior Bulletin Boards of City Hall North and the Community Center.

**WITNESS** my hand and the Seal of the City of Riverbank,  
affixed this 1<sup>st</sup> day of June, 2023

  
\_\_\_\_\_  
**Gabriela Hernandez, City Clerk**

**CITY OF RIVERBANK**

**ORDINANCE 2023-004**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVERBANK,  
CALIFORNIA, ADDING CHAPTER 150.80 THROUGH 150.100 ENTITLED VACANT  
BUILDINGS TO CHAPTER 150, BUILDING REGULATIONS, TO TITLE XV, LAND  
USAGE, OF THE RIVERBANK CODE OF ORDINANCES**

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**WHEREAS**, structures that sit vacant, in a state of disrepair, or boarded up (collectively, “vacant buildings”) are public nuisances in that they often contribute to the decrease in value of surrounding properties, precipitate disinvestment by neighboring owners, provide a location for criminal activity, undermine the aesthetic nature of the City of Riverbank, and have other undesirable effects; and

**WHEREAS**, vacant buildings, and especially those which remain boarded or in a state of disrepair for more than six months, are unsightly and diminish neighboring property values and neighbors’ sense of well-being; and

**WHEREAS**, allowing certain buildings to remain vacant even in the absence of code violations or disrepair may pose a danger to police officers or firefighters entering the premises in time of emergency; and detracts from the appearance and good order of a neighborhood; and

**WHEREAS**, registration of vacant properties and implementation of a maintenance plan will discourage property owners from allowing their properties to remain vacant or in a state of disrepair and will thereby provide a basis for the return of vacant buildings to the housing stock and other good use; and

**WHEREAS**, the City Council of the City of Riverbank desires to impose certain rules and regulations on vacant buildings within the City of Riverbank.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RIVERBANK DOES  
ORDAIN AS FOLLOWS:**

**SECTION 1.** Sections 150.80 through 150.100, entitled Vacant Buildings, of Chapter 150, Building Regulations, of Title XV, Land Usage, shall be added to the Riverbank Municipal Code and shall read as follows:

## VACANT BUILDINGS

### Sections:

- 15.150.080 Findings: vacant or boarded buildings.**
- 15.150.081 Definitions.**
- 15.150.082 Vacant or boarded building monitoring program.**
- 15.150.083 Failure to register for monitoring program.**
- 15.150.084 Notice of violation.**
- 15.150.085 Permitted time periods to commence and correct violations.**
- 15.150.086 Securing vacant buildings.**
- 15.150.087 Opportunity for a hearing.**
- 15.150.088 Extension.**
- 15.150.089 Inspection of premises.**
- 15.150.090 Administrative penalty.**
- 15.150.091 Administrative penalty: factors.**
- 15.150.092 Payment of administrative penalty.**
- 15.150.093 Authority to designate agent to resume utility service.**
- 15.150.094 Penalties cumulative.**
- 15.150.095 Reserved.**
- 15.150.096 Reserved.**
- 15.150.097 Reserved.**
- 15.150.098 Reserved.**
- 15.150.099 Reserved.**
- 15.150.100 Reserved.**

**15.150.080 Findings: vacant or boarded buildings.**

The City Council finds as follows:

Vacant and boarded buildings are a major cause and source of blight in residential and non-residential neighborhoods. This is particularly true when the owner of the vacant building fails to maintain and manage the building to ensure that it does not become a liability to the neighborhood. Vacant buildings can attract transients and criminals. Use of vacant buildings by transients and criminals, who frequently employ primitive cooking or heating methods, creates a risk of fire for the vacant building and adjacent properties. Vacant properties are often used as dumping grounds for junk and debris and are often overgrown with weeds and grass. Vacant buildings which are boarded up to prevent entry by transients and other long-term vacancies discourage economic development and limit appreciation of property values.

Based on the likely economic and public health, welfare, and safety problems caused by vacant buildings, the City needs to monitor the status of vacant buildings so that they do not become attractive nuisances, are not used by trespassers, are properly maintained both inside and out, and do not become a blighting influence in the City. City departments involved in such monitoring include the police, public works and building departments and the code enforcement division. There is a substantial cost to the City for monitoring vacant buildings, whether or not those buildings are boarded up. It is the responsibility of property owners to prevent property they own from becoming a burden to the neighborhood and community and a threat to the public health, safety, or welfare, and any costs to the City for monitoring vacant buildings should be borne by those owners.

#### **15.150.081 Definitions.**

The definitions contained in this section shall govern the construction of this Chapter.

“Blight” shall mean a condition of decay, deterioration, disrepair, neglect or inadequate maintenance, including, but not limited to, conditions constituting a public nuisance pursuant to Section 98.03 of this Code, contributing to the diminution of the property values of surrounding properties, undermining the economic vitality of a neighborhood or creating health or safety dangers.

“Boarded building” or “boarded up” shall mean a building, any of the doors or windows of which have been covered with plywood or other material.

“Vacant building” or “vacant” shall mean a building which is without a legal resident or occupant or which is not being put to a lawful commercial or industrial use.

#### **15.150.082 Vacant or boarded building monitoring program.**

**A. Monitoring program.** The City Manager or their designee shall be responsible for administering a vacant or boarded building monitoring program for identifying and monitoring the maintenance of all vacant or boarded buildings in the City. Any building, residential or non-residential, which is boarded up by voluntary action of the owner or as a result of enforcement activities by the City or is vacant for more than ninety (90) days for any reason, must register for the program.

Every owner of a vacant or boarded building that is registered in the program shall be subject to a monthly fee in an amount set by resolution of the City Council not to exceed the reasonable cost of monitoring the vacant or boarded building, and must submit a rehabilitation plan containing:

1. A statement outlining the property owner's plan, if applicable, for repairing the premises for occupants, meeting all applicable codes, offering the premises for sale, lease, or rent, or actively maintaining and monitoring the premises,
2. The expected timeline for completing any actions listed above.

**B. Fee waiver.** The vacant or boarded building monitoring program fee may be waived by the City Manager or their designee upon a showing by the owner that:

1. The owner has obtained a building permit and is progressing diligently to repair the premises for occupancy.
2. The building meets all applicable codes and is actively being offered for sale, lease or rent.

3. The City Manager or their designee determines that the building does not contribute to, and is not likely to contribute to blight, because the owner is actively maintaining and monitoring the building so that it does not contribute to blight. Active maintenance and monitoring shall include:

- a. Maintenance of landscaping and plant materials in good condition.
- b. Maintenance of the exterior of the building, including but not limited to paint and finishes, in good condition.
- c. Regular removal of all exterior trash, debris, and graffiti.
- d. Maintenance of the building in continuing compliance with all applicable codes and regulations.
- e. Prevention of criminal activity on the premises, including, but not limited to, use and sale of controlled substances, prostitution, and criminal street gang activity.

**C. Procedure.** The vacant or boarded building monitoring program fee shall be billed to the owner of the property and mailed to the owner's address as set forth on the last equalized assessment roll of the County Assessor.

Any owner billed may apply for a waiver on the grounds set forth in subsection (B) of this section by submitting a written statement of the grounds for the waiver, and the owner's daytime telephone number, to the City Manager or their designee within thirty (30) days after the billing is mailed to the owner. The City Manager or their designee shall review the written statement and may contact the owner to discuss the application for waiver.

The City Manager or their designee shall prepare a written decision which shall be mailed to the owner.

Any owner who disagrees with the decision of the City Manager or their designee relating to an application for waiver may appeal by submitting a written appeal hearing request to the City Clerk within thirty (30) days of receipt of the City Manager or their designee's decision. The hearing shall be set and conducted pursuant to Sections 99.06 and 99.07 of this Code.

**D. Collection.** If the monthly fee is not paid within ninety (90) working days after billing, or within sixty (60) days after the decision of the City Manager or their designee or the outcome of an appeal hearing, the fee may be collected through a lien pursuant to Section 99.16 of this Code.

**15.150.083 Failure to register for monitoring program.**

Failing to register for the vacant or boarded building monitoring program as required in Section 15.150.082 within thirty (30) days of a building becoming vacant or boarded as defined in Section 15.150.081 shall constitute a violation of these provisions subject to administrative penalty.

**15.150.084 Notice of violation.**

**A.** Upon a property owner failing to register as required under Section 15.150.081, the City Manager, or their designee shall issue a notice of violation directed to the record owner of the premises. The notice of violation shall contain:

1. The street address and such other description as is required to identify the premises.

2. A statement specifying the conditions which constitute a violation of this Chapter.

3. A statement that administrative penalties may begin to accrue upon the expiration of the thirty (30) day correction period if the property owner does not register for the vacant or boarded building monitoring program. The statement shall state that the thirty (30) day correction period begins on the date of the issuance of the notice of violation. The statement shall identify the date of issuance.

4. A statement that upon registering into the vacant or boarded building monitoring program, the property owner shall be subject to a monthly fee and must submit a rehabilitation plan as specified in Subsection 15.150.082(A).

5. A statement notifying the property owner that he or she may request a hearing within twenty (20) calendar days of the mailing of the notice to dispute the existence of any violation or to show cause why an administrative penalty should not be assessed in accordance with this Code. The statement shall notify the property owner that the thirty

(30) day correction period shall be suspended from the date of a request for a hearing until such time as the hearing officer renders a decision.

6. A statement notifying the property owner that he or she may request an extension as provided for in Section 15.150.088.

**B.** The notice of violation, and any amended or supplemental notice, shall be served either by personal delivery or by return receipt mailing upon the record owner at his or her address as it appears on the latest equalized assessment roll of Stanislaus County, or as known to the City Manager or their designee. A copy of the notice and any amended or supplemental notice shall also be posted on the building.

**15.150.085 Permitted time periods to commence and correct violations.**

Any owner of a vacant or boarded building in violation of Section 15.150.082 shall register for the vacant or boarded building monitoring program within thirty (30) days of the date of the issuance of the notice of violation. The date of the issuance of the notice of violation shall be the date the notice of violation is mailed to the property owner or posted on the property as provided for in Section 15.150.084, whichever is earlier. Provided the property owner diligently pursues registration into the program, no administrative penalties shall be imposed. In the event the property owner does not request a hearing or correct the violation within thirty (30) days of the date of the issuance of the notice of violation, the City may impose administrative penalties as provided for in Section 15.150.090. In the event the property owner requests a hearing, the thirty (30) day correction period shall be suspended from the date of the request until such time as a decision is rendered. Upon the issuance of a decision, the property owner shall have the balance of the original thirty (30) day period to commence any necessary corrections or repairs before administrative penalties accrue.

**15.150.086 Securing vacant buildings.**

In administering the vacant or boarded building monitoring program, the City Manager or their designee may impose such requirements to secure the property as deemed reasonably necessary to protect the public health, safety, and welfare. The City Manager or their designee shall notify the affected property owner of the decision to impose securing requirements in writing. Any owner who disagrees with the decision of the City Manager or their designee relating to any securing requirements may appeal by submitting a written appeal hearing request to the City Clerk within thirty (30) days of receipt of the written notice imposing securing requirements on the property. The hearing shall be set and conducted pursuant to sections 99.06 and 99.07 of this Code.

**15.150.087 Opportunity for a hearing.**

Hearings shall be scheduled and conducted as provided for in Sections 99.06 and 99.07 of this Code.

**15.150.088 Extension.**

The City Manager or their designee may, upon request of the owner of the premises grant a thirty (30) day extension for good cause shown. The City Manager or their designee may grant one (1) extension for each property in violation of these provisions. Administrative penalties shall not accrue during the extension period.

**15.150.089 Inspection of premises.**

**A.** If the property owner requests a hearing, the appeal hearing body may, with the consent of the owner, inspect the building and premises involved in the hearing prior to, during or after the hearing, provided that:

1. Notice of such inspection shall be given to the parties before the inspection is made;

2. The parties are given an opportunity to be present during the inspection; and

3. The hearing body shall state for the record during the hearing, if requested, or file a written statement after the hearing for inclusion in the hearing record, upon completion of the inspection, the material facts observed, and the conclusion drawn therefrom.

**B.** The owner shall have a right to rebut or explain the matters stated by the hearing body pursuant to subsection (A) either for the record during the hearing or by filing a written statement within five (5) days after the hearing for inclusion in the hearing record.

**C.** An inspection warrant or the owner's consent to inspect the building and surrounding properties is required unless such inspection can be made from areas in which the general public has access or with permission of other persons authorized to provide access to the property on which the building is located.

**15.150.090 Administrative penalty.**

**A.** Any owner of a vacant or boarded building who has failed to register for the vacant or boarded building monitoring program and who has failed to commence corrections within the correction period established under Section 15.150.085 or any extension as provided for in Section 15.150.088, shall be liable for administrative penalties.

**B.** Any violation of Sections 15.150.082 and 15.150.083 shall be a misdemeanor. Any administrative penalty imposed pursuant to this Chapter shall be in an amount not to exceed \$1,000 per building for each violation. Pursuant to Section 99.09(G), each and every day, or portion thereof, of continuing violation shall constitute a separate and distinct offense.

**15.150.091 Administrative penalty- factors.**



In setting the penalty, the City Manager or their designee shall consider factors including, but not limited to: the severity, extent and length of time in which the blighting conditions have existed on the property; the owner's efforts, or lack thereof, to remedy the problem; staff time and costs incurred in investigating the conditions; and the extent, if any, to which an administrative penalty would impose a substantial economic hardship on the owner or would hinder the rehabilitation of the building.

**15.150.092 Payment of administrative penalty.**

**A.** Upon the expiration of the thirty (30) day correction period, or any applicable thirty (30) day extension, whichever is applicable, the City shall send the property owner a letter notifying him or her of any administrative penalties being imposed. The administrative penalty shall become due and payable within thirty (30) days of the mailing of the letter notifying the property owner of the administrative penalty.

**B.** If the administrative penalty is not timely paid, the City may initiate action to collect the penalty by the remedies and procedures provided for in Chapter 99.

**C.** An administrative penalty shall accrue interest at the same annual rate as any civil judgment. Interest shall accrue commencing on the 31st day following the date the penalty is due and payable as provided for in subsection (A) of this Section.

**15.150.093 Authority to designate agent to resume utility service.**

The owner of a vacant building may designate in writing to the City an agent to authorize the resumption of City utility service to the property. However, this Section shall not be interpreted to reduce or eliminate outstanding debts, fees or costs the owner or agent may be required to pay prior to City utility service connection.

**15.150.094 Penalties cumulative.**

Unless otherwise expressly provided, the remedies, procedures, and penalties provided by this Chapter are cumulative to each other and to any others available under State law or other City ordinances.

**SECTION 2. Severability.** If any section, subsection, subdivision, paragraph, sentence, clause, phrase or portion of this Chapter, or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Chapter or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase be declared unconstitutional.

**SECTION 3:** This Ordinance shall become effective thirty (30) days from and after its final passage (05/23/23), provided it is published pursuant to GC § 36933 in a newspaper of general circulation within fifteen (15) days after its adoption.

The foregoing ordinance was given its first reading and introduced by title only at a regular meeting of the City Council of the City of Riverbank on May 9, 2023. Said ordinance was given a second reading by title only and adopted.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Riverbank at a regular meeting on the 23<sup>rd</sup> day of May, 2023; motioned by Councilmember Leanne Jones Cruz seconded by Councilmember Luis Uribe; moved said ordinance by a City Council vote of 5/0:

**AYES:** Councilmember, District 1 Luis Uribe  
Councilmember, District 3 Leanne Jones Cruz  
Councilmember, District 4 Darlene Barber-Martinez  
Vice Mayor, (CM-D2) Rachel Hernandez  
Mayor, Richard D. O'Brien

**NAYS:** None

**ABSENT:** None

**ABSTAINED:** None

**ATTEST:**

  
\_\_\_\_\_  
Gabriela Hernandez  
City Clerk

**APPROVED:**

  
\_\_\_\_\_  
Richard D. O'Brien  
Mayor

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Tom P. Hallinan  
City Attorney