

ORDINANCE NO. 04-26

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORANGE ADDING CHAPTER 8.38 TO THE ORANGE MUNICIPAL CODE RELATING TO THE MAINTENANCE AND SECURITY STANDARDS FOR UNOCCUPIED OR ABANDONED PROPERTIES.

WHEREAS, California Constitution, Article XI, Section 7, authorizes cities to make and enforce within its limits all local, police, sanitary, and other ordinances, and regulations not in conflict with general laws; and

WHEREAS, California Government Code section 38771 provides that legislative bodies of cities may declare what constitutes a nuisance; and

WHEREAS, California Government Code section 38772 et seq. further provides that legislative bodies of cities may also provide for the summary abatement of any nuisance at the expense of the persons creating, causing, committing, or maintaining it, and by ordinance may make the expense of abatement of nuisances a lien against the property on which the nuisance is maintained and a personal obligation against the property owner; and

WHEREAS, California Health and Safety Code section 101450 authorizes the City Council to take measures necessary to preserve and protect public health, including the adoption of ordinances and regulations to address unsafe, unsecured, and nuisance conditions associated with unoccupied and abandoned properties; and

WHEREAS, the Legislature of the State of California, in adopting section 2929.3 of the California Civil Code (requiring owners of vacant residential property acquired at a foreclosure sale or by foreclosure under a mortgage or deed of trust to adequately maintain the property and to abate any violations threat) specifically provides that said section does not preempt any local ordinance; and

WHEREAS, Unoccupied or Abandoned Properties can be a major cause and source of blight in the City; and

WHEREAS, Unoccupied or Abandoned Properties that are not actively maintained or secured may pose a serious threat to public health and safety due to the secondary effects of criminal activity, vandalism, trespassing, graffiti, fire hazards, unsafe conditions, depressed surrounding property values, and reduced economic development; and

WHEREAS, property owners are responsible for preventing their property from becoming a nuisance to the community and from creating a financial burden on City resources due to repeated responses by code enforcement, police, and fire services; and

WHEREAS, the City Council finds that Unoccupied or Abandoned Properties may create conditions that threaten the public health, safety, and welfare; and further finds that it is in the best interests of the City and its residents to ensure that all properties within the City are maintained to

reasonable standards through the adoption of a Maintenance and Security Standards for Unoccupied or Abandoned Properties Ordinance; and

WHEREAS, implementing the foregoing ordinance will assist the City in protecting the community from the negative impacts and conditions that occur as a result of vacancy, absentee ownership, and lack of compliance with City regulations and laws.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ORANGE DOES HEREBY ORDAIN AS FOLLOWS:

SECTION I:

The Ordinance is not a “project” subject to the provisions of the California Environmental Quality Act (CEQA) per State CEQA Guidelines Section 15378 because it involves an organizational and administrative activity of the City of Orange that will not result in direct or indirect physical changes in the environment.

SECTION II:

A new Chapter 8.38 of Title 8 (“Health and Safety”) of the Orange Municipal Code (OMC) is hereby added to read as follows:

CHAPTER 8.38

MAINTENANCE AND SECURITY STANDARDS FOR UNOCCUPIED OR ABANDONED PROPERTIES

- 8.38.010 Purpose and Intent.**
- 8.38.020 Definitions.**
- 8.38.030 Applicability; Exceptions.**
- 8.38.040 Right of Inspection and Entry.**
- 8.38.050 Inspection, Classification, Monitoring and Response.**
- 8.38.060 General Maintenance and Security Standards for Unoccupied or Abandoned Properties.**
- 8.38.070 Screening Standards for Unoccupied or Abandoned Storefronts.**
- 8.38.080 Waiver or Modification Request.**
- 8.38.090 Administrative Regulations.**
- 8.38.100 Appeals.**
- 8.38.110 Collection of Fees and/or Costs.**
- 8.38.120 Emergency Abatement Authority.**
- 8.38.130 Enforcement.**

8.38.010 Purpose and Intent.

- A.** The purpose of this chapter is to establish regulations and monitoring program for Unoccupied or Abandoned Properties to assist the City with code enforcement efforts to reduce blight in the City.

- B. By establishing maintenance and security standards, inspection and enforcement procedures, penalties, and cost recovery mechanisms, the City will reduce the adverse secondary effects associated with vacant, distressed, unoccupied, and abandoned properties.
- C. The Community Development Director is hereby authorized to administer and enforce the provisions of this chapter.

8.38.020 Definitions.

If a term or phrase is not defined in this chapter, or elsewhere in this Code, the most common dictionary definition is presumed to be correct unless the context clearly requires otherwise.

“Abandoned” or **“Distressed”** means any real property (Property) that is Vacant and meets any of the following conditions: (i) is under a current notice of default; (ii) is under a current notice of trustee’s sale; (iii) is pending a tax assessor’s lien sale; (iv) has been the subject of a foreclosure sale where the title was retained by the beneficiary of a deed of trust involved in the foreclosure; or (v) has been transferred under a deed in lieu of foreclosure.

“Business Activity” means the lawful, continuous operation of a mixed-use, commercial, or industrial use within a structure, building or on a property for its intended and permitted purpose, as evidenced by customary ongoing activities, including the presence of employees, contractors, or customers during normal or posted business hours, the active offering of goods or services for sale, the maintenance of valid business licenses and required permits, the operation of utilities at levels consistent with occupancy, and the maintenance of inventory, equipment, furnishings, or fixtures appropriate to the business. Business activity shall not include sporadic or incidental use; pop up events or activities, temporary or vending permits; the mere storage or display of furniture, equipment, furnishings, fixtures or merchandise without active operations; maintenance of a business license without on-site activity; administrative use lacking regular physical occupancy (unless such use constitutes the primary permitted use); or any activity undertaken solely to avoid classification as a Unoccupied or Abandoned Property.

“Evidence of Vacancy” means conditions existing on or around a Property including but not limited to overgrown and/or dead vegetation; accumulation of newspapers, circulars, flyers, and/or mail; past due utility notices and/or disconnected utilities; accumulation of trash, litter, junk, and/or other debris; the absence of window coverings such as curtains, blinds, and/or shutters; unsecured or broken doors or windows; the absence of commercial furnishings; statements by neighbors, passersby, delivery agents, and government employees or any other evidence that demonstrates that the Property is Vacant, Distressed, Unoccupied or Abandoned.

“Owner” includes any person or entity having legal title to, or who leases, rents, occupies or has charge, control, or possession of any real Property in the City, including all persons listed as Owners on the last equalized assessment roll of the Orange County Assessor’s Office. Owners include persons with power of attorney, executors of estates, trustees, heirs, or court-appointed administrators, conservators, guardians, receivers, and any beneficiary and trustee who holds a deed of trust on a Property in the City. For providing notice to an Owner under this Code, “Owner” includes the Owner’s agent, employee, property manager or other legal representative.

“Screening” means a professionally designed display made of film, vinyl, polymath, canvas, or heavy-duty paper or other material and that is placed on the inside of a window, window area and glass door of an Unoccupied or Abandoned Storefront which conceals the interior of the premises from any public or private view.

“Securing” means making the Property inaccessible to unauthorized person(s), including, but not limited to repair or installation of fences, walls, and other barriers; chaining or pad locking of gates, doors; the repair, replacement or boarding of doors, windows, and/or other openings.

“Storefront” means the ground-floor or second story exterior façade of any building, structure or tenant space on a mixed-use, commercial, or industrial property that is designed or intended to provide visual access to the interior and direct access for members of the public to engage in business activity, and that contains one or more display windows, glazed window areas, or glass doors visible from a public street, sidewalk, walkway, private parking area open to the public, or other publicly accessible right-of-way.

“Unoccupied” means any vacant property that is not lawfully inhabited, leased, rented, or actively used for business activity or other purposes consistent with its intended mixed-use, residential, commercial, or industrial zone.

“Vacant” or **“Vacant Property”** means any lot, tract, or parcel of land, or any and each building, structure, or improvement thereon, including but not limited to any storefront, individual unit, tenant space, or portion thereof, located within a mixed-use, residential, commercial, or industrial zone, that is not lawfully inhabited, leased, rented, or actively used for business activity or other intended purpose consistent with the Code, and that either (i) remains Unoccupied for more than sixty (60) consecutive calendar days, and/or (ii) exhibits objective Evidence of Vacancy, and/or (iii) is Abandoned or Distressed.

8.38.030 Applicability; Exceptions.

- A.** Applicability. This chapter applies to all Unoccupied or Abandoned residential, commercial, industrial, and mixed-use properties, including undeveloped land and tenant spaces within multi-tenant buildings.
- B.** Exceptions. This chapter does not apply as follows:
 - 1.** Active Construction Activity. An Unoccupied or Abandoned Property with a valid, unexpired building permit where inspections occur at least once every three (3) months for construction activities (e.g., demolition, repair, alteration, rehabilitation, or tenant improvements), and the owner is diligently progressing toward completion.
 - 2.** Pending Permits, Licenses or Approval. The owner or leaseholder has filed an application for, and is actively seeking to obtain authorization, permits, or licenses required by State, County, or local law permitting the lawful use and occupancy of the Unoccupied or Abandoned Property.

3. **Actively Marketed Residential Properties.** A vacant unit or entire dwelling including, but not limited to, a multi-family development, apartment, duplex, condominium, townhouse, single-family residence, ADU, JADU, or short-term rental in a residential zone that is actively and continuously offered for sale, lease, or rent, and otherwise complies with all applicable Federal, State, and OMC requirements, including this chapter.
- C. Notwithstanding this section, an Unoccupied or Abandoned Property is ineligible for exclusion if the owner, although promptly correcting violations within forty-eight (48) hours of notice by the Code Enforcement Division, receives more than two (2) written notices of violation within any sixty (60) calendar-day period.

8.38.040 Right of Inspection and Entry.

The Community Development Director, or any authorized City personnel, may enter and inspect any unoccupied, abandoned, or suspected vacant property at reasonable times for purposes of enforcing this chapter, with the verbal or written consent of the owner or person in control of the property. If entry is refused, the City may seek an administrative inspection warrant in accordance with applicable law. In cases of emergency, or where conditions pose an immediate threat to public health, safety, or welfare, the City may enter the Property without prior notice or warrant to the extent permitted by law. The City may also enter the Property to abate violations as authorized by law, this chapter, or other provisions of the Code.

8.38.050 Inspection, Classification, Monitoring and Response.

- A. Upon receipt of a complaint or through proactive enforcement efforts involving an Unoccupied or Abandoned Property, the City, including the Community Development Department, Fire Department, Police Department, and other designated City personnel, may conduct an inspection of the interior and/or exterior of the Property following reasonable notice or as otherwise authorized by law or this chapter. Reasonable notice shall consist of the City providing not less than three (3) calendar days' advance written notice of the inspection, specifying the date and time of the inspection. A visual exterior inspection of an Unoccupied or Abandoned Property may be conducted by City personnel without entering the Property and from a public right-of-way, adjacent private property with the consent of the owner or person in control of such property, or as otherwise permitted by law.
- B. **Notice of Violations and Classification of Unoccupied or Abandoned Property.** Following an inspection by Code Enforcement, the owner of an Unoccupied or Abandoned Property that does not qualify as a Level 1—Stable Property shall be either served, by mail, certified mail, personal service, and/or posting on the Property, with a written notice of violation. The notice shall specify the violations as contained in this chapter and provide a reasonable period to correct or otherwise remedy them. If the violations remain uncorrected after the compliance period, the Property shall be assigned a classification based on its overall condition and level of compliance, as follows:
 1. **Level 1—Stable Property:** An Unoccupied or Abandoned Property maintained in full compliance with the OMC and provisions contained in this chapter. Stable Properties shall

not be subject to Monitoring and Response Fees, and the related Code Enforcement case shall be closed.

2. Level 2—At-Risk Property: In addition to any citations, notices and/or fees or costs of City enforcement efforts, including costs to abate a nuisance, Unoccupied or Abandoned Property that exhibits violations of the OMC and/or provisions contained in this chapter shall be subject to biweekly monitoring and response by City Code enforcement. At Risk Properties are subject to biweekly Monitoring and Response Fees.
 3. Level 3—Problematic Property: In addition to any citations, notices and/or fees or costs of City enforcement efforts, including costs to abate a nuisance, a Unoccupied or Abandoned Property that exhibits violations of the OMC and/or provisions contained in this chapter and is unsafe, dangerous, substandard, unlawful, hazardous, condemned, fire damaged buildings, structures, equipment, or property that are not safe and/or unfit for human occupancy pursuant to the OMC or State law, and/or poses immediate threat to the public health, safety, and welfare shall be subject to a weekly monitoring and response by City Code enforcement. Problematic Property is subject to weekly Monitoring and Response Fees.
- C. In addition to the provisions of this chapter, Level 2 and 3 properties are subject to all applicable City enforcement actions, including but not limited to, criminal, administrative, and civil citations, for violations of the OMC, State or Federal law, or for conditions constituting a public nuisance.
- D. Unsafe, dangerous, substandard, unlawful, hazardous, condemned, or fire damaged buildings, structures, equipment, or property that are not safe and/or unfit for human occupancy pursuant to the OMC or State law shall either be demolished or fully repaired by obtaining a valid building permit within ninety (90) days. The Community Development Director may grant continuation if documentation is provided to the satisfaction of the Director showing any delay is of no fault of the Owner and the Owner has made good faith efforts to demolish or fully repair within said ninety (90) days. Until demolition or repairs are completed, the Owner shall secure the building, structure, and property to prevent unauthorized access.
- E. If an Unoccupied or Abandoned Property moves from Stable to At Risk or from At Risk to Problematic, the Monitoring and Response Fees will be set to the higher classification. Likewise, if an Unoccupied or Abandoned Property moves to a lower classification, the fees will be the lower classification, if any. The Code Enforcement Division of the City will conduct a reassessment of the Unoccupied or Abandoned Property upon request of the Property Owner.
- F. An Unoccupied or Abandoned Property may be reclassified based on the following:
1. The Property Owner has made the required corrections to the Unoccupied or Abandoned Property to become fully compliant with the OMC and/or provisions contained in this chapter;

2. The Property Owner has had no new violations documented or observed for the past sixty (60) consecutive days by the Community Development Department; and
 3. The Property Owner requests a site inspection at least two (2) weeks prior to the due date of the current monitoring and response fee being billed.
- G. If the Unoccupied or Abandoned Property qualifies for a lower classification, then the corresponding Monitoring and Response Fees, if any, will be assessed.
- H. Monitoring and Response Fees as established by resolution of the City Council and those contained in the City's Master Fee Schedule shall be billed and paid to the City within thirty (30) calendar days of the billing notice to any applicable property owner of an Unoccupied or Abandoned Property. Monitoring and Response Fees shall fully recover the City's costs for Code Enforcement administration, equipment, supplies and personnel, as well as applicable hourly rates set forth in the City's Master Fee Schedule for personnel responses by Building and Safety, Fire, Police and/or any other designated City personnel enforcing the provisions of this chapter. These fees are not refundable, prorated, or rebated. The assessment of applicable Monitoring and Response Fees by Code Enforcement upon a property owner of an Unoccupied or Abandoned Property is final, unless appealed in accordance with this chapter.

8.38.060 General Maintenance and Security Standards for Unoccupied or Abandoned Properties.

- A. Every owner of real property within the City is required to maintain such property in a manner so as not to violate the provisions of this chapter or this Code and such owner remains strictly liable for violations thereof regardless of any contract or agreement with any third party regarding such property.
- B. Unless the Community Development Director provides in writing waiver from the following requirements, Unoccupied or Abandoned Property Owners shall ensure:
1. Maintenance of landscaping be maintained in a clean, watered, and weed-free condition, with hedges, bushes, and shrubs not exceeding forty-two (42) inches in height to ensure clear visibility from the public right-of-way, trees regularly pruned to remove overgrowth and dead or dying material, adequate irrigation provided to sustain all vegetation, and any dead or dying plant material removed; additionally, approved groundcover, hardscape, or softscape shall be installed and maintained throughout the period of vacancy, with groundcover not exceeding six (6) inches in height and supported by adequate irrigation, and the Director may require additional measures as necessary to eliminate unsafe conditions.
 2. Maintenance of the exterior of the building or structure, including, but not limited to, ensuring paint, finishes, roof, windows and doors, fences and walls, and porches and patios are in a good condition.

3. Maintenance of any swimming pools, spas, or water in such a manner so as to be free and clear of pollutants, debris, mosquitoes, insects, vectors, water that is clouded or green, bacterial growth, or algae and properly Securing with minimum security fencing and self-locking devices, as required by State law.
4. Regular removal of interior and exterior junk, trash, litter, debris, newspapers, flyers, lumber, construction materials, household furniture, appliances, clothing, combustible material, or discarded, unused, or abandoned personal property and graffiti, tagging, or other markings, with any painting over to be done with similar exterior grade colored paint.
5. Property is secured so as to prevent unauthorized trespassing on the premises, or, squatting, drug or criminal activity, malicious mischief, vandalism, and other public nuisances.
6. Provide power for exterior lighting, any applicable fire sprinkler system, fire or burglar alarm, security surveillance systems or irrigation systems, which shall all be maintained in working order.
7. Maintenance of Screening material free from blight and not accessible to unauthorized persons, including, but not limited to, the replacement of broken windows, doors and the closing and locking of windows, doors (walk-through, sliding and garage), gates, fences and any other opening that may allow access to the interior or exterior of the Property.
8. Provide evidence of pest and rodent control if requested by Code Enforcement Division to verify that any infestation has been treated by a State licensed pest control professional.
9. Remove any parked, abandoned, or inoperative vehicles including any vehicle parts thereof that are visible to public view and/or from an adjoining Property.
10. Maintain all emergency access areas, egress points, stairways, roof-access ladders and exit signage are in functioning condition and free from obstruction.
11. Removal of abandoned signs that advertise goods or services which have not been available for a period of ninety (90) or more days and the area where signs were installed maintained or painted to match the existing building or structural color.
12. Maintenance of parking areas free of deterioration, potholes and in accordance with the applicable zoning standards and off-street parking requirements and/or conditions of approval, including, but not limited to, lighting, stall markings, art installations, signage, bollards, fire lane markings, and permitted mechanical equipment.
13. Installation of a key box to provide emergency access, if necessary, and as approved by the Fire Chief, or designee.

- 14.** Posted with conspicuous signage displaying the name and 24-hour contact telephone number of the owner or local property management company for receipt of public and City complaints to mitigate nuisance conditions, as well as “No Trespassing” signage, as required by State law.
- 15.** Motion-activated video surveillance cameras and lighting in working order and provides two-way communication and mobile live-view video feed for physical monitoring by means of the Owner. “Continuous physical monitoring” shall mean the use of a local and CA licensed security patrol agency providing either onsite fixed security personnel, roaming security patrol and/or video surveillance;
 - a.** Property Documentation demonstrating adequate security patrol is being provided by as determined by the Code Enforcement Division.
- 16.** Broken windows, doors, and other openings are secured as required by the Code Enforcement Division or Police Department including temporary board-up must be painted in a color consistent with the exterior of the building. Plywood must be of unsanded CDX grade and must have a minimum thickness of one-half inch for window openings, five-eighths inch for door openings and three-quarter inch for a sliding door and French door openings; Plywood boarding must be completed to a minimum of the current United States Department of Housing and Urban Development (HUD) Securing standards at the time the boarding is completed or required and must be consistent with the requirements of this chapter.
 - a.** Long-term boarding of windows, doors or other openings exceeding thirty (30) days may be considered and approved by the Director upon a showing of good cause or reason by the Owner for keeping the boarded building secured against unauthorized trespassing long-term.
- 17.** If applicable maintain unimproved Vacant lots or improved Unoccupied or Abandoned buildings or structures secure in accordance with the following standards:
 - a.** Temporary perimeter fencing, a minimum of forty-two (42) inches and not exceeding six (6) feet in height, constructed of wrought iron, chain link, Kentucky-style fencing, or other building materials approved by the Director, including mesh or other screening material secured to the interior side, that provides at least fifty percent (50%) visibility from ground level and includes a secured gate for emergency access.
 - b.** Temporary fencing must be kept free of posters, signs, graffiti, artwork, or similar decoration unless it is approved by the Director. All unauthorized postings, signage, artwork, graffiti, or similar decoration must be immediately removed, and/or the fencing, mesh, or other Screening material be painted over to match the existing color;

- c. Missing or damaged temporary fencing or mesh material must be repaired or replaced.

18. Compliance with Laws. The Property, including any building, structure, tenant space, or storefront, shall be maintained and operated in compliance with all applicable local, State, and Federal laws, including, but not limited to, zoning, building, fire, public health, safety, welfare and administrative regulations.

8.38.070 Screening Standards for Unoccupied or Abandoned Storefronts.

A. An Unoccupied or Abandoned Property with a Storefront shall maintain at least one of the following types of Storefront window Screening displays on or inside all ground-floor or second story exterior façade windows, window areas and glass doors visible from a public street, sidewalk, walkway, private parking area open to the public, or other publicly accessible right-of-way of the Property:

1. Faux window dressings containing goods, services, or a future business at the location with the appearance of a vibrant business using background panels or other methods to screen views of the Unoccupied or Abandoned Storefront windows, window areas and glass doors;
2. Works of art, including paintings or sculptures or other displays of cultural, historical pictures of the City, or educational value, utilizing colorful and vibrant materials, and using background panels or other methods to screen views of the Unoccupied or Abandoned Storefront windows, window areas and glass doors;
3. Paintings or graphic design applied directly to the windows, window areas and glass doors surface featuring visually appealing, colorful, vibrant scenes, shapes, or images; Other design or decorative measures approved by the Director or designee in writing that achieves the purpose of this chapter to avoid visual blight in the City's mixed-use, commercial or industrial zones and to enliven pedestrian or vehicular traffic experiences while passing through;
 - a. Storefront window, window area, and glass door Screening shall comply with the following standards:
 - i. Any adhesive materials used to affix the Screening shall not be visible from the exterior of the Storefront windows, window areas, or glass doors;
 - ii. No seams, gaps, or overlaps in the Screening material shall be visible from the exterior of the Storefront windows, window areas, or glass doors;
 - iii. All window Screenings shall be maintained in a clean, neat, and orderly condition and shall not be torn, faded, damaged, or otherwise deteriorated;
 - iv. Storefront windows, window areas, and glass doors shall not be screened or covered with textile or temporary materials, including but not limited to fabric,

tarps, cloth, plastic film, metal foil, rubber sheeting, vinyl plastic, cardboard, or paper; and

- v. All window Screening shall be removed within thirty (30) calendar days after lawful occupancy and active business activity or operations have commenced, unless an extension is approved in writing by the Director or designee.

8.38.080 Waiver or Modification Request.

The Owner may submit to the Community Development Director a Request for Waiver or Modification of the Unoccupied or Abandoned Property Requirements on a form provided by the Community Development Department. The Director shall consider the relevant facts and circumstances in determining whether the requested change is necessary to protect the property or surrounding community from nuisance conditions or threats to the public health, safety, and welfare. The Director's decision is final, unless appealed in accordance with this chapter.

8.38.090 Administrative Regulations

Authority to Adopt Administrative Regulations. The Community Development Director may adopt, modify and implement administrative rules, procedures, and requirements consistent with this chapter as necessary to enforce and administer the Unoccupied or Abandoned Property regulations. All regulations must be published in advance and filed with the City Clerk's office for public inspection.

8.38.100 Appeals.

- A. Any Owner may appeal to the City Manager, or designee any decision or action arising from this chapter by filing a written notice of appeal to the City Clerk's office.
- B. The appeal and payment of the administrative appeal fee must be received at the Clerk's Office no later than fourteen (14) days of a decision or action. The administrative appeal fee as established by resolution of the City Council. An appeal will not be accepted without payment of the administrative appeal fee.
- C. An independent hearing officer shall be selected by the City Manager to hear and make a determination as to the appeal. The hearing officer shall set the date and time of the hearing. At the hearing, the Owner who filed the appeal shall have the burden of proof by a preponderance of the evidence and may be given the opportunity to testify, present witnesses and evidence concerning the appeal as determined by the hearing officer.
- D. The hearing officer shall issue a written decision within fourteen (14) business days to either uphold, dismiss, or modify any decision or action. The hearing officer shall state the reasons for the decision and shall send a copy of the decision to the appellee and to the Community Development Department. The decision of the hearing officer is final, unless appealed as permitted by State law.

8.38.110 Collection of Fees and/or Costs.

- A. Each collection of fees in connection with any applicable Monitoring and Response Fee(s) and/or emergency abatement costs, shall be billed, and paid to the City within thirty (30) calendar days of each billing notice date.
- B. If the fees are not paid within thirty (30) calendar days of each billing notice date, the City may use all available legal and equitable remedies to collect any fees as allowed by law, including, but not limited to, the recordation of a lien (secured or unsecured) with the Orange County Recorder's Office.
- C. The City may also withhold, or refuse to issue, extend, or renew any City permit, license, or other City approval to any Owner who has unpaid fees and/or costs under this chapter.

8.38.120 Emergency Abatement Authority.

Nothing in this chapter shall supersede or otherwise interfere with the City's rights or remedies pursuant to other provisions of the Orange Municipal Code, or Federal, State, or local laws. Upon the failure or refusal of an Owner to eliminate or abate any violation(s) of this chapter, the City may, at its election, to cause the Unoccupied or Abandoned Property to be maintained, secured or in any other manner necessary to eliminate or abate the violation(s) and charge the Unoccupied or Abandoned Property Owner for the City's costs thereto. This abatement may be performed by City personnel, private contract vendor, or by any other means as determined by the City. The failure by the Owner to abate the violation(s) shall result in any costs and/or expenses incurred by the City to abate any violation(s) be billed to the Owner, which may be assessed as a lien against the Property, including interest thereon, until paid in full.

8.38.130 Enforcement.

- A. **Strict Liability.** Any violation of this chapter constitutes a strict liability offense and shall be deemed to have occurred regardless of the Owner's intent, knowledge, negligence, or fault, and regardless of whether the Owner knew or reasonably should have known of the violation.
- B. **Violations Unlawful.** It is unlawful and declared a public nuisance for any person or Owner having charge, control or failed to maintain an Unoccupied or Abandoned Property contrary to the provisions of this chapter.
- C. **No limitation on other remedies.** The remedies provided by this chapter are cumulative and in addition to any other remedies available at law or in equity.
- D. **This chapter provides a nonexclusive and cumulative method of enforcement.** The City may pursue any and all other remedies authorized by this Code and applicable law, whether concurrently, separately, or consecutively, including but not limited to administrative and criminal enforcement under Chapters 1.08 and/or 1.10, civil actions (including injunctive relief), and nuisance abatement procedures. This chapter supplements all other remedies available under the Orange Municipal Code, State law, and other applicable regulations.

E. Any person or Owner found in violation of Sections 8.38.060, and/or 8.38.070 of the Orange Municipal Code may be subject to administrative citation, with progressive fines established by City Council resolution.

1. Progressive fines shall be as follows for each violation:

- a. 1st Violation within a twelve (12) month period:
- b. 2nd Violation within a twelve (12) month period:
- c. 3rd and Subsequent Violation within a twelve (12) month period:

F. Appeals of Fines. Administrative fines issued under this chapter may be appealed in accordance with Chapter 1.10 upon payment of an applicable administrative citation appeal fee as adopted by resolution of the City Council. The administrative citation appeal fee is intended to offset City costs associated with report preparation, evidence compilation, and hearing officer services.

SECTION III:

If any section, subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subdivision, paragraph, sentence, clause and phrase thereof, irrespective of the fact that any one (or more) section, subdivision, paragraph, sentence, clause or phrase had been declared invalid or unconstitutional.

SECTION IV:

The City Clerk is hereby directed to certify the adoption of this Ordinance and cause the same to be published as required by law. This Ordinance shall take effect thirty (30) days from and after the date of its final passage.

ADOPTED this ____ day of _____, 2026.

Daniel R. Slater, Mayor, City of Orange

ATTEST:

Pamela Coleman, City Clerk, City of Orange

APPROVED AS TO FORM:

Nathalie Adourian, City Attorney
City of Orange

STATE OF CALIFORNIA)
COUNTY OF ORANGE)
CITY OF ORANGE)

I, PAMELA COLEMAN, City Clerk of the City of Orange, California, do hereby certify that the foregoing Ordinance was introduced at the regular meeting of the City Council held on the ___ day of _____, 2026, and thereafter at the regular meeting of said City Council duly held on the ___ day of _____, 2026 was duly passed and adopted by the following vote, to wit:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:
ABSTAIN: COUNCILMEMBERS:

Pamela Coleman, City Clerk, City of Orange