City of FRESNO

OFFICE OF THE CITY ATTORNEY

CODE ENFORCEMENT
2600 FRESNO STREET, ROOM 3076
FRESNO, CA 93721
(559) 621-8400, FAX (559) 488-1078
www.fresno.gov

Call or Schedule an Appointment With:
Garrett Calvert
Phone: 559-621-8413
E-Mail: Garrett.Calvert@fresno.gov

NICHOLAS F REYES TRUSTEES
1107 R STREET
FRESNO CA 93721

SUBJECT: **NOTICE AND ORDER**
ADDRESS: **1107 R STREET**
APN: **466-066-07**
CASE #: **E22-10267**
DATE: **NOVEMBER 4, 2022**

Enclosed is a Correction Notice and Order to remove the violations on the property referenced above. The violations noted on the attached Correction Notice and Order were confirmed and documented by City staff. Staff administrative time is billed to the property owner when violations of the Fresno Municipal Code (FMC) and/or State Health and Safety Code are confirmed and documented. Administrative fees start at $146.00 per hour. The City is requiring that all listed violations be corrected and completed within the timeframe noted in the attached Correction Notice and Order. The City will perform re-inspections to determine if corrections are in progress or have been completed.

Failure to correct the violations within the timeframe provided will result in further action by the City, including administrative citations, criminal prosecution, additional administrative fees, abatement by the City (up to and including removal of public nuisance violations by demolition pursuant to FMC Section 10-615(b)(3) and (c)), posting against occupancy, injunction, receivership, and/or other legal action. If such action is required, you will further be held responsible for the City's costs to enforce the code and/or abate the violations. Citations may also include enforcement of Article 7 of Chapter 10 and Section 11-307 of the FMC. The City may collect costs either against the property through the imposition of liens and property tax assessments or as a personal debt collected through a collection agency or a lawsuit.

A notice of pending administrative action regarding the property may immediately be filed with the County Recorder. If the Notice and Order becomes final, a Certificate(s) of Existence of Substandard Building(s) and/or Public Nuisance(s) may be recorded with the County Recorder. Thereafter, when the corrections ordered have been completed and all fees paid, a Certificate(s) of Compliance will be recorded with the County Recorder.

APPEAL: Any person entitled to service of this Notice and Order pursuant to Fresno Municipal Code Section 10-608 or 11-327 may file an appeal pursuant to Article 4 of Chapter 1 or Article 5 of Chapter 11 of the FMC, respectively, provided the appeal is filed within 15 days of the service of this Notice and Order. The Application for Appeal may be obtained from the City Manager's Office located on the second floor of City Hall, 2600 Fresno Street, Room 2064, Fresno, CA 93721, (559) 621-8000. An application fee of $35.00 for up to two residential units, $55.00 for three or more residential units, and $75.00 for commercial units (payable to the City of Fresno), as set forth in the Master Fee Schedule of the City of Fresno, is also required and must be submitted with the appeal application. Please be advised that if the Notice and Order is upheld on appeal the City may recover enforcement costs including, but not limited to, costs incurred in investigating and defending the Notice and Order on appeal. Enforcement costs incurred by the City are recoverable even if the code violation(s) is corrected by the property owner/responsible party.

If you have any questions regarding this notice, **please contact the inspector listed above. You must call to schedule an appointment *if you wish to speak with the inspector in person.***

INTERESTED PARTIES MAILING LIST

Copies sent Certified and First-Class Mail to the following:

NICHOLAS F REYES
3429 E HUNTINGTON
FRESNO, CA 93702

CITY OF FRESNO
CODE ENFORCEMENT

CORRECTION NOTICE AND ORDER

Address: 1107 R Street
APN: 466-066-07

Date: November 4, 2022
Case #: E22-10267

CORRECT THE FOLLOWING VIOLATIONS:

Building / Structural Defects

*B 1. There is a fire damaged structure on this property.
(FMC §§ 10-605(l), 10-617(b)(12), 11-307, 11-308, 11-310, 11-406, 11-411(a)(4), (12), (13), and (15).)
1. Contact the Planning and Development Department (559-621-8003) to schedule a Fire Damage Report inspection and obtain a Fire Damage Report.
2. Submit plans and/or obtain permits as required by the Planning and Development Department and Fire Damage Report. Comply with all requirements noted in the Fire Damage Report.
3. These corrections shall be completed prior to the building being reoccupied. In the interim, the structure must be maintained vacant and secured.
Note: This item, and the following items listed under Building/Structural Defects, are not required if you choose to demolish the structure.

*B 2. The wall and ceiling framing throughout is fire damaged.
(FMC §§ 10-605(l), 11-406, 11-411(a)(9), (13), and (15).)
Replace all damaged components.

*B 3. The exterior walls throughout are fire damaged.
(FMC §§ 10-605(l), 11-406, 11-411(a)(9), (13), and (15).)
Replace all damaged components.

*B 4. The vehicle entry door is damaged.
(FMC §§ 10-605(l), 11-406, 11-411(a)(1) and (9).)
Replace all damaged components.

Plumbing / Mechanical Defects

*P/M 5. The plumbing and/or mechanical systems on this property are fire damaged.
(FMC §§ 10-605(l), 11-307, 11-308, 11-310, 11-406, 11-411(a)(13), (15), and (16).)
1. Contact the Planning and Development Department (559-621-8003) to schedule a Fire Damage Report inspection and obtain a Fire Damage Report.
2. Submit plans and/or obtain permits as required by the Planning and Development Department and Fire Damage Report. Comply with all requirements noted in the Fire Damage Report.
3. These corrections shall be completed prior to the building being reoccupied. In the interim, the structure must be maintained vacant and secured.
Note: This item, and the following items listed under Plumbing/Mechanical Defects, are not required if you choose to demolish the structure.

Electrical Defects

*E 6. The electrical system on this property is fire damaged.
(FMC §§ 10-605(l), 11-307, 11-308, 11-310, 11-406, 11-411(a)(13), (15), and (16).)
1. Contact the Planning and Development Department (559-621-8003) to schedule a Fire Damage Report inspection and obtain a Fire Damage Report.
2. Submit plans and/or obtain permits as required by the Planning and Development Department and Fire Damage Report. Comply with all requirements noted in the Fire Damage Report.
3. These corrections shall be completed prior to the building being reoccupied. In the interim, the structure must be maintained vacant and secured.
Note: This item, and the following items listed under Electrical Defects, are not required if you choose to demolish the structure.

*E 7. The electrical wiring throughout is fire damaged.
(FMC §§ 10-605(l), 11-406, 11-411(a)(9), (13), (15), and (16).)
Replace all damaged components.

General Requirements

8. This property has residue from a fire, which creates an unsightly appearance, a fire hazard, or a danger to public health and welfare.
(FMC § 10-605(e).)
Remove all such residue from the property.

9. This property has rubbish and/or junk (including but not limited to refuse, garbage, scrap metal or lumber, concrete, tires,) located throughout the property.
(FMC § 10-605(a).)
Remove all rubbish and junk from the property.

10. This property has an attractive nuisance: the property has been found to be open and unsecured.
(FMC §§ 10-603(b), 10-605(f), 10-605(l), 11-411(a)(12) and (17).)
Secure and maintain the property against trespassers.

11. This property has dead, fire-damaged and decaying trees located throughout.
(FMC §10-605(e).)
Remove the violation from the property.

12. There is the presence of wrecked, fire damaged vehicle(s), on the property.
(FMC §§ 10-605(c), 15-2406(A).)
Remove all fire damaged vehicles and/or vehicle parts from the property.

13. The fence is open and cut at the south side.
(FMC §§ 10-605(j), 10-605(l), 15-104(A)(2), 15-2505(A), 15-6304.)
Repair the fence to its original form, in good repair and working order.

14. This vacant building has not been posted with approved no trespassing signage as required to permit police enforcement action.
(FMC § 10-617(b)(11).)
Post the building with approved no trespassing signage.

LEAD ADVISORY NOTE: All dwelling units constructed prior to 1978 are presumed to contain lead-based paint [17 CCR § 35043]. Lead safe work practices must be employed if: (1) more than 2 square feet of interior surface area is disturbed; or (2) 20 square feet of exterior surface area is disturbed; or (3) 10% of the surface area on an interior or exterior component with a small surface area is disturbed. Examples of small surface areas include windowsills, baseboards, and trim. (FMC § 11-324; Cal. H&S Code §§ 17920.10, 105255, 105256.)

ASBESTOS ADVISORY NOTE: There is a presumed presence of asbestos at this property. You must contact the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) at (559) 230-5950 regarding asbestos abatement requirements. You must satisfy SJVUAPCD asbestos abatement requirements and obtain a Renovation Permit Release from SJVUAPCD prior to obtaining any required permits and commencing any repairs and/or renovation. This may require an asbestos inspection performed by a consultant certified by Cal-OSHA and a written report containing the inspection results. In addition, if Regulated Asbestos-Containing Materials (RACM) are found, removal must be performed by a licensed and certified contractor in compliance with all local, state, and federal guidelines. Any possible alternative must first be approved by SJVUAPCD. If you choose to demolish the building, you will be required to obtain a Demolition Permit Release from the SJVUAPCD which may also require asbestos testing and removal.

If this property is listed on the Local Register of Historic Resources, it is also regulated by Article 16 of Chapter 12 (Historic Preservation Ordinance) of the Fresno Municipal Code and will be subject to the Historic Resource Permit Review Process as described in FMC 12-1617.

Should you choose to repair the building(s): the repairs shall meet the requirements for building(s) as described in Chapter 4 of the California Existing Building Code. Prior to commencing work, any required plans and specifications for repairs must be submitted to the Planning and Development Department. Once plans are approved, permits will be issued for the commencement of the work.

If this property is listed on the Local Register of Historic Resources, it is also regulated by Article 16 of Chapter 12 (Historic Preservation Ordinance) of the Fresno Municipal Code and will be subject to the Historic Resource Permit Review Process as described in FMC 12-1617.

Should you choose to demolish the building(s): you will need to obtain an Application for Demolition Permit from the Planning and Development Department. You will be required to provide a complete site plan drawn to scale clearly indicating all structures and property lines of the parcel. The Planning Division must review the proposed Demolition Permit Application and will then refer you to the Historic Preservation Specialist (559) 621-8439 for review and signature. **DO NOT PROCEED WITH THE FOLLOWING STEPS UNTIL APPROVED BY THE HISTORIC PRESERVATION OFFICER.**

- Contact PG&E at (800) 743-5000 and schedule to have all PG&E services disconnected and/or capped off.
- Contact the San Joaquin Valley Air Pollution Control District at (559) 230-5950 regarding asbestos testing and removal from the building(s). Once you have satisfied their requirements, they will issue you a Demolition Permit Release.
- Take the Demolition Permit Release and the Application for Demolition Permit (signed by the Historic Preservation Officer) to the Planning Division for final review and signature.
- Take the approved application to the Permit Counter to obtain sewer cap/ septic tank fill

and demolition permits.

Complete demolition of premises including removing, backfilling and compaction of all foundations, sub-floor and basement areas, paved walkways, driveways and flatwork, leaving a clean level vacant lot. This includes proper capping of water and sewer services, if applicable. It also includes removal of all debris, weeds, dead or decayed trees, useless material, and overgrown landscaping. If any trees remain, limbs shall be trimmed to provide a minimum clearance of ten (10) feet above the ground for disking and to eliminate blight or harborage for people. Once the sewer has been capped or the septic tank and drain wells filled, contact Plumbing Inspection Services at (559) 621-8116 to inspect the work and final the plumbing permit if the work is done properly. When all demolition work is complete, contact Building Inspection Services at (559) 621-8116 to inspect the property and final the demolition permit if the work is done properly

DEADLINES:

General Requirements:

1. **Violations #10,13 and 14 listed above must be completed by November 22, 2022.**

If you choose to repair the building(s):

1. Submit a Site Plan Application and/or all required construction plans/specifications to the Planning and Development Department for approval by **November 22, 2022.** Diligently follow through with any plan check corrections and requirements.
2. Obtain all required permits and promptly commence work once the aforementioned documents are approved by the Planning and Development Department, but no later than **December 22, 2022.**
3. All required permits to be finalized by the applicable Departments and all corrections to be completed by **February 22, 2022.**

If you choose to demolish the building(s):

1. Obtain all required permits and commence demolition by **November 22, 2022.**
2. Complete demolition and have all permits finalized by **December 22, 2022.**

If you are unable to meet any of the above-referenced deadlines, please contact the inspector immediately to discuss the possibility of an extension of time for good cause.

The foregoing completion deadlines are ***not*** changed, extended, or otherwise affected by the expiration date of a permit.

PERMITS:

All items marked with an * (asterisk) and a letter (*B- Building, *P- Plumbing, *M- Mechanical, *E- Electrical) require a permit to make the necessary repair.
The Building and Safety Department determines whether a permit will be required to address the violation(s) identified by the Code Enforcement Inspector. Plans may be required to be submitted prior to obtaining permits.
Please bring this correction notice with you to the City of Fresno Building and Safety Permit Counter to determine if a permit is required and how to file an application for permit(s).
The Permit Counter address is 2600 Fresno Street (Third Floor), phone number (559) 621-8084.
Note: A permit may also be required on unmarked items depending on the extent of the repair(s).
To request Building and Safety inspections after permits have been obtained, call Inspection Services at (559) 621-8116 for inspection of correction items that require permits.

AFTER ALL REQUIRED PERMITS ARE FINALIZED, AN INSPECTION BY THE CODE ENFORCEMENT DIVISION IS REQUIRED TO CLEAR THIS NOTICE AND ORDER.

All corrections, removal, and/or disposal of violations must be completed in a lawful manner.

Garrett Calvert
Code Enforcement Inspector
559-621-8413
Garrett.Calvert@fresno.gov

S.I.

FRESNO MUNICIPAL CODE SECTIONS FOR REFERENCE

SEC. 10-605. - PUBLIC NUISANCE.
It is unlawful for any person, corporation or other entity owning, leasing, occupying, directly controlling or having charge of any property in this city to keep, maintain or deposit on said property any public nuisances. The City Council, by adoption of this ordinance declares, the keeping, maintaining, or depositing of any of the following to be a public nuisance:

(a) Rubbish or junk, including but not limited to refuse, garbage, scrap metal or lumber, concrete, asphalt, tin cans, tires, and piles of earth.

(b) Any violation of the Uniform Fire Code, and such amendments as adopted by the State of California, as adopted by the city pursuant to Article 5 of Chapter 10 of this Code.

(c) The presence of an abandoned, wrecked, dismantled or inoperative vehicle, or parts thereof, on private or public property, except as expressly hereinafter permitted. Except as expressly permitted by law, it shall be unlawful, and an infraction, for any person to keep, store, or maintain upon any premises under his control any abandoned, wrecked, dismantled or inoperative vehicle, or parts thereof. Criminal prosecution pursuant to this section shall not preclude, nor be precluded by, abatement of such vehicles or parts thereof pursuant to the provisions of this chapter.

(d) The following weeds:

(1) Weeds which bear seeds of a downy or wingy nature.
(2) Sagebrush, chaparral, and any other brush or weeds which attain such large growth as to become, when dry, a menace to adjacent property.
(3) Weeds which are otherwise noxious or dangerous.
(4) Puncture vines and tumbleweed.
(5) Poison oak and poison ivy when the conditions of growth are such as to constitute a menace to the public health.
(6) Dry grass and grass likely to become dry, stubble, brush, litter or other flammable material which endangers the public safety creating a fire hazard, as defined in the Uniform Fire Code as adopted by the city pursuant to Article 5 of Chapter 10 of this Code.

(e) Dead, decayed or hazardous trees, residue from a fire or demolition such as concrete or brick foundations and flatwork, and which constitute an unsightly appearance, a fire hazard, or are dangerous to public health and welfare.

(f) Any attractive nuisance.

(g) Except as expressly permitted or required by law, exhibition, storage or repair of merchandise, signs (temporary, portable, or permanent or other forms of advertisement), bicycle racks, vending machines, or other obstructions upon any public sidewalk, median island, street, alley or public easement.

(h) Except as expressly authorized by law, park or store any vehicle upon an unpaved surface. It shall be presumed that the owner of the property and/or the person or entity occupying the property authorized the parking of the vehicle. It shall also be presumed that the registered owner of the vehicle parked the vehicle on the unpaved surface. The property owner, occupant and registered owner of the vehicle may all be held responsible for a violation of this subsection.

(i) Yard landscaping that has become so overgrown or uncontrolled as to create a fire hazard, obstruction to traffic or otherwise a blight to the neighborhood.

(j) Violation of zoning ordinance.

(l) Any violation of the Fresno Municipal Code wherein said violation has been declared a public nuisance.

(m) Blighted building.

(n) Any public nuisance known at common law or in equity jurisprudence or as defined pursuant to Part 3 (Commencing with Section 3479) of Division 4 of the California Civil Code.

SEC. 10-612. - APPEAL.
Any person entitled to service under subsection (b) of Section 10-607 may appeal from any notice and order of the Director pursuant to Chapter 1, Article 4 of this code. If no appeal is filed within the time prescribed, the action of the Director shall be final.

SEC. 10-615. - FAILURE TO COMPLY WITH FINAL ORDER.
(a) After any notice and order of the Director made pursuant to this article shall have become a final order, either by decision of the hearing officer affirming or modifying the same, or by failure to file an appeal within the time prescribed herein, no person or entity shall fail, neglect, or refuse to obey any such order. Any such person or entity who fails to comply with any such order is guilty of a misdemeanor.

(b) If, after the notice and order of the Director made pursuant to this article has become a final order, as described in subsection (a) above, and the responsible party has failed to timely comply with the final order, the Director may:

(1) Issue administrative citations pursuant to Section 1-308 et seq.; and/or,
(2) Request the City Attorney to exercise his/her discretion in the alternative, or cumulatively, to institute court action; and/or,
(3) Proceed with administrative abatement as provided in subsection (c).

(c) (1) Except where abatement will require the demolition or removal of a structure, the Director may proceed with administrative abatement by removing the public nuisance at the expense of the responsible party.

(2) Where abatement will require the demolition or removal of a structure, city or its agent shall not abate said nuisance without first obtaining an order from the City Hearing Officer. An order approving abatement in such circumstances may be obtained either (a) after an appeal of the notice and order, if the notice and order is appealed to the City Hearing Officer and the Hearing Officer so grants; or, (b) by the city scheduling and noticing a nuisance abatement hearing before the City Hearing Officer.

(3) Notice of a nuisance abatement hearing shall be served in the same manner as the notice and order. The notice shall state the time, place and location for hearing, how the city intends to abate the nuisance, the estimated cost of abatement, including administrative time, and that said abatement will be done at the expense of the owner. The hearing shall be set no earlier than 10 calendar days from the date

of service. At the time and place set for hearing, city shall establish the existence of the condition constituting a public nuisance as defined in this ordinance, that a notice and order was properly served on the person(s) responsible, that said person(s) have failed to timely abate the nuisance, and that notice of the abatement hearing was properly served on the person(s) responsible. The Hearing Officer shall make findings regarding the existence of the nuisance, the proper service of the notice and order and the notice of the abatement hearing and shall confirm or deny the request to abate.

SEC. 10-617. - BLIGHTED VACANT BUILDING ORDINANCE.

(a) All vacant buildings shall be maintained in a non-blighted, safe, and secure condition, consistent with the requirements of this section. A vacant building maintained as a fire hazard, attractive nuisance, or in a blighted condition shall be deemed a public nuisance. If the City finds the building is being maintained as a fire hazard or in a blighted condition, the City may issue a Notice and Order to the property owner and the property owner may be subject to fines and penalties as set forth in this section.

(b) All vacant buildings shall be actively maintained, monitored and secured in compliance with all of the following standards:

(1) Maintain all yards visible from any public right of way, including interior yards visible from adjacent properties to be maintained in a safe and sanitary condition, including keeping all plant materials controlled to avoid Overgrowth as defined in this Article; including park strips, with Landscaping as defined in this Article, installed and maintained in a trimmed, live and healthy condition; the requirements of this subsection to maintain live plant material shall not be effective if and during the time the city has implemented Stage 2, 3, or 4 water shortage contingency rationing under its Water Use Reduction Plan.

(2) Maintain the exterior of the building, including but not limited to, paint, finishes, roofing materials, siding, stucco, masonry, railings, steps, gutters, and structural elements in good condition.

(3) Remove all trash and debris from exterior of the property within seventy-two (72) hours of notification.

(4) Comply with all applicable state and local codes and regulations, and any applicable city issued permits and site plans in the replacement and repair of all elements of the exterior of the building.

(5) Take all reasonable steps necessary to prevent criminal activity, including, but not limited to, the use and sale of controlled substances, prostitution, and criminal street gang activity, on the premises. Examples of reasonable steps include actively monitored security alarm systems and adequate physical inspections.

(6) Secure and maintain the property, both structure and grounds, against trespassers, including maintaining all windows and doors with locks, replacing all broken doors or windows, and securing any other openings into the structure that are readily accessible to trespassers as defined under Chapter 11 of this code or such other means as may be accepted by the Director. Securing windows that are visible from any public right of way shall be done only with rigid transparent material such as clear Lexan type material with a minimum of ⅜ inch thickness to ½ inch thickness. No opaque (typically plywood) boarding materials shall be used where visible from a public right of way.

(7) Remove all graffiti on the property within forty-eight (48) hours of placement on the property in compliance with Section 9-2514.

(8) Maintain the property free of all fire hazards.

(9) Maintain the property free of any Attractive Nuisance, as defined in this Article.

(10) All buildings that have been or are expected to be vacant for longer than thirty (30) days shall be registered, at no cost, with the city as may be provided on a city website or web application. The registration shall include the identity of all record owners, the street address of the vacant building, and a local contact, and shall be maintained only for internal use by the city. All applicable properties are required to be registered and updated within 72 hours of a change of ownership or contact information. Upon request, provide a Vacant Building Plan stating the owner's plans for the building, timeline for completion of those plans, and the measures in place to ensure that the building and property will be brought into compliance, will be kept secure until the building and property are brought into compliance, and will continue to be maintained in compliance with applicable city codes.

(11) Vacant buildings should be posted with approved no trespassing signage to permit police enforcement action.

(12) Fire damaged residential buildings that are not safe and legal to occupy shall be either demolished or fully repaired within 90 days of the occurrence of the fire; the Director may grant a continuance if documentation is provided to the satisfaction of the Director showing any delay is of no fault of the property owner and the property owner has made good faith efforts to demolish or fully repair within 90 days; until demolition or repairs are completed, the property owner shall secure the building to prevent unauthorized access.

(c) In addition to the requirements set forth above, vacant Commercial Buildings shall comply with the following additional standards:

(1) Install and maintain in good working order a fire protection system in accordance with all applicable codes and ordinances. Fire protection systems shall be kept in operating condition in accordance with applicable codes and ordinances.

(2) Install and maintain in good working order a security system such that breaches of any doors or windows, or the presence of intruders, alert the property owner, a property manager, and/or a security company, so that intruders may be removed.

(3) Maintain clear of combustible materials, flammable or combustible waste or rubbish, waste, or hazardous materials. Doors, windows and other openings shall be locked or otherwise secured to prevent entry by unauthorized persons in accordance with all applicable codes.

(4) Remove heating facilities or heating equipment pursuant to a valid permit or maintain in accordance with applicable codes and ordinances. If heating equipment is removed, any fuel supply shall be removed or terminated in accordance with applicable permits, codes and ordinances.

(5) Maintain in a manner in which all emergency access areas, egress points, stairways, roof-access ladders and exit signage are in functioning condition and free from deterioration.

(6) Post a sign no smaller than 18 by 24 inches on the front of the exterior building or structure so it is legible from the public-right-of-way, with the following information: (i) name and twenty-four hour contact telephone number and address of the owner, responsible party, or property management company; and (ii) the statement that "THIS PROPERTY IS MANAGED BY" with the appropriate name inserted and "TO REPORT PROBLEMS OR

CONCERNS CALL" with the twenty-four hour telephone number listed. The sign shall be constructed and printed with weather resistant materials.

(7) Post a minimum of one "No Trespassing" sign in accordance with the Fresno Police Department sign and size requirements must be displayed along property frontage and visible to the public. The sign must be no smaller than 17 by 22 inches in size, with lettering no smaller than 1 inch in height.

(8) Conduct sufficient inspections so that the presence of intruders or illegal and/or dangerous activities (for example, starting fires or manufacturing illegal drugs) in the building may be discovered, so that appropriate remedial action can be taken to terminate the illegal and/or dangerous activities.

(d) **Non-compliance.** Failure by the property owner to comply with each of the standards set forth within eighteen (18) days of notification under this section is a separate violation of this code and subject to the following penalties:

(1) Use of any abatement procedure provided in this Article, with costs recoverable pursuant to Chapter 1, Article 5 of the Code;

(2) Issuance of a criminal citation under Section 1-305, should the owner of a vacant building be found responsible for three or more violations of this Article on three or more separate buildings within a thirty (30) day period;

(3) Issuance of an administrative citation of up to $2,500 under Section 1-308. A second citation of up to $5,000 may issue for the following 30-day period. A third citation of up to $10,000 may issue for the following 30-day period, and each 30-day period thereafter until compliance with the Notice and Order is achieved. There shall be a presumption that a violation continued from day to day between the initial inspection date at which it was observed by the city and a subsequent inspection date at which it continued to exist; and/or

(3)(a) Vacant properties that are not registered on the City's vacant property registry shall be subject to an administrative citation of $250 per month; and/or

(4) Institution of legal action to pursue any available legal remedy, including receivership or injunction, by the City Attorney upon request by the Director.

(e) **Occupancy.** The city reserves the right to require an interior inspection of the property to ensure the property meets local and state law requirements for habitability. If a vacant building has been found to be in violation of this Article, the building shall not be occupied until all fines and abatement costs are paid, or acceptable arrangements with the city for payment have been made, and the property meets all health and safety code standards that are required for occupancy.

(f) **Grace period.** Owners of newly acquired blighted vacant buildings shall have sixty (60) days from the date of legal possession of the building to be in compliance with this ordinance. The Director may grant a continuance if documentation is provided to the satisfaction of the Director showing any delay is of no fault of the property owner.

SEC. 11-406. ABATEMENT OF DANGEROUS BUILDINGS.

All buildings or portions thereof which are determined after inspection by the Building Official or Fire Chief to be dangerous as defined in this article are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, or demolition in accordance with the procedure specified in Section 11-418 of this article.

SEC. 11-408. BUILDING PERMIT.

No person shall erect, construct, enlarge, alter, repair, move, improve, remove convert, or demolish any building or structure, or cause or permit the same to be done, without first obtaining required permits and a separate building permit for each such building or structure from the Building Official in the manner and according to the conditions prescribed in this code. Time periods set forth in this article supersede all other time allotment ordinarily permitted under the provisions of the Fresno Building Code.

SEC. 11-418. REPAIR, REHABILITATION, OR DEMOLITION.

(a) The building shall be repaired in accordance with the current Fresno Building Code or other current code applicable to the type of dangerous conditions requiring repair; or

(b) The building shall be demolished at the option of the building owner; or

(c) If the building or structure is vacant and does not constitute an imminent danger to life, limb, property or safety, it shall be boarded and temporarily secured against entry pursuant to Section 11-422 of this article.

(d) The building or structure may by posted with a placard(s) by the Fire Chief for the purpose of notifying Fire Department personnel of any potential dangers posed by the building or structure or any other requirements, restrictions, or limitations for safely fighting a fire involving the building or structure.

FRESNO POLICE DEPARTMENT
1211 Fresno St.
Fresno, CA 93706
Attn.: Southwest Policing District /P.O.P.
(559) 621-6108 Office
(559) 457-1582 Fax

POSTING OF SIGNS FOR NUISANCE ENFORCEMENT ON PRIVATE PROPERTY

The following information is provided to assist you in the posting of your property to permit police enforcement of the listed laws and ordinances. These rules **must** be followed explicitly or enforcement action **may not** be possible.

a: The Fresno Police Department does not provide signs nor do we recommend those who do. You may check the yellow pages or known signs makers for availability and price information or you may make your own signs.

b: Signs must be a **minimum** of 17 x 22 inches in size, with lettering not less than one inch in height. Multiple prohibitions may be placed on the same sign.

c: Signs must be displayed in plain view at ***all*** entrances to the property in order to enforce these laws and ordinances. When there has been a failure to post signs as required by CVC 22658, the party requesting removal is liable for two times the amount charged for towing and storage.

d: You may wish to cover the signs with plastic sheeting to protect against vandalism. It is less expensive to replace the cover than the entire sign.

e: Individual signs may contain multiple prohibitions and must contain the following language. If there are certain types of activity you do *not* want enforced, the applicable text may be deleted as long as the sign meets the minimum dimension requirements.

PRIVATE PROPERTY
PUBLIC PARKING PROHIBITED
VIOLATORS MAY BE CITED AND/OR TOWED
AT OWNER'S EXPENSE
FRESNO POLICE DEPARTMENT PH. 621-7000
FMC 14-802 FMC 10-605(h) CVC 22658

And/or

PUBLIC DRINKING, GAMBLING AND
TRESPASSING IS PROHIBITED
VIOLATORS MAY BE CITED AND/OR ARRESTED
FMC 9-2503(a), 9-2505, PC 602 & 647(h)

Once your signs have been properly displayed, you must submit a letter to the Chief of Police every 180 days, or upon a change/transfer of ownership/management of the property, in order to permit officers to take enforcement action for persons committing the prohibited activities. It is the responsibility of the owner/manager to notify the Police Department when there is a change/transfer in the ownership or management of the property. Blank copies of the letter are available from the District Station. Please return the letter to the Police Department via mail or fax.

Once you have posted your property and submitted your letter of request for enforcement it does not mean that officers will automatically apprehend all of the drinkers, gamblers, loiterers and trespassers on your property.

What the officer will be empowered to do, as a result of your actions, is to check out problems on your premises and take appropriate action as his/her time allows. Should you identify a specific problem at a given time, you are encouraged to call the police dispatcher (559-621-7000) and report the violation(s).

An officer will then be sent to investigate consistent with the seriousness of the offense and other calls which may be holding.

If you have any questions, please contact the District Station at 559-621-6108.

RETURN COMPLETED FORM TO:
FRESNO POLICE DEPARTMENT
1211 Fresno St.
Fresno, CA 93706
Attn.: Southwest Policing District
Problem Oriented Policing (P.O.P.)
FAX (559) 457-1582

Dear Chief of Police,

I request that the FRESNO POLICE DEPARTMENT enforce Fresno Municipal Code Sections 9-2503(a), 9-2505, 10-605(h), 14-802, California Vehicle Code Section 22658 and California Penal Code Sections 602 and 647(h) by the arrest and/or citation of any person(s) observed drinking alcoholic beverages, gambling, illegally parking, loitering and/or trespassing on my property as follows:

PLEASE PRINT:
PROPERTY NAME (IF APPLICABLE):

_____

PROPERTY ADDRESS(ES):

_____

EMERGENCY CONTACT PERSON (ie: phone, mailing address, e-mail address-if applicable):

_____

_____

OWNER/AGENT:

_____

SIGNED:

_____

DATE:

_____

For this order to be enforced, the proper **"NO TRESPASSING/NO PARKING/NO LOITERING"** signs are to be placed in highly visible locations on the exterior of your property. This order is in effect for 180 days (6 months) from the above date. After the six-month period, this order will need to be renewed by the completion of another form. You can do this by contacting the Southwest District Commander, an on-duty Sergeant, or any Problem Oriented Policing (P.O.P.) Officer.

Please return this form in person to our lobby (address above), via mail or via FAX.

*ENTERED INTO CAD:*_____
ENTERED BY (INITIALS/BADGE): _____
*DATE:*_____

City of FRESNO

OFFICE OF THE CITY ATTORNEY

CODE ENFORCEMENT
2600 FRESNO STREET, ROOM 3076
FRESNO, CA 93721
(559) 621-8400, FAX (559) 488-1078
www.fresno.gov

Call or Schedule an Appointment With:
Garrett Calvert
Phone: 559-621-8413
E-Mail: Garrett.Calvert@fresno.gov

HAVE YOU RECEIVED A NOTICE AND ORDER?

DON'T PANIC

We understand this situation can be intimidating. Code Enforcement is here to assist you in navigating the process. Please thoroughly review your Notice and Order as well as this document. If you have any further questions, please contact the assigned inspector.

READ THE NOTICE AND ORDER

This document will explain the violations at the property as well as the corrections necessary to achieve compliance. It will also guide you through the process of rehabilitation or demolition. Be aware of and comply with the stated deadlines to avoid additional fees and costs.

CONTACT YOUR INSURANCE PROVIDER

If your property is insured, please contact your insurance provider and provide them with a copy of your Notice and Order. Inform the provider you are required to secure the property and post signage (see below), as they may assist you in doing so.

SECURE THE PROPERTY

To protect the health and safety of others, minimize your own liability, and comply with Code requirements, you must secure the property. All windows, doors, and entry points to the structure(s) must be secured. It may also be required (or at least recommended) that the property be fenced and locked. A chain and combination lock are advised such that controlled access may be provided as needed throughout this process.

POST SIGNS AND NOTIFY POLICE

You will need to post the required "no trespassing" signage at the property and complete related paperwork with the Fresno Police Department. Code Enforcement can provide you with instructions for proper signage as well as the necessary paperwork and contact information. Completing this step will allow law enforcement to assist in the removal of unauthorized individuals from your property if they are requested to do so. It is then recommended that you communicate with any neighboring property owners/tenants and request they report issues observed at the property to you and/or to the Fresno Police Department at 559-621-7000 (non-emergency) or 9-1-1 for emergencies.

Please Note:

The City of Fresno DOES NOT endorse any vendor/contractor/draftsman or architect. You ARE NOT REQUIRED to use any company or individual on this list. We recommend that you research and receive estimates.

Rental Fence Contractors

-When calling have an estimate of the size (linear feet) of the site for which you require the fence.

Crown Services Co	559|442-0854	http://crownservicesco.com/
Fence Factory Rentals	559|233.8464	https://www.fencefactoryrentals.com/
United Site Services	866|972.9896	https://www.unitedsiteservices.com/

Sign Making Companies

-When calling or visiting have your posting requirements for your Police District.

SIGNMAX (Alert-O-Lite)	559|299.7446	https://www.signmax.biz/
A1 Signs and Banners	559|227.9112	https://www.a1signsandbanners.com/

Licensed Demolition Contractors

David Knott, Inc	559|271.3366	http://davidknottinc.com/
MAG Engineering	559|424.3366	https://magcompanies.net/
Kroeker, Inc.	559|237.3764	https://kroeker-inc.com/
CenCal Demolition	559|291.3366	http://www.cencaldemo.com/

Draftsmen and Architects

-These individuals submitted single-family residence and ADU applications in 2021.

Peter Dodson | Dodson Builders Inc.	559|960.5997	design@dodsonbuilders.com
Robin Goldbeck | Goldbeck Architect	559|285.2390	robin@goldbeckarchitects.com
Tony Gonzalez | Unique Designz	559|286.9229	tonyuniquedesignz@gmail.com
Alex Magallan | AMG Drafting	559|308.8101	amgdrafting@att.net
Paul Miller | The Vernal Group	559|222.9480	email@vernalgroup.com
Vincent Palacios | Designed Drafting	559|497.5753	vincentpalacios49ers@yahoo.com
Carlos Ramirez |	559|305.1017	carlos.ramirez09@ymail.com
Carlo Santos | The Drawing Center	559|323.7153	carlos.santos.888@gmail.com
Jesus Vargas | Vargas Design	559|859.1931	vargasconstruction93654@gmail.com
Julio Vega | Approved Planning	559|349.5983	approvedplanning@gmail.com

PROOF OF SERVICE

I, the undersigned declare:

I am a citizen of the United States; I am over the age of eighteen years and an employee of the City of Fresno; my business address is 2600 Fresno Street, Fresno, California 93721.

On **November 4, 2022**, I caused to be served the foregoing document(s) described as **Notice and Order to Remove Public Nuisance** on the interested parties to the within action by placing **the original / a true copy thereof**, enclosed in a sealed envelope, addressed as stated below follows:

SENDERS RECORD (STICKER)
Placed on document
Last 6 digits - 2 3 7 3 4 7

X **BY CERTIFIED**) I am "readily familiar" with the City's practice of collection and processing correspondence for certified mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Fresno, California in the ordinary course of business.

X **BY FIRST CLASS MAIL**) I am "readily familiar" with the City's practice of collection and processing of correspondence for mailing. Under that practice it would be deposited with the U.S. postal service on that same day with postage thereon fully paid at Fresno, California in the ordinary course of business.

____ **BY PERSONAL SERVICE**) I delivered such document by hand to the addressee.

____ **BY ELECTRONIC SERVICE**) I delivered such document by electronic mail to the addressee at: (insert email address)

____ **BY POSTING**) I posted the foregoing document(s) at the property located at the subject address listed below.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on or about **November 4, 2022**, at Fresno, California.

Signature (Garrett Calvert)

Subject Address:		1107 R Street
Mailed To:		Nicholas F Reyes 3429 E. Huntington Fresno, CA 93702

U.S. Postal Service®
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

USPS® ARTICLE NUMBER
9414 7266 9904 2199 2373 47

Certified Mail Fee	$	3.60
Return Receipt (Hardcopy)	$	2.85
Return Receipt (Electronic)	$	
Certified Mail Restricted Delivery	$	
Postage	$	1.20
Total Postage and Fees	$	7.65

Postmark Here

Sent to:
NICHOLAS F REYES TRUSTEES
3429 E HUNTINGTON
FRESNO, CA 93721

Reference Information
GRC Case# E22-10267
NOTICE AND ORDER
1107 R ST

PS Form 3800, Facsimile, July 2015

Date - _____
First class mail copy returned marked
" _____ "
by USPS. _____
INIT.

Return Mail Codes
R - Refused
U - Unclaimed
V - Vacant
ANK - Attempted Not Known
NDAA - Not Deliverable As Addressed
NMR - No Mail Receptacle
FOE - Forwarding Order Expired
RTS - Return To Sender
UTF - Unable To Forward

Date - _____
Certified mail copy returned marked
" _____ "
by USPS. _____
INIT.

RETURNED SIGNED RECEIPT FOR CERTIFIED MAIL
(affix with glue or clear tape)

9590 9266 9904 2199 2373 40

PROOF OF SERVICE

I, the undersigned declare:

I am a citizen of the United States; I am over the age of eighteen years and an employee of the City of Fresno; my business address is 2600 Fresno Street, Fresno, California 93721.

On **November 4, 2022**, I caused to be served the foregoing document(s) described as **Notice and Order to Remove Public Nuisance** on the interested parties to the within action by placing **the original / a true copy thereof**, enclosed in a sealed envelope, addressed as stated below follows:

SENDERS RECORD (STICKER)
Placed on document
Last 6 digits - 2 3 7 3 3 0

X **BY CERTIFIED**) I am "readily familiar" with the City's practice of collection and processing correspondence for certified mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Fresno, California in the ordinary course of business.

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on or about **November 4, 2022**, at Fresno, California.

Signature (Garrett Calvert)

Subject Address:		1107 R Street
Mailed To:		Nicholas F Reyes 1107 R Street Fresno, CA 93721

U.S. Postal Service®
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

USPS® ARTICLE NUMBER
9414 7266 9904 2199 2373 30

Certified Mail Fee	$	3.60
Return Receipt (Hardcopy)	$	2.85
Return Receipt (Electronic)	$	
Certified Mail Restricted Delivery	$	
Postage	$	1.20
Total Postage and Fees	$	7.65

NOV 04 2022 PM 1:57

Postmark Here

Sent to:
NICHOLAS F REYES TRUSTEES
1107 R STREET
FRESNO, CA 93721

Reference Information
GRC Case# E22- 10267
NOTICE AND ORDER
1107 R ST

PS Form 3800, Facsimile, July 2015

Date - _____
First class mail copy returned marked
"_____"
by USPS. _____
INIT.

Return Mail Codes
R - Refused
U - Unclaimed
V - Vacant
ANK - Attempted Not Known
NDAA - Not Deliverable As Addressed
NMR - No Mail Receptacle
FOE - Forwarding Order Expired
RTS - Return To Sender
UTF - Unable To Forward

Return Receipt (Form 3811) Barcode
9590 9266 9904 2199 2373 33

1. Article Addressed to:
NICHOLAS F REYES TRUSTEES
1107 R STREET
FRESNO, CA 93721

2. Certified Mail (Form 3800) Article Number
9414 7266 9904 2199 2373 30

COMPLETE THIS SECTION ON DELIVERY
A. Signature
X
☐ Agent
☐ Addressee
B. Received by (Printed Name) Allan Sanchez
C. Date of Delivery
D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No
RECEIVED NOV 10 2022

3. Service Type:
☒ Certified Mail

Reference Information
GRC Case# E22-10267
NOTICE AND ORDER
1107 R ST

PS Form 3811, Facsimile, July 2015 Domestic Return Receipt