

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF
FRESNO, CALIFORNIA, CREATING A PILOT PROGRAM
TO IMPROVE THE SAFETY OF AND ESTABLISH
PROCEDURES FOR THE MAINTENANCE OF VACANT
COMMERCIAL BUILDINGS IN THE TOWER DISTRICT

WHEREAS, Fresno Municipal Code (FMC) Section 10-617, the Blighted Vacant Building Ordinance (VBO), mandates that all vacant buildings be actively maintained, monitored, and secured in accordance with the ordinance's standards; and

WHEREAS, the City seeks to implement the Vacant Commercial Building Pilot Program (Pilot Program) in the Tower District, as defined as the area bordered by McKinley Avenue, Blackstone Avenue, Belmont Avenue, and Fruit Avenue (Pilot Program Zone); and

WHEREAS, the Pilot Program would require property owners to maintain their vacant commercial buildings located within the Pilot Program Zone in compliance with both FMC section 10-617 and the new requirements set forth herein; and

WHEREAS, the City finds the regulations set forth herein are directly related to objective health, safety, and welfare concerns, including but not limited to the health, safety and welfare of the property itself, neighboring properties, pedestrians, and the public at large; and

WHEREAS, the Council now wishes to establish a one-year Pilot Program under the terms set forth below.

1 of 8

Date Adopted:
Date Approved:
Effective Date:

City Attorney Approval: CR

517329v1

Resolution No. _____

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno as follows:

SECTION 1: FINDINGS.

1. Vacant commercial buildings that are secured, boarded, and/or substandard create blight, discourage economic development, and impede appreciation of property values.

2. It is the responsibility of property owners to prevent their property from becoming a burden to the community.

3. The Pilot Program Zone encompasses an area with a highly concentrated number of businesses, events, and associated foot traffic. Due to this high concentration, a blighted vacant commercial building is more likely to cause an impact on the economic viability of the area, given that patronage of the other businesses may decrease. Additionally, given the physical closeness of the buildings, combined with the high foot traffic, there is an increased likelihood of widespread damage to people and property if a fire were to start in one of these vacant commercial buildings, which is an extremely common occurrence. It is reasonable to impose additional restrictions on vacant commercial buildings within the Pilot Program Zone to preserve this active and unique area.

SECTION 2: As of the Effective Date of this Resolution, the following shall apply to vacant commercial buildings in the Pilot Program Zone:

Section 2.1 – Purpose

The purpose of this Resolution is to protect the health, safety, and welfare of the people of the City of Fresno and their property, by requiring responsible owners to

register, monitor, and maintain vacant commercial buildings within the Pilot Program Zone and by minimizing the period of time a building is in a blighted condition.

Section 2.2 Regulations

1. The City hereby creates rules and regulations to encourage property owners to maintain and secure vacant commercial buildings in the Pilot Program Zone.

2. As of the Effective Date of this Resolution, in addition to complying with all provisions of FMC section 10-617, property owners of vacant commercial buildings located in the Pilot Program Zone shall also be required to comply with the regulations set forth in this Resolution. Property owners of vacant commercial buildings located within the Pilot Program Zone shall be issued a Notice and Order containing a copy of this Resolution and detailing any violations of FMC section 10-617. The Notice and Order shall also specify a deadline for compliance with this Resolution.

3. Condition of Vacant Commercial Buildings.

- a. The owner of any vacant commercial building secured or boarded as described in FMC section 10-617(b)(6), whether secured or boarded by voluntary action of the owner, or as a result of enforcement activity by the City, shall cause the secured or boarded vacant commercial building to be rehabilitated for occupancy within one-hundred-twenty days after the building is boarded. The owner is required to maintain such property in a manner so as not to violate the provisions of the FMC and the owner shall remain liable for violations thereof regardless of any contract or agreement with any third party regarding the property.

- b. It shall be unlawful for any owner to allow a commercial building designed for human use or occupancy to stand vacant for more than one hundred twenty (120) days, unless one of the following applies:
- i. The building is the subject of an active building permit and the owner is progressing diligently to complete the permitted construction, repair, or rehabilitation;
 - ii. The owner has a complete and active application pending for a building permit or other development entitlement;
 - iii. The building meets all applicable codes, is ready for occupancy, and is actively being offered for sale, lease, or rent; or
 - iv. The City Attorney determines the building is not a nuisance as defined in the FMC.

4. Registration.

- a. As required by FMC section 10-617(b)(10), all commercial buildings that have been or are expected to be vacant for longer than 30 days shall be registered with the City. For such commercial buildings located within the Pilot Program Zone, the required registration shall consist of a written document containing all the information required by FMC section 10-617(b)(10) as well as the following:
- i. Name, address and telephone number of the owner.
 - ii. Name, address, and telephone number of any local agent or representative.

- iii. Name, address, and telephone number of all persons with any legal interest in the property, building, and premises.
 - iv. The date on which the building became vacant.
 - v. A vacant building plan, with the information required in FMC section 10-617(b)(10).
- b. Registered vacant commercial buildings shall be subject to quarterly Code Enforcement inspections. A registration fee equal to two hours of the inspector's hourly rate specified in the Master Fee Schedule shall be due with the written registration document. This registration fee shall serve as a pre-payment for the mandatory quarterly inspections, and the property owner shall not be billed any additional sum for those inspections. Any additional inspections or further action taken by the inspector shall be billed as usual.
- c. Registration of a vacant commercial building shall be valid for a period of twelve months, which commences after the City's acceptance of a completed registration form. If a commercial building remains vacant at the expiration of the twelve months, the owner shall re-register the vacant commercial building for an additional twelve months.

5. Property Owner Inspections. The owner, local agent, or representative of a vacant commercial building required to be registered as described in Section 4 above shall inspect or cause the inspection of the vacant commercial building not less than one time in every two-week period.

- a. Such owner, local agent, or representative shall keep or cause to be kept a written log of all inspections. The log shall contain the following information:
 - i. The date and time of the inspection.
 - ii. The name and signature of the person performing the inspection.
 - iii. A notation of any violation(s) of the FMC identified by the inspection.
 - iv. A detailed description of any corrective action performed to address any violation of the FMC identified by the inspection.
- b. A copy of the log shall be provided to the City upon request of Code Enforcement.

6. Penalties.

Property owners shall be given a reasonable time to come into compliance with this Resolution. Property owners may request no more than two reasonable extensions, subject to approval of Code Enforcement. If the property is not in compliance with this Resolution by the expiration of the final deadline, Code Enforcement may seek all penalties and remedies available under the law, including the issuance of citations as set forth in FMC section 10-617, the filing of a civil lawsuit for a Public Nuisance, or seeking the appointment of a Health and Safety Receiver to bring the property into compliance.

SECTION 3: If any section, subsection, subdivision, sentence, clause, phrase, word, or portion of this Resolution is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution. The City Council hereby declares that

it would have adopted this Resolution and each section, subsection, subdivision, sentence, clause, phrase, word, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, words or portions thereof be declared invalid or unconstitutional.

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STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, TODD STERMER, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____ 2025.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2025
Mayor Approval/No Return: _____, 2025
Mayor Veto: _____, 2025
Council Override Vote: _____, 2025

TODD STERMER, MMC
City Clerk

By: _____
Deputy Date

APPROVED AS TO FORM:
ANDREW JANZ
City Attorney

By: _____
Christina Roberson Date
Assistant City Attorney