

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA,
AMENDING SECTIONS 10-106, 10-603, 10-604, AND 10-
605 OF THE FRESNO MUNICIPAL CODE

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

SECTION 1. Section 10-106 of the Fresno Municipal Code is amended to read:

SECTION 10-106. – PRIMA FACIE VIOLATION.

Any noise or sound exceeding the ambient noise level at the property line of any person offended thereby, or, if a condominium or apartment house, within any adjoining living unit, by more than five decibels shall be deemed to be prima facie evidence of a violation of Section [10-105]~~8-305~~.

SECTION 2. Section 10-603 of the Fresno Municipal Code is amended to read:

SECTION 10-603. – DEFINITIONS.

(a) "Abandoned Vehicle" means a vehicle which is left on a highway, public or private property in such inoperable or neglected condition that the owner's intention to relinquish all further rights or interests in it may be reasonably concluded.

(1) In reaching a reasonable conclusion, one must consider the amount of time the vehicle has been there without being moved, its condition, statements from the owner and witnesses, etc.

(2) In reference to highway or public rights of way, "abandonment" is presumed to have occurred if a vehicle is parked,

resting, or otherwise immobilized on any highway or public right of way; and lacks an engine, transmission, wheels, tires, doors, windshield, or other part of equipment necessary to operate safely on the highway in this city. Such vehicles are presumed to be a hazard to public health, safety, welfare and considered an attractive nuisance and may be removed immediately upon discovery.

(b) "Attractive Nuisance" shall mean any condition, instrumentality or machine which is or may be unsafe or dangerous to children by reason of their inability to appreciate the peril therein, and which may reasonably be expected to attract children to the premises and risk injury by playing with, in, or on it, whether in a building or on the premises.

(c) "Blight" means the condition of a specific property or group of properties which would be offensive in the eyes of the public as compared to the standard of maintenance of the property pursuant to Article 6, Section 10; where the conditions are visible from public streets or right of ways and substantially detract from the aesthetics and economic value of the neighboring properties including health and safety hazards, public nuisance, crime, neglect and deterioration of property.

(d) "Blighted Property~~Building~~" means a ~~vacant~~ residential, commercial, or industrial building and all yards surrounding the building that is in violation of one or more provisions of the Fresno Municipal Code or California state law, and therefore reduces the aesthetic appearance of its neighborhood, area or district, is offensive to the senses, or is detrimental

to nearby ~~[property]~~properties uses or property values. A blighted ~~[property]~~building includes a vacant building and the yards surrounding the building that are not being actively maintained, or actively monitored, or actively secured.

(e) "Decorative Landscaping" means decorative non-live materials used to cover dirt in a garden or yard, such as rocks, gravel, bark, or synthetic lawn, and does not include pavement with asphalt, cement or any other impervious surface.

(f) "Director" shall include any person authorized to issue citations pursuant to Fresno Municipal Code Section 1-308(k).

(g) "Dismantled Vehicle" means any vehicle that is partially or wholly dismantled.

(h) "Inoperative Vehicle" means any motor vehicle that cannot be moved under its own power.

(i) "Landscaping" means at least fifty percent (50%) of the non-paved portions of the exterior yards (those that are visible to the general public) shall be covered with live trees, shrubs, lawns, or other live or synthetic lawn materials, and the remaining portion of the non-paved portions of the exterior yards shall be covered with live trees, shrubs, lawns, or other live plant materials or shall have decorative landscaping installed, so long as weed block is used where decorative landscaping is installed. Notwithstanding the above, all unpaved areas of a park strip may be landscaped with decorative landscaping, so long as weed block is used.

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.

(j) "Overgrown" means grass, lawn blades, or weeds that are:

1. Over twelve (12) inches long or any ground covering plant material that extends over twelve (12) inches onto a public street, curb, gutter, or sidewalk or;

2. Over six (6) inches long or any ground covering plant material that extends over six (6) inches on to the public street, curb, gutter or sidewalk when the condition exists in combination with one or more other violations under this Article.

(k) "Park Strip" shall mean that portion of a street right of way that lies between the sidewalk and the outside edge of a street, gutter, or gutter lip, including a driveway approach. Where no curb exists, "park strip" shall mean the area of property from the sidewalk to the edge of the street pavement.

(l) "Property" shall mean any lot or parcel of land. For purposes of this definition, "lot or parcel of land" shall include any alley, sidewalk, park strip or unimproved public easement abutting such lot or parcel of land. Further, for the purpose of this definition, "unimproved public easement" shall not include an exposed irrigation canal.

(m) "Record Owner" shall mean the person to whom land is assessed as shown on the last equalized assessment roll of the county or current title owner of record, if different.

(n) "Structure" means anything constructed or built, any edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, which requires location on the ground or is attached to something else attached to the ground.

(o) "Vacant building" means real property with one or more structures, whether residential, commercial, or industrial, that is/are unoccupied or occupied by unauthorized persons. In the case of a multi-unit structure or complex, vacant shall mean fifty percent (50%) or more of the units are unoccupied or occupied by unauthorized persons.

(p) "Vehicle" means a device by which any person or property may be propelled, moved, or drawn upon a highway, excepting a device moved by human power or used exclusively upon stationary rails or tracks.

(q) "Weed Block" means material that is installed over a dirt surface in order to prevent the growth of weeds and that does not prevent the infiltration or passage of water into the dirt surface.

(r) "Wrecked Vehicle" means any vehicle that is damaged to such an extent that it cannot be operated upon the highway.

SECTION 3. Section 10-604 of the Fresno Municipal Code is amended to read:

SECTION 10-604. – RESPONSIBILITY FOR ENFORCEMENT.

(a) **Authority:** The Director shall be responsible for the administration and enforcement of this article. For such purposes, the Director shall have the powers of a law enforcement officer. For purposes of declaring and abating fire hazards pursuant to the provisions of this article, the Director is also authorized to perform the duties imposed on the Fire Chief and Fire Marshal pursuant to the provisions of Chapter 10, Article 5 of this Code. The Director shall have the power to render interpretations of this article and to adopt and enforce rules and supplemental regulations in order to clarify the application of its provisions. Such interpretations, rules and regulations shall be in conformity with the intent and purpose of this article.

(b) **Right of Entry:** Whenever necessary to make an inspection to enforce any provision of this article, or whenever the director has reasonable cause to believe that there exists in any building or upon any premises, any condition which makes such building or premises a public nuisance as defined in Section 10-605 of this article, [to the extent authorized by law,]the director may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the director by this article, including the abatement of any public nuisance, ~~provided a[.]~~All inspections, entries, and abatements shall be done in a reasonable manner ~~and with the consent of owner, agent or occupant.~~ [In circumstances where consent is legally necessary, i]~~lf~~ an owner, occupant or agent refuses [consent]~~permission~~ to enter, or inspect, or abate, the director may seek an administrative warrant pursuant to the procedures provided for in Code of

Civil Procedure Sections 1822.50 through 1822.59, as [may be] amended, ~~to perform the duties imposed upon the director.~~

(c) **Responsibilities Defined:** Owners remain liable for violations of duties imposed by this article even though an obligation is also imposed on the occupants of the building. Buildings, structures, premises and parts thereof shall be maintained in a nuisance free condition. The owner or the owner's designated agent shall be responsible for such maintenance. To determine compliance with this subsection, the building or premises may be reinspected.

SECTION 4. Section 10-605 of the Fresno Municipal Code is amended to read:

SECTION 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.

(k) Any pay telephone installed and maintained outside of a building (building does not include a phone booth) constitutes a public nuisance if:

(1) It is repeatedly tagged with graffiti and not cleaned within 48 hours of notice to the owner of the pay telephone; or,

(2) It is neglected or damaged to such an extent as to present a visual blight: or,

(3) It is habitually used by known gang members as designated by the Fresno Police Department's MAGEC Unit and in the reasonable opinion of the MAGEC Unit is used in or facilitates gang activity; or,

(4) The pay telephone has been abandoned or has otherwise remained inoperative for a period of thirty (30) days as of the effective date of this article; or

(5) The Director determines the pay telephone otherwise constitutes a public nuisance consistent with California Civil Code Sections 3479 and 3480.

The city shall not remove or cause to be removed a pay telephone when that telephone constitutes a public nuisance under this article, unless the Director has issued a notice and order (pursuant to Section 10-607) ordering the telephone owner to do, within at least thirty (30) days, one or more of the following to eliminate the public nuisance or otherwise voluntarily remove the pay telephone:

(1) Block incoming calls:

(2) Remove the ringer on the phone;

(3) Shut off the key pad after the initial number is dialed to eliminate "beeper" use;

(4) Make the telephone inoperative for designated time periods;

- (5) Add lighting;
- (6) Change the type of enclosure of the telephone;
- (7) Limit calls to emergency 911 calls;
- (8) Contract with a service that provides weekly maintenance of the pay telephone;
- (9) Any other means the Director determines appropriate for the elimination of the nuisance.

This provision does not preclude City from taking any other legal action including instituting legal action or issuing administrative citations to abate the nuisance.

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

(m) Blighted [property]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.

SECTION 5. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its final passage.

* * * * *

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

I, AMY ALLER, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____ 2026.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2026
Mayor Approval/No Return: _____, 2026
Mayor Veto: _____, 2026
Council Override Vote: _____, 2026

AMY ALLER
Interim City Clerk

BY: _____
Deputy Date

APPROVED AS TO FORM:
ANDREW JANZ,
City Attorney

BY: _____
Christina Roberson Date
Assistant City Attorney