

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA, AMENDING SUBSECTION (d) OF SECTION 1-506 OF ARTICLE 5, CHAPTER 1 OF THE FRESNO MUNICIPAL CODE, TO CONFIRM COSTS AT THE PUBLIC HEARING.

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

SECTION 1. Section 1-506 (d) of the Fresno Municipal Code is repealed and the following is added to read:

- (d) Hearing. At the date and time fixed for the hearing to pass on the report and confirm the costs or penalties for a lien or special assessment by the administrative hearing officer, the administrative hearing officer shall consider the report of the enforcing department, together with any filed protests. The scope of review of the hearing shall be limited to the amount of the costs or penalties when there has already been an opportunity for a hearing for the underlying violation. ~~The administrative hearing officer may make such revisions, corrections or modifications in the report as may be just and reasonable, provided that the hearing officer may only reduce the city's actual costs upon a showing that the costs were unnecessary or unreasonable.~~ The administrative hearing officer shall award the full amount of costs requested by the City unless the hearing officer makes a finding based upon evidence provided



at the hearing that the costs were not actually incurred or that they may not be legally awarded.] The administrative hearing officer may adjourn the hearing from time to time. Upon the close of the hearing, the administrative hearing officer shall have confirmed the original, revised, corrected or modified report or have set the matter for an additional hearing. Any decision by the Hearing Officer on the report and protests shall be final.

SECTION 2. 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.

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