

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA,
AMENDING SECTIONS 11-305, 11-328, AND 11-405 OF
THE FRESNO MUNICIPAL CODE

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

SECTION 1. Section 11-305 of the Fresno Municipal Code is amended to read:

SECTION 11-305. – GENERAL.

(a) **Authority.** The Building Official is hereby authorized and directed to enforce all of the provisions of this article. For such purposes, the Building Official shall have the powers of a law enforcement officer.

The Building Official 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 article interpretations, rules and regulations shall be in conformity with the intent and purpose of this article.

(b) **Right of Entry.** [To the extent authorized by law, t]The Building Official is authorized to enter upon any property or premises to ascertain whether provisions of this article or applicable state codes, regulations or ordinances are being obeyed, and to make examination and surveys as may be necessary in the performance of their duties. These may include taking photographs, video, samples or other physical evidence. All inspections, entries, examinations and surveys shall be done in a

reasonable manner ~~and with the consent of the owner, agent or occupant.~~
[In circumstances where consent is legally necessary, i] If an owner, occupant or agent refuses [consent]~~permission~~ to enter or inspect, the Building Official 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 duties imposed upon the Building Official.~~

(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, and even though the owner has, by agreement, imposed on the occupant the duty of furnishing required equipment or of complying with this article.

Building and structures and parts thereof shall not be maintained in unsafe or unsanitary conditions as specified in this article. The owner or the owner's designated agent shall be responsible for such maintenance. To determine compliance with this subsection, the building may be reinspected.

Owners, in addition to being responsible for maintaining buildings in a sound structural condition, shall be responsible for keeping that part of the building or premises which the owner occupies or controls in a clean, sanitary and safe condition, including the shared or public areas in a building containing two or more dwelling units.

Owners shall furnish and maintain such approved sanitary facilities as required by this article, the Fresno Building Code or other applicable state statutes and regulations and shall furnish and maintain approved devices, equipment or facilities for the prevention of insect and rodent infestation, and when infestation has taken place, shall be responsible for the extermination of any insects, rodents or other pests when such extermination is not specifically made the responsibility of the occupant by law or ruling, when required by this code, or the Building Official.

Occupants of a dwelling unit, in addition to being responsible for keeping in a clean, sanitary and safe condition that part of the dwelling or dwelling unit or premises which they occupy and control, shall dispose of their rubbish, garbage and other organic waste in a manner required by this article, or the Building Official.

Occupants shall furnish and maintain approved devices, equipment or facilities necessary to keep their premises safe and sanitary, when required by this article, or the Building Official.

SECTION 2. Section 11-328 of the Fresno Municipal Code is amended to read:

SECTION 11-328. – SUMMARY ABATEMENT.

(a) Whenever the Building Official determines that an imminent life safety hazard exists that requires immediate correction or elimination, the Building Official may exercise the following powers without prior notice to the responsible person:

(1) Order the immediate vacation of any tenants and prohibit occupancy until all repairs are completed; and/or

(2) ~~Post the premises as unsafe, substandard or dangerous; and/or~~

~~(3) Board, fence or secure the building or site until the building or structure is repaired, rehabilitated or demolished; and/or~~

~~[(3)](4)~~ Demolish and grade that portion of the building or site to prevent further collapse and remove any hazard to the general public; and/or

~~[(4)](5)~~ Make any minimal emergency repairs as necessary to eliminate any imminent life safety hazard; and/or

~~[(5)](6)~~ Take any other action as appropriate under the circumstances.

(b) A Building Official shall pursue only the minimum level of correction or abatement as necessary to eliminate the immediacy of the hazard.

(c) Upon completion of the summary abatement, the Building Official shall notify the record owner of the property, the holder of any mortgage, deed of trust or other lien on the property, if recorded, or otherwise actually known to the Building Official, and any tenants of the building or structure, of the following:

(1) The building location;

(2) The condition of the property;

- (3) The violations;
- (4) Any action by the Building Official taken to summarily abate the imminent life safety hazard and the costs incurred therein;
- (5) The right to appear at the hearing and object to the determination made and the summary action taken by the Building Official.

Service of the Notice shall be given in the same manner as Section 11-327(b). The notice shall set a hearing date before the City Hearing Officer, not sooner than 15 days from service, for the Building Official to establish that said building or structure was substandard and required the immediate action taken. If the Hearing Officer finds that there was not an imminent life safety hazard, or the action taken by the Building Official was more than necessary to eliminate the life safety hazard, the Hearing Officer shall order the property restored to its original condition or a condition which eliminates the imminent life safety hazard. If the property cannot be restored, the Hearing Officer shall continue the hearing for a period of not less than 30 days to allow both parties to gather and present evidence on the reasonable value of the property loss. Within 15 days of the conclusion of the continued hearing the Hearing Officer will, based on the evidence presented, file with the City Clerk's Office and mail a copy to Appellant and the Building Official, his/her findings of fact and decision to compensate the property owner or not and the monetary amount, if any, to be compensated. The City Council, shall, at its next scheduled hearing, after the filing of such

findings of fact and decision with the City Council, or on a date to which the matter may have been continued by the Council, without taking evidence or hearing argument on behalf of either Appellant or City, consider the findings of fact and decision of the Hearing Officer and either affirm, modify, modify with conditions or revoke the order. Notice in writing of the decision of the Council shall be mailed to Appellant, and filed with the Building Official and the City Attorney.

(d) The Building Official shall keep an itemized account of the expenses incurred by the city in removing or isolating such condition or conditions. The costs incurred by the city in summarily abating the violation may be recovered by the city pursuant to Chapter 1, Article 5 of this Code.

SECTION 3. Section 11-405 of the Fresno Municipal Code is amended to read:

SECTION 11-405. – ENFORCEMENT AND INSPECTION.

(a) **Authority.** The Building Official is charged with enforcement of the provisions of this article. All of the powers and duties vested in the Building Official relating to the abatement of dangerous buildings pursuant to this article shall be exercised and performed by the Building Official. However, the Fresno Fire Chief shall have all of the duties conferred on him/her by the California Code of Regulations.

(b) The Fire Chief, or the Building Official shall make or cause to be made, such inspections of properties and reports thereon as the Building Official shall require to assist him/her in enforcement of the provisions of this article.

(c) **Right of Entry.** [To the extent authorized by law, t]The Building Official is authorized to enter upon any property or premises to ascertain whether provisions of this article or applicable state codes, regulations or ordinances are being obeyed, and to make examination and surveys as may be necessary in the performance of their duties. These may include taking photographs, video, samples or other physical evidence. All inspections, entries, examinations and surveys shall be done in a reasonable manner ~~and with the consent of the owner, agent or occupant.~~ [In circumstances where consent is legally necessary, i]If an owner, occupant or agent refuses [consent]~~permission~~ to enter or inspect, the Building Official may seek an administrative inspection warrant pursuant to the procedures provided for in Code of Civil Procedure Sections 1822.50 through 1822.59 [as may be amended]~~to perform duty imposed upon the Building Official.~~

SECTION 4. 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