

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA,
AMENDING SECTIONS 1-303, 1-308, AND 1-503 OF THE
FRESNO MUNICIPAL CODE

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

SECTION 1. Section 1-303 of the Fresno Municipal Code is amended to read:

SECTION 1-303. – AUTHORITY TO INSPECT.

[To the extent authorized by law, a]Any enforcement officer shall also have authority to enter upon any property or premises to ascertain whether provisions of the Fresno Municipal Code or applicable state codes, regulations, or ordinances are being obeyed, and to make examinations 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 where entry onto the premises is necessary with the consent of the 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, the enforcement officer may seek an inspection warrant pursuant to the procedures provided for in Code of Civil Procedure Sections 1822.50 through 1822.59 [as may be amended]~~or their successors to perform duties imposed upon said person.~~

SECTION 2. Section 1-308 of the Fresno Municipal Code is amended to read:

SECTION 1-308. – ADMINISTRATIVE CITATIONS AND PENALTIES.

Date Adopted:
Date Approved
Effective Date:
City Attorney Approval: _____

Ordinance No.

The Council finds that there is a need for an alternative method of enforcement of violations of the Municipal Code. The Council further finds and declares that an appropriate method for enforcement for violations of the Code is the following administrative citation and civil penalty program.

(a) Administrative Citation. Any person violating any provision of the Code may be issued an administrative citation by an enforcement officer as provided in this article. A separate civil penalty for each violation of the Code may be assessed by means of one administrative citation. Violations deemed a threat to health and safety as defined in this Code or pursuant to Health and Safety Code Section 17920.3 shall be penalized as set forth in the Master Fee Schedule.

(b) Contents. Upon discovering or observing any violation of the Municipal Code, an enforcement officer may issue an administrative citation, in a form approved by the City Attorney, to a violator or property owner, with the following contents:

(1) Date and location of the violation(s), including the street address, if any, and the approximate time the violation(s) were observed;

(2) Section(s) of the Code violated and brief description of how the section(s) are violated; if the citation is for a violation of the Management of Real Property Ordinance set forth in Chapter 10, Article 7, the citation shall include a statement specifying the behaviors which constitute the nuisance[;].

(3) Description of the action required to correct the violation(s), if applicable; and if applicable, the date by which the violation must be corrected[.];-

(4) Statement explaining the consequences of failure to correct the violation(s);

(5) Amount of penalty imposed for the violation(s);

(6) Explanation of how the penalty shall be paid and the time period by which it shall be paid, and the consequences of failure to pay the penalty;

(7) Right to contest the contents of the administrative citation and right of appeal, including the name and address of the City Manager for purposes of filing any notice of appeal; and

(8) Signature of the enforcement officer.

(c) Issuance. The enforcement officer shall attempt to issue the citation to the responsible party for any violation of this Code. For purposes of issuance of a citation to a business, the citation may be issued to the person in immediate control of the business on site at the time of the issuance of the administrative citation and penalty. The citation officer may, but is not required, to obtain the signature of the person upon whom the citation was issued. The lack of signature shall in no way affect the validity of the citation and subsequent proceedings.

(d) Issuance When Unable to Locate Violator. If the enforcement officer is unable to locate the violator(s) then the administrative citation shall

be mailed to the responsible party and property owner, if different than the violator. Administrative citations issued for violations of the provisions in Chapter 10, Article 3 of the Municipal Code (Animal Shelter) shall be mailed to the violator(s) or property owners(s) by first class mail with proof of service. Proof of service shall be documented at the time of service by a declaration under penalty of perjury executed by the person effecting service, declaring the time and manner in which the service was made. All other administrative citations shall be mailed to the violator(s) or property owners(s) by certified and first class mail. The failure of any person with an interest in the property to receive such notice shall not affect the validity of any proceedings taken under this chapter. Notice by the methods described above shall become effective on the date of mailing.

(e) Imposition of Penalty. An administrative citation issued for a violation of a building, plumbing, electrical, or other structural ~~or zoning~~ regulation, that does not create an immediate danger to public health or safety, may [not] be issued [until] to the responsible party [has been given a reasonable time to cure, unless immediate citation is warranted under the circumstances or is otherwise permitted by this Code.], and the citation shall ~~state the date by which the violation must be corrected, which shall be a reasonable period of time, given the circumstances; 18 calendar days shall be a default time to correct, unless the circumstances indicate a shorter or greater time is appropriate. It shall be the responsibility of the person receiving the citation to correct the violation and provide proof to the city~~

~~that it has been corrected, as set forth in the citation, or call for an inspection, as set forth in the citation, to verify the correction was made on or before the date specified on the citation. If the correction was fully and timely made, then the citation, or that part of the citation, shall be dismissed. If the correction was not fully and timely made, then the citation shall continue and penalties shall be deemed final, and failure to correct shall be deemed a continuing violation until the specified violations are verified as corrected by the city, with further penalties incurred as set forth in this Code. An administrative citation issued for a violation of a state law or this code that is a nuisance, for example, parking a vehicle on an unimproved surface, not otherwise a violation of a building, plumbing, electrical, or other structural or zoning regulation, may be issued to the responsible party immediately, and each successive day the violation continues shall constitute a separate violation with further penalties incurred as set forth in this Code.~~

(f) Appeal. Any person issued an administrative citation may contest the contents of the administrative citation by filing an appeal under the City's Administrative Ordinance set forth in Article 4. If no appeal is filed within the time prescribed, the penalty shall be final and immediately payable.

(g) Penalty. Except as otherwise set forth in this Code, the Master Fee Schedule shall establish the base schedule for the amount of the civil

penalty assessed for code violations, which may vary by types and numbers of violations.

(h) Failure to Correct. If the violator or property owner fails to correct the violation, subsequent administrative citations and penalties may be issued for the same violation(s) or the city may institute any other applicable action permissible under this Code to gain compliance. The amount of the penalty for each subsequent violation of the same Code provision shall increase at a rate specified in this Code.

(i) Payment of Fine Without Correction of Violation. Payment of any penalty shall not excuse the failure to correct the violation nor shall it bar further enforcement action by the city. The failure of any person to pay any penalty assessed by administrative citation within the time specified on the administrative citation shall result in the assessment of an additional late fee to be charged. The amount of the late fee shall be ten percent of the total amount of the civil penalty due and owing.

(j) Collection of Penalty. The city shall collect delinquent and late fees under the provisions of the Cost and Penalty Recovery Ordinance in Chapter 1, Article 5 of the Code.

(k) Authority to Issue Administrative Citation. The following officers and employees have the authority to issue administrative citations and civil penalties: City Manager, City Attorney, Planning and Development Director, Director of Public Utilities, Public Works Director, Police Chief and

Fire Chief, and Director of Parks and Recreation and any other person delegated such authority by any of the above.

(l) Payment of Penalty and Use of Proceeds. Except as otherwise provided, all civil penalties assessed shall be payable to the city.

SECTION 3. Section 1-503 of the Fresno Municipal Code is amended to read:

SECTION 1-503. – DEFINITIONS.

Unless the particular provision or the context otherwise requires, the definitions and provisions contained in this section shall govern the construction, meaning, and application of words and phrases used in this article.

(a) "Abatement Costs" means all actual and reasonable costs incurred by the city to abate a public nuisance. These costs shall include all direct and indirect costs to the city that result from the total abatement action, including, but not limited to, investigation costs, costs to enforce the Code or State law, clerical and administrative costs to process paperwork, costs incurred to provide notices and prepare for and conduct administrative hearings, and costs to conduct actual abatement of the nuisance. Examples of abatement costs include, but are not limited to, staff costs to prepare and issue a notice of violation or a citation, fire suppression costs, costs to prepare a hearing packet, administrative overhead costs, costs for equipment, such as cameras and vehicles, staff time to hire a contractor to remove trash or board up an abandoned building. These costs shall include reasonable attorneys' fees incurred by City. At any administrative hearing, judicial action or special proceeding to recover attorneys' fees, the

prevailing party shall be awarded attorneys' fees not to exceed the amount of reasonable attorneys' fees incurred in the action, hearing or proceeding. Abatement costs may be established in the Master Fee Resolution.

(b) "Bona Fide Encumbrancer" means a person who (i) receives a lien or encumbrance on the subject property after the city incurs abatement costs or enforcement costs and (ii) at the time he or she acquired the interest did not have actual or constructive knowledge of the city's interest in the property.

(c) "Bona Fide Purchaser" means a person who (i) purchases any portion of the subject property after the city incurs abatement costs or enforcement costs and (ii) at the time he or she acquired his or her portion of the subject property did not have actual or constructive knowledge of the city's interest in the property.

(d) "Disturbance" shall include conduct in violation of Fresno Municipal Code sections [9-2701, 10-105, and 10-106]~~8-305, 8-306, and 8-503~~, as amended.

(e) "Enforcement Costs" means all actual and reasonable costs incurred by the city to enforce compliance with any State or city public health and safety law that does not involve the existence of a public nuisance. These costs include, but are not limited to, actual cost of the enforcing department's services including, but not limited to, costs of personnel, including costs of workers compensation benefits, fringe benefits, administrative overhead, costs of equipment, costs of materials, costs

related to investigations pursuant to the Code or State law, costs related to issuing and defending administrative citations, and costs incurred investigating and abating violations of the Code or State law violations.

(f) "Enforcing Department" means the department or division of the city that directed and is responsible for the enforcement of the Code or State law or the abatement of a public nuisance or violation of the Code or State law.

(g) "Noticed Party" means the person or entity that is required to be noticed in the underlying abatement or enforcement action in which costs were incurred, but in all cases must include the record owner(s) of the property. A "Noticed Party" must be notified for purposes of cost or penalty recovery in the same manner as they were required to be noticed, either by Code or State law, in the abatement or enforcement action which resulted in the incurring of costs or penalties sought to be recovered under this article, and shall include notification by certified mail.

(h) "Penalties" means fines imposed by administrative citations issued under authority of the Code. "Penalties" for purposes of this article do not include criminal fines.

(i) "Public Nuisance" means a public nuisance as declared or defined by any provision of the Code, including, but not limited to the Waste Collection and Disposal Ordinance of the City of Fresno (Chapter [6]9, Article [2]5), the Public Nuisance Abatement Ordinance (Chapter 10, Article [6]7), the Street Trees and Parkways Ordinance (Chapter 13, Article 3), the

~~[Citywide Development Code (Chapter 15)]~~ ~~Land Use Planning and Zoning Ordinance (Chapter 12)~~, the Sign Ordinance (Chapter ~~[15, Article 26]~~42), the Fresno Housing Regulations (Chapter 11, Article 3), the Dangerous Building Ordinance (Chapter 11, Article 4), the Management of Real Property Ordinance (Chapter 10, Article ~~[7]~~8), and Disturbance as defined within this section.

(j) "Record Owner" shall mean the person to whom land is assessed as shown on the last equalized assessment roll or the supplemental roll, whichever is more current.

(k) "Responsible Party" means a person or entity identified by the Code or law as responsible for creating, causing, committing, or maintaining the violation of the Code or law and or responsible for the abatement of a Code or law violation, including public nuisance, as defined in this section.

(l) "Subject Property" means the real property that is the subject of any enforcement or abatement action by the city for which the city incurred costs sought to be recovered under this article.

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.

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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