

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, AUTHORIZING COUNCILMEMBERS TO ENTER INTO CONTRACTS TO MOW THE FRONT LAWN OF VACANT PROPERTIES WHEN ABSENTEE PROPERTY OWNERS FAIL TO MAINTAIN AND THE CITY HAS COLLECTED SUFFICIENT FINE REVENUE TO COVER THE COST.

WHEREAS, owners of residential properties in the City have an on-going obligation to maintain their property free of overgrown grass, lawn, or weeds, yet sometimes fail to do so; and

WHEREAS, there are vacant homes within the City owned by out-of-town, absentee owners, and an absentee owner's failure to maintain the front lawn of the property has a detrimental impact on the surrounding neighbors; and

WHEREAS, the City enforces its municipal code, including its vacant building ordinance, through its Code Enforcement Division, yet sometimes when cited, absentee property owners will pay the fine rather than bring their property into compliance; and

WHEREAS, the fines collected from such absentee property owners, excluding all of the City's associated hard costs, may generate sufficient revenue to cover the cost of mowing the front lawn of the absentee owner's vacant property; and

WHEREAS, in the interests of reducing blight, maintaining the character, health and safety of the neighborhood, and the value of surrounding properties, the City, through the Councilmember for each district, may wish to enter into contracts to maintain vacant residential properties when an absentee property owner fails to maintain the property but pays associated City fines generating revenue above and

beyond the City's hard costs sufficient to cover the cost of mowing the front lawn.

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

1. Each Councilmember shall be authorized to enter into contracts to mow the front lawn of vacant residential properties within the Councilmember's district, if the following conditions are met:

a. A property owner within the Councilmember's district fails, neglects, or refuses to maintain its vacant residential property free from overgrown grass, lawn, or weeds;

b. The property owner does not live within the City;

b. The City has attempted to compel the property owner to bring the property into compliance via traditional code enforcement methods including fines, but rather than bring the property into compliance, the property owner pays the fines; and

c. Fines collected from the property owner, above and beyond all of the City's associated hard costs, have generated sufficient revenue to cover the cost of mowing the front lawn of the property.

2. The contract, authorized by the Councilmember and approved by the City Attorney, shall be paid by the City from the fine revenue due to code violations at the property already collected from the owner, above and beyond the City's hard costs.

3. Councilmembers are not obligated in any way to take action pursuant to this Resolution; any such action shall be discretionary and shall not create a continuing obligation.

4. Any action taken pursuant to this Resolution does not relieve the property owner of its obligation to maintain the property in compliance with all property standards.

5. The cost of mowing the front lawn pursuant to this Resolution shall be assessed as nuisance abatement costs to the property owner.

6. Action taken pursuant to this Resolution shall be for the benefit of surrounding property owners, not for the benefit of the absentee property owner.

7. This Resolution shall take effect upon its passage.

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

I, YVONNE SPENCE, 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 _____ 2018.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2018
Mayor Approval/No Return: _____, 2018
Mayor Veto: _____, 2018
Council Override Vote: _____, 2018

YVONNE SPENCE, MMC
City Clerk

By: _____
Deputy

APPROVED AS TO FORM:
DOUGLAS T. SLOAN
City Attorney

By: _____
Tracy N. Parvanian Date
Senior Deputy City Attorney

TNP:cm[79871cm/tnp]