

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA,
AMENDING SECTION 10-611 OF THE FRESNO
MUNICIPAL CODE

SECTION 1. Section 10-611 of the Fresno Municipal Code is amended to read:

SECTION 10-611. UNLAWFUL DUMPING [AND ILLEGAL USE OF LAND].

Unauthorized dumping, under Section 6-210, is unlawful and a public nuisance and may be abated under Sections 10-609 or 10-616. [In addition, the illegal use of land for occupancy and/or storage of junk, rubbish, and/or vehicles, whether the property has a structure or not, is unlawful and a public nuisance and may be abated under Section 10-609 or 10-616.] The Director may collect all of the city's costs against violators under Article 5 of Chapter 1. The Director may issue a Notice and Order, consistent with the procedures found in Section 10-608, to any violator, [including the property owner,] to order an abatement of the violation, except that a violator may be required to clean up the violation within [ten days of issuance of a Notice and Order pursuant to Section 10-608.] ~~three days of personal service or six days from service by mail.~~ A violator's vehicle used in the commission of unlawful dumping and determined to be a nuisance vehicle may be impounded.

[(a) Illegal dumping Citations.] ~~✓~~[v]iolators may be issued administrative citations for penalties in the following amounts:

~~(a)~~[(1)] for the first violation, one thousand dollars (\$1,000), plus one

Date Adopted:

Date Approved

Effective Date:

City Attorney Approval: _____

Ordinance No.

times the city's costs to abate the violation if the city is required to abate the public nuisance;

~~(b)~~(2) for the second violation, one thousand five hundred dollars (\$1,500.00), plus two times the city's costs to abate the violation if the city is required to abate the public nuisance; and

~~(c)~~(3) for the third violation and all others thereafter, three thousand dollars (\$3,000.00) plus three times the city's costs to abate the violation if the city is required to abate the violation.

(d) Illegal dumping Citations may be issued without any prior notice. Penalties may be issued in two citations in cases where the city is required to abate, with the second citation issued after the city determines its costs. For purposes of the additional penalty assessments, the city will be "required to abate" when a violator fails to properly comply with a Notice and Order or when summary abatement is necessary because the location or condition of the nuisance poses a n imminent threat to the public's health, safety or welfare or to nearby property, such as it being located in a public right of way. Citations issued under this section shall be issued under the procedures found in Section 1-308, except to the extent that any provision in this section conflicts with those found in Section 1-308, this section controls.

(b) Property Owners of Illegally Used Land. The Property Owner of land used for unlawful occupancy and/or storage of junk, rubbish, and/or vehicles shall be subject to the following citations for continued violations after the

notice period had expired:

(1) for the first violation, two hundred and fifty dollars (\$250), plus one times the city's costs to abate the violation if the city is required to abate the public nuisance;

(2) for the second violation, one thousand dollars (\$1,000.00), plus the city's costs to abate the violation if the city is required to abate the public nuisance; and

(3) for the third violation and all others thereafter, three thousand dollars (\$3,000.00) plus the city's costs to abate the violation if the city is required to abate the violation.

[(c) Citations or Notice and Orders issued under this section may be appealed under Article 4 of Chapter 1, except that the [time period to appeal the Notice and Order shall be ten days from the issuance of the Notice and Order, and the Notice and O]erder shall not be automatically stayed upon an appeal being filed. [The Notice and Order shall be a final Notice and Order pursuant to Section 10-615 ten days from the issuance of the Notice and Order.] Citations issued under this section may be collected under Article 5 of Chapter 1. Nothing in this section is intended to affect the responsibilities, liability, or rights of any person or entity, including the city, under any Federal or State law or regulation related to hazardous waste cleanup. The actions and remedies provided under this section are cumulative to any others provided by law.

(d) Enforcement Authority. The Director, or designee, shall have the authority to enforce the provisions of this article.

(e) Other Remedies Not Precluded. Nothing in this Code shall be deemed to limit the right of the city to bring civil or criminal action against a person who violates Section 6-210 [or allows property to be used for illegal occupancy and/or storage of junk, rubbish, and/or vehicles], including but not limited to misdemeanor prosecution.

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.

* * * * *

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

I, TODD STERMER, 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 _____ 2022.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2022
Mayor Approval/No Return: _____, 2022
Mayor Veto: _____, 2022
Council Override Vote: _____, 2022

TODD STERMER, CMC
City Clerk

BY: _____
Deputy Date

APPROVED AS TO FORM:
DOUGLAS T. SLOAN,
City Attorney

BY: _____
Christina Roberson Date
Assistant City Attorney