

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FRESNO,
CALIFORNIA, AMENDING SECTION 10-617 OF THE
FRESNO MUNICIPAL CODE, RELATING TO VACANT
BUILDINGS

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

SECTION 1. Section 10-617 of the Fresno Municipal Code is amended to read.

SECTION 10-617. BLIGHTED VACANT BUILDING ORDINANCE.

(a) All vacant buildings shall be maintained in a non-blighted condition, consistent with the requirements of this section. A vacant building in a blighted exterior condition shall be deemed a public nuisance. If the Director finds the building is being maintained in a blighted condition, the Director may issue a Notice [and Order] ~~of Correction~~ to the property owner and the property owner may be subject to fines and penalties as set forth in this section.

(b) All vacant buildings shall be actively maintained, monitored and secured in compliance with all of the following standards:

(1) Maintain all yards visible from any public right of way, including interior yards visible from adjacent properties to be maintained in a safe and sanitary condition, including keeping all plant materials controlled to avoid Overgrowth as defined in this Article; including park strips, with Landscaping as defined in this

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

Ordinance No.

Article, installed and maintained in a trimmed, live and healthy condition; the requirements of this subsection to maintain live plant material shall not be effective if and during the time the city has implemented Stage 2, 3, or 4 water shortage contingency rationing under its Water Use Reduction Plan.

(2) Maintain the exterior of the building, including but not limited to, paint, finishes, roofing materials, siding, stucco, masonry, railings, steps, gutters, and structural elements in good condition. ~~Painted surfaces shall be deemed in good condition if there is at least 95% coverage of the structural element that is painted.~~

(3) Remove all trash and debris from exterior of the property within seventy-two (72) hours of notification.

(4) Comply with all applicable state and local codes and regulations, and any applicable city issued permits and site plans in the replacement and repair of all elements of the exterior of the building.

(5) Take all reasonable steps necessary to prevent criminal activity, including, but not limited to, the use and sale of controlled substances, prostitution, and criminal street gang activity, on the premises. Examples of reasonable steps include actively monitored security alarm systems and [adequate] ~~frequent~~ physical inspections ~~as defined in subsection 10-603(c).~~

(6) Secure and maintain the property, both structure and grounds, against trespassers, including maintaining all windows and doors with locks, replacing all broken doors or windows, and securing any other openings into the structure that are readily accessible to trespassers as defined under Chapter 11 of this code or such other means as may be accepted by the Director. Securing windows that are visible from any public right of way shall be done only with rigid transparent material such as clear Lexan type material with a minimum of 3/8 inch thickness to 1/2 inch thickness. No opaque (typically plywood) boarding materials shall be used where visible from a public right of way, ~~following sixty (60) days of the effective date of this ordinance.~~

(7) Remove all graffiti on the property within forty-eight (48) hours of placement on the property in compliance with ~~Fresno Municipal Code Section 9-2514.~~

(8) Maintain the property free of all fire hazards.

(9) Maintain the property free of any Attractive Nuisance, as defined in this Article.

(10) All buildings that have been or are expected to be vacant for longer than thirty (30) days shall be registered, at no cost, with the city as may be provided on a city website or web application. The registration shall include the identity of all record owners, the street address of the vacant building, and a local

contact, and shall be maintained only for internal use by the city.
[All applicable properties are required to be registered and updated within 72 hours of a change of ownership or contact information.]

(11) Vacant buildings should be posted with approved no trespassing signage to permit police enforcement action.

(12) Fire damaged residential buildings that are not safe and legal to occupy shall be either demolished or fully repaired within 90 days of the occurrence of the fire; the Director may grant a continuance if documentation is provided to the satisfaction of the Director showing any delay is of no fault of the property owner and the property owner has made good faith efforts to demolish or fully repair within 90 days; until demolition or repairs are completed, the property owner shall secure the building to prevent unauthorized access.]

(c) Non-compliance. Failure by the property owner to comply with each of the standards set forth in sections (b)(1) through (b)(40)(12) above for the exterior of a vacant building within eighteen (18) days of notification under this section is a separate violation of this code and subject to the following penalties:

(1) Use of any abatement procedure provided in this Article, [with costs recoverable pursuant to Chapter 1, Article 5 of the Code;]

(2) Issuance of a criminal citation under Section 1-305, should the owner of a vacant building be found responsible for three or more violations of this Article on three or more separate buildings within a thirty (30) day period;

(3) Issuance of an administrative citation of [up to \$2,500] ~~\$250 per violation, per day,~~ under Section 1-308. [A second citation of up to \$5,000 may issue for the following 30 day period. A third citation of up to \$10,000 may issue for the following 30 day period, and each 30 day period thereafter until compliance with the Notice and Order is achieved.] There shall be a presumption that a violation continued from day to day between the initial inspection date at which it was observed by the city and a subsequent inspection date at which it continued to exist; and/or

(3)(a) Vacant properties that are not registered on the City's vacant property registry shall be subject to an administrative citation of \$250 per month; and/or

(4) Institution of legal action to pursue any available legal remedy, including receivership or injunction, by the City Attorney upon request by the Director.

(d) Occupancy. [The city reserves the right to require an interior inspection of the property to ensure the property meets local and state law requirements for habitability.] If a vacant building has been found to be in violation of this Article, the building shall not be occupied until all fines and

abatement costs are paid, or acceptable arrangements with the city for payment have been made, and ~~the owner certifies~~ the property meets all health and safety code standards that are required for occupancy. ~~and the property owner receives a written release from the city. The city reserves the right to require an interior inspection of the property to ensure the property meets local and state law requirements for habitability prior to issuing the city's release for occupancy.~~

(e) Grace period. Owners of newly acquired blighted vacant buildings shall have ~~thirty~~ [sixty] (3[6]0) days from the date of legal possession of the building to be in compliance with this ordinance. [The Director may grant a continuance if documentation is provided to the satisfaction of the Director showing any delay is of no fault of the property owner.]

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

I, YVONNE SPENCE, 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 _____, 2018.

AYES :
NOES :
ABSENT :
ABSTAIN :

YVONNE SPENCE, MMC
City Clerk

BY: _____
Deputy

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

BY: _____
Felicia A. Espinosa date
Assistant City Attorney

FAE:cg[78123cg/ord] -12-19-17