



Legislation Details (With Text)

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Title: ***BILL NO. B-14 - (Re-Introduced as amended on 5/12/2016) (For adoption) - Amending Article 7 of Chapter 10 of the Fresno Municipal Code relating to Management of Real Property.

Sponsors: Office of Mayor & City Manager, City Attorney's Office

Indexes:

Code sections:

Attachments: 1. Ordinance Amending FMC Article 7.pdf, 2. Supplement - File ID 16-464 - Amended Ordinance.pdf, 3. Supplement - Amended Ordinance File ID16-490.pdf, 4. Supplement - Faith Leaders Letter.pdf, 5. Supplement 16-549 City Attorney Memo.pdf, 6. Supplement -Letter from Leadership Counsel.pdf, 7. Supplement - Letter from ACLU.pdf, 8. Supplement - Letter from Western Center on Law and Poverty.pdf

Date	Ver.	Action By	Action	Result
5/19/2016	1	City Council	approved	Pass

REPORT TO THE CITY COUNCIL

May 19, 2016

FROM: BRUCE RUDD, City Manager
DOUGLAS SLOAN, City Attorney

SUBJECT

***BILL NO. B-14 - (Re-Introduced as amended on 5/12/2016) (For adoption) - Amending Article 7 of Chapter 10 of the Fresno Municipal Code relating to Management of Real Property.

RECOMMENDATION

It is recommended the Council adopt the amendment to the Management of Real Property Ordinance.

EXECUTIVE SUMMARY

The proposed amendment will expand the definition of responsible parties to include not only owners, but tenants, occupants, property managers, and home owners' associations (in the case of condominium developments). It will also expand the list of violations that may be considered an

unlawful nuisance.

BACKGROUND

Just as the physical conditions of structures and properties within the City can constitute public nuisances, so can too the behavior of persons on properties within the City constitute public nuisances. The abatement of behavioral nuisances is as important to the City in its fight against blight, decay, deterioration and crime as is the abatement of other nuisances created by physical conditions. The purpose of the Management of Real Property Ordinance is to put in place remedies which will permit the City to take effective, efficient administrative or other legal action against responsible parties who permit or suffer nuisance creating behaviors or conditions to occur on properties on a continuing basis, to compel such responsible parties to abate the nuisance creating behaviors or conditions and control the environment, both physical and behavioral, on such properties.

The proposed amendment will expand the definition of responsible parties to include owners, tenants, occupants, property managers, and home owners' associations (in the case of condominium developments). Every responsible party shall be jointly and severally liable for violations of the ordinance.

The proposed amendment will also expand the list of the types of police calls for service subject to the ordinance. Frequent calls for service considered an unlawful nuisance shall be expanded to include:

- Non-violent criminal acts such as identity theft, fraud, possession of stolen property, burglary and theft, shall be considered an unlawful nuisance.
- Verbal disturbances plainly audible at distances of 50 feet or more.
- the possession, use, manufacturing, cultivation, sale or purchase of controlled substances
- Illegal sale, use or possession of firearms.
- Harboring, boarding, or concealing a person for which there is an outstanding arrest warrant.
- Illegal subletting and/or subdividing of dwelling units in violation of the building code and occupancy standards.

The ordinance may be enforced against any responsible party by legal action instituted by the City Attorney, or by administrative citation and civil penalties escalating for multiple violations.

ENVIRONMENTAL FINDINGS

This is not a project for the purpose of CEQA.

LOCAL PREFERENCE

Local preference was not considered because this ordinance does not include a bid or award of a construction or services contract.

FISCAL IMPACT

There is no direct fiscal impact from passing this ordinance. However, there are fines and penalties

assigned in the ordinance which will impact revenues depending upon the number and severity of citations issued.

Attachment:
Ordinance