

1 BEFORE THE BOARD OF SUPERVISORS

2 OF THE COUNTY OF FRESNO

3 STATE OF CALIFORNIA

4 ORDINANCE NUMBER \_\_\_\_\_

5 AN ORDINANCE ADDING CHAPTER 15.90 TO THE ORDINANCE CODE OF THE  
6 COUNTY OF FRESNO PERTAINING TO UNSECURED VACANT STRUCTURES AND  
7 BUILDINGS

8 The Board of Supervisors of the County of Fresno ordains as follows:

9 **Section 1.** That the Ordinance Code of the County of Fresno is hereby amended by adding  
10 Chapter 15.90 of Title 15 to read as follows:

11 Chapter 15.90 – VACANT STRUCTURES AND BUILDINGS

12 Section 15.90.010 – Title, Purpose, and Intent

13 Section 15.90.020 – Definitions

14 Section 15.90.030 – Duty of Property Owner

Section 15.90.040 – Duty to Maintain Property

15 Section 15.90.050 – Standards for Securing and Maintaining a Vacant Structure

Section 15.90.060 – Prohibited Acts

16 Section 15.90.070 – Enforcement and Remedies for Violation

Section 15.90.080 – Entry on Premises

17 Section 15.90.090 – Notice to Secure and Maintain a Vacant Structure

Section 15.90.100 – Abatement by County

18 Section 15.90.110 – Summary Abatement

Section 15.90.120 – Recovery of Abatement Costs

19 Section 15.90.130 – Inspection and Reinspection Fees

Section 15.90.140 – Non-Exclusive Remedy

20 Section 15.90.150 – Severability

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1 Section 15.90.010 – Title, Purpose, and Intent

2 This chapter shall be known as the “Vacant Building and Property” ordinance. The board  
3 of supervisors find and declare that vacant structures and buildings attract vagrants,  
4 trespassers, and criminals and can be a prime location to conduct illegal activities; that vacant  
5 and improperly secured structures and buildings are vulnerable to being set on fire by  
6 unauthorized persons; that vacant structures and buildings can be a source of blight and cause  
7 deterioration and instability in neighborhoods; that vacant structures and buildings can invite the  
8 accumulation of garbage, trash, discarded vehicles, weeds, dead and decaying vegetation, and  
9 other nuisance conditions; and that vacant structures and buildings can pose serious threats to  
10 the public’s health and safety. The purpose of this ordinance is to require that vacant dwellings,  
11 structures, and buildings in the unincorporated areas of the county are properly secured and  
12 boarded during temporary periods of vacancy, and the dwellings, structures and buildings do  
13 not remain vacant and unoccupied for appreciable periods of time.

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15 Section 15.90.020 – Definitions

16 For the purposes of this chapter:

- 17 A. “Enforcement officer” means any county employee designated by the county  
18 administrative officer and/or director of the county department, with authority to enforce  
19 any provision of this code or related state law, and shall also mean regular salaried, full-  
20 time employees of the sheriff-coroner’s office.
- 21 B. “Owner” means an individual or individuals, corporation, partnership, limited liability  
22 company, or any other entity holding fee title to the subject real property.
- 23 C. “Property” includes tracts, lots, easements, or parcels of land and any and all  
24 improvements thereon.
- 25 D. “Unsecured” means a structure where one or more doors, windows, or other openings

1 are broken or missing.

2 E. "Vacant structure" means any building, dwellings, or other structure:

3 1. Where the building or structure has not been actively utilized for a lawful  
4 purpose, which has not been maintained, and which has not been rendered  
5 inaccessible to members of the public by boarding or similar means, for a  
6 continuous period of not less than six (6) months.

7 2. Where either of the following conditions exist:

8 i. The structure is unsecured; or

9 ii. The exterior of the structure or the premises contain any waste, rubbish,  
10 debris, excessive vegetation, graffiti, and any conditions identified as a  
11 "dangerous building or structure" or "substandard housing" pursuant to  
12 Section 15.32.030 of this code.

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14 Section 15.90.030 – Duty of Property Owner

15 Every owner shall maintain property in accordance with the provisions of this chapter  
16 and correct all violations of this chapter and is liable for violations of this chapter regardless of  
17 any contract or agreement with any third party concerning the property. If more than one  
18 individual or entity holds any portion of the fee interest in the property, the owners' obligations  
19 under this chapter are joint and several as to each owner.

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21 Section 15.90.040– Duty to Maintain and Secure Property

22 It is the unlawful for a property to be maintained in such a manner that any one or more  
23 of the conditions described in the following subsections are found to exist:

24 A. The interior or exterior of a vacant structure or the premises of the property contain  
25 waste, rubbish, debris, excessive vegetation, or graffiti.

1 B. Any unsecured vacant structure that is not secured by boarding and other measures to  
2 prevent unlawful entry in compliance with Section 15.90.050.

3  
4 Section 15.90.050 – Standards for Securing and Maintaining a Vacant Structure

5 The owner shall secure and maintain a vacant structure according to the following  
6 specifications and requirements:

7 A. All waste, rubbish, debris, excessive vegetation, and graffiti shall be regularly removed  
8 from the vacant structure's interior, exterior, and premises.

9 B. If a vacant structure is unsecured, the vacant structure shall be secured as follows:

- 10 1. Barricade all unsecured doorways, windows, and/or other exterior openings with  
11 the minimum one-half inch thickness exterior grade plywood which shall extend  
12 to the molding stops or studs.
- 13 2. Mount at least two wood stocks of minimum two by four-inch thickness to the  
14 reverse face of the plywood with minimum three-eighths inch carriage bolts  
15 mated with nuts and flat washers.
- 16 3. Extend the stock a minimum of eight inches on each side of the interior wall.
- 17 4. Cause all hardware to be galvanized or cadmium plated.
- 18 5. Paint all exterior barricade material the predominant color of the structure.
- 19 6. In lieu of requiring the owner to board a vacant structure using the materials and  
20 methods of construction specific to this Section, the building official may  
21 authorize the owner to board the vacant structure using one or more alternative  
22 materials or methods of construction, provided the building official determines the  
23 proposed alternative adequately prevents unauthorized entry or vandalism to the  
24 vacant structure.
- 25 7. All utility service to the dwelling or building must be terminated by removal of the

1 meters and termination of electric power at the transmission pole. Compliance  
2 with this subsection may be waived in writing by the enforcement officer as to the  
3 electric utility service if electricity is needed to power exterior security lighting, an  
4 alarm or fire prevention system or equipment used in connection with the  
5 rehabilitation of the dwelling, structure or building for which there an active and  
6 current building permit.

7 8. If applicable, the sewer must be capped in a manner approved by the building  
8 official to prevent the accumulation of methane gas in the dwelling, structure or  
9 building.

10 9. Post the premises. One or more signs must be posted at or near each entrance  
11 to the structure and on fences or walls as appropriate. The signs must remain  
12 posted until the structure is lawfully occupied or demolished. Posted signs must  
13 contain the following information:

14 DO NOT ENTER. It is illegal to enter or occupy this building or premises or to  
15 remove or deface this notice. Trespassers will be prosecuted. (The posted sign  
16 shall cite to the applicable sections of the Fresno County Ordinance Code and  
17 California Penal Code.)

18 10. The enforcement officer may require the owner to erect a fence that meets the  
19 specific fencing development standards of the property's applicable zoned district  
20 pursuant to the Fresno County Zoning Ordinance, Division 6 of the Fresno  
21 Ordinance Code ("Zoning Ordinance"). Any fence erected in the accordance with  
22 this section shall be maintained in a safe condition without tears, breaks, rust, or  
23 dangerous protuberances.  
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1 Section 15.90.060 – Prohibited Acts

- 2 A. Entry Prohibited. It is unlawful for any person to enter or occupy any structure or  
3 premises that has been posted pursuant to Section 15.90.050.B.9, except to repair or  
4 demolish the structure under proper permit or for a purpose authorized by the owner.
- 5 B. Interference with Notice Prohibited. It is unlawful for any person to remove or deface any  
6 notice posted pursuant to Section 15.90.050.B.9, until the required repair or demolition  
7 have been completed or a certificate of occupancy has been issued.

8  
9 Section 15.90.070 – Enforcement and Remedies for Violation

- 10 A. A violation of any section of this chapter is declared to be a public nuisance and subject  
11 to abatement in accordance with Section 15.90.100 and Chapter 1.16, Title 1 of this  
12 code.
- 13 B. A violation of this chapter may be enforced by and through administrative fines in  
14 accordance with Chapter 1.13, Title 1 of this code.
- 15 C. This chapter shall be administrated and enforced by the County Administrative Officer  
16 and the County Administrative Officer’s designee, Directors of the Department of Public  
17 Works and Planning and Department of Public Health, and the Directors’ designees, and  
18 by and through the regularly salaried, full-time employees of the county.

19  
20 Section 15.90.080 – Entry on Premises

- 21 A. To the extent allowed by law, whenever necessary to enforce any provision of this  
22 chapter or, whenever the enforcement officer has reasonable cause to believe that a  
23 violation of this chapter exists, the enforcement officer may inspect any vacant structure  
24 and its associated premises to determine whether the structure or its premises complies  
25 with applicable provisions and requirements of this code or of statutes or regulations

1 enforced by the enforcement officer pursuant to Section 1.08.010 or to enter for the  
2 purposes of abatement as provided by Chapter 1.16 of this code.

- 3 B. Reinspection. The enforcement officer may periodically reinspect property and vacant  
4 structures to ensure compliance with this chapter and all applicable court and  
5 administrative orders.

6  
7 Section 15.90.090 – Notice to Secure and Maintain a Vacant Structure

- 8 A. If the enforcement officer determines that a violation of this chapter exists, the  
9 enforcement officer may transmit a notice to secure and maintain a vacant structure to  
10 the owner by certified mail or personal service and by posting on the property in  
11 accordance with the procedures to provide service found in Section 1.13.090 of this  
12 code.

- 13 B. The notice to secure and maintain a vacant structure must contain, at a minimum, the  
14 following information:

- 15 1. The street address or other legal description of the property.
- 16 2. A statement of the conditions constituting the violation and a description of how  
17 the violation must be abated.
- 18 3. An order that all waste, rubbish, debris, excessive vegetation, and graffiti shall be  
19 regularly removed from the vacant structure's interior, exterior, and premises.
- 20 4. An order that the owner board or otherwise secure the vacant structure in  
21 compliance with Section 15.90.050.
- 22 5. A statement that if the violation is not abated within the time specified in the  
23 notice, the county may abate the violation in accordance with Section 15.90.100.
- 24 6. The order may require the owner to erect a fence in accordance with Section  
25 15.90.050.B.10.

1           7. A statement that the owner has the right to submit in writing any information  
2 relating to the determination of the existence of a violation. If the enforcement  
3 officer determines that an effort is being made to correct the violation, the  
4 enforcement officer may grant an additional period of time for correction of the  
5 violation.

6 C. Within fifteen (15) days after the date a notice to secure and maintain a vacant structure  
7 is served to the owner, the owner may appeal the notice to secure and maintain a vacant  
8 structure pursuant to the appeal procedures of Section 1.16.080 of this code.

9 D. Failure of an owner to receive service of a properly addressed notice shall not affect the  
10 validity of the proceedings.

11  
12 Section 15.90.100 – Abatement by County

13 A. If an owner fails to comply with the notice to secure and maintain a vacant structure  
14 within the time specified in the notice and does not timely appeal, the enforcement  
15 officer may abate the violation and recover the costs as provided for in this chapter.  
16 Abatement may include securing the vacant structure pursuant to the standards in  
17 Section 15.90.050.

18 B. After abating the violation, the enforcement officer must transmit a notice to the owner by  
19 certified mail or personal service and by posting the property in accordance with the  
20 procedures to provide service found in Section 1.16.080 of this code. The notice will  
21 inform the owner of all of the following:

- 22           1. The owner must maintain the property in a condition that complies with this  
23           chapter.
- 24           2. The owner must establish a plan and timeline for the lawful occupancy,  
25           rehabilitation, or demolition of the vacant structure, or alternatively, a plan and



1 timeline for sale of the property to another individual or entity with provision in the  
2 sale for the lawful occupancy, rehabilitation, or demolition of the structure.

3 3. If the enforcement officer erects a fence, the notice will inform the owner that the  
4 owner must maintain the fence in a condition that complies with this chapter.

5 4. A description of the actual work of abatement performed.

6 5. An abatement expense statement pursuant to section 1.16.150 of this code to  
7 inform that the owner is responsible for the costs of abatement, including the  
8 actual cost to perform the actual work, the cost of materials, administrative costs,  
9 and inspection and reinspection costs.

10 C. If the enforcement official abates a violation under this section and the owner fails to  
11 maintain the property in a condition that complies with this chapter, the enforcement  
12 officer may maintain the property and recover costs as provided for in this chapter.

13 D. Nothing in this chapter shall be construed as requiring the securing of a substandard  
14 vacant structure prior to an abatement of the substandard building under Section  
15 1.16.090 of this code, or the State Housing Law (Health and Safety Code § 17910, et  
16 seq). If a substandard building becomes a vacant structure before or during abatement  
17 under Chapter 1.16 and 15.32 of this code, or the State Housing Law, the notice and  
18 order to abate may require the securing of the building in accordance with the standard  
19 set forth in Section 15.90.050.

20  
21 **Section 15.90.110 – Summary Abatement**

22 Nothing in this chapter prohibits the summary of abatement of a nuisance pursuant to  
23 the procedures set forth in Section 1.16.050 of this code.

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25 **Section 15.90.120 – Recovery of Abatement Costs**

1 A. Abatement costs may be recovered by way of a civil action against the owner or may be  
2 administratively assessed as a lien and special assessment against the subject property  
3 in accordance with Chapter 1.16 of this code. Abatement costs include the cost to  
4 perform the actual work, the cost of materials, and all administrative costs.

5 B. Summary abatement costs may be recovered by way of a civil action against the owner  
6 or may be administratively assessed against the subject property as a lien and special  
7 assessment against the subject property in accordance with Section 1.16.050 of this  
8 code.

9  
10 Section 15.90.130 – Inspection and Reinspection Fees

11 The fee for any inspection, and reinspection(s) shall be an amount established by the  
12 board of supervisors in the master schedule fees adopted pursuant to Chapter 4.44 of this code.

13  
14 Section 15.90.140– Non-Exclusive Remedy.

15 This chapter is not the exclusive regulation or abatement procedures for unsecured,  
16 vacant buildings, dwellings, and other structures within the unincorporated areas of Fresno  
17 County. It supplements and is in addition to other regulatory codes, statutes, and ordinances  
18 heretofore or hereafter enacted by the county, state or any legal entity or agency having  
19 jurisdiction.

20  
21 Section 15.90.150 – Severability

22 If any portion of this chapter is held to be invalid by any court of competent jurisdiction,  
23 such decision shall not affect the validity or effectiveness of the remaining portions of this  
24 chapter. The board of supervisors hereby declares it would have passed each remaining  
25 portion irrespective of the fact that any one or more portions are declared invalid.

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**Section 2:** This ordinance shall take effect thirty (30) days after final passage.

THE FOREGOING, was passed and adopted by the following vote of the Board of Supervisors of the County of Fresno this \_\_\_\_\_ day of \_\_\_\_\_, 2024, to wit:

AYES:

NOES:

ABSENT:

ABSTAINED:

\_\_\_\_\_  
Nathan Magsig, Chairman of the Board of Supervisors of the County of Fresno

**ATTEST:**  
Bernice E. Seidel  
Clerk of the Board of Supervisors  
County of Fresno, State of California

By: \_\_\_\_\_  
Deputy

FILE # \_\_\_\_\_

AGENDA # \_\_\_\_\_

ORDINANCE # \_\_\_\_\_