

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

15 Section 15.90.040 – Duty to Maintain and Secure Commercial, Industrial and Residential
Property

16 Section 15.90.050 – Exclusions

17 Section 15.90.060 – Standards for Securing and Maintaining a Vacant Structure

18 Section 15.90.070 – Prohibited Acts

19 Section 15.90.080 – Enforcement and Remedies for Violation

20 Section 15.90.090 – Entry on Premises

21 Section 15.90.100 – Notice to Secure and Maintain a Vacant Structure

22 Section 15.90.110 – Abatement by County

23 Section 15.90.120 – Summary Abatement

24 Section 15.90.130 – Recovery of Abatement Costs

25 Section 15.90.140 – Inspection and Reinspection Fees

Section 15.90.150 – Non-Exclusive Remedy

Section 15.90.160 – Severability

1 Section 15.90.010 – Title, Purpose, and Intent

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

14 Section 15.90.020 – Definitions

15 For the purposes of this chapter:

- 16 A. “Agricultural zoned property” means any property designated for agricultural land uses
17 including properties designated AE, AL, A-2, and A-2, as identified in the Zoning
18 Ordinance.
- 19 B. “Commercial zoned property” means any property designated for commercial land uses
20 including properties designated AC, C-P, C-R, C-1, C-1, C-2, C-3, C-4, C-6, RCC, and
21 R-P, as identified in the Zoning Ordinance.
- 22 C. “Enforcement officer” means any county employee designated by the county
23 administrative officer and/or director of the county department with authority to enforce
24 any provision of this code or related state law, and shall also mean regular salaried, full-
25 time employees of the sheriff-coroner’s office.

1 D. "Industrial zoned property" means any property designated for industrial land uses
2 including properties designated C-M, M-1, M-2, and M-3, as identified in the Zoning
3 Ordinance.

4 E. "Property" includes tracts, lots, easements, or parcels of land and any and all
5 improvements thereon.

6 F. "Property owner" means an individual or individuals, corporation, partnership, limited
7 liability company, or any other entity holding fee title or life estate to the subject real
8 property.

9 G. "Residential zoned property" means any property designated for residential land uses
10 including properties designated R-1, R-1-A, R-1-AH, R-1-B, R-1-C, R-1-E, R-1-EH, R-1,
11 R-2, R-2-A, R-3, R-3-A , R-4, R-A, and T-P; but excludes properties designated R-R
12 (Rural Residential), as identified in the Zoning Ordinance.

13 H. "Residential building" means a building or structure lawfully used for residential purposes
14 within the last three hundred sixty-five (365) day period from the date the enforcement
15 officer identifies a potential violation of this chapter regarding the subject building.

16 I. "Structure" means any building, structure, dwelling, office, warehouse, and any other
17 fully enclosed improvement that may lawfully be used for human occupation.

18 J. "Special purpose zones" means property with special land use designations for open
19 space, resource conservation and recreational land uses including properties designated
20 O (Open Conservation Land Use), R-C (Resource Conservation), R-E (Recreational),
21 RS (Rural Settlement), and TPZ (Timberland Preserve); but excludes properties
22 designated (Off-Street Parking), as identified in the Zoning Ordinance.

23 K. "Unsecured" means a structure where one or more doors, windows, or other openings
24 are broken or missing.

1 L. "Vacant structure" means any structure: that has not been actively used for a lawful
2 purpose for a continuous period of not less than six (6) months and has not been
3 rendered inaccessible to the public by boarding or similar means.

4 M. "Zoning Ordinance" means the Fresno County Zoning Ordinance, Division 6 of the
5 Fresno County Ordinance Code.
6

7 Section 15.90.030 – Duty of Property Owner

8 Every property owner shall maintain their property in accordance with the provisions of
9 this chapter and correct all violations of this chapter. The property owner is liable for violations
10 of this chapter regardless of any contract or agreement with any third party, including but not
11 limited to a tenant or manager, concerning the property. If more than one person or entities
12 owns any portion of the fee interest or life estate, in the property, the property owners'
13 obligations under this chapter are joint and several.
14

15 Section 15.90.040 – Duty to Maintain and Secure Commercial, Industrial and Residential
16 Property

17 It is unlawful for a property owner to fail to secure a vacant building on commercial
18 zoned property, industrial zoned property, and residential zoned property when any one or more
19 of the conditions described below are found to exist:

- 20 A. The exterior of the unsecured vacant structure contains waste, rubbish, debris,
21 excessive vegetation, dead or dying vegetation, or graffiti.
22 B. Unauthorized entry into the unsecured vacant structure by individuals without the
23 knowledge or permission by the property owner.
24 C. Incidents of fire at the property.
25 D. Incidents of unlawful camping in violation of chapter 10.70 of this code at the property.

1 Section 15.90.050 – Exclusions

2 A. This chapter does not apply to any vacant structure that is:

- 3 1. Located on agricultural zoned property.
- 4 2. Located on special purpose zoned property.
- 5 3. Located on properties in R-R (Rural Residential) zoned districts.

6 B. Notwithstanding paragraph A, this chapter applies to a residential building located in any
7 zoned district found by the enforcement officer to be a dangerous building or structure,
8 or substandard housing pursuant to Chapter 15.32 of this code.

9
10 Section 15.90.060 – Standards for Securing and Maintaining a Vacant Structure

11 For an unsecured vacant structure in violation of section 15.90.040, a property owner
12 shall secure and maintain the vacant structure according to the following specifications and
13 requirements:

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

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

- 17 1. Barricade all unsecured doorways, windows, and/or other exterior openings with
18 the minimum one-half inch thickness exterior grade plywood which shall extend
19 to the molding stops or studs.
- 20 2. Mount at least two wood stocks of minimum two by four-inch thickness to the
21 reverse face of the plywood with minimum three-eighths inch carriage bolts
22 mated with nuts and flat washers.
- 23 3. Extend the stock a minimum of eight inches on each side of the interior wall.
- 24 4. Use only hardware that is galvanized or cadmium plated.
- 25 5. Paint all exterior barricade material the predominant color of the structure.

1 6. In lieu of requiring the owner to board a vacant structure using the materials and
2 methods of construction specific to this Section, the building official may
3 authorize the owner to board the vacant structure using one or more alternative
4 materials or methods of construction, provided the building official determines the
5 proposed alternative adequately prevents unauthorized entry or vandalism to the
6 vacant structure.

7 7. All utility service to the dwelling or building must be terminated by removal of the
8 meters and termination of electric power at the transmission pole. Compliance
9 with this subsection may be waived in writing by the enforcement officer as to the
10 electric utility service if electricity is needed to power exterior security lighting, an
11 alarm or fire prevention system or equipment used in connection with the
12 rehabilitation of the dwelling, structure or building for which there an active and
13 current building permit.

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

17 9. Post the premises. One or more signs must be posted at or near each entrance
18 of the property and at each entrance of the structure and on fences or walls as
19 appropriate. The signs must remain posted until the structure is lawfully occupied
20 or demolished. Posted signs must contain, at a minimum, the following
21 information:

22 NO TRESPASSING. It is illegal to enter or occupy this building or premises or to
23 remove or deface this notice. Trespassers will be prosecuted. (The posted sign
24 shall cite to the applicable sections of the Fresno County Ordinance Code and
25 California Penal Code.)

1 10. The enforcement officer may require the owner to erect a fence that meets the
2 specific fencing development standards of the property's applicable zoned district
3 pursuant to the Zoning Ordinance. Any fence erected in the accordance with this
4 section shall be maintained in a safe condition without tears, breaks, rust, or
5 dangerous protuberances.

6
7 **Section 15.90.070 – Prohibited Acts**

- 8 A. Entry Prohibited. It is unlawful for any person to enter or occupy any vacant structure
9 that has been posted pursuant to Section 15.90.060.B.9, except to repair or demolish
10 the structure under proper permits or for a lawful purpose authorized by the property
11 owner.
- 12 B. Interference with Notice Prohibited. It is unlawful for any person to remove or deface any
13 notice posted pursuant to Section 15.90.060.B.9, until the required repair or demolition
14 has been completed.

15
16 **Section 15.90.080 – Enforcement and Remedies for Violation**

- 17 A. A violation of this chapter is declared to be a public nuisance and subject to abatement
18 in accordance with Section 15.90.110 and Chapter 1.16 of this code.
- 19 B. A violation of this chapter shall be punishable as an infraction.
- 20 C. A violation of this chapter may be enforced by and through administrative fines in
21 accordance with Chapter 1.13 of this code.
- 22 D. This chapter shall be administrated and enforced by the County Administrative Officer
23 and the County Administrative Officer's designee, the Director of the Department of
24 Public Works and Planning and the Director of the Department of Public Health, and
25 each Director's respective designee, and by and through the employees of the county,

1 and the agents and contractors of the county.

2
3 Section 15.90.090 – Entry on Premises

- 4 A. To the extent allowed by law, whenever necessary to enforce any provision of this
5 chapter or, whenever the enforcement officer has reasonable cause to believe that a
6 violation of this chapter exists, the enforcement officer may inspect any vacant structure
7 to determine whether the structure or its premises complies with this code or of statutes
8 or regulations enforced by the enforcement officer pursuant to Section 1.08.010 or to
9 enter for the purposes of abatement as provided by Chapter 1.16 of this code.
- 10 B. Reinspection. The enforcement officer may periodically reinspect property and vacant
11 structures to ensure compliance with this chapter and all applicable court and
12 administrative orders.

13
14 Section 15.90.100 – Notice to Secure and Maintain a Vacant Structure

- 15 A. If the enforcement officer determines that a violation of this chapter exists, the
16 enforcement officer shall transmit a notice to secure and maintain a vacant structure to
17 the property owner by certified mail with return receipt requested, by overnight delivery
18 with proof of delivery requested, or by personal service and posting on the property.
19 Service of this notice shall be effective on the date of mailing, overnight delivery,
20 personal service and posting, or on the earliest date if more than one method of service
21 is used.
- 22 B. The notice to secure and maintain a vacant structure must contain, at a minimum, the
23 following information:
- 24 1. The street address or legal description of the property.
 - 25 2. A short, plain statement of the conditions constituting the violation and a

1 description of how the violation must be abated.

2 3. An order that all waste, rubbish, debris, excessive vegetation, and graffiti shall be
3 regularly removed from the vacant structure's interior, exterior, and premises.

4 4. An order that the owner board or otherwise secure the vacant structure in
5 compliance with Section 15.90.060.

6 5. A statement that if the violation is not abated within the time specified in the
7 notice, the county may abate the violation in accordance with Section 15.90.100.

8 6. The order may require the property owner to erect a fence in accordance with
9 Section 15.90.060.B.10.

10 7. A statement that the property owner has the right to submit in writing any
11 information relating to the determination of the existence of a violation. If the
12 enforcement officer determines that an effort is being made to correct the
13 violation, the enforcement officer may grant an additional period of time for
14 correction of the violation.

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

19 D. The enforcement officer shall undertake reasonable efforts to obtain current contact
20 information for a property owner to provide notice under this section.

21 E. Proof of service of the notice to secure and maintain a vacant structure may be made by
22 a declaration of service by any officer or employee of the county or by affidavit of service
23 by any person over the age of eighteen (18) years. Failure of a property owner to receive
24 a mailed notice that was properly addressed shall not affect the validity of the
25 proceedings.

1 Section 15.90.110– Abatement by County

2 A. If a property owner fails to comply with the notice to secure and maintain a vacant
3 structure within the time specified in the notice and does not timely appeal, the
4 enforcement officer may abate the violation and recover the costs as provided for in this
5 chapter. Abatement may include securing the vacant structure pursuant to the standards
6 in Section 15.90.060.

7 B. After abating the violation, the enforcement officer must transmit a notice of abatement
8 to the property owner by certified mail with return receipt requested, by overnight
9 delivery with proof of delivery requested, or by personal service and posting on the
10 property the property in accordance with the procedures to provide service found in
11 Section 1.16.080 of this code. The notice of abatement must inform the property owner
12 of all of the following:

- 13 1. The property owner must maintain the property in a condition that complies with
14 this chapter.
- 15 2. The property owner must establish a plan and timeline for the lawful occupancy,
16 rehabilitation, or demolition of the vacant structure, or alternatively, a plan and
17 timeline for sale of the property to another person or entity with provision in the
18 sale for the lawful occupancy, rehabilitation, or demolition of the structure.
- 19 3. If the enforcement officer has erected a fence, the property owner must maintain
20 the fence in a condition that complies with this chapter.
- 21 4. A description of the actual work of abatement performed.
- 22 5. An abatement expense statement pursuant to section 1.16.150 of this code to
23 inform that the property owner is responsible for the costs of abatement,
24 including the actual cost to perform the actual work, the cost of materials,
25 administrative costs, and inspection and reinspection costs.

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

5 D. Nothing in this chapter shall be construed as requiring the securing of a substandard
6 building that has become a vacant structure prior to an abatement of the substandard
7 building under Section 1.16.090 of this code, or the State Housing Law (Health and
8 Safety Code § 17910, et seq). If a substandard building becomes a vacant structure
9 before or during abatement under Chapter 1.16 and 15.32 of this code, or the State
10 Housing Law, the notice and order to abate may require the securing of the building in
11 accordance with the standard set forth in Section 15.90.060.

12 13 Section 15.90.120 – Summary Abatement

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

16 17 Section 15.90.130 – Recovery of Abatement Costs

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

22 B. Summary abatement costs may be recovered by civil action against the property owner
23 or may be administratively assessed against the property as a lien and special
24 assessment against the subject property in accordance with Section 1.16.050 of this
25 code.

1 Section 15.90.140 – Inspection and Reinspection Fees

2 The fee for any inspection, and each reinspection, shall be an amount established by the
3 board of supervisors in the master schedule fees adopted pursuant to Chapter 4.44 of this code.

4
5 Section 15.90.150– Non-Exclusive Remedy.

6 This chapter is not the exclusive regulation or abatement procedures for vacant buildings
7 within the unincorporated areas of Fresno County. It supplements and is in addition to other
8 regulatory codes, statutes, and ordinances heretofore or hereafter enacted by the county, state
9 or any legal entity or agency having jurisdiction.

10
11 Section 15.90.160 – Severability

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

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

2
3 THE FOREGOING, was passed and adopted by the following vote of the Board of
4 Supervisors of the County of Fresno this ___ day of _____, 2024, to wit:

5 AYES:

6 NOES:

7 ABSENT:

8 ABSTAINED:

9
10
11 _____
12 Nathan Magsig, Chairman of the Board of
13 Supervisors of the County of Fresno

14 **ATTEST:**

15 Bernice E. Seidel
16 Clerk of the Board of Supervisors
17 County of Fresno, State of California

18 By: _____
19 Deputy

20 FILE # _____

21 AGENDA # _____

22 ORDINANCE # _____
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