

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF FRESNO
STATE OF CALIFORNIA
ORDINANCE NUMBER _____

AN ORDINANCE OF FRESNO COUNTY, STATE OF CALIFORNIA,
TO AMEND SECTIONS 1.13.040, 1.13.090, 1.13.180 and 1.13.190
OF TITLE 1, CHAPTER 1.13 OF THE FRESNO COUNTY
ORDINANCE CODE, RELATING TO ADMINISTRATIVE
CITATIONS; TO AMEND SECTIONS 1.14.020, 1.14.030, 1.14.040
OF TITLE 1, CHAPTER 1.14 OF THE FRESNO COUNTY
ORDINANCE CODE, RELATING TO ADMINISTRATIVE
CITATIONS; TO AMEND SECTIONS 1.16.020, 1.16.050, 1.16.090,
1.16.170, and 1.16.180 OF TITLE 1, CHAPTER 1.16 OF THE
FRESNO COUNTY ORDINANCE CODE, RELATING TO
ADMINISTRATIVE PUBLIC NUISANCE ABATEMENT; TO AMEND
SECTIONS 8.22.020, 8.22.040 and 8.22.100 OF TITLE 8,
CHAPTER 8.22 OF THE FRESNO COUNTY ORDINANCE CODE,
RELATING TO ILLEGAL DUMPING; TO AMEND SECTIONS
11.44.010, 11.44.020, 11.44.030, 11.44.040, 11.44.050, 11.44.055,
11.44.060, 11.44.061, 11.44.062, 11.44.070, 11.44.080, 11.44.090,
11.44.100, 11.44.120, 11.44.130, 11.44.140 AND ADD SECTION
11.44.150 TO TITLE 11, CHAPTER 11.44 OF THE FRESNO
COUNTY ORDINANCE CODE, RELATING TO ABANDONED,
DISMANTLED, AND INOPERATIVE VEHICLES; TO AMEND
SECTIONS 11.45.020, 11.45.050, 11.45.090, 11.45.091, 11.45.100,
11.45.110, 11.45.120, 11.45.130, 11.45.140, 11.45.150, 11.45.160,
11.45.170, 11.45.180, 11.45.190, 11.45.200, AND ADD SECTION
11.45.230 TO TITLE 11, CHAPTER 11.45 OF THE FRESNO
COUNTY ORDINANCE CODE, RELATING TO PROHIBITED
VEHICLES; TO AMEND SECTIONS 15.04.030 AND 15.04.070 OF

1 TITLE 15, CHAPTER 15.04 OF THE FRESNO COUNTY
2 ORDINANCE CODE, RELATING TO THE GENERAL PROVISIONS
3 FOR BUILDING AND CONSTRUCTION; TO AMEND SECTIONS
4 15.32.030, 15.32.035, 15.32.040, 15.32.045, 15.32.050, 15.32.060,
5 15.32.080, 15.32.090, 15.32.100, 15.32.110, REPAL SECTION
6 15.32.070, AND ADD SECTION 15.32.120 TO TITLE 15, CHAPTER
7 15.32 OF THE FRESNO COUNTY ORDINANCE CODE, RELATING
8 TO SUBSTANDARD HOUSING AND UNSAFE STRUCTURES
9 DECLARED TO BE A PUBLIC NUISANCE

10 **Whereas**, on March 11, 2025, the Code Enforcement Division was reorganized
11 and moved from the Department of Public Works and Planning to the County
12 Administrative Office. With Code Enforcement reorganized under the County
13 Administrative Office, certain amendments to the Ordinance Code of Fresno County are
14 necessary.

15 **Whereas**, the existing Ordinance Code delegates to the Director of Public Works
16 and Planning enforcement responsibility of certain chapters. The ordinance would
17 authorize enforcement by the County Administrative Officer with this enforcement
18 authority delegated to Code Enforcement. In addition, Code Enforcement will now be
19 authorized to enforce and abate ordinance code violations for inoperable, abandoned,
20 dismantled, and prohibited vehicles; unpermitted construction; and substandard housing
21 and dangerous buildings.

22 **Whereas**, amending Chapters 1.13 and 1.14 of the existing Ordinance Code is
23 necessary to authorize the County Administrative Officer to administer the County of
24 Fresno's administrative citation program with the reorganization of Code Enforcement
25 under the County Administrative Office, which is necessary to enable Code
Enforcement to address ordinance code and zoning code violations within the
unincorporated areas of the County of Fresno through administrative fines.

1 **Whereas**, amending Chapter 1.16 of the existing Ordinance Code is necessary
2 to conform the public nuisance abatement procedures with the realignment of the Code
3 Enforcement under the County Administrative Office.

4 **Whereas**, amending Chapter 8.22 of the existing Ordinance Code is necessary
5 to authorize the County Administrative Officer to administer and Code Enforcement to
6 enforce the illegal dumping ordinance after the reorganization of Code Enforcement
7 under the County Administrative Office, which is necessary to enable Code
8 Enforcement to address the continuing problem of illegal dumping within the
9 unincorporated areas of Fresno County.

10 **Whereas**, amending Chapter 11.44 of the existing Ordinance Code is necessary
11 to authorize Code Enforcement to enforce the abandoned, dismantled, and inoperative
12 vehicle ordinance, in addition to existing enforcement by the Sheriff's Office, to address
13 the continuing problem of abandoned, dismantled, and inoperative vehicles within the
14 unincorporated areas of Fresno County. The amendments to Chapter 11.44 further
15 streamline the existing abatement procedures of this Chapter to align with the
16 administrative nuisance abatement procedures found in Chapter 1.16 and directs
17 appeals of vehicle abatement orders to county hearing officers.

18 **Whereas**, amending Chapter 11.45 of the existing Ordinance Code is necessary
19 to authorize Code Enforcement staff to enforce the prohibited vehicle ordinance, in
20 addition to existing enforcement by the Sheriff's Office, to address the continuing
21 problem of recreational vehicles, trailers, commercial vehicles, campers, and watercraft
22 in public view on residential zoned property within the unincorporated areas of Fresno
23 County. The amendments to Chapter 11.45 further streamline the existing abatement
24 procedures of this Chapter to align with the administrative nuisance abatement
25 procedures found in Chapter 1.16 and directs appeals of vehicle abatement orders to
county hearing officers.

1 **Whereas**, amending Chapter 15.04 of the existing Ordinance Code is necessary
2 to authorize Code Enforcement to enforce code violations for work without required
3 permits and to eliminate reference to the former Board of Review and to delegate the
4 authority to determine the existence and abatement of substandard housing and
5 dangerous building violations, as found in Chapter 15.32 of this code, to an appeal
6 panel of county hearing officers.

7 **Whereas**, amending Chapter 15.32 of the existing Ordinance Code is necessary
8 to authorize Code Enforcement to enforce Chapter 15.32 to abate substandard housing
9 and dangerous building violations within the unincorporated areas of Fresno County,
10 and to align the administrative abatement procedures contained in Chapter 15.32 with
11 the County of Fresno's general administrative public nuisance abatement procedures
12 found in Chapter 1.16 of this code. The amendments further account for the elimination
13 of the Board of Review and utilization of an appeal panel of county hearing officers for
14 hearings regarding orders to abate substandard housing and dangerous building
15 violations.

16 Therefore, the Board of Supervisors of the County of Fresno ordains as follows:

17 **Title 1, Chapter 1.13**

18 **Section 1.** The Ordinance Code of the County of Fresno is hereby amended by
19 amending Sections 1.13.040, 1.13.090, 1.13.180, and 1.13.190 of Title 1, Chapter 1.13
20 to read as follows:

21
22 Section 1.13.040 shall be amended to amend the term "enforcement officer," in the list
23 of definitions to read as follows:

24 "Enforcement officer" means any county employee designated by the
25 county administrative officer, or the director of the county department with

1 authority to enforce any provision of this code or related state law, and
2 shall also mean regular salaried, full-time employees of the sheriff-
3 coroner's office.
4

5 Section 1.13.090 shall be amended to read in its entirety as follows:

6 Section 1.13.090 – Service procedures for the notice of violation and the administrative
7 citations.

8 A. The notice of violation and/or the administrative citation shall be served on the
9 responsible person as follows:

10 1. An enforcement officer may personally serve the responsible person.

11 The enforcement officer may obtain the signature of the responsible
12 person on the administrative citation or the notice of violation to
13 establish personal service. If the responsible person refuses or
14 otherwise does not sign the notice of violation or the administrative
15 citation, the lack of signature shall in no way affect the validity of the
16 notice of violation or the administrative citation and proceedings;

17 2. If the responsible person is not present for personal service when the
18 enforcement officer determines there is a violation, or if the responsible
19 person refuses to accept service of the notice of violation or the
20 administrative citation, or in any other circumstance, the enforcement
21 officer shall mail the notice of violation or the administrative citation to
22 the responsible person by first class mail, postage prepaid; and/or
23 3. If the code violation is real property-related, the enforcement officer
24 may post a copy of the administrative citation in a conspicuous location
25 on the property where the violation exists or is maintained.

- 1 B. Service of the notice of violation or the administrative citation shall be
2 effective on the date of posting, mailing or personal service.
- 3 C. Proof of Service. Proof of service of the notice of violation or the
4 administrative citation may be made by a declaration of service by any
5 officer or employee of the county or by affidavit of any person over the age
6 of eighteen years. The failure of a person to receive a properly addressed
7 service shall not affect its validity or the validity of any proceedings relating
8 to the violation(s).
- 9 D. Due to the nature of real property-related code violations, Section
10 1.13.070 requires the enforcement officer to issue the notices of violation
11 to the current record owner, or other responsible person, including a
12 property owner, if that person is different from the current record owner.
- 13 E. If pursuant to the enforcement officer's investigation, real property upon
14 which a code violation exists or is maintained, even if a tenant, agent, or
15 other person appears, whether in conjunction with the owner, or
16 independently, to be causing or maintaining the code violation, the
17 administrative citation shall be issued to the current record owner. If the
18 real property appears to be owned by someone other than the current
19 record owner, that is, a property owner, and the name and address of the
20 property owner is known, an administrative citation shall be issued both to
21 the current record owner, and to the property owner. In such case a copy
22 of the administrative citation issued to the property owner shall be sent to
23 the current record owner and a copy of the administrative citation issued
24 to the current record owner shall be sent to the property owner.
- 25 F. Unless the responsible person requests an administrative hearing

1 pursuant to Section 1.13.170, the administrative citation shall constitute
2 the final administrative order and the imposition of the administrative fine
3 shall become a final order or decision at the expiration of the appeal
4 period as provided in Section 1.13.170.

5 G. If a timely appeal is filed; the hearing officer shall issue an "Administrative
6 Order" as provided in Section 1.13.210.

7 H. The county administrative officer shall:

- 8 1. Establish and maintain administrative procedures to implement this
9 chapter, including administering and processing administrative
10 citations;
- 11 2. Specify the form of any citations or notice required in this chapter,
12 to implement the requirements of this chapter; and
- 13 3. Report and recommend, from time to time, to the board of
14 supervisors regarding needed staffing, supplies and equipment for
15 administering this chapter.

16
17 Section 1.13.180 shall be amended to read in its entirety as follows:

18 Section 1.13.180 – Advance deposit hardship waiver.

19 A. Any person who intends to request a hearing to contest that there was a
20 violation of the code or that he or she is the responsible party and who is
21 financially unable to make the advance deposit of the fine as required by
22 Section 1.13.170, may file a request for an advance deposit hardship waiver.

23 B. The request shall be filed with the county administrative officer or the county
24 administrative officer's designee, the director or the designee of the director of
25 the county department, or the sheriff-coroner or the sheriff-coroner's designee

1 issuing the administrative citation on an advance deposit hardship waiver
2 application form, available from the county department, within ten calendar
3 days of the date of service of the administrative citation.

- 4 C. The requirement of depositing the full amount of the fine as described in
5 Section 1.13.170 shall be stayed unless or until the county administrative
6 officer, the director, sheriff-coroner, or the designee makes a determination
7 not to grant the advance deposit hardship waiver.
- 8 D. The county administrative officer, director, sheriff-coroner, or the designee
9 may waive the requirement of an advance deposit and grant the advance
10 deposit hardship waiver only if the person receiving the administrative citation
11 submits to the county administrative officer, director, sheriff-coroner, or the
12 designee a sworn affidavit, together with any supporting documents or
13 materials, demonstrating to the satisfaction of the county administrative
14 officer, director, sheriff-coroner, or the designee of the person's actual
15 financial inability to deposit with the county the full amount of the fine in
16 advance of the hearing.
- 17 E. If the county administrative officer, director, sheriff-coroner, or the designee
18 determines not to grant the advance deposit hardship waiver, the person shall
19 remit the deposit to the county within ten calendar days of the date of that
20 decision along with the appeal form to be considered timely filing of the
21 appeal.
- 22 F. The county administrative officer, director, sheriff-coroner, or the designee
23 shall issue a written decision listing the reasons for the determination to grant
24 or not to grant the advance deposit hardship waiver. The written decision of
25 the director or the designee shall be final.

1 G. The written decision of the county administrative officer, director, sheriff-
2 coroner, or the designee shall be served by mail upon the person who applied
3 for the advance deposit hardship waiver, at the address provided thereby
4 when requesting the advance deposit hardship waiver.
5

6 Section 1.13.190 shall be amended to read in its entirety as follows:

7 Section 1.13.190 – Hearing officer

8 The county administrative officer or his/her designee shall appoint a hearing
9 officer to preside over an administrative citation or an abatement cost hearing that has
10 been properly requested under the provisions of this chapter.
11

12 Title 1, Chapter 1.14

13 **Section 2.** The Ordinance Code of the County of Fresno is hereby amended by
14 amending Sections 1.14.020, 1.14.030, and 1.14.040 of Title 1, Chapter 1.14 to read as
15 follows:
16

17 Section 1.14.020 shall be amended to read in its entirety as follows:

18 Section 1.14.020 – Review and reduction of administrative fines and late payment fees.

19 The county administrative officer or his or her designee, or the director of the
20 department responsible for issuance of administrative citation (hereafter sometimes
21 referred to as "director") or his or her designee, may, in his or her sole and exclusive
22 discretion, reduce the amount of any fine and late payment fee duly imposed pursuant
23 to chapter 1.13 of the Fresno County Ordinance Code up to the amount set by the
24 board by resolution pursuant to section 1.14.030, subject to the following conditions:

25 A. When determining whether to reduce any fine amount hereunder, the county

1 administrative officer or his or her designee, or the director, or his or her
2 designee, may take into consideration the nature, circumstances, extent, and
3 gravity of the violation or violations, any prior history of violations by the
4 responsible party, the degree of culpability of the responsible party,
5 abatement of or progress made to abate the outstanding code violation,
6 economic savings to the county, if any, resulting from the violation being
7 abated, the degree to which the proposed reduction will facilitate collection of
8 the balance of the fines that are due without the need for legal action or
9 imposition and foreclosure of property liens, and any other matters justice
10 may require.

11 B. The reduction shall be subject to any terms and conditions prescribed by the
12 county administrative officer or his or her designee, or the director or his or
13 her designee.

14 C. Any person accepting a reduced fine hereunder shall be required to execute a
15 settlement agreement in a form approved by the county counsel. The
16 settlement agreement may, in the sole and exclusive discretion of the county
17 administrative officer or his or her designee, or the director or his or her
18 designee, include a provision to permit the reduced fine to be paid in
19 installments (hereafter referred to as a "periodic payment plan"). Any such
20 periodic payment plan shall require payment in full to be made over a period
21 of time not longer than twenty-four months.

22 D. If the fine has been made a lien upon real property in accordance with Fresno
23 County Ordinance Code, the clerk to the board of supervisors may either
24 record or provide a notice of satisfaction upon payment in full of the reduced
25 amount approved hereunder.

1 E. The county administrative officer or director shall make an annual public
2 report to the board of supervisors regarding any fines reduced under this
3 section. The annual public report shall be scheduled before the board of
4 supervisors not later than December 31 following the end of the prior fiscal
5 year.

6
7 Section 1.14.030 shall be amended to read in its entirety as follows:

8 Section 1.14.030 – Amount of reduction of fines and late payment fees

9 The board may by resolution establish, and from time to time amend, the
10 maximum amount of reduction of any administrative fine and, if applicable, late payment
11 fees, by the county administrative officer or his or her designee, or the director, or his or
12 her designee, pursuant to this chapter.

13
14 Section 1.14.040 shall be amended to read in its entirety as follows:

15 Section 1.14.040 – Limitations.

16 A. Approval of any reduced fine and payment plan, if applicable, under this
17 chapter 1.14 shall be within the sole and exclusive discretion of the county
18 administrative officer or the director, depending on the enforcement
19 department, and the county administrative officer or the director, depending
20 on the enforcement department, may refuse to reduce a fine even if the
21 criteria set forth in this chapter may be satisfied. This chapter does not grant
22 any person the right to have the amount of fines reduced or deferred under
23 any circumstances or establish any mandatory duty of any nature of the
24 county or any officer or employee thereof, including the county administrative
25 officer and the director, and shall not be construed to give rise to any

1 administrative appeal, cause of action, right, or remedy against the county or
2 any officer or employee thereof, including the county administrative officer or
3 his or her designee and the director or his or her designee.

4 B. A reduced fine and periodic payment plan approved under this chapter does
5 not excuse or discharge any continuation or repeated occurrence of the
6 violation that is the subject of the reduction or payment plan. The reduced fine
7 or payment plan does not bar the county from taking any other enforcement
8 action regarding a violation that is not corrected.

9 C. The provisions of chapter 1.14 of the Fresno County Ordinance Code shall
10 not apply to administrative fines imposed pursuant to chapter 10.64 of this
11 Code.

12 13 **Title 1, Chapter 1.16**

14 **Section 3.** The Ordinance Code of the County of Fresno is hereby amended by
15 amending Sections 1.16.020, 1.16.050, 1.16.090, 1.16.170, and 1.16.180 of Title 1,
16 Chapter 1.16 to read as follows:

17
18 Section 1.16.020 shall be amended to amend the terms "enforcement officer," and
19 "issuing department," in the list of definitions to read as follows:

20
21 N. "Enforcement officer" means any county employee designated by the county
22 administrative officer, or by the director of the county department with
23 authority to enforce any provision of this code or related state law, and shall
24 also mean regular salaried, full-time employees of the sheriff-coroner's office.
25

1 P. "Issuing department" means the county administrative office or any county
2 department that has authority and responsibility for enforcing the code
3 section(s) designated on the notice and order to abate described in 1.16.060.

4
5 T. "Responsible person" means any of the following:

- 6 1. Any owner, manager, agency, employee, or member of a governing
7 board, of a business enterprise or association, who causes, maintains,
8 or allows a violation; or
- 9 2. Any property owner causing a violation, maintaining a violation to exist,
10 on real property owned thereby.

11
12 Section 1.16.050 shall be amended to read in its entirety as follows:

13 Section 1.16.050 – Summary abatement procedure

14 A. Pursuant to Section 25845, subdivision (a), of the California Government
15 Code, and as may be amended, the county administrative officer or the
16 director charged with the enforcement of this code and other violations of law,
17 upon making a finding that an immediate and substantial threat or danger
18 exists to public health, safety, or welfare, and upon consultation with county
19 counsel, and the county administrative officer if the determination for
20 summary abatement is made by a director, is authorized to order summary
21 abatement of the condition(s) in violation of this code or applicable state law.
22 If the county administrative officer or a director orders summary abatement of
23 the condition(s), he or she may order county staff, contractors, or designated
24 agents to abate the condition. Summary abatement shall be limited to those
25 actions which are reasonably necessary to remove the immediate threat or

1 danger. If immediate action becomes necessary, the county administrative
2 officer or the director may summarily abate a public nuisance even though an
3 enforcement officer initiated an administrative proceeding under this chapter.

4 B. The county administrative officer or the director shall make a reasonable
5 attempt to notify the occupant(s) and property owner(s) either by telephone or
6 by personally visiting the property that requires immediate abatement.

7 Notwithstanding the foregoing, nothing in this section prevents the county
8 administrative officer or the director charged with the enforcement of this code
9 and other violations of law from taking immediate action without notice.

10 C. If the county administrative officer or the director summarily abates a public
11 nuisance, he or she must keep an account of the abatement costs and pursue
12 cost recovery pursuant to Sections 1.16.150, et seq. In cases of summary
13 abatement, however, a hearing shall be held, pursuant to Section 1.16.160,
14 before a hearing officer for the property owner(s), responsible person(s),
15 mortgagees, and beneficiaries under any deed of trust of record to show
16 cause why a public nuisance should not have been declared by the county
17 administrative officer or the director and to confirm the cost of abatement.

18
19 Section 1.16.090 shall be amended to read in its entirety as follows:

20 Section 1.16.090 – Abatement procedure for buildings and structures

21 Whenever a notice and order to abate requires repair, reconstruction,
22 rehabilitation demolition, or removal of a building or structure, the county shall not
23 abate said public nuisance without first obtaining an order from an appeal panel
24 or the board of supervisors, if an appeal panel is not available. Abatement of
25 buildings or structures shall be conducted pursuant to the procedures as

1 applicable in this Chapter and as modified by the procedures in Chapter 15.32 of
2 this code.

3
4 Section 1.16.170 shall be amended to read in its entirety as follows:

5 Section 1.16.170 – Abatement cost confirmation hearing.

- 6 A. At the abatement cost confirmation hearing, the hearing officer shall consider
7 the abatement expense statement and any protest or objections thereto. The
8 hearing officer shall determine the amount of the county's abatement costs
9 that are reasonable. The hearing officer may order the cost of the abatement
10 to be specially assessed against the real property subject to the county's
11 abatement action. The assessment shall be collected at the same time and in
12 the same manner as ordinary taxes are collected and shall be subject to
13 same penalties and the same procedure and sale in case of delinquency as
14 provided for ordinary county taxes. If the hearing officer specially assesses
15 the cost of the abatement against the property, the hearing officer may also
16 cause a notice of special assessment to be recorded against the property.
- 17 B. The hearing officer shall issue a written decision to confirm or modify the
18 abatement expense statement within fifteen calendar days of the conclusion
19 of the hearing. The hearing officer shall submit the written decision to confirm
20 or modify the abatement expense statement to staff to the office of the county
21 hearing officer.
- 22 C. The decision and the confirmed or modified abatement expense statement
23 shall be filed with the clerk of the board of supervisors. The hearing officer's
24 decision and the confirmed or modified abatement expense statement shall
25 be served on the property owner, responsible person(s), mortgagees, and

1 beneficiaries under any deed of trust of record in the same manner as set
2 forth in Section 1.16.130. Staff to the office of the county hearing officer are
3 responsible for serving and filing the decision with the clerk of the board.

4 D. In the event the costs of abatement are ordered to be specially assessed, the
5 county administrative officer shall transmit the hearing officer's decision to the
6 county auditor-controller/treasurer-tax collector, who shall place the amount
7 thereof on the assessment roll as a special assessment to be paid with
8 county taxes, unless sooner paid. The enforcement officer shall record with
9 the county recorder a notice of special assessment. The notice of special
10 assessment shall, at a minimum, identify the recorded owner of the property;
11 set forth the last known address of the recorded owner or possessor of the of
12 property; set forth the date upon which abatement of the public nuisance was
13 ordered by the hearing officer or appeal panel, if necessary; the date the
14 abatement work was completed; and include a description of the real property
15 subject to the lien and the amount of the abatement cost.

16 E. Failure to appear by the property owner(s) and/or any other individuals or
17 entities with a recorded interest in the subject property shall be considered a
18 waiver to contest the amount listed in the abatement expense statement.

19 F. The hearing officer's decision once filed with the clerk of the board of
20 supervisors shall be a final administrative order.

21
22 Section 1.16.180 shall be amended to read in its entirety as follows:

23 Section 1.16.180 – Release of notice of abatement lien and special assessment.

24 Upon payment in full of the abatement costs, the enforcement officer shall
25 execute and record with the county recorder a release of any recorded notice of special

1 assessment or lien. If an assessment has been placed on the assessment roll and is
2 thereafter paid, the enforcement officer shall notify the county auditor-
3 controller/treasurer-tax collector, who shall cancel the assessment on the tax roll.
4

5 **Title 8, Chapter 8.22**

6 **Section 4.** The Ordinance Code of the County of Fresno is hereby amended by
7 amending Sections 8.22.020, 8.22.040, and 8.22.100 of Title 8, Chapter 8.22 to read as
8 follows:
9

10 Section 8.22.020 shall be amended to amend the term "enforcement officer," in the list
11 of definitions to read as follows:
12

13 E. "Enforcement Officer" means any county employee designated by the county
14 administrative officer, or by the director of the county department with
15 authority to enforce any provision of this code or related state law, and shall
16 also mean regular salaried, full-time employees of the sheriff-coroner's office.
17

18 Section 8.22.040 shall be amended to read in its entirety as follows:
19

20 **Section 8.22.040 – Enforcement**

21 A violation of this chapter is subject to enforcement through criminal prosecution,
22 civil action, administrative citation, administrative abatement, and civil penalties, as
23 provided herein. This chapter shall be administrated by the County Administrative
24 Officer, the Directors of the Department Public Works and Planning and Department of
25 Public Health, and Sheriff-Coroner of the county, by and through the regularly salaried,
fully-time employees of the county, except for the actual removal of Waste Matter which

1 may be by other duly authorized persons.

2
3 Section 8.22.100 shall be amended to read in its entirety as follows:

4 Section 8.22.100 – Appeals of administrative citations.

5 The procedures to appeal an administrative citation issued pursuant to this chapter are
6 as follows:

7 A. Hearing Request. Any person issued an administrative citation pursuant to
8 8.22.080 may contest issuance of the citation by the procedures found in
9 Section 1.13.170 of this code.

10 B. Advanced Deposit Hardship Waiver. Any person who intends to request a
11 hearing to contest an administrative citation issued pursuant to Section
12 8.22.080 and who is financially unable to make the advanced deposit of the
13 citation amount, as required by Section 1.13.170 of this code, may file a
14 request for an advanced deposit hardship waiver by the procedures found in
15 Section 1.13.180 of this code.

16 C. Hearing Officer. For hearings to challenge the administrative citations issued
17 pursuant to Section 8.22.080, the county administrative officer or the county
18 administrative officer's designee shall appoint a hearing officer to preside over
19 an administrative citation hearing that has been properly requested under the
20 provisions of this chapter and this code.

21 D. Hearing Procedures. The procedures for a hearing to contest an
22 administrative citation issued pursuant to Section 8.22.080 are the same as
23 those procedures listed in Section 1.13.200 of this code.

24 E. Hearing Officer's Decision. A hearing officer appointed to hear a contest to an
25 administrative citation issued pursuant to Section 8.22.080 shall follow the

procedural requirements of Section 1.13.210 of this code.

F. Right to Judicial review. Any person aggrieved by the decision of an administrative hearing officer on an administrative citation, may obtain review of the administrative decision by filing a petition for review with the Fresno County Superior Court, in accordance with the timeline and other provisions set forth in Section 53069.4. in California Government Code.

G. The procedures of Sections 1.14.020-1.14.050 of this code are applicable to this chapter.

Title 11, Chapter 11.44

Section 5. The Ordinance Code of the County of Fresno is hereby amended by amending Sections 11.44.010, 11.44.020, 11.44.030, 11.44.040, 11.44.050, 11.44.055, 11.44.060, 11.44.061, 11.44.062, 11.44.070, 11.44.080, 11.44.090, 11.44.100, 11.44.120, 11.44.130, and 11.44.140, and addition Section 11.44.150 of Title 11, Chapter 11.44 to read as follows:

Section 11.44.010 shall be amended to add the terms “county administrative officer,” “enforcement officer,” and “county hearing officer” to the list of definitions to read as follows:

“County administrative officer” means county administrative officer as established and defined in Chapter 2.08 of this Code or the county administrative officer’s designee.

“Enforcement officer” means any county employee designated by the county

1 administrative officer or the director of the county department, with authority to
2 enforce any provision of this code or related state law, and shall also mean
3 regular salaried, full-time employees of the sheriff-coroner's office.
4

5 “County hearing officer” means the person or persons appointed pursuant to
6 Fresno County Ordinance Code, Chapter 2.81, Title 2.
7

8 Section 11.44.020 shall be amended to read in its entirety as follows:

9 Section 11.44.020 – Enforcement

10 This chapter shall be administered by the county administrative officer and
11 sheriff-coroner, by and through the regularly salaried, full-time employees of the county,
12 except that the actual removal of vehicles or parts thereof from property may be by
13 other duly authorized persons.
14

15 Section 11.44.030 shall be amended to read in its entirety as follows:

16 Section 11.44.030 – Abandoned vehicles—Removable

17 Upon discovering the existence of an abandoned, dismantled, inoperative, or
18 wrecked vehicle, or parts thereof, on private or public property within the county, the
19 enforcement officer shall have the authority to abate and remove those vehicles as
20 public nuisances pursuant to the authority set forth in Section 22660 of the Vehicle
21 Code and this chapter.
22

23 Section 11.44.040 shall be amended to read in its entirety as follows:

24 Section 11.44.040 – Right of entry up private or public property

25 The enforcement officer, or other duly persons authorized by the enforcement

1 officer to remove vehicles from private or public property, may enter any private or
2 public property in the course of administering or enforcing this chapter. Any person
3 delaying or obstructing such entry within the meaning of Penal Code Section 148(a) or
4 otherwise interfering with such persons in carrying out their duties under this chapter is
5 guilty of a misdemeanor.

6
7 Section 11.44.050 shall be amended to read in its entirety as follows:

8 Section 11.44.050 – Procedure

9 Upon receiving knowledge of an abandoned vehicle, the enforcement officer
10 shall cause the same to be abated and removed pursuant to the following procedure:

- 11 A. The enforcement officer shall give notice of at least ten (10) calendar days of
12 intention to abate and remove the vehicle as a public nuisance, and that the
13 administrative and removal costs shall be charged against the owner of the
14 land, or the vehicle owner, if different, and constitute a special assessment
15 thereon collectable with the county taxes, pursuant to sections 1.16.150-
16 1.16.180 of this code.
- 17 B. Such notice shall contain a statement of the hearing rights of the owner of the
18 property on which the vehicle is located and of the owner of the vehicle. The
19 statement shall include notice to the property owner that he or she may
20 request a hearing before a county hearing officer or may present a sworn
21 written statement denying responsibility for the presence of the vehicle on the
22 land with his or her reasons for such denial in lieu of appearing.
- 23 C. The notice of intention to abate shall be mailed by registered or certified mail
24 or personally delivered to the owner of the land on which the abandoned
25 vehicle is located as shown on the last equalized assessment roll, to the

1 present owner of the land if known to be different, and to the last registered
2 and last legal owner of record of the vehicle unless it is in such condition that
3 identification numbers are not available to determine ownership.`
4

5 Section 11.44.055 shall be amended to read in its entirety as follows:

6 Section 11.44.055 – Notice of intention to abate—Contents

7 The notices of intention shall be in substantially the following form:

8 (1)

9 NOTICE TO OWNER OF LAND OF INTENTION TO ABATE AND REMOVE
10 ABANDONED, DISMANTLED, INOPERATIVE, OR WRECKED VEHICLE OR PARTS
11 THEREOF AS A PUBLIC NUISANCE

12 (name and address of the owner of the land—if the same as the last registered
13 owner of the vehicle, only one notice need be sent)

14 As owner on the last equalized assessment roll of land located at (address), you
15 are hereby notified that the undersigned pursuant to Title 11, Chapter 44 of the Fresno
16 County Ordinance Code has determined that there exists upon the land (or parts of an)
17 abandoned, dismantled, inoperative, or wrecked vehicle registered to _____ (if
18 known or determined) license number _____, (if known or determined) which
19 constitutes a public nuisance.

20 You are hereby notified to abate that nuisance by the removal of the vehicle (or
21 parts of a vehicle) within ten (10) days from the date of mailing or personal delivery of
22 this notice, and upon your failure to do same, the nuisance will be abated and removed
23 by the enforcement officer and the costs thereof, together with administrative costs,
24 assessed against your land upon which vehicle (or parts of a vehicle) is located,
25 pursuant to sections 1.16.150-1.16.180 of the Ordinance Code of Fresno County. You

1 are also notified that you may, within ten (10) days after mailing of this notice of
2 intention, request a public hearing before a county hearing officer, pursuant to section
3 1.16.080 of the Ordinance Code of Fresno County. If the county administrative officer
4 does not receive a request for a hearing within the ten (10) day period, the enforcement
5 officer shall have the authority to abate and remove the vehicle(s) (or parts of a
6 vehicle(s)) as a public nuisance without a public hearing and assess the costs against
7 your property pursuant to sections 1.16.150-1.16.180 of the Ordinance Code of Fresno
8 County. You may submit a sworn written statement within ten (10) days from the date
9 shown below, denying responsibility for the presence of the vehicle(s) (or parts of a
10 vehicle(s)) on your land, with your reasons for denial. This statement shall be construed
11 as a request for a hearing at which your presence is not required.

12 If a hearing is requested, you or the vehicle owner may appear in person at a
13 hearing before a county hearing officer to contest the enforcement officer's
14 determination of the abandoned vehicle as a public nuisance. In lieu of a personal
15 appearance, you or the owner of the vehicle, may present a sworn written statement
16 contesting the enforcement officer's determination of the abandoned vehicle as public
17 nuisance, in time for consideration at the hearing.

18 Notice mailed or personally served:

19 (date)

20
21 (Signature Enforcement Officer)

22 (2)

23 NOTICE TO REGISTERED OWNER OF VEHICLE OF INTENTION TO ABATE AND
24 REMOVE AN ABANDONED, DISMANTLED, INOPERATIVE, OR WRECKED VEHICLE
25 OR PARTS THEREOF AS A PUBLIC NUISANCE

1 (Name and address of last registered owner of record of vehicle—if different than
2 owner of land, notice should be given to both.)

3 As last registered or legal owner of record of (description of vehicle—make,
4 model, license, VIN, etc.) you are hereby notified that the undersigned pursuant to
5 Chapter 11.44 of the Fresno County Ordinance Code has determined that the vehicle
6 (or parts of a vehicle) exist as an abandoned, dismantled, inoperative, or wrecked
7 vehicle at (describe location on public or private property) and constitutes a public
8 nuisance pursuant to the provisions of Chapter 11.44.

9 You are hereby notified to abate the nuisance by removal of the vehicle (or the
10 parts of a vehicle) within ten (10) days after mailing or personal delivery of this notice
11 set forth below. If you fail to remove the vehicle, it will be abated and removed by the
12 enforcement officer and the costs thereof, together with administrative costs, assessed
13 against you as owner of the vehicle (or parts of a vehicle).

14 As the registered or legal owner of record of the vehicle (or the parts of a
15 vehicle), you are hereby notified that you may, within ten (10) days after the mailing or
16 personal delivery of this notice, request a public hearing before a county hearing officer
17 pursuant section 1.16.080 of the Ordinance Code of Fresno County. If the county
18 administrative officer does not receive such request for a public hearing by ten (10)
19 days after the date on the Notice,) the enforcement officer shall have the authority to
20 abate or remove said vehicles (or the parts of a vehicle) without a hearing. If a hearing
21 is requested, you may appear in person at a hearing before a county hearing officer to
22 contest the enforcement officer's determination that the abandoned vehicle constitutes a
23 public nuisance. In lieu of a personal appearance, you may present a sworn written
24 statement contesting the enforcement officer's determination that the abandoned
25 vehicle constitutes a public nuisance, in time for consideration at the hearing.

1 Notice mailed or personally served:

2 (date)

3
4 (Signature Enforcement Officer)

5
6 Section 11.44.060 shall be amended to read in its entirety as follows:

7 Section 11.44.060 – Request for hearing

8 The owner of the vehicle or the owner of the land on which the vehicle is located
9 may request a public hearing to be held before a county hearing officer to contest the
10 decision by the enforcement officer to abate and remove the vehicle or make the costs
11 thereof a charge against the owner of the land, or the owner of the vehicle(s), by filing a
12 written notice requesting such hearing with the county administrative officer before
13 expiration of the time to abate and remove the vehicle as set forth in the notice of
14 intention to abate and remove provided for in Section 11.44.050. If the owner of the land
15 on which the vehicle is located or the owner of the vehicle, if different, submits, within
16 such time period, a sworn written statement denying responsibility for the presence of
17 the vehicle on the land, this statement shall be construed as a request for a hearing that
18 shall not require the presence of the owner submitting the request.

19
20 Section 11.44.061 shall be amended to read in its entirety as follows:

21 Section 11.44.061 – Waiver of notice of intent to abate and remove

22 The procedures set forth in Section 11.44.060 shall be waived if the property
23 owner or the owner of the vehicle, if different, have signed releases authorizing removal
24 of the vehicle and waiving further interest in the vehicle or parts thereof. In addition, a
25 notice of intention to abate is not required before removing the vehicle when all of the

1 following conditions have been met: (1) the vehicle is inoperative due to the absence of
2 a motor, transmission, or wheels and is incapable of being towed, (2) is valued at less
3 than two hundred dollars (\$200.00) by a person specified in Section 22855 of the
4 California Vehicle Code, (3) is determined by the enforcement officer to be a public
5 nuisance presenting an immediate threat to public health or safety, and (4) the property
6 owner or the vehicle owner has signed a release authorizing removal and waiving
7 further interest in the vehicle or parts thereof.

8
9 Section 11.44.062 shall be amended to read in its entirety as follows:

10 Section 11.44.062 – Notice of disposition of low-valued vehicle and intent to dispose

11 Before final disposition of a low-valued vehicle for which evidence of registration
12 was recovered, the enforcement officer shall provide notice to the registered owner(s) of
13 intent to dispose of the vehicle, or parts thereof that are not claimed and removed within
14 twelve (12) days after notice is mailed or personally served to the owners.

15
16 Section 11.44.070 shall be amended to read in its entirety as follows:

17 Section 11.44.070 – Stay pending decision of hearing

18 In the event no request for a hearing is timely received, pursuant to Section
19 11.44.060, the enforcement officer may proceed to cause the removal of the vehicle and
20 charge the administrative and removal costs to the owner of the land on which the
21 vehicle is located or the owner of the vehicle, if different. In the event a request for a
22 hearing is received, pursuant to Section 11.44.060, the vehicle may not be removed
23 until ten (10) calendar days after mailing or personally delivering notice of the decision
24 of the county hearing officer to all interested persons.

1 Section 11.44.080 shall be amended to read in its entirety as follows:

2 Section 11.44.080 – Hearing

- 3 A. In the event a request for a hearing is timely received, pursuant to Section
4 11.44.060, the county administrative officer shall set the same for a public
5 hearing before a county hearing officer on the question of abatement and
6 removal of the vehicle or parts thereof as an abandoned, dismantled, inoperative,
7 or wrecked vehicle, and the assessment of the administrative costs and the costs
8 of removal of the vehicle or parts thereof against the property on which it is
9 located or the owner of the vehicle.
- 10 B. Notice of the hearing shall be mailed by registered or certified mail at least ten
11 (10) calendar days before the hearing to the owner of the land and to the owner
12 of the vehicle, unless the vehicle is in such condition that identification numbers
13 are not available to determine ownership. Notice of the hearing shall be mailed to
14 the address provided by the owner of the land or the owner of the vehicle as set
15 forth in the request for hearing.
- 16 C. The hearing shall be conducted pursuant to the procedures in Chapter 2.81 of
17 this code. The facts and testimony may include testimony on the condition of the
18 vehicle or parts thereof and the circumstances concerning the vehicle's location
19 on the land. The county hearing officer may find that the vehicle is not
20 abandoned, dismantled, inoperative or wrecked within the meaning of Section
21 11.44.010 and order termination of abatement proceedings.
- 22 D. The county hearing officer may impose such conditions and take such other
23 action to carry out the purpose of this chapter. The county hearing officer may
24 extend the stay of the abatement order to give the vehicle owner or the
25 landowner additional time to voluntarily remove the vehicle. At the conclusion of

1 the public hearing, the county hearing officer may find that a vehicle or parts
2 thereof have been abandoned, dismantled, inoperative, or wrecked on the land
3 and direct the abatement and removal of the vehicle as a public nuisance, and
4 dispose of it as provided herein and determine the administrative costs and costs
5 of removal to be charged against the owner of the land or the owner of the
6 vehicle.

7 E. The county hearing officer shall prepare, and the enforcement officer shall serve
8 the registered or legal owner of the vehicle and the owner of the land with a copy
9 of the findings after the hearing in the form of a written order. Any written order
10 requiring removal shall include a description of the vehicle or parts thereof and
11 the correct identification number and license number of the vehicle, if available at
12 the site. The written order may be served by mail or personal delivery. If it is
13 determined at the hearing that the vehicle was placed on the land without the
14 consent of the landowner and that he or she has not subsequently acquiesced to
15 its presence, then the landowner shall not be assessed administrative and
16 removal costs as permitted by Section 11.44.130 and Vehicle Code 22661.

17
18 Section 11.44.090 shall be amended to read in its entirety as follows:

19 Section 11.44.090 – Voluntary removal after appeal

20 If after hearing the county hearing officer directs the abatement and removal of
21 the vehicle, the owner thereof or the owner of the land may voluntarily remove the
22 vehicle within ten (10) calendar days from the date of the notice of decision, and if it is
23 not so removed, the enforcement officer may proceed to cause its removal.

24
25 Section 11.44.100 shall be amended to read in its entirety as follows:

1 Section 11.44.100 – Removal—What constitutes

2 The registered vehicle owner, land owner or enforcement officer, as the case
3 may be, may remove the vehicle by placing it so it no longer falls within the definition of
4 an abandoned, dismantled, inoperative, or wrecked vehicle as defined in Section
5 11.44.010 or by disposal thereof to a scrap yard, automobile dismantler's yard or other
6 final disposition in a manner acceptable to the enforcement officer, to assure that it shall
7 not be reconstructed or made operable. After the vehicle has been removed, it shall not
8 be reconstructed or made operable unless the vehicle qualifies for either horseless
9 vehicle license plates or historical vehicle license plates pursuant to Section 5004 of the
10 Vehicle Code, in which case the vehicle may be made operable. Where the
11 enforcement officer removes the vehicle, the enforcement officer may do so with
12 employees of the County of Fresno, contract with one or more dismantlers or
13 enterprises or issue removal orders on a rotation basis as determined by the
14 enforcement officer to be the most practical, efficient and economical.

15
16 Section 11.44.120 shall be amended to read in its entirety as follows:

17 Section 11.44.120 – Notification to the Department of Motor Vehicles

18 When the enforcement officer causes a vehicle to be removed as herein
19 provided, the enforcement officer shall within five days after the removal give written
20 notice thereof to the California Department of Motor Vehicles identifying the vehicle, or
21 part thereof, and any evidence of registration available, including but not limited to
22 registration, certificates of title and license plates. Licensed dismantlers or commercial
23 enterprises acquiring vehicles removed by the enforcement officer pursuant to this
24 chapter are excused from recording requirements of Section 11520 of the Vehicle Code
25 and fees provided therein are waived provided that a copy of the order of the

1 enforcement officer or county hearing officer authorizing disposition of the vehicle is
2 retained in the dismantler's or commercial enterprise's records. Voluntary removal by
3 the owner of the vehicle or property owner or by a dismantler or commercial enterprise
4 at the request of such owner shall not require the enforcement officer to give notice to
5 the Department of Motor Vehicles as required in this section, but shall be considered a
6 private transaction and the parties thereto shall adhere to the provisions of the Vehicle
7 Code relating thereto.

8
9 Section 11.44.130 shall be amended to read in its entirety as follows:

10 Section 11.44.130 – Collection of costs

11 The County of Fresno shall collect the cost to the county of removal of vehicles
12 pursuant to the provisions of this chapter as follows:

- 13 A. Where the owner of the vehicle or owner of the property on which the vehicle
14 is located voluntarily accomplishes the removal, there shall be no charge;
- 15 B. Where the owner of the vehicle or the owner of the property on which the
16 vehicle is located voluntarily removes the vehicle after a hearing and decision
17 requiring its removal, the charge shall consist of the administrative costs of
18 the county in accordance with the schedule therefor established by the
19 auditor-controller based upon sound cost accounting principles;
- 20 C. Where the enforcement officer orders the removal after formal notice, the
21 charge shall consist of the administrative cost of the county in accordance
22 with the schedule therefor established by the auditor-controller based upon
23 sound cost accounting principles, together with the actual cost of vehicle
24 removal, less the amount, if any, of payment for salvage received.

1 Section 11.44.140 shall be amended to read in its entirety as follows:

2 Section 11.44.140 – Collection of costs—Procedure

- 3 A. Where costs have been charged by the County of Fresno or any of its
4 entities, in accordance with Section 11.44.130, the enforcement officer shall
5 prepare, pursuant to Section 1.16.150 of this code, an “abatement expense
6 statement” demanding payment and stating that unless the amount thereof is
7 paid within fifteen (15) days after the date of service of the abatement
8 expense statement,
- 9 B. The abatement expense statement shall be served on property owner and the
10 vehicle owner, if different from the property owner, in accordance with Section
11 1.16.130 of this code.
- 12 C. If the costs demanded in accordance with Section 11.44.130 are not paid in
13 full within fifteen (15) calendar days after service of the abatement statement,
14 an abatement cost confirmation hearing will be set and notice of the cost
15 confirmation hearing will be provided to the property owner and the vehicle
16 owner, if different from the property owner, in accordance with Sections
17 1.16.150 and 1.16.160 of this code.
- 18 D. An abatement cost confirmation hearing for the recovery of costs demanded
19 pursuant to Section 11.44.130 shall be conducted in accordance with Section
20 1.16.170 of this code.
- 21 E. Any costs demanded in accordance with Section 11.44.130 that are
22 confirmed after the abatement cost confirmation hearing shall become
23 delinquent and may be collected by the county through legal means, including
24 as a special assessment on the violation real property in accordance with the
25 procedures set forth in Section 1.16.170.

To add Section 11.44.150 to read in its entirety as follows:

Section 11.44.150 – Severability

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

Title 11, Chapter 11.45

Section 6. The Ordinance Code of the County of Fresno is hereby amended by amending Sections 11.45.020, 11.45.050, 11.45.090, 11.45.091, 11.45.100, 11.45.110, 11.45.120, 11.45.130, 11.45.140, 11.45.150, 11.45.160, 11.45.170, 11.45.180, 11.45.190, 11.45.200, and adding Section 11.45.230 to Title 11, Chapter 11.45 to read as follows:

Section 11.45.020 shall be amended to add the terms “county administrative officer,” “enforcement officer,” and “county hearing officer” to the list of definitions, with “county administrative officer” and “county hearing officer” being added after “camp trailer,” and “enforcement officer” being added after “driveway,” to read as follows:

“County administrative officer” means county administrative officer as established and defined in Chapter 2.08 of this Code or the county administrative officer’s designee.

1 “County hearing officer” means the person or persons appointed pursuant to
2 Fresno County Ordinance Code, Chapter 2.81, Title 2.

3
4 “Enforcement officer” means any county employee designated by the county
5 administrative officer, or the director of the county department with authority to
6 enforce any provision of this code or related state law, and shall also mean
7 regular salaried, full-time employees of the sheriff-coroner's office.

8
9 Section 11.45.050 shall be amended to read in its entirety as follows:

10 Section 11.45.050 – Enforcement

11 This chapter shall be administered by the county administrative officer and the
12 sheriff-coroner, by and through the regularly salaried, full-time employees of the county,
13 except that the actual removal of vehicles from property may be by other duly
14 authorized persons.

15
16 Section 11.45.090 shall be amended to read in its entirety as follows:

17 Section 11.45.090 – Prohibited vehicles—Removable

18 Upon discovering the existence of a prohibited vehicle, on public or private
19 residential zoned property in the area of the county described in Section 11.45.210, the
20 enforcement officer shall have the authority to abate and remove a prohibited vehicle as
21 a nuisance pursuant to Government Code Section 25845 and this chapter.

22
23 Section 11.45.091 shall be amended to read in its entirety as follows:

24 Section 11.45.091 – Commercial vehicles – Removable.

25 Upon discovering the existence of any vehicle described in Section 11.45.071 on

1 public or private residential zoned property in the area of the county described in
2 Section 11.45.210, the enforcement officer shall have the authority to abate and remove
3 such vehicle as a nuisance pursuant to Government Code Section 25845 and this
4 chapter.

5
6 Section 11.45.100 shall be amended to read in its entirety as follows:

7 Section 11.45.100 – Right of entry upon private or public property

8 The enforcement officer, other authorized employees of the County, other
9 persons authorized by the county administrative officer or sheriff-coroner to remove
10 vehicles from private or public property, may enter any private or public property in the
11 course of administering or enforcing this chapter. Notwithstanding the foregoing
12 provision, the enforcement officer shall obtain an inspection warrant, when necessary,
13 in accordance with the procedure prescribed by Code of Civil Procedure Section
14 1822.50 and following, prior to abating or removing a prohibited vehicle from private
15 property. Any person obstructing or delaying within the meaning

16
17 Section 11.45.110 shall be amended to read in its entirety as follows:

18 Section 11.45.110 – Procedure

19 Upon receiving knowledge of a prohibited vehicle, the sheriff may cause the
20 same to be abated and removed pursuant to the following procedure:

- 21 A. The enforcement officer shall give notice of at least ten calendar days of intention
22 to abate and remove the prohibited vehicle as a nuisance, and that administrative
23 and removal costs shall be charged against the owner of the land, or vehicle
24 owner, if different, and the costs shall constitute an assessment thereon
25 collectable with county taxes, pursuant to sections 1.16.150-1.16.180 of this

code.

B. The notice of intention to abate shall be mailed by certified or registered mail or personally delivered to the owner of the land on which the prohibited vehicle is located as shown on the last equalized assessment roll, to the present owner of the land if known to be different, and to the last registered and last legal owner of record of the vehicle.

C. The notice of intention to abate and remove the prohibited vehicle shall also include notice to the property or vehicle owner, if different, that he or she may request a hearing before a county hearing officer or submit a sworn written statement denying responsibility for the presence of the prohibited vehicle on the land, with his or her reasons for such denial, in lieu of appearing.

Section 11.45.120 shall be amended to read in its entirety as follows:

Section 11.45.120 – Notice of intention to abate—Contents

The notices of intention shall be in substantially the following form:

(1)

NOTICE OF INTENTION TO OWNER OF LAND TO ABATE AND REMOVE
PROHIBITED VEHICLE AS A NUISANCE

(name and address of the owner of the land and owner of the Prohibited Vehicle,
if different)

As owner on the last equalized assessment roll of land located at (address), you are hereby notified that the undersigned pursuant to Title 11, Chapter 45 of the Fresno County Ordinance Code has determined that there exists upon the land a Prohibited Vehicle registered to _____, license number _____, which constitutes a nuisance.

1 You are hereby notified to abate the nuisance by the removal of the Prohibited
2 Vehicle by (specify date at least ten (10) days from the date of mailing or
3 personal delivery of this notice) and if you fail to do so, the Prohibited Vehicle will
4 be abated and removed by the enforcement officer and the costs thereof,
5 together with administrative costs, assessed to you as owner of the land upon
6 which the Prohibited Vehicle is located, pursuant to sections 1.16.150-1.16.180
7 of Ordinance Code of Fresno County. You are also notified that you may, within
8 at least ten (10) days after mailing or personal delivery of this notice, request a
9 public hearing before a county hearing officer, and if the request is not received
10 by the county administrative officer with the ten (10) day period, the enforcement
11 officer shall have the authority to abate and remove the Prohibited Vehicle as a
12 nuisance and assess the costs against your property, pursuant to sections
13 1.16.150-1.16.180 of the Ordinance Code of Fresno County. You may appear in
14 person at any hearing requested by you or the owner of the Prohibited Vehicle
15 or, in lieu thereof, may present a sworn written statement in time for
16 consideration at the hearing. If you submit a sworn written statement by
17 _____ (within ten (10) days from the date of mailing of the Notice)
18 denying responsibility for the presence of the Prohibited Vehicle on your land,
19 with your reasons for denial, this statement shall be construed as a request for a
20 hearing which you do not need to personally attend.

21 Notice mailed or personally served:

22 (date)

23
24 (Signature Enforcement Officer)

25 (2)

1 NOTICE OF INTENTION TO ABATE AND REMOVE A PROHIBITED VEHICLE
2 AS A NUISANCE

3 (name and address of last registered owner
4 of record of vehicle—notice should
5 be given to both if different)

6 As last registered or legal owner of record of (description of vehicle—make,
7 model, license, VIN, etc.) you are hereby notified that the undersigned pursuant
8 to Chapter 11.45 of the Fresno County Ordinance Code has determined that the
9 Prohibited Vehicle constitutes a nuisance at (describe location on public or
10 private property) pursuant to the provisions of Chapter 11.45.

11 You are hereby notified to abate the nuisance by removal of the Prohibited
12 Vehicle by (at least ten (10) days after mailing or personal delivery of this notice)
13 and if you fail to do so, the Prohibited Vehicle will be abated and removed by the
14 enforcement officer. You may also be responsible for removal costs and
15 administrative costs as owner of the Prohibited Vehicle, pursuant to sections
16 1.16.150-1.16.170 of the Ordinance Code of Fresno County.

17 As registered or legal owner of record of the Prohibited Vehicle, you are hereby
18 notified that you may, by _____ (within ten (10) days after the mailing of
19 this Notice of Intention), request a public hearing before a county hearing officer.
20 If the county administrative officer does not receive such request for a public
21 hearing by that date, the enforcement officer shall have the authority to abate or
22 remove the Prohibited Vehicle without a hearing.

23 Notice mailed or personally served _____
24 (date)
25

1 (Signature Enforcement Officer)

2
3 Section 11.45.130 shall be amended to read in its entirety as follows:

4 Section 11.45.130 – Request for hearing

5 The owner of the prohibited vehicle or the owner of the land on which the
6 prohibited vehicle is located may request a public hearing to be held before a county
7 hearing officer to contest the decision by the enforcement officer to abate and remove
8 the prohibited vehicle or to make the costs thereof a charge against the owner of the
9 land, by filing a written notice requesting such hearing with the county administrative
10 officer before expiration of the time to abate and remove the prohibited vehicle as set
11 forth in the notice of intention to abate and remove provided for in Sections 11.45.110
12 and 11.45.120 of this chapter. If the owner of the land on which the prohibited vehicle is
13 located submits, within such time period, a sworn written statement denying
14 responsibility for the presence of the prohibited vehicle on his land, this statement shall
15 be construed as a request for a hearing that shall not require the presence of the owner
16 submitting the request when the matter is reviewed by the county hearing officer.

17
18 Section 11.45.140 shall be amended to read in its entirety as follows:

19 Section 11.45.140 – Stay pending decision of hearing

20 In the event no request for a hearing is timely received, the enforcement officer
21 may proceed to cause the removal of the prohibited vehicle and charge the
22 administrative and removal costs to the owner of the land on which the prohibited
23 vehicle is located or the owner of the prohibited vehicle. In the event a request for a
24 hearing is received, the prohibited vehicle may not be removed until ten calendar days
25 after the enforcement officer mails notice of the decision of the hearing to all interested

1 persons.

2
3 Section 11.45.150 shall be amended to read in its entirety as follows:

4 Section 11.45.150 – Hearing

- 5 A. In the event a request for a hearing is timely received, the county administrative
6 officer shall set the same for a public hearing before a county hearing officer on
7 the question of abatement and removal of the prohibited vehicle, and the
8 assessment of the administrative costs and the costs of removal of the prohibited
9 vehicle against the property on which it is located pursuant to sections 1.16.150-
10 1.16.180 of this code. Notice of the hearing shall be mailed by registered or
11 certified mail or personally served at least ten calendar days before the hearing
12 to the owner of the land and to the owner of the prohibited vehicle, if different.
- 13 B. Notice of the hearing shall be mailed to the address provided by the owner of the
14 land and the owner of the prohibited vehicle as set forth in the request for
15 hearing.
- 16 C. The county hearing officer shall hear all interested persons, and all relevant
17 evidence offered. The technical rules of evidence shall not apply. The facts and
18 testimony may include testimony on the condition of the prohibited vehicle and
19 the circumstances concerning the prohibited vehicle's location on the land.
- 20 D. The county hearing officer may find that the vehicle was not a prohibited vehicle
21 within the meaning of Section 11.45.020 and order termination of abatement
22 proceedings. The county hearing officer may impose such conditions and take
23 such other action to carry out the purposes of this chapter. The county hearing
24 officer may extend the stay of the abatement order to give the prohibited vehicle
25 owner or the landowner additional time to voluntarily remove the prohibited

1 vehicle.

2 E. The county hearing officer shall prepare, and the enforcement officer shall mail to
3 the prohibited vehicle owner and the owner of the land a copy of the written
4 order. Any order requiring removal or disposal of a prohibited vehicle shall
5 include a description of the prohibited vehicle and the correct identification
6 number and license number of the prohibited vehicle. The prohibited vehicle may
7 be removed no sooner than ten days after the written order directing either
8 removal or disposal is delivered to the landowner or vehicle owner, if different, by
9 certified or registered mail or personal delivery.

10 F. If it is determined at the hearing that the prohibited vehicle was placed on the
11 land without the consent of the landowner and that he or she has not
12 subsequently acquiesced to its presence, then the landowner shall not be
13 assessed administrative and removal costs as permitted by Section 11.45.190.

14
15 Section 11.45.160 shall be amended to read in its entirety as follows:

16 Section 11.45.160 – Voluntary removal after hearing

17 If after hearing the county hearing officer directs the abatement and removal of
18 the prohibited vehicle, the owner thereof or the owner of the land may voluntarily
19 remove the vehicle within ten calendar days after mailing of the written order, and if it is
20 not so removed, the enforcement officer may proceed to cause its removal.

21
22 Section 11.45.170 shall be amended to read in its entirety as follows:

23 Section 11.45.170 – Removal —What constitutes

24 The owner, landowner or enforcement officer, as the case may be, may remove
25 the prohibited vehicle by placing it so it no longer falls within the definition of a

1 prohibited vehicle as defined in Section 11.45.020 or by other final disposition in a
2 manner acceptable to the enforcement officer. Where the enforcement officer removes
3 the prohibited vehicle, the County may do so with its own employees, contract with one
4 or more dismantlers or enterprises, or issue removal orders on a rotation basis as
5 determined by the enforcement officer to be the most practical, efficient and
6 economical.

7
8 Section 11.45.180 shall be amended to read in its entirety as follows:

9 Section 11.45.180 – Notification of Department of Motor Vehicles

10 When the enforcement officer causes a prohibited vehicle to be removed as
11 herein provided, the enforcement officer shall within five days after the removal give
12 written notice thereof to the Department of Motor Vehicles identifying the vehicle and
13 any evidence of registration available, including but not limited to registration,
14 certificates of title and license plates. Licensed dismantlers or commercial enterprises
15 acquiring vehicles removed by the enforcement officer pursuant to this chapter are
16 excused from recording requirements of Section 11520 of the California Vehicle Code
17 and fees provided therein are waived; provided, that a copy of the order of the
18 enforcement officer or county hearing officer authorizing disposition of the prohibited
19 vehicle is retained in the dismantler's or commercial enterprise's records. Voluntary
20 removal by the owner of the prohibited vehicle or property owner or by a dismantler or
21 commercial enterprise at the request of such owner shall not require the enforcement
22 officer to give notice to the Department of Motor Vehicles as required in this section, but
23 shall be considered a private transaction and the parties thereto shall comply with the
24 provisions of the California Vehicle Code relating thereto.

1 Section 11.45.190 shall be amended to read in its entirety as follows:

2 Section 11.45.190 – Collection of costs

3 The county shall assess the cost of removal of prohibited vehicles pursuant to
4 the provisions of this chapter as follows:

- 5 A. Where the owner of the prohibited vehicle or owner of the property on which
6 the prohibited vehicle is located voluntarily accomplishes the removal, there
7 shall be no charge.
- 8 B. Where the owner of the prohibited vehicle or the owner of the property on
9 which the prohibited vehicle is located voluntarily removes the vehicle after a
10 hearing and decision requiring its removal, the charge shall consist of the
11 administrative costs to the county in accordance with the schedule therefor
12 established by the auditor-controller based upon sound cost accounting
13 principles.
- 14 C. Where the enforcement officer directs the removal after formal notice, the
15 charge shall consist of the administrative cost to the county in accordance
16 with the schedule therefor established by the auditor-controller based upon
17 sound cost accounting principles, together with the actual cost of prohibited
18 vehicle removal, less the amount, if any, of payment for salvage received.

19
20 Section 11.45.200 shall be amended to read in its entirety as follows:

21 Section 11.45.200 – Collection of Costs—Procedure

- 22 A. Where costs have been charged by the County of Fresno or any of its entities, in
23 accordance with Section 11.45.190, the enforcement officer shall prepare,
24 pursuant to Section 1.16.150 of this code, an “abatment expense statement”
25 demanding payment and stating that unless the amount thereof is paid within

1 fifteen (15) days after the date of service of the abatement expense statement,

2 B. The abatement expense statement shall be served on the property owner and
3 the vehicle owner, if different from the property owner, in accordance with
4 Section 1.16.130 of this code.

5 C. If the costs demanded in accordance with Section 11.45.190 are not paid in full
6 within fifteen (15) calendar days after service of the abatement expense
7 statement, an abatement cost confirmation hearing will be set and notice of the
8 cost confirmation hearing will be provided to the property owner and the vehicle
9 owner, if different from the property owner, in accordance with Sections 1.16.150
10 and 1.16.160 of this code.

11 D. An abatement cost confirmation hearing for the recovery costs demanded as
12 authorized by Section 11.45.190 shall be conducted in accordance with Section
13 1.16.170 of this code.

14 E. Any costs demanded in accordance with Section 11.45.190 that are confirmed
15 after the abatement cost confirmation hearing shall become delinquent and may
16 be collected by the county through legal means, including as a special
17 assessment and/or lien on the violation real property in accordance with the
18 procedures set forth in Section 1.16.170.

19
20
21
22 To add Section 11.45.230 to read in its entirety as follows:

23 Section 11.45.230 – Severability

24 If any portion of this chapter is held to be invalid by any court of competent
25 jurisdiction, such decision shall not affect the validity or effectiveness of the remaining

portions of this chapter. The Board of Supervisors hereby declares it would have passed each remaining portion irrespective of the fact that any one or more portions are declared invalid.

Title 15, Chapter 15.04

Section 7. The Ordinance Code of the County of Fresno is hereby amended by amending Section 15.04.070 of Title 15, Chapter 15.04 to read as follows:

Section 15.04.030 shall be amended to read in its entirety as follows:

Section 15.04.030 Violation—Penalty

The penalty for violation of any of the provisions of title 1 of the Fresno County Ordinance Code shall be as prescribed in section 1.12.010 as a misdemeanor, or section 1.12.020 as an infraction, or as prescribed in subsection 15.04.080 C., Work without Permit. In addition to the Building Official, the provisions of this title may be enforced by any county employee designated by the county administrative officer who is responsible for the enforcement of this code. The provision of this title may also be enforced by administrative abatement pursuant to Chapter 1.16 of this code, or an injunction issued out of the superior court upon suit of the county or the owner/permittee or person in possession of any real property affected by such violation. The method of enforcement shall be cumulative and shall not affect the penal provisions hereof.

- A. Denial of Permits. Staff shall not issue permits as required by the provisions of Title 1 of the Fresno County Ordinance Code section 1.13.150 and Title 17 of the Fresno County Ordinance Code section 17.72.110.D, amending California Building Code section 105 and California Residential Code R105.

Section 15.04.070 shall be amended to read in its entirety as follows:

Section 15.04.070 Appeal Panel

1 The board of supervisors delegates to an appeal panel of county hearing officers,
2 as referenced in Section 1.16.120 of this code, authority to determine the existence and
3 manner of abatement of substandard housing and structures, and dangerous buildings
4 declared to be a public nuisance, as provided for in chapter 15.32 of this title.

5
6 **Title 15, Chapter 15.32**

7 **Section 8.** The Ordinance Code of the County of Fresno is hereby amended by
8 amending Sections 15.32.030, 15.32.035, 15.32.040, 15.32.045, 15.32.050, 15.32.060,
9 15.32.080, 15.32.090, 15.32.100, and 15.32.11, and repealing Section 15.32.070; and
10 adding Section 15.32.120 to Title 15, Chapter 15.32 to read as follows:

11
12 Section 15.32.040 shall be amended to add the term "enforcement officer," to the list of
13 definitions and subsections D through G shall be relabeled to read as follows:

14
15 D. "Enforcement Officer" means any county employee designated by the county
16 administrative officer who is responsible for enforcement of this code, the
17 Building Official or the Director of the Department of Public Health of the
18 County or the Director's designee.

19 E. A "public nuisance" is one which affects at the same time an entire
20 community or neighborhood, or any considerable number of persons,
21 although the extent of the annoyance or damage inflicted upon individuals
22 may be unequal.

23 F. "Service station" means any site improved by the installation of gasoline or
24 other petroleum product dispensing pumps or apparatus for retail sale to the
25 public.

1 .G. "Substandard housing" means, in addition to the conditions described in
2 subsection 15.32.030 C.1. through 17., that one (1) or more of the following
3 conditions or defects are present in a dwelling unit, guest room, suite of
4 rooms or the premises on which the same are located, which are ordinarily
5 and customarily used for human habitation, to the extent that the life, limb,
6 health, safety or property of the occupants or the public are in danger.

7 1. Inadequate sanitation, which shall include but not be limited to the
8 following:

- 9 a) Lack of or improper water closet, lavatory, bathtub or shower in a
10 dwelling unit;
- 11 b) Lack of or improper water closets, lavatories, and bathtubs or
12 showers per number of guests in a hotel;
- 13 c) Lack of or improper kitchen sink;
- 14 d) Lack of hot and cold running water to plumbing fixtures in a hotel;
- 15 e) Lack of hot and cold running water to plumbing fixtures in a
16 dwelling unit
- 17 f) Lack of adequate heating facilities;
- 18 g) Lack of or improper operation of required ventilation equipment;
- 19 h) Lack of minimum amounts of natural light and ventilation as
20 required by title 15 of this code;
- 21 i) Room and space dimensions less than required by title 15 of this
22 code;
- 23 j) Lack of required electrical lighting;
- 24 k) Excessive dampness of habitable rooms;
- 25 l) Excessive infestation of insects, vermin or rodents;

- m) General dilapidation;
- n) Lack of connection to functional sewage disposal system;
- o) Discharge of sewage on the surface of the ground, and lack of an adequate and safe water supply.

2. Structural hazards, which include but are not limited to the following:

- a) Deteriorated or inadequate foundations;
- b) Defective or deteriorated flooring or floor supports;
- c) Flooring or floor supports of insufficient size to carry imposed loads with safety;
- d) Members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration;
- e) Members of walls, partitions or other vertical supports that are of insufficient size to carry imposed loads with safety;
- f) Members of ceilings, roofs, ceiling roof supports or other horizontal members with sag, split or buckle due to defective material or deterioration;
- g) Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety;
- h) Fireplaces or chimneys which list, bulge or have settled, due to defective materials or deterioration;
- i) Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety; and
- j) Cesspools and septic tanks which are structurally unsound.

3. Hazardous wiring;

- 1 4. Hazardous plumbing, which includes but is not limited to the following:
 - 2 a) Any trap which is defective, unprotected against siphonage and
 - 3 back-pressure by vent pipe or does not have a functional sanitary
 - 4 trap seal;
 - 5 b) Any plumbing fixture or other waste-discharging receptacle or
 - 6 device which is not supplied with sufficient water for flushing to
 - 7 maintain it in a clean condition; and
 - 8 c) Any other plumbing condition which is sanitarly unsafe to any
 - 9 person who may occupy the building.
- 10 5. Hazardous mechanical equipment;
- 11 6. Faulty weather protection, which includes but is not limited to the
- 12 following:
 - 13 a) Deteriorated, crumbling or loose plaster;
 - 14 b) Deteriorated or ineffective waterproofing of exterior walls, roof,
 - 15 foundations or floors, including broken windows or doors;
 - 16 c) Defective or lack of weather protection for exterior wall coverings,
 - 17 including lack of paint or weathering; and
 - 18 d) Broken, rotted, split or buckled exterior wall or roof coverings.
- 19 7. Fire hazard, which shall mean any building (or portion thereof), device,
- 20 apparatus, equipment, combustible waste or vegetation which is likely
- 21 to cause a fire or explosion or which is likely to provide a ready source
- 22 of fuel to augment the spread and intensity of a fire or explosion;
- 23 8. Faulty materials of construction;
- 24 9. Hazardous or unsanitary premises, which shall mean those premises
- 25 on which an accumulation of weeds, vegetation, junk, dead organic

1 matter, debris, garbage, offal, rat harborages, stagnant water,
2 combustible materials and similar materials or conditions constitute
3 fire, health or safety hazards;

4 10. Inadequate exits;

5 11. Inadequate fire-protection or fire-fighting equipment, which shall mean
6 all buildings or portions thereof which are not provided with the fire-
7 resistive construction or fire-extinguishing systems or equipment
8 required by title 15 of this code, or whose fire-resistive integrity and
9 fire-extinguishing systems or equipment have not been adequately
10 maintained and improved in relation to any increase in occupant load,
11 alteration, addition, change in occupancy or change in use.

12 H. "Unused service station" means any service station or converted service
13 station which has been closed for not less than fifty (50) weeks within a period
14 of one (1) year. A service station shall be considered closed for each week it
15 was not open for business at least eight (8) hours a day for five (5) days.

16
17 Section 15.32.035 shall be amended to read in its entirety as follows:

18 Section 15.32.035 – Warning of proceeding and fees.

19 If the Enforcement Officer identifies conditions upon real property which may lead
20 to a substandard structure enforcement proceeding, the owner/permittee may be
21 provided, in person or by mail, a courtesy warning letter describing the enforcement
22 procedure and the associated fees that may be imposed. Failure of the property
23 owner/permittee to receive such letter shall not preclude further enforcement action
24 pursuant to this Chapter

1 Section 15.32.040 shall be amended to read in its entirety as follows:

2 Section 15.32.040– Enforcement

3 Any county employee designated by the county administrative officer who
4 is responsible for enforcement of this code, the Building Official, or the Director of
5 the Department of Public Health of the County or the Director's designee may
6 determine that a building or structure or other property within the County
7 constitutes a public nuisance and enforce the provisions of this Chapter. Staff
8 with the Code Enforcement Division shall have primary authority for enforcement
9 of substandard housing and dangerous building violations.

10
11 Section 15.32.045 is added to read as follows:

12 Section 15.32.045 – Summary Abatement of Substandard Housing and Buildings

- 13 A. Upon the finding by the Enforcement Officer that a building, structure, or
14 partial structure constitutes an immediate and substantial threat and danger
15 to public health, safety or welfare, the Enforcement Officer may initiate the
16 summary abatement of the building, structure, or partial structure pursuant to
17 the procedures in Section 1.16.050 of this Code.
- 18 B. Upon the issuance of an order calling for the immediate vacation of a building,
19 structure or property:
- 20 1. The Enforcement Officer shall attempt to notify the occupants and
21 owners thereof of the dangers which mandate such immediate
22 vacation, either by telephone, telegraph or by personally visiting the
23 premises;
 - 24 2. If the imminently dangerous condition can be substantially relieved by
25 the performance of minor repairs, disconnection of certain utility

1 services or other acts, the official may perform such acts of work
2 without the prior consent of or notice to the owners or occupants;

3 3. If such danger cannot be substantially relieved by such work and upon
4 the failure and refusal of the occupants to voluntarily vacate such
5 premises, the official may personally disconnect the electrical, gas and
6 other utility services to such premises or may request the appropriate
7 utility companies to do so; and

8 4. The Officer Enforcer shall post warnings to all persons not to enter
9 such premises, stating the reasons therefore.

10 C. A person who enters a building posted with warning not enter, pursuant to
11 section 15.32.045.B.4, is guilty of a misdemeanor and subject to removal of
12 the by law enforcement officers with the Fresno County Sheriff-Coroner's
13 Officer.

14 D. Summary abatement pursuant to this Section shall be conducted pursuant to
15 the procedures in section 1.16.050.

16
17 Section 15.32.050 shall be repealed and replaced in its entirety to read in its entirety as
18 follows:

19 Section 15.32.050 – Notice to Abate a Public Nuisance

20 A. Upon the determination that a building or structure or other property within
21 the County constitutes a public nuisance, the Enforcement Officer shall issue
22 a notice and order to abate to the property owner(s), responsible person(s),
23 mortgagees, and beneficiaries under a deed trust of record that public
24 nuisance condition(s) exist upon the property, by way of a notice and order to
25 abate prescribed in Section 1.16.060 of this code. In addition to the

requirements of Section 1.16.060, the notice must also include the information that the lessor cannot retaliate against the lessee pursuant to Section 1942.5 of the California Civil Code. The notice and order to abate shall be served in the manner prescribed in Section 1.16.130 of this code.

B. The notice and order must all contain a statement describing the conditions, which render the building, structure, or property a nuisance. If, in the opinion of the Enforcement Office such conditions can be corrected or abated by repair and/or other work, such notice shall also state and describe the specific repairs and/or other work required to abate such conditions. The notice and order to abate shall order that the conditions which constitute a public nuisance be abated by repair, reconstruction, rehabilitation, demolition, removal of a building or structure, and/or other lawful means within a reasonable time as determined by the Enforcement Officer not to exceed forty-five (45) days after the date such notice was served pursuant to Section 1.16.130 of this code.

C. Upon a finding that there exists an extreme or imminent danger to the lives or safety of the occupants of a building, structure, or property, or any partition thereof, pursuant to Section 15.32.045, the Enforcement Officer may order the building, structure, or property be immediately vacated.

Section 15.32.060 shall be repealed and replaced in its entirety to read as follows:

Section 15.32.060 –Abatement procedures for substandard housing and dangerous buildings

- 1 A. Pursuant to Section 1.16.090 of this code, whenever a notice and order is
2 issued to abate a violation of this chapter, as required by Section 15.32.050,
3 the county shall not abate said public nuisance without first obtaining an order
4 from an appeal panel or the board of supervisors, if an appeal panel is not
5 available. Nothing in this section limits the County's authority to summarily
6 abate a building or structure this is an imminent and substantial threat to
7 public health and safety as authorized by Section 15.32.045.
- 8 B. Upon the failure by the property owner(s), mortgagees, and beneficiaries
9 under a deed of trust to timely abate the building or structure deemed to be a
10 public nuisance as required by the notice and order to abate, an appeal panel
11 hearing shall be set pursuant to Section 1.16.120 of this code. The
12 Enforcement Office shall provide notice of the appeal panel hearing to abate
13 a public nuisance pursuant to procedures in section 1.16.100 of this code.
- 14 C. The appeal panel hearing shall be conducted pursuant to the procedures in
15 sections 1.16.120 and 1.16.130 of this code.
- 16
17

18 Section 15.32.070 – Appeal to Board of supervisors shall be repealed in its entirety and
19 Section 15.32.070 shall be reserved for future use.

20 [Reserved]

21 Section 15.32.080 shall be amended to read in its entirety as follows:

22 Section 15.32.080 – Judicial Review

23

24 Judicial review of an appeal panel's or board of supervisors' final decision to
25 abate a substandard or dangerous building is governed by California Code of Civil

1 Procedure sections 1094.5 and 1094.6.

2
3 Section 15.32.090 shall be amended to read in its entirety as follows:

4 Section 15.32.090 – Jurisdiction to abate

- 5 A. Pursuant to Section 1.16.140 and after the expiration of the period specified
6 in written decision and order, the county may take such action to abate the
7 nuisance as authorized by the written decision and order by the appeal panel
8 or board of supervisor, and the Enforcement Officer may cause whatever
9 work is necessary to abate the public nuisance. The Enforcement Officer,
10 through the office of county counsel, may apply to a court of contempt
11 jurisdiction for the purpose of obtaining a warrant to inspect the property to
12 determine if the public nuisance remains and to enter the property for
13 undertaking of the work to abate the public nuisance.
- 14 B. The work necessary to abate the condition(s) of the building, structure, or
15 other property determined to be a public nuisance may be performed by
16 County employees and/or the County's hired contractors.
- 17 C. The Enforcement Officer shall keep an itemized account of the cost of
18 abatement.

19
20 Section 15.32.100 shall be amended to read in its entirety as follows:

21 Section 15.32.100 – Sale of materials

- 22 A. The building materials contained in such building which has been razed or
23 removed, or on such property on which a nuisance has been abated, may be
24 sold by the County at public sale to the highest responsible bidder after not
25 less than five (5) days' notice of intended sale, published at least once in a

1 newspaper of general circulation in Fresno County, either before or after the
2 building is razed or removed.

- 3 B. The Enforcement Officer shall keep an itemized account of the expenses
4 incurred in abating any nuisance and shall deduct therefrom the amounts
5 received from the sale of such building materials.

6
7 Section 15.32.110 – Statement of expense shall be repealed and replaced in its entirety
8 to read in its entirety as follows:

9 Section 15.32.110 – Recovery of Abatement Expenses

- 10 A. All abatement costs in any enforcement action to abate substandard housing
11 or dangerous building as a public nuisance shall be recoverable.
- 12 B. When the county has completed the work of abatement, or has paid for the
13 work, the Enforcement Officer shall prepare, pursuant to Section 1.16.150 of
14 this code, an "abatement expense statement" showing all abate costs for the
15 razing, removing, demolishing, or otherwise performing work on such a
16 building. The county shall demand payment of said costs within fifteen (15)
17 calendar days of the date of service of the abatement expense statement.
- 18 C. The abatement expense statement shall be served in accordance with
19 Section 1.16.130.
- 20 D. If abatement costs are not paid in full within fifteen (15) calendar days after
21 service of the abatement expense statement, an abatement cost confirmation
22 hearing will be set, and notice of the cost confirmation hearing will be
23 provided to the owner in accordance with Sections 1.16.150 and 1.16.160 of
24 this code.
- 25 E. An abatement cost confirmation hearing for recovery of the abatement costs

1 shall be conducted in accordance with Section 1.16.170 of this code.

2 F. Any abatement costs confirmed after the abatement cost confirmation hearing
3 shall become delinquent and may be collected by the county through legal
4 means, including as a special assessment and/or lien on the violation real
5 property in accordance with the procedures set forth in Section 1.16.170.
6

7 To add Section 15.32.120 to read in its entirety as follows:

8 Section 15.32.120 – Severability

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

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1 **Section 9.**

2 These ordinance amendments shall take effect (the “Effective Date”) and be in
3 force and effect thirty (30) days after the second reading hereof by the Board of
4 Supervisors and its passage.

5
6 THE FOREGOING, was passed and adopted by the following vote of the Board
7 of Supervisors of the County of Fresno this ____ day of _____, 2025, to wit:

8 AYES:

9 NOES:

10 ABSENT:

11 ABSTAINED:

12
13
14 _____
15 Ernest “Buddy” Mendes,
16 Chairman of the Board of Supervisors of the
17 County of Fresno

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

22 By: _____
23 Deputy

24 FILE # _____

25 AGENDA # _____

ORDINANCE # _____