



Board Agenda Item 5

DATE: October 22, 2024

TO: Board of Supervisors

SUBMITTED BY: Steve Brandau, Supervisor, District Two

SUBJECT: Proposed Amendment to the Ordinance Code of Fresno County, Adding Chapter 15.90, "Vacant Structures and Buildings" to Title 15, "Building and Construction"

RECOMMENDED ACTION(S):

- 1. Conduct first hearing to amend the Ordinance Code of Fresno County, Title 15, to add Chapter 15.90, "Vacant Structures and Buildings;" waive reading of the Ordinance in its entirety and set the second hearing for November 5, 2024;**
- 2. Designate County Counsel to prepare a fair and adequate summary of the proposed Ordinance; and**
- 3. Direct the Clerk of the Board to post and publish the required summary in accordance with Government Code, Section 25124(b)(1).**

There is no additional Net County Cost associated with the recommended actions, which will add Chapter 15.90, "Vacant Structures and Buildings" to Title 15, "Building and Construction" to the Ordinance Code of Fresno County to require property owners to secure and maintain vacant structures within the unincorporated areas of Fresno County. The purpose and intent of this amendment is to protect the public health, safety, and welfare of County of Fresno residents by establishing a process for abating unsecured vacant structures and standards for property owners to secure vacant structures. Article 11, section 7 of the California Constitution authorizes the legislative body of a county to adopt ordinances for the preservation of the health, safety, and welfare of the community. Section 25845 of the California Government Code authorizes the legislative body of a county to establish procedures to abate a nuisance. The proposed amendments to the ordinance would declare unsecured vacant structures to be a public nuisance and authorize abatement through procedures and standards to secure vacant structures .

This item came to your Board on September 24, 2024. Your Board directed that this item return with certain revisions to the version of the ordinance proposed on September 24th, including limiting the reach of the proposed ordinance to commercial, industrial, and residential properties and exclude agricultural properties; requiring county staff to engage in further investigative efforts to identify the current address of property owners in addition to the address of the violation property; requiring notices to be sent to property owners at the additionally identified addresses; and requiring proof of receipt for any notices sent to property owners.

As revised, the proposed ordinance applies only to properties in commercial, industrial, and residential zoned districts and excludes properties in agricultural, resource conservation , recreational, and rural residential zoned districts. However, the proposed ordinance and standards to secure a vacant structure apply to any residential building in any zoned district when a vacant residential building is found to be a dangerous or substandard structure pursuant to Chapter 15.32 of the ordinance code. The proposed ordinance now establishes a vacant structure to be a structure that has not been used for a lawful purpose over a six-month period and is not made inaccessible to the public. A violation under the revised proposed ordinance requires a finding of a vacant structure and one of the following conditions: (1) trash, debris, overgrown or dead vegetation, or graffiti on or around the exterior of the vacant structure; (2) trespassers;

(3) incidents of fire on the property; or (4) incidents of unlawful camping, pursuant to Chapter 10.70 of the ordinance code, on the property. The proposed ordinance now requires enforcement staff to use reasonable efforts to obtain current contact information for property owners and provide notice of a violation to property owners at any additionally identified addresses. The proposed ordinance also requires enforcement staff to send notices by a delivery method with proof of receipt. This item is countywide.

ALTERNATIVE ACTION(S):

Your Board may determine not to approve the recommended actions; however, the current enforcement mechanisms for addressing unsecured vacant structures are inadequate to resolve unsecured vacant structures that negatively affect public health and safety. Maintenance of unsecured structures within the unincorporated areas would remain prohibited under existing public nuisance law and ordinance codes. However, the County would lack clear standards for property owners to secure vacant structures and specific procedures to abate unsecured structures within the unincorporated areas. As an additional alternative action, your Board may continue the actions with direction to County Counsel and other responsible County department staff to further revise the proposed ordinance.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended actions. Inspection and enforcement efforts may incur such impacts or costs in the future, associated with enforcement of the proposed amendment to the ordinance, which may be partially offset by inspection fees and cost recovery mechanisms. Staff will monitor impacted county departmental budgets accordingly.

DISCUSSION:

The number of abandoned properties and vacant buildings, both commercial and residential, found in cities and counties through California has increased dramatically. The causes of the increase in abandoned properties and vacant buildings vary. These causes include changes in the economic conditions and regulatory environment in California, challenges faced by traditional agricultural and industrial industries throughout the state and the Central Valley, variations in consumer trends, and volatility in the housing market. Another driver of vacant properties is testamentary and intestate transfer of real property to heirs that are either unaware of the transfer or unable to maintain the newly acquired real property.

Abandoned properties and unsecured vacant structures attract vagrants, trespassers, and can be a prime location for illegal activities. Unsecured vacant structures are vulnerable to being set on fire by vagrants and trespassers and unmaintained dead or dying vegetation and weeds are a fuel source for such fires. Vacant structures are targets for illegal dumping and the accumulation of waste and debris, which can become a vector for rodents, insects, other pests, and disease. Vacant structures are also an attractive nuisance for children and may pose hidden dangers to trespassing children. These conditions negatively affect the surrounding neighborhood and depress property values and are a source of blight. Both the rural and urban areas of the unincorporated areas of Fresno County experience incidents of abandoned properties and vacant buildings and the associated negative consequences. However, the impact of vacant buildings is felt more acutely in the urbanized areas. The dangers and negative conditions of unsecured vacant structures are threat to the health, safety, and welfare of the residents of Fresno County.

Currently, vacant structures are subject to enforcement under Chapter 15.32 of the Ordinance Code of Fresno County ("Ordinance Code"), as a condition of substandard buildings and housing. As such, the County abates these conditions generally as a public nuisance through the public nuisance abatement procedures found in Chapter 1.16 of the Ordinance Code. However, the current ordinances and enforcement mechanisms lack clear standards for property owners to properly secure vacant structures. The current enforcement mechanisms also lack specific procedures for the County to abate unsecured structures after a demand for a property owner to do so and the method to properly secure vacant structures.

The proposed ordinance declares vacant structures to be a public nuisance and subject to abatement. The proposed ordinance establishes clear standards for property owners to properly secure vacant structures and requires property owners to provide a plan for the rehabilitation and return of the structure to productive use. The ordinance further establishes specific procedures for the County to demand property owners secure vacant structures and, if necessary, abatement action by the County. These procedures include for inspection and reinspection to ensure a vacant structure is properly secured and provides for inspection fees to be charged property owners. The proposed ordinance incorporates the nuisance abatement procedures found in Chapter 1.16 of the Ordinance Code and provides for cost recovery against property owners for the abatement costs the County may incur to secure vacant structures .

REFERENCE MATERIAL:

BAI #5, September 24, 2024

ATTACHMENTS INCLUDED AND/OR ON FILE:

Ordinance
On file with Clerk - Ordinance Summary

CAO ANALYST:

Salvador Espino