

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 ~~director of the department of public~~
8 ~~works and planning~~ shall:

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

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

19 Section 1.13.180 – Advance deposit hardship waiver.

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

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

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

1 the director or the designee shall be final.

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

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

8 Section 1.13.190 – Hearing officer

9 The county administrative officer ~~in consultation with the director of the affected~~
10 ~~department of the county~~ or his/her designee shall appoint a hearing officer to preside
11 over an administrative citation or an abatement cost hearing that has been properly
12 requested under the provisions of this chapter.

13
14 **Title 1, Chapter 1.14**

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

18
19 Section 1.14.020 shall be amended to read in its entirety as follows:

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

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

1 board by resolution pursuant to section 1.14.030, subject to the following conditions:

- 2 A. When determining whether to reduce any fine amount hereunder, the county
3 administrative officer or his or her designee, or the director, or his or her
4 designee, may take into consideration the nature, circumstances, extent, and
5 gravity of the violation or violations, any prior history of violations by the
6 responsible party, the degree of culpability of the responsible party,
7 abatement of or progress made to abate the outstanding code violation,
8 economic savings to the county, if any, resulting from the violation being
9 abated, the degree to which the proposed reduction will facilitate collection of
10 the balance of the fines that are due without the need for legal action or
11 imposition and foreclosure of property liens, and any other matters justice
12 may require.
- 13 B. The reduction shall be subject to any terms and conditions prescribed by the
14 county administrative officer or his or her designee, or the director or his or
15 her designee.
- 16 C. Any person accepting a reduced fine hereunder shall be required to execute a
17 settlement agreement in a form approved by the county counsel. The
18 settlement agreement may, in the sole and exclusive discretion of the county
19 administrative officer or his or her designee, or the director or his or her
20 designee, include a provision to permit the reduced fine to be paid in
21 installments (hereafter referred to as a "periodic payment plan"). Any such
22 periodic payment plan shall require payment in full to be made over a period
23 of time not longer than twenty-four months.
- 24 D. If the fine has been made a lien upon real property in accordance with Fresno
25 County Ordinance Code, the clerk to the board of supervisors may either

1 record or provide a notice of satisfaction upon payment in full of the reduced
2 amount approved hereunder.

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

8
9 Section 1.14.030 shall be amended to read in its entirety as follows:

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

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

15
16 Section 1.14.040 shall be amended to read in its entirety as follows:

17 Section 1.14.040 – Limitations.

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

1 county or any officer or employee thereof, including the county administrative
2 officer and the director, and shall not be construed to give rise to any
3 administrative appeal, cause of action, right, or remedy against the county or
4 any officer or employee thereof, including the county administrative officer or
5 his or her designee and the director or his or her designee.

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

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

14 15 **Title 1, Chapter 1.16**

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

19
20 Section 1.16.020 shall be amended to amend the terms “enforcement officer,” and
21 “issuing department,” in the list of definitions to read as follows:

22
23 N. "Enforcement officer" means any county employee designated by the county
24 administrative officer, or by the director of the county department, with
25 authority to enforce any provision of this code or related state law, and shall

also mean regular salaried, full-time employees of the sheriff-coroner's office.

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

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

1. Any owner, manager, agency, employee, or member of a governing board, of a business enterprise or association, who causes, maintains, or allows a violation; or
2. Any property owner causing a violation, maintaining a violation to exist, on real property owned thereby; ~~or~~
- ~~3. Tenant, occupant, or person authorized or unauthorized by the property owner to occupy the property.~~

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

Section 1.16.050 – Summary abatement procedure

A. Pursuant to Section 25845, subdivision (a), of the California Government Code, and as may be amended, the county administrative officer or the director charged with the enforcement of this code and other violations of law, upon making a finding that an immediate and substantial threat or danger exists to public health, safety, or welfare, and upon consultation with county counsel, and the county administrative officer if the determination for summary abatement is made by a director, is authorized to order summary

1 abatement of the condition(s) in violation of this code or applicable state law.

2 If the county administrative officer or a director orders summary abatement of
3 the condition(s), he or she may order county staff, contractors, or designated
4 agents to abate the condition. Summary abatement shall be limited to those
5 actions which are reasonably necessary to remove the immediate threat or
6 danger. If immediate action becomes necessary, the county administrative
7 officer or the director may summarily abate a public nuisance even though an
8 enforcement officer initiated an administrative proceeding under this chapter.

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

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

- 15 C. If the county administrative officer or the director summarily abates a public
16 nuisance, he or she ~~may~~must keep an account of the abatement costs and
17 pursue cost recovery pursuant to Sections 1.16.150, et seq. In cases of
18 summary abatement, however, a hearing shall be held, pursuant to Section
19 1.16.160, before a hearing officer for the property owner(s), responsible
20 person(s), mortgagees, and beneficiaries under any deed of trust of record to
21 show cause why a public nuisance should not have been declared by the
22 county administrative officer or the director and to confirm the cost of
23 abatement.

24
25 Section 1.16.090 shall be amended to read in its entirety as follows:

1 Section 1.16.090 – Abatement procedure for buildings and structures

2 ~~A.~~ Whenever a notice and order to abate requires repair, reconstruction,
3 rehabilitation demolition, or removal of a building or structure, the county shall not
4 abate said public nuisance without first obtaining an order from an appeal panel
5 or the board of supervisors, if an appeal panel is not available. Abatement of
6 buildings or structures shall be conducted pursuant to the procedures as
7 applicable in this Chapter and as modified by the procedures in Chapter 15.32 of
8 this code.

9 ~~B.~~ The building official or the director of the department of public health of the
10 county may determine that a building or structure or other property within the
11 county constitutes a public nuisance.

12 ~~C.~~ Upon such a determination, the building official or the director of the
13 department of public health shall notify the property owner(s), responsible
14 person(s), mortgagees, and beneficiaries under any deed of trust of record that
15 public nuisance condition(s) exist upon the property, by way of a notice and order
16 to abate as prescribed in Section 1.16.060. In addition to requirements of Section
17 1.16.060, the notice shall also include information that the lessor cannot retaliate
18 against the lessee pursuant to Section 1942.5 of the California Civil Code. The
19 notice and order to abate shall be served in the manner prescribed in Section
20 1.16.130.

21 ~~D.~~ Such notice shall contain a statement describing the conditions, which
22 render such building, structure, or property a nuisance. If, in the opinion of the
23 building official or the director of the department of public health, such conditions
24 can be corrected or abated by repair and/or other work, such notice shall also
25 state and describe the specific repairs and/or other work required to abate such

1 ~~conditions. The notice shall order that the conditions which constitute the~~
2 ~~nuisance be abated by repair, reconstruction, rehabilitation, demolition, removal~~
3 ~~of a building or structure, and/or other means within thirty (30) days after the date~~
4 ~~such notice was served pursuant to Section 1.16.130. The building official or the~~
5 ~~director of the department of public health may further order, upon a finding that~~
6 ~~there exists extreme and imminent danger to the lives or safety of the occupants~~
7 ~~that the building, structure, or property, or any portion thereof, be immediately~~
8 ~~vacated.~~

9 ~~E. — Upon the issuance of an order calling for the immediate vacation of a~~
10 ~~building, structure, or property:~~

11 ~~1. — The building official or director of the department of public health~~
12 ~~shall attempt to notify the occupants and owners thereof of the dangers,~~
13 ~~which mandate such immediate vacation, either by telephone, or by~~
14 ~~personally visiting the premises;~~

15 ~~2. — If the imminently dangerous condition(s) can be substantially~~
16 ~~relieved by the performance of reasonable repairs under the~~
17 ~~circumstances, disconnection of certain utility services or other acts, the~~
18 ~~building official or the director of the department of public health may~~
19 ~~perform such action or work without the prior consent of or notice to the~~
20 ~~occupant(s) or property owner(s);~~

21 ~~3. — If such danger cannot be substantially relieved by the performance~~
22 ~~of reasonable repairs under the circumstances and upon the failure and/or~~
23 ~~refusal of the occupant(s) or owners(s) to voluntarily vacate such~~
24 ~~premises, the building official or the director of the department of public~~
25 ~~health or his or her designee may request the appropriate utility~~

1 ~~companies to disconnect the electrical, gas, and/or other utilities; and~~

2 ~~4. The building official or the director of the department of public~~
3 ~~health or his or her designee shall post warning to all persons not to enter~~
4 ~~such premises, stating the reasons thereof.~~

5 ~~F. In the event that the building or structure, deemed a public nuisance by~~
6 ~~the building official or the director of the department of public health has not been~~
7 ~~abated within forty-five calendar days from the date of mailing and posting of the~~
8 ~~notice described in Section 1.16.100, and no timely appeal has been filed, the~~
9 ~~county administrative officer shall set a hearing to be conducted in the same~~
10 ~~manner as described in Sections 1.16.120. In addition to the requirements for the~~
11 ~~notice of public nuisance abatement hearing described at Section 1.16.100, the~~
12 ~~notice shall also include direction to the property owner(s), responsible person(s),~~
13 ~~mortgagees, and beneficiaries under any deed of trust of record to show cause~~
14 ~~why the building or structure should not be deemed a public nuisance and abated~~
15 ~~by repair, reconstruction, rehabilitation, demolition, removal of the building or~~
16 ~~structure, and/or other means.~~

17
18 Section 1.16.170 shall be amended to read in its entirety as follows:

19 Section 1.16.170 – Abatement cost confirmation hearing.

20 A. At the abatement cost confirmation hearing, the hearing officer shall consider
21 the abatement expense statement and any protest or objections thereto. The
22 hearing officer shall determine the amount of the county's abatement costs
23 that are reasonable. The hearing officer may order the cost of the abatement
24 to be specially assessed against the real property subject to the county's
25 abatement action. The assessment shall be collected at the same time and in

1 the same manner as ordinary taxes are collected and shall be subject to
2 same penalties and the same procedure and sale in case of delinquency as
3 provided for ordinary county taxes. If the hearing officer specially assesses
4 the cost of the abatement against the property, the hearing officer may also
5 cause a notice of ~~abatement lien~~special assessment to be recorded against
6 the property.

7 B. The hearing officer shall issue a written decision to confirm or modify the
8 abatement expense statement within fifteen calendar days of the conclusion
9 of the hearing. The hearing officer shall submit the written decision to confirm
10 or modify the abatement expense statement to staff to the office of the county
11 hearing officer.

12 C. The decision and the confirmed or modified abatement expense statement
13 shall be filed with the clerk of the board of supervisors. The hearing officer's
14 decision and the confirmed or modified abatement expense statement shall
15 be served on the property owner, responsible person(s), mortgagees, and
16 beneficiaries under any deed of trust of record in the same manner as set
17 forth in Section 1.16.130. Staff to the office of the county hearing officer are
18 responsible for serving and filing the decision with the clerk of the board.

19 D. In the event the costs of abatement are ordered to be specially assessed, the
20 county administrative officer shall transmit the hearing officer's decision to the
21 county ~~auditor~~ auditor-controller/treasurer-tax collector, who shall place the
22 amount thereof on the assessment roll as a special assessment to be paid
23 with county taxes, unless sooner paid. The ~~county administrative officer~~
24 enforcement officer shall record with the county recorder a notice of
25 ~~abatement lien~~ special assessment. The notice of ~~abatement lien~~ special

1 assessment shall, at a minimum, identify the recorded owner of the property;
2 set forth the last known address of the recorded owner or possessor of the of
3 property; set forth the date upon which abatement of the public nuisance was
4 ordered by the hearing officer or appeal panel, if necessary; the date the
5 abatement work was completed; and include a description of the real property
6 subject to the lien and the amount of the abatement cost.

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

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

12
13 Section 1.16.180 shall be amended to read in its entirety as follows:

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

15 Upon payment in full of the abatement costs, the enforcement officer shall
16 execute and record with the county recorder a release of any recorded ~~lien~~ notice of
17 special assessment or lien. If an assessment has been placed on the assessment roll
18 and is thereafter paid, the enforcement officer shall notify the county ~~auditor~~ auditor-
19 controller/treasurer-tax collector, who shall cancel the assessment on the tax roll.

20 21 Title 8, Chapter 8.22

22 **Section 4.** The Ordinance Code of the County of Fresno is hereby amended by
23 amending Sections 8.22.020, 8.22.040, and 8.22.100 of Title 8, Chapter 8.22 to read as
24 follows:
25

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

3
4 E. "Enforcement Officer" means any county employee designated by the county
5 administrative officer, or by the director of the county department, with
6 authority to enforce any provision of this code or related state law, and shall
7 also mean regular salaried, full-time employees of the sheriff-coroner's office.
8

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

10 Section 8.22.040 – Enforcement

11 A violation of this chapter is subject to enforcement through criminal prosecution,
12 civil action, administrative citation, administrative abatement, and civil penalties, as
13 provided herein. This chapter shall be administrated by the County Administrative
14 Officer, the Directors of the Department Public Works and Planning and Department of
15 Public Health, and Sheriff-Coroner of the county, by and through the regularly salaried,
16 fully-time employees of the county, except for the actual removal of Waste Matter which
17 may be by other duly authorized persons.
18

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

20 Section 8.22.100 – Appeals of administrative citations.

21 The procedures to appeal an administrative citation issued pursuant to this chapter are
22 as follows:

23 A. Hearing Request. Any person issued an administrative citation pursuant to
24 8.22.080 may contest issuance of the citation by the procedures found in
25 Section 1.13.170 of this code.

- 1 B. Advanced Deposit Hardship Waiver. Any person who intends to request a
2 hearing to contest an administrative citation issued pursuant to Section
3 8.22.080 and who is financially unable to make the advanced deposit of the
4 citation amount, as required by Section 1.13.170 of this code, may file a
5 request for an advanced deposit hardship waiver by the procedures found in
6 Section 1.13.180 of this code.
- 7 C. Hearing Officer. For hearings to challenge the administrative citations issued
8 pursuant to Section 8.22.080, the county administrative officer or the county
9 administrative officer's designee in consultation with the Director of the
10 enforcing department of the county or his/her designee or sheriff coroner or
11 his/her designee shall appoint a hearing officer to preside over an
12 administrative citation hearing that has been properly requested under the
13 provisions of this chapter and this code.
- 14 D. Hearing Procedures. The procedures for a hearing to contest an
15 administrative citation issued pursuant to Section 8.22.080 are the same as
16 those procedures listed in Section 1.13.200 of this code.
- 17 E. Hearing Officer's Decision. A hearing officer appointed to hear a contest to an
18 administrative citation issued pursuant to Section 8.22.080 shall follow the
19 procedural requirements of Section 1.13.210 of this code.
- 20 F. Right to Judicial review. Any person aggrieved by the decision of an
21 administrative hearing officer on an administrative citation, may obtain review
22 of the administrative decision by filing a petition for review with the Fresno
23 County Superior Court, in accordance with the timeline and other provisions
24 set forth in Section 53069.4. in California Government Code.
- 25 G. The procedures of Sections 1.14.020-1.14.050 of this code are applicable to

1 this chapter.

2
3 **Title 11, Chapter 11.44**

4 **Section 5.** The Ordinance Code of the County of Fresno is hereby amended by
5 amending Sections 11.44.010, 11.44.020, 11.44.030, 11.44.040, 11.44.050, 11.44.055,
6 11.44.060, 11.44.061, 11.44.062, 11.44.070, 11.44.080, 11.44.090, 11.44.100,
7 11.44.120, 11.44.130, and 11.44.140, and addition Section 11.44.150 of Title 11,
8 Chapter 11.44 to read as follows:

9
10 Section 11.44.010 shall be amended to add the terms “county administrative officer,”
11 “enforcement officer,” and “county hearing officer” to the list of definitions to read as
12 follows:

13
14 “County administrative officer” means county administrative officer as established
15 and defined in Chapter 2.08 of this Code or the county administrative
16 officer’s designee.

17
18 “Enforcement officer” means any county employee designated by the county
19 administrative officer or the director of the county department, with authority to
20 enforce any provision of this code or related state law, and shall also mean
21 regular salaried, full-time employees of the sheriff-coroner's office.

22
23 “County hearing officer” means the person or persons appointed pursuant to
24 Fresno County Ordinance Code, Chapter 2.81, Title 2.

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

2 Section 11.44.020 – Enforcement

3 This chapter shall be administered by the ~~sheriff of the county~~ county
4 administrative officer and sheriff-coroner, by and through the regularly salaried, full-time
5 employees of the county, except that the actual removal of vehicles or parts thereof
6 from property may be by other duly authorized persons.

7
8 Section 11.44.030 shall be amended to read in its entirety as follows:

9 Section 11.44.030 – Abandoned vehicles—Removable

10 Upon discovering the existence of an abandoned, dismantled, inoperative, or
11 wrecked vehicle, or parts thereof, on private or public property within the county, the
12 ~~sheriff~~ enforcement officer shall have the authority to abate and remove those vehicles
13 as public nuisances pursuant to the authority set forth in Section 22660 of the Vehicle
14 Code and this chapter.

15
16 Section 11.44.040 shall be amended to read in its entirety as follows:

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

18 The ~~sheriff, authorized officers, employees of the sheriff's department~~
19 enforcement officer, or other duly persons authorized by the ~~sheriff or his authorized~~
20 ~~personnel~~ enforcement officer to remove vehicles from private or public property, may
21 enter any private or public property in the course of administering or enforcing this
22 chapter. Any person delaying or obstructing such entry within the meaning of Penal
23 Code Section 148(a) or otherwise interfering with such persons in carrying out their
24 duties under this chapter is guilty of a misdemeanor.

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

2 Section 11.44.050 – Procedure

3 Upon receiving knowledge of an abandoned vehicle, the enforcement officer
4 ~~sheriff~~ shall cause the same to be abated and removed pursuant to the following
5 procedure:

6 A. The ~~sheriff~~ enforcement officer shall give notice of at least ten (10) calendar
7 days of intention to abate and remove the vehicle as a public nuisance, and
8 that the administrative and removal costs shall be charged against the owner
9 of the land, or the vehicle owner, if different, and constitute a ~~lien~~ special
10 assessment thereon collectable with the county taxes, pursuant to sections
11 1.16.150-1.16.180 of this code.

12 B. Such notice shall contain a statement of the hearing rights of the owner of the
13 property on which the vehicle is located and of the owner of the vehicle. The
14 statement shall include notice to the property owner that he or she may
15 request a ~~may appear in person at the~~ hearing before a county hearing officer
16 or may present a sworn written statement denying responsibility for the
17 presence of the vehicle on the land with his or her reasons for such denial in
18 lieu of appearing.

19 A.C. The notice of intention to abate shall be mailed by registered or certified
20 mail or personally delivered to the owner of the land on which the abandoned
21 vehicle is located as shown on the last equalized assessment roll, to the
22 present owner of the land if known to be different, and to the last registered
23 and last legal owner of record of the vehicle unless it is in such condition that
24 identification numbers are not available to determine ownership.`
25

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

Section 11.44.055 – Notice of intention to abate—Contents

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

(1)

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

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

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 44 of the Fresno
County Ordinance Code has determined that there exists upon the land (or parts of an)
abandoned, dismantled, inoperative, or wrecked vehicle registered to _____ (if
known or determined) license number _____, (if known or determined) which
constitutes a public nuisance.

You are hereby notified to abate that nuisance by the removal of the vehicle (or
parts of a vehicle) within ten (10) days from the date of mailing or personal delivery of
this notice, and upon your failure to do same, the nuisance will be abated and removed
by the Sheriff enforcement officer and the costs thereof, together with administrative
costs, assessed against your land upon which vehicle (or parts of a vehicle) is located,
pursuant to sections 1.16.150-1.16.180 of the Ordinance Code of Fresno County. You
are also notified that you may, within ten (10) days after mailing of this notice of
intention, request a public hearing before a county hearing officer, pursuant to section
1.16.080 of the Ordinance Code of Fresno County. If the Fresno County Sheriff
administrative officer does not receive a request for a hearing within the ten (10) day

1 period, the ~~Sheriff~~enforcement officer shall have the authority to abate and remove the
2 vehicle(s) (or parts of a vehicle(s)) as a public nuisance without a public hearing and
3 assess the costs against your property pursuant to sections 1.16.150-1.16.180 of the
4 Ordinance Code of Fresno County. ~~without a public hearing.~~ You may submit a sworn
5 written statement within ten (10) days from the date shown below, denying responsibility
6 for the presence of the vehicle(s) (or parts of a vehicle(s)) on your land, with your
7 reasons for denial. This statement shall be construed as a request for a hearing at
8 which your presence is not required.

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

16 Notice mailed or personally served:
17 (date)

18
19 (Signature ~~Sheriff of the County of Fresno~~Enforcement Officer)

20 (2

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

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

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

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

12 As the registered or legal owner of record of the vehicle (or the parts of a
13 vehicle), you are hereby notified that you may, within ten (10) days after the mailing or
14 personal delivery of this notice, request a public hearing before a county hearing officer
15 pursuant section 1.16.080 of the Ordinance Code of Fresno County. If the Sheriff county
16 administrative officer does not receive such request for a public hearing by ten (10)
17 days after the date on the Notice,) the Sheriff enforcement officer shall have the
18 authority to abate or remove said vehicles (or the parts of a vehicle) without a hearing.
19 ~~You may submit a sworn written statement within ten (10) days from the date shown~~
20 ~~below, denying responsibility for the presence of the vehicle(s) (or parts of a vehicle(s))~~
21 ~~on your land, with your reasons for denial. This statement shall be construed as a~~
22 ~~request for a hearing at which your presence is not required.~~ If a hearing is requested,
23 you may appear in person at ~~any~~ hearing before a county hearing officer to contest the
24 Sheriff enforcement officer's determination that the abandoned vehicle constitutes a
25 public nuisance. In lieu of a personal appearance, you may present a sworn written

1 statement contesting the ~~Sheriff's enforcement officer's~~ determination that the
2 abandoned vehicle constitutes a public nuisance, in time for consideration at the
3 hearing.

4 Notice mailed or personally served:

5 (date)

6
7 (Signature ~~Sheriff of the County of Fresno~~ Enforcement Officer)

8
9 Section 11.44.060 shall be amended to read in its entirety as follows:

10 Section 11.44.060 – Request for hearing

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

23
24 Section 11.44.061 shall be amended to read in its entirety as follows:

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

1 The procedures set forth in Section 11.44.060 shall be waived if the property
2 owner or the owner of the vehicle, if different, have signed releases authorizing removal
3 of the vehicle and waiving further interest in the vehicle or parts thereof. In addition, a
4 notice of intention to abate is not required before removing the vehicle when all of the
5 following conditions have been met: (1) the vehicle is inoperative due to the absence of
6 a motor, transmission, or wheels and is incapable of being towed, (2) is valued at less
7 than two hundred dollars (\$200.00) by a person specified in Section 22855 of the
8 California Vehicle Code, (3) is determined by the sheriff-enforcement officer to be a
9 public nuisance presenting an immediate threat to public health or safety, and (4) the
10 property owner or the vehicle owner has signed a release authorizing removal and
11 waiving further interest in the vehicle or parts thereof.

12
13 Section 11.44.062 shall be amended to read in its entirety as follows:

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

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

20
21 Section 11.44.070 shall be amended to read in its entirety as follows:

22 Section 11.44.070 – Stay pending decision of hearing

23 In the event no request for a hearing is timely received, pursuant to Section
24 11.44.060, the sheriff-enforcement officer may proceed to cause the removal of the
25 vehicle and charge the administrative and removal costs to the owner of the land on

1 which the vehicle is located or the owner of the vehicle, if different. In the event a
2 request for a hearing is received, pursuant to Section 11.44.060, the vehicle may not be
3 removed until ten (10) calendar days after mailing or personally delivering notice of the
4 decision of the ~~sheriff~~county hearing officer to all interested persons.

5
6 Section 11.44.080 shall be amended to read in its entirety as follows:

7 Section 11.44.080 – Hearing

8 A. In the event a request for a hearing is timely received, pursuant to Section
9 11.44.060, the ~~sheriff~~county administrative officer shall set the same for a public
10 hearing before a county hearing officer on the question of abatement and
11 removal of the vehicle or parts thereof as an abandoned, dismantled, inoperative,
12 or wrecked vehicle, and the assessment of the administrative costs and the costs
13 of removal of the vehicle or parts thereof against the property on which it is
14 located or the owner of the vehicle.

15 B. Notice of the hearing shall be mailed by registered or certified mail at least ten
16 (10) calendar days before the hearing to the owner of the land and to the owner
17 of the vehicle, unless the vehicle is in such condition that identification numbers
18 are not available to determine ownership. Notice of the hearing shall be mailed to
19 the address provided by the owner of the land or the owner of the vehicle as set
20 forth in the request for hearing. ~~The sheriff or his designee shall hear all~~
21 ~~interested persons and all relevant evidence offered. The technical rules of~~
22 ~~evidence shall not apply.~~

23 C. The hearing shall be conducted pursuant to the procedures in Chapter 2.81 of
24 this code. The facts and testimony may include testimony on the condition of the
25 vehicle or parts thereof and the circumstances concerning the vehicle's location

1 on the land. The ~~sheriff or his designee~~county hearing officer may find that the
2 vehicle is not abandoned, dismantled, inoperative or wrecked within the meaning
3 of Section 11.44.010 and order termination of abatement proceedings.

4 D. The ~~sheriff or his designee~~county hearing officer may impose such conditions
5 and take such other action to carry out the purpose of this chapter. The ~~sheriff or~~
6 ~~his designee~~county hearing officer may extend the stay of the abatement order to
7 give the vehicle owner or the landowner additional time to voluntarily remove the
8 vehicle. At the conclusion of the public hearing, the ~~sheriff or his designee~~county
9 hearing officer may find that a vehicle or parts thereof have been abandoned,
10 dismantled, inoperative, or wrecked on the land and direct the abatement and
11 removal of the vehicle as a public nuisance, and dispose of it as provided herein
12 and determine the administrative costs and costs of removal to be charged
13 against the owner of the land or the owner of the vehicle.

14 A.E. The ~~sheriff or his designee~~county hearing officer shall prepare, and the
15 enforcement officer shall serve the registered or legal owner of the vehicle and
16 the owner of the land with a copy of the findings after the hearing in the form of a
17 written order. Any written order requiring removal shall include a description of
18 the vehicle or parts thereof and the correct identification number and license
19 number of the vehicle, if available at the site. The written order may be served by
20 mail or personal delivery. If it is determined at the hearing that the vehicle was
21 placed on the land without the consent of the ~~land owner~~landowner and that he
22 or she has not subsequently acquiesced to its presence, then the ~~land~~
23 ~~owner~~landowner shall not be assessed administrative and removal costs as
24 permitted by Section 11.44.130 and Vehicle Code 22661.
25

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

2 Section 11.44.090 – Voluntary removal after appeal

3 If after hearing the ~~sheriff~~county hearing officer directs the abatement and
4 removal of the vehicle, the owner thereof or the owner of the land may voluntarily
5 remove the vehicle within ten (10) calendar days from the date of the notice of decision,
6 and if it is not so removed, the ~~sheriff~~enforcement officer may proceed to cause its
7 removal.

8
9 Section 11.44.100 shall be amended to read in its entirety as follows:

10 Section 11.44.100 – Removal—What constitutes

11 The registered vehicle owner, land owner or ~~sheriff~~enforcement officer, as the
12 case may be, may remove the vehicle by placing it so it no longer falls within the
13 definition of an abandoned, dismantled, inoperative, or wrecked vehicle as defined in
14 Section 11.44.010 or by disposal thereof to a scrap yard, automobile dismantler's yard
15 or other final disposition in a manner acceptable to the ~~sheriff~~enforcement officer, to
16 assure that it shall not be reconstructed or made operable. After the vehicle has been
17 removed, it shall not be reconstructed or made operable unless the vehicle qualifies for
18 either horseless vehicle license plates or historical vehicle license plates pursuant to
19 Section 5004 of the Vehicle Code, in which case the vehicle may be made operable.
20 Where the ~~sheriff~~enforcement officer removes the vehicle, ~~he~~the enforcement officer
21 may do so with ~~his own~~ employees of the County of Fresno, contract with one or more
22 dismantlers or enterprises or issue removal orders on a rotation basis as ~~in his opinion~~
23 ~~is determined by the enforcement officer to be the~~ most practical, efficient and
24 economical.

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

2 Section 11.44.120 – Notification to the Department of Motor Vehicles

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

18
19 Section 11.44.130 shall be amended to read in its entirety as follows:

20 Section 11.44.130 – Collection of costs

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

23 A. Where the owner of the vehicle or owner of the property on which the vehicle
24 is located voluntarily accomplishes the removal, there shall be no charge;

25 B. Where the owner of the vehicle or the owner of the property on which the

1 vehicle is located voluntarily removes the vehicle after a hearing and decision
2 requiring its removal, the charge shall consist of the administrative costs of
3 the county in accordance with the schedule therefor established by the
4 auditor-controller based upon sound cost accounting principles;

- 5 C. Where the ~~sheriff~~enforcement officer orders the removal after formal notice,
6 the charge shall consist of the administrative cost of the county in accordance
7 with the schedule therefor established by the auditor-controller based upon
8 sound cost accounting principles, together with the actual cost of vehicle
9 removal, less the amount, if any, of payment for salvage received.

10
11 Section 11.44.140 shall be amended to read in its entirety as follows:

12 Section 11.44.140 – Collection of costs—Procedure

- 13 A. Where costs have been charged by the County of Fresno or any of its
14 entities, in accordance with Section 11.44.130, ~~he shall mail a notice thereof~~
15 ~~by registered or certified mail to the owner of the property on which the~~
16 ~~vehicle was located or the vehicle owner, if different, the enforcement officer~~
17 ~~shall prepare, pursuant to Section 1.16.150 of this code, an “abatement~~
18 ~~expense statement” demanding payment and stating that unless the amount~~
19 ~~thereof is paid within ~~thirty fifteen~~ (3015) days after the date of the notice~~
20 ~~service of the abatement expense statement,~~

- 21 B. The abatement expense statement shall be served on property owner and the
22 vehicle owner, if different from the property owner, in accordance with Section
23 1.16.130 of this code.

- 24 C. If the costs demanded in accordance with Section 11.44.130 are not paid in
25 full within fifteen (15) calendar days after service of the abatement statement,

1 an abatement cost confirmation hearing will be set and notice of the cost
2 confirmation hearing will be provided to the property owner and the vehicle
3 owner, if different from the property owner, in accordance with Sections
4 1.16.150 and 1.16.160 of this code.

5 D. An abatement cost confirmation hearing for the recovery of costs demanded
6 pursuant to Section 11.44.130 shall be conducted in accordance with Section
7 1.16.170 of this code.

8 E. Any costs demanded in accordance with Section 11.44.130 that are
9 confirmed after the abatement cost confirmation hearing shall become
10 delinquent and may be collected by the county through legal means, including
11 as a special assessment on the violation real property in accordance with the
12 procedures set forth in Section 1.16.170.

13
14 ~~such payment will be delinquent constituting a lien on the land and be~~
15 ~~collectable with the county taxes. Unless such costs are paid within thirty (30)~~
16 ~~days after the mailing of such notice, the sheriff shall report such delinquency to~~
17 ~~the board of supervisors who shall direct the county auditor-controller to place~~
18 ~~the amount of the unpaid costs on the county tax roll as a special assessment~~
19 ~~against the property pursuant to Section 25845 of the Government Code of the~~
20 ~~State of California. The assessment may be collected at the same time and in the~~
21 ~~same manner as ordinary county taxes are collected, and shall be subject to the~~
22 ~~same penalties and the same procedures and sale in the case of delinquency as~~
23 ~~provided for ordinary county taxes. All laws applicable to the levy, collection and~~
24 ~~enforcement of county taxes shall be applicable to such special assessment.~~

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.

“County hearing officer” means the person or persons appointed pursuant to

1 Fresno County Ordinance Code, Chapter 2.81, Title 2.

2
3 "Enforcement officer" means any county employee designated by the county
4 administrative officer, or the director of the county department with authority to
5 enforce any provision of this code or related state law, and shall also mean
6 regular salaried, full-time employees of the sheriff-coroner's office.
7

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 ~~sheriff of the county~~ county
12 administrative officer and the sheriff-coroner, by and through the regularly salaried, full-
13 time employees of the county, except that the actual removal of vehicles from property
14 may be by other duly 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 ~~sheriff~~ enforcement officer shall have the authority to abate and remove a prohibited
21 vehicle as 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 ~~sheriff-enforcement officer~~ shall have the authority to abate and
3 remove such vehicle as a nuisance pursuant to Government Code Section 25845 and
4 this 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 ~~sheriff, authorized officers, employees of his department, or enforcement~~
9 ~~officer, other authorized employees of the County,~~ other persons authorized by the
10 ~~sheriff or his authorized personnel-county administrative officer or sheriff-coroner~~ to
11 remove vehicles from private or public property, may enter any private or public property
12 in the course of administering or enforcing this chapter. Notwithstanding the foregoing
13 provision, the ~~sheriff or his designee, enforcement officer~~ shall obtain an inspection
14 warrant, when necessary, in accordance with the procedure prescribed by Code of Civil
15 Procedure Section 1822.50 and following, prior to abating or removing a prohibited
16 vehicle from private property. Any person obstructing or delaying within the meaning
17

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

19 Section 11.45.110 – Procedure

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

22 A. The ~~sheriff-enforcement officer~~ shall give notice of at least ten calendar days of
23 intention to abate and remove the prohibited vehicle as a nuisance-, and that
24 administrative and removal costs shall be charged against the owner of the land,
25 or vehicle owner, if different, and the costs shall constitute an assessment

1 thereon collectable with county taxes, pursuant to sections 1.16.150-1.16.180 of
2 this code.

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

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

14
15 Section 11.45.120 shall be amended to read in its entirety as follows:

16 Section 11.45.120 – Notice of intention to abate—Contents

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

18 (1)

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

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

23 As owner on the last equalized assessment roll of land located at (address), you
24 are hereby notified that the undersigned pursuant to Title 11, Chapter 45 of the
25 Fresno County Ordinance Code has determined that there exists upon the land a

1 Prohibited Vehicle registered to _____, license number _____, which
2 constitutes a nuisance.

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

23 Notice mailed or personally served:

24 (date)

(Signature ~~Sheriff of the County of Fresno~~Enforcement Officer)

(2)

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

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

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

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

As registered or legal owner of record of the Prohibited Vehicle, you are hereby
notified that you may, by _____ (within ten (~~1~~10) days after the mailing of
this Notice of Intention), request a public hearing before a county hearing officer.

If the ~~Sheriff~~county administrative officer does not receive such request for a
public hearing by that date, the ~~sheriff~~enforcement officer shall have the
authority to abate or remove the Prohibited Vehicle without a hearing.

Notice mailed or personally served _____

1 (date)

2
3 (Signature ~~Sheriff of the County of Fresno~~ Enforcement Officer)

4
5 Section 11.45.130 shall be amended to read in its entirety as follows:

6 Section 11.45.130 – Request for hearing

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

20
21 Section 11.45.140 shall be amended to read in its entirety as follows:

22 Section 11.45.140 – Stay pending decision of hearing

23 In the event no request for a hearing is timely received, the ~~sheriff enforcement~~
24 ~~officer~~ may proceed to cause the removal of the prohibited vehicle and charge the
25 administrative and removal costs to the owner of the land on which the prohibited

1 vehicle is located or the owner of the prohibited vehicle. In the event a request for a
2 hearing is received, the prohibited vehicle may not be removed until ten calendar days
3 after the ~~sheriff-enforcement officer~~ mails notice of the decision of the hearing to all
4 interested persons.

5
6 Section 11.45.150 shall be amended to read in its entirety as follows:

7 Section 11.45.150 – Hearing

8 A. In the event a request for a hearing is timely received, the ~~sheriff-county~~
9 ~~administrative officer~~ shall set the same for a public hearing ~~before a county~~
10 ~~hearing officer~~ on the question of abatement and removal of the prohibited
11 vehicle, and the assessment of the administrative costs and the costs of removal
12 of the prohibited vehicle against the property on which it is located ~~pursuant to~~
13 ~~sections 1.16.150-1.16.180 of this code~~. Notice of the hearing shall be mailed by
14 registered or certified mail or personally served at least ten calendar days before
15 the hearing to the owner of the land and to the owner of the prohibited vehicle, if
16 different.

17 B. Notice of the hearing shall be mailed to the address provided by the owner of the
18 land and the owner of the prohibited vehicle as set forth in the request for
19 hearing.

20 C. The ~~sheriff or his designee~~ ~~county hearing officer~~ shall hear all interested
21 persons, and all relevant evidence offered. The technical rules of evidence shall
22 not apply. The facts and testimony may include testimony on the condition of the
23 prohibited vehicle and the circumstances concerning the prohibited vehicle's
24 location on the land.

25 D. The ~~sheriff or his designee~~ ~~county hearing officer~~ may find that the vehicle was

1 not a prohibited vehicle within the meaning of Section 11.45.020 and order
2 termination of abatement proceedings. The ~~sheriff or his designee~~county hearing
3 officer may impose such conditions and take such other action to carry out the
4 purposes of this chapter. The ~~sheriff or his designee~~county hearing officer may
5 extend the stay of the abatement order to give the prohibited vehicle owner or the
6 landowner additional time to voluntarily remove the prohibited vehicle.

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

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

19
20 Section 11.45.160 shall be amended to read in its entirety as follows:

21 Section 11.45.160 – Voluntary removal after hearing

22 If after hearing the ~~sheriff~~county hearing officer directs the abatement and
23 removal of the prohibited vehicle, the owner thereof or the owner of the land may
24 voluntarily remove the vehicle within ten calendar days after mailing of the written order,
25 and if it is not so removed, the ~~sheriff~~enforcement officer may proceed to cause its

1 removal.

2
3 Section 11.45.170 shall be amended to read in its entirety as follows:

4 Section 11.45.170 – Removal —What constitutes

5 The owner, landowner or sheriff enforcement officer, as the case may be, may
6 remove the prohibited vehicle by placing it so it no longer falls within the definition of a
7 prohibited vehicle as defined in Section 11.45.020 or by other final disposition in a
8 manner acceptable to the sheriff enforcement officer. Where the sheriff enforcement
9 officer removes the prohibited vehicle, he the County may do so with his own
10 employees, contract with one or more dismantlers or enterprises, or issue removal
11 orders on a rotation basis as in his opinion is determined by the enforcement officer to
12 be the most practical, efficient and economical.

13
14 Section 11.45.180 shall be amended to read in its entirety as follows:

15 Section 11.45.180 – Notification of Department of Motor Vehicles

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

1 Voluntary removal by the owner of the prohibited vehicle or property owner or by a
2 dismantler or commercial enterprise at the request of such owner shall not require the
3 sheriff enforcement officer to give notice to the Department of Motor Vehicles as
4 required in this section, but shall be considered a private transaction and the parties
5 thereto shall comply with the provisions of the California Vehicle Code relating thereto.

6
7 Section 11.45.190 shall be amended to read in its entirety as follows:

8 Section 11.45.190 – Collection of costs

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

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

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

2 Section 11.45.200 – Collection of Costs—Procedure

3 ~~Where costs have been assessed by the sheriff in accordance with Section~~
4 ~~11.45.190, he shall mail a notice thereof by registered or certified mail to the owner of~~
5 ~~the property on which the prohibited vehicle was located demanding payment and~~
6 ~~stating that unless the amount thereof is paid within thirty calendar days after the date of~~
7 ~~the notice, such payment will be delinquent constituting a lien on the land and be~~
8 ~~collectable with the county taxes. Unless such costs are paid within thirty days after the~~
9 ~~mailing of such notice, the sheriff shall report such delinquency to the board of~~
10 ~~supervisors who shall direct the county auditor-controller to place the amount of the~~
11 ~~unpaid cost on the county tax roll as a special assessment against the property~~
12 ~~pursuant to Section 25845 of the Government Code of the state of California. The~~
13 ~~assessment may be collected at the same time and in the same manner as ordinary~~
14 ~~county taxes are collected, and shall be subject to the same penalties and the same~~
15 ~~procedures and sale in the case of delinquency as provided for ordinary county taxes.~~
16 ~~All laws applicable to the levy, collection and enforcement of county taxes shall be~~
17 ~~applicable to such special assessment.~~

- 18 A. Where costs have been charged by the County of Fresno or any of its entities, in
19 accordance with Section 11.45.190, the enforcement officer shall prepare,
20 pursuant to Section 1.16.150 of this code, an “abatement expense statement”
21 demanding payment and stating that unless the amount thereof is paid within
22 fifteen (15) days after the date of service of the abatement expense statement,
23 B. The abatement expense statement shall be served on the property owner and
24 the vehicle owner, if different from the property owner, in accordance with
25 Section 1.16.130 of this code.

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

7 D. An abatement cost confirmation hearing for the recovery costs demanded as
8 authorized by Section 11.45.190 shall be conducted in accordance with Section
9 1.16.170 of this code.

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

15
16
17 To add Section 11.45.230 to read in its entirety as follows:

18 Section 11.45.230 – Severability

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

24
25 **Title 15, Chapter 15.04**

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

3
4 Section 15.04.030 shall be amended to read in its entirety as follows:

5 Section 15.04.030 Violation—Penalty

6 The penalty for violation of any of the provisions of title 1 of the Fresno County
7 Ordinance Code shall be as prescribed in section 1.12.010 as a misdemeanor, or section
8 1.12.020 as an infraction, or as prescribed in subsection 15.04.080 C., Work without
9 Permit. In addition to the Building Official, the provisions of this title may be enforced by
10 any county employee designated by the county administrative officer who is responsible
11 for the enforcement of this code. The provision of this title may also be enforced by
12 administrative abatement pursuant to Chapter 1.16 of this code, or an injunction issued
13 out of the superior court upon suit of the county or the owner/permittee or person in
14 possession of any real property affected by such violation. The method of enforcement
15 shall be cumulative and shall not affect the penal provisions hereof.

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

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

21 Section 15.04.070 ~~Board of Review~~Appeal Panel

22 ~~There is created a board of review, which shall consist of nine (9) members. The~~
23 ~~duties of the board of review shall be as follows:~~

- 24 ~~A. To determine the existence and manner of abatement of a~~
25 ~~substandard structure as provided in chapter 15.32 of this title;~~
~~B. To determine the existence and manner of abatement of~~

1 substandard housing as provided in chapter 15.32 of this title.

2 ~~Membership on the board shall consist of an architect, a civil engineer, a general~~
3 ~~contractor active in the construction of residential structures, a realtor, a member of a~~
4 ~~building trade union, a member of a financial lending institution, and three (3) additional~~
5 ~~members selected at large residing within the unincorporated area of the county. The~~
6 ~~board of supervisors shall appoint the members of the board of review~~

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

11 12 **Title 15, Chapter 15.32**

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

17
18 Section 15.32.040 shall be amended to add the term "enforcement officer," to the list of
19 definitions and subsections D through G shall be relabeled to read as follows:

20
21 ~~B-D.~~ Enforcement Officer" means any county employee designated by the
22 county administrative officer who is responsible for enforcement of this code,
23 the Building Official or the Director of the Department of Public Health of the
24 County or the Director's designee.

25 ~~D-E.~~ A "public nuisance" is one which affects at the same time an entire

community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.

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

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

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

- a) Lack of or improper water closet, lavatory, bathtub or shower in a dwelling unit;
- b) Lack of or improper water closets, lavatories, and bathtubs or showers per number of guests in a hotel;
- c) Lack of or improper kitchen sink;
- d) Lack of hot and cold running water to plumbing fixtures in a hotel;
- e) Lack of hot and cold running water to plumbing fixtures in a dwelling unit
- f) Lack of adequate heating facilities;
- g) Lack of or improper operation of required ventilation equipment;
- h) Lack of minimum amounts of natural light and ventilation as

required by title 15 of this code;

i) Room and space dimensions less than required by title 15 of this code;

j) Lack of required electrical lighting;

k) Excessive dampness of habitable rooms;

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;

- 1 h) Fireplaces or chimneys which list, bulge or have settled, due to
2 defective materials or deterioration;
- 3 i) Fireplaces or chimneys which are of insufficient size or strength to
4 carry imposed loads with safety; and
- 5 j) Cesspools and septic tanks which are structurally unsound.
- 6 3. Hazardous wiring;
- 7 4. Hazardous plumbing, which includes but is not limited to the following:
- 8 a) Any trap which is defective, unprotected against siphonage and
9 back-pressure by vent pipe or does not have a functional sanitary
10 trap seal;
- 11 b) Any plumbing fixture or other waste-discharging receptacle or
12 device which is not supplied with sufficient water for flushing to
13 maintain it in a clean condition; and
- 14 c) Any other plumbing condition which is sanitarly unsafe to any
15 person who may occupy the building.
- 16 5. Hazardous mechanical equipment;
- 17 6. Faulty weather protection, which includes but is not limited to the
18 following:
- 19 a) Deteriorated, crumbling or loose plaster;
- 20 b) Deteriorated or ineffective waterproofing of exterior walls, roof,
21 foundations or floors, including broken windows or doors;
- 22 c) Defective or lack of weather protection for exterior wall coverings,
23 including lack of paint or weathering; and
- 24 d) Broken, rotted, split or buckled exterior wall or roof coverings.
- 25 7. Fire hazard, which shall mean any building (or portion thereof), device,

apparatus, equipment, combustible waste or vegetation which is likely to cause a fire or explosion or which is likely to provide a ready source of fuel to augment the spread and intensity of a fire or explosion;

8. Faulty materials of construction;

9. Hazardous or unsanitary premises, which shall mean those premises on which an accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rat harborages, stagnant water, combustible materials and similar materials or conditions constitute fire, health or safety hazards;

10. Inadequate exits;

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

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

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

Section 15.32.035 – Warning of proceeding and fees.

If the Enforcement Officer identifies conditions upon real property which may lead

1 to a substandard structure enforcement proceeding, the owner/permittee ~~shall~~may be
2 provided, in person or by mail, a courtesy warning letter describing the enforcement
3 procedure and the associated fees that may be imposed. Failure of the property
4 owner/permittee to receive such letter shall not preclude further enforcement action
5 pursuant to this Chapter

6
7 Section 15.32.040 shall be amended to read in its entirety as follows:

8 Section 15.32.040– ~~Notice to Owners~~ Enforcement

9 A. Any county employee designated by the county administrative officer who
10 is responsible for enforcement of this code, ~~The~~the Building Official, or the
11 Director of the Department of Public Health of the County or the Director's
12 designee -may determine that a building or structure or other property within the
13 County constitutes a public nuisance and enforce the provisions of this Chapter.
14 Staff with the Code Enforcement Division shall have primary authority for
15 enforcement of substandard housing and dangerous building violations. ~~The~~
16 Department of Public Health shall have primary authority for the enforcement of
17 substandard housing violations.

18 B. Upon such determination, the Building Official or Health Officer shall
19 notify, by means of certified or registered mail, the owner, as such person's name
20 appears on the last equalized County Assessment Roll, mortgagees and
21 Beneficiaries under any Deed of Trust relating to such property of record (if such
22 persons' addresses are known or reasonably available) that the building,
23 structure or property is a public nuisance. A copy of such notice shall also be
24 posted at conspicuous places (front and rear) on such building, structure or
25 property.

1 C.—— Upon such determination and noticing, the property owner shall be liable
2 for a fee for initial actions to enforce substandard structure violations as set forth
3 in the Master Schedule of Fees, Charges and Recovered Costs of Fees,
4 Charges and Costs Recovery. If the fee is not paid within thirty (30) days of
5 noticing, the Enforcement Officer shall notify the person liable for the fee by
6 Certified Mail of the intent to record a Lien with the County Recorder for the
7 amount of the fee. Once notice has been accomplished, the Enforcement Officer
8 may record in the office of the County Recorder a certificate specifying the
9 amount of the fee, interest as authorized by law and the name and last known
10 address of the person liable therefore.

11 D.—— Such notice shall contain a statement describing the condition which
12 renders such structure or property a nuisance.

13 If, in the opinion of such official, such condition can be corrected or abated by
14 repair or other work, such notice shall also state and describe the specific repairs
15 or other work required to abate such condition. The notice shall order that the
16 conditions which constitute the nuisance be abated by demolition, repair or other
17 means within thirty (30) days after the date such notice was mailed. Such official
18 may further order, upon a finding that there exists extreme and imminent danger
19 to the lives or safety of the occupants, that the building, structure or property, or
20 any portion thereof be immediately vacated.

21 E.—— Upon the issuance of an order calling for the immediate vacation of a
22 building, structure or property:

23 1.—— The official shall attempt to notify the occupants and owners thereof
24 of the dangers which mandate such immediate vacation, either by
25 telephone, telegraph or by personally visiting the premises;

1 ~~2.—— If the imminently dangerous condition can be substantially relieved~~
2 ~~by the performance of minor repairs, disconnection of certain utility~~
3 ~~services or other acts, the official may perform such acts of work without~~
4 ~~the prior consent of or notice to the owners or occupants;~~

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

10 ~~4.—— The official shall post warnings to all persons not to enter such~~
11 ~~premises, stating the reasons therefore.~~

12
13 Section 15.32.045 is added to read as follows:

14 Section 15.32.045 – Summary Abatement of Substandard Housing and Buildings

15 A. Upon the finding by the Enforcement Officer that a building, structure, or partial
16 structure constitutes an immediate and substantial threat and danger to public
17 health, safety or welfare, the Enforcement Officer may initiate the summary
18 abatement of the building, structure, or partial structure pursuant to the
19 procedures in Section 1.16.050 of this Code.

20 B. Upon the issuance of an order calling for the immediate vacation of a building,
21 structure or property:

22 1. The Enforcement Officer shall attempt to notify the occupants and
23 owners thereof of the dangers which mandate such immediate
24 vacation, either by telephone, telegraph or by personally visiting the
25 premises;

1 2. If the imminently dangerous condition can be substantially relieved by
2 the performance of minor repairs, disconnection of certain utility
3 services or other acts, the official may perform such acts of work
4 without the prior consent of or notice to the owners or occupants;

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

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

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

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

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

20 Section 15.32.050 – ~~Proceeding before the board of review~~ Notice to Abate a Public
21 Nuisance

22
23 ~~A. The Building Official or the Director of the Department of Public Health of~~
24 ~~the County may determine that a building or structure or other property within the~~
25 ~~County constitutes a public nuisance. The Department of Public Health shall~~

1 have primary authority for the enforcement of substandard housing violations.

2 ~~B. Upon such determination, the Building Official or Health Officer shall~~
3 ~~notify, by means of certified or registered mail, the owner, as such person's name~~
4 ~~appears on the last equalized County Assessment Roll, mortgagees and~~
5 ~~Beneficiaries under any Deed of Trust relating to such property of record (if such~~
6 ~~persons' addresses are known or reasonably available) that the building,~~
7 ~~structure or property is a public nuisance. A copy of such notice shall also be~~
8 ~~posted at conspicuous places (front and rear) on such building, structure or~~
9 ~~property.~~

10 ~~C. Upon such determination and noticing, the property owner shall be liable~~
11 ~~for a fee for initial actions to enforce substandard structure violations as set forth~~
12 ~~in the Master Schedule of Fees, Charges and Recovered Costs of Fees,~~
13 ~~Charges and Costs Recovery. If the fee is not paid within thirty (30) days of~~
14 ~~noticing, the Enforcement Officer shall notify the person liable for the fee by~~
15 ~~Certified Mail of the intent to record a Lien with the County Recorder for the~~
16 ~~amount of the fee. Once notice has been accomplished, the Enforcement Officer~~
17 ~~may record in the office of the County Recorder a certificate specifying the~~
18 ~~amount of the fee, interest as authorized by law and the name and last known~~
19 ~~address of the person liable therefore.~~

20 ~~D. Such notice shall contain a statement describing the condition which~~
21 ~~renders such structure or property a nuisance.~~

22 ~~If, in the opinion of such official, such condition can be corrected or abated by repair or~~
23 ~~other work, such notice shall also state and describe the specific repairs or other work~~
24 ~~required to abate such condition. The notice shall order that the conditions which~~
25 ~~constitute the nuisance be abated by demolition, repair or other means within thirty (30)~~

1 ~~days after the date such notice was mailed. Such official may further order, upon a~~
2 ~~finding that there exists extreme and imminent danger to the lives or safety of the~~
3 ~~occupants, that the building, structure or property, or any portion thereof be immediately~~
4 ~~vacated.~~

5 ~~E. Upon the issuance of an order calling for the immediate vacation of a~~
6 ~~building, structure or property:~~

7 ~~1. The official shall attempt to notify the occupants and owners thereof~~
8 ~~of the dangers which mandate such immediate vacation, either by~~
9 ~~telephone, telegraph or by personally visiting the premises;~~

10 ~~2. If the imminently dangerous condition can be substantially relieved~~
11 ~~by the performance of minor repairs, disconnection of certain utility~~
12 ~~services or other acts, the official may perform such acts of work without~~
13 ~~the prior consent of or notice to the owners or occupants;~~

14 ~~3. If such danger cannot be substantially relieved by such work and~~
15 ~~upon the failure and refusal of the occupants to voluntarily vacate such~~
16 ~~premises, the official may personally disconnect the electrical, gas and~~
17 ~~other utility services to such premises or may request the appropriate~~
18 ~~utility companies to do so; and~~

19 ~~4. The official shall post warnings to all persons not to enter such~~
20 ~~premises, stating the reasons therefore.~~

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

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

6 B. The notice and order must all contain a statement describing the conditions,
7 which render the building, structure, or property a nuisance. If, in the opinion
8 of the Enforcement Office such conditions can be corrected or abated by
9 repair and/or other work, such notice shall also state and describe the specific
10 repairs and/or other work required to abate such conditions. The notice and
11 order to abate shall order that the conditions which constitute a public
12 nuisance be abated by repair, reconstruction, rehabilitation, demolition,
13 removal of a building or structure, and/or other lawful means within a
14 reasonable time as determined by the Enforcement Officer not to exceed
15 forty-five (45) days after the date such notice was served pursuant to Section
16 1.16.130 of this code.

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

21
22
23 Section 15.32.060 shall be repealed and replaced in its entirety to read as follows:

24 Section 15.32.060 – ~~Hearing~~ Abatement procedures for substandard housing and
25 dangerous buildings

1 A.—— At the time fixed in the notice, the Appeal Panel shall proceed to hear all
2 competent, relevant and reliable evidence respecting the condition of the
3 building, structure or property, the estimated cost of its reconstruction, repair,
4 removal or other work, and any other matter which the board of review may
5 deem pertinent thereto.

6 B.—— Upon the conclusion of the hearing, the Board of Review shall, by
7 resolution, make its findings based on the weight of the evidence presented at
8 such hearing. In the event that it so concludes, it may declare the building,
9 structure or property a public nuisance and direct the owner thereof to abate the
10 same within thirty (30) days after the date of posting on the premises a notice of
11 the passage of the Resolution.

12 ~~The Resolution may further order that the building, structure or property be razed,~~
13 ~~removed or otherwise abated within the thirty (30) days, and that the expense thereof~~
14 ~~be made a Lien on the lot or parcel of land upon which the building, structure or~~
15 ~~property is located.~~

16 C.—— At any time within sixty (60) days after the passage of such Resolution
17 directing the abatement of a public nuisance, the Building Official or Health
18 Officer shall conspicuously post a copy thereof on the building, structure or
19 property declared a public nuisance, and shall mail another copy of such
20 Resolution to the owners thereof as well as to the mortgagees and beneficiaries
21 under any Deed of Trust relating to such property, of record. If the address of any
22 such person is unknown to the official, then a copy of such Resolution shall be
23 published once in a newspaper of general circulation in the County.

24 D.—— The Board of Review may grant reasonable extensions of time to abate
25 the nuisance upon good cause therefor being shown.

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 ~~Any interested party, including the Building Official or Health Officer, may appeal~~
21 ~~the decision of the Board of Review to the Board of Supervisors by filing an appeal in~~
22 ~~writing with the Clerk of the Board of Supervisors of the County within ten (10) days of~~
23 ~~such final decision of the Board of Review. Upon the filing of an appeal, the Board of~~
24 ~~Supervisors shall schedule and notify the parties of a hearing to be conducted in~~
25 ~~accordance with the provisions of Section 15.32.060. The Board shall consider all~~

1 ~~relevant, competent and reliable evidence. It may sustain, modify or reverse the~~
2 ~~decision of the board of review. The decision of the Board of Supervisors shall be final,~~
3 ~~except as hereinafter provided.~~

4 [Reserved]:

5
6 Section 15.32.080 shall be amended to read in its entirety as follows:

7 Section 15.32.080 – ~~Time to bring action~~ Judicial Review

8 ~~Any interested person feeling aggrieved by the actions of the Board of~~
9 ~~Supervisors may, within thirty (30) days after the date of notice to the parties of its~~
10 ~~decision, bring an action in a court of competent jurisdiction to contest the validity of the~~
11 ~~proceedings.~~

12 Judicial review of an appeal panel's or board of supervisors' final decision to
13 abate a substandard or dangerous building is governed by California Code of Civil
14 Procedure sections 1094.5 and 1094.6.

15
16 Section 15.32.090 shall be amended to read in its entirety as follows:

17 Section 15.32.090 – Jurisdiction to abate

18 ~~Thirty (30) days after posting the Resolution of the Board of Review or of~~
19 ~~services of the Resolution of the Board of Supervisors respecting the building, structure~~
20 ~~or property, the County may take such action to abate the nuisance as was authorized~~
21 ~~and directed by the Board of Review or the Board of Supervisors unless the nuisance~~
22 ~~has previously been abated by the owner or other interested person.~~

23 A. Pursuant to Section 1.16.140 and after the expiration of the period specified
24 in written decision and order, the county may take such action to abate the
25 nuisance as authorized by the written decision and order by the appeal panel

1 or board of supervisor, and the Enforcement Officer may cause whatever
2 work is necessary to abate the public nuisance. The Enforcement Officer,
3 through the office of county counsel, may apply to a court of contempt
4 jurisdiction for the purpose of obtaining a warrant to inspect the property to
5 determine if the public nuisance remains and to enter the property for
6 undertaking of the work to abate the public nuisance.

7 B. The work necessary to abate the condition(s) of the building, structure, or
8 other property determined to be a public nuisance may be performed by
9 County employees and/or the County's hired contractors.

10 A.C. The Enforcement Officer shall keep an itemized account of the cost of
11 abatement.

12
13 Section 15.32.100 shall be amended to read in its entirety as follows:

14 Section 15.32.100 – Sale of materials

15 A. The building materials contained in such building which has been razed or
16 removed, or on such property on which a nuisance has been abated, may be
17 sold by the County at public sale to the highest responsible bidder after not
18 less than five (5) ~~days-notice~~days' notice of intended sale, published at least
19 once in a newspaper of general circulation in Fresno County, either before or
20 after the building is razed or removed.

21 B. The ~~Department of Public Works and Planning or the Department of Public~~
22 ~~Health~~Enforcement Officer shall keep an itemized account of the expenses
23 incurred in abating any nuisance and shall deduct therefrom the amounts
24 received from the sale of such building materials.

25 ~~C. The Building Official or the Director of the Department of Public Health~~

1 shall cause to be conspicuously posted on the property upon which a
2 nuisance has been abated, a statement, verified by the Building Official or
3 the Health Officer in charge of doing the work, showing the gross and net
4 expense of the abatement work, together with a notice of the time and
5 place that the statement will be submitted to the Board of Review for
6 approval and confirmation.

7 ~~D. The Board of Review shall consider objections or protests, if any, which~~
8 ~~may be raised by any person liable to be assessed for the cost of such~~
9 ~~work and any other interested person. A copy of the statement and notice~~
10 ~~shall be mailed in the manner prescribed in Section 15.32.040. The time~~
11 ~~for submitting the statement to the Board of Review for confirmation shall~~
12 ~~be not less than five (5) days from the date of posting and mailing the~~
13 ~~statement and notice.~~

14
15
16 Section 15.32.110 – Statement of expense shall be repealed and replaced in its entirety
17 to read in its entirety as follows:

18 Section 15.32.110 – Recovery of Abatement Expenses

19 ~~A. At the time fixed for hearing objections or protests to the statement of~~
20 ~~expense, the board of review shall consider the statement, together with any~~
21 ~~objections or protests which may be raised. The board of review may make such~~
22 ~~revision, correction, or modification in such statement as it may deem just. The~~
23 ~~board's decisions on the statement, protests and objections shall be final and~~
24 ~~conclusive.~~

25 ~~B. In the event that the cost of razing, removing or abating the nuisance~~

1 exceeds the proceeds, if any, received from the sale of materials, such
2 unrecovered costs, if not paid within five days after the decision, shall constitute
3 a lien on the real property upon which the same was abated or removed. Such
4 lien shall continue until the amount thereof and interest thereon (at the rate of six
5 percent per year computed from the date of confirmation of the statement) is paid
6 or discharged of record. Such costs shall be collected with the property taxes for
7 such property, and such lien shall have, for all purposes, parity with state, county
8 and municipal tax liens. The building official or health officer may, within sixty
9 days after the decision of the board of review on the statement, cause to be filed
10 in the office of the recorder of Fresno County, a certificate substantially in the
11 following form:

12 "NOTICE OF LIEN"

13 Pursuant to the authority vested in the undersigned by Chapter 15.32 of the
14 Ordinance Code of the County of Fresno, Government Code Section 25845 of
15 the State of California and Title 25 of the Administrative Code of the State of
16 California, the undersigned did on the day of _____, 20____ cause a nuisance
17 to be abated on the real property hereinafter described; and the undersigned did,
18 on the day of _____, 20____, assess the cost of such abatement, less the
19 amount received from the sale of building materials upon the real property
20 hereinafter described, and same has not been paid nor any part thereof; and said
21 County of Fresno does hereby claim a lien on said real property for the net
22 expense of doing said work in the sum of _____, and the same shall be a lien
23 upon said real property to be collected, together with the real property taxes, until
24 the said sum, with interest at the rate of six percent (6%) per annum, from the
25 day of _____, 20____, (insert date of confirmation of statement) has been paid

1 in full and discharged of record. The real property herein before mentioned, and
2 upon which a lien is claimed, is that certain piece or parcel of land lying and
3 being in the County of Fresno, State of California and particularly described as
4 follows:

5 (space left for description and Assessor's parcel number)

6 Dated: _____

7 DEPARTMENT OF PUBLIC WORKS AND PLANNING, OR DEPARTMENT OF
8 PUBLIC HEALTH

9 BY: _____

10 Name of Officer: _____

11 1. ~~From and after the date of recording the notice of lien all persons~~
12 ~~shall be deemed to have notice of the contents thereof. The statute of~~
13 ~~limitations shall not run against the right of the county to enforce the~~
14 ~~payment of the lien.~~

15 C. ~~In the event that the amounts received from the sale of materials exceed the~~
16 ~~expenses of razing, removing or otherwise performing work on such building, structure~~
17 ~~or property, such excess shall be deposited with the Treasurer of the County to the~~
18 ~~credit of the owner of such property or to such other person legally entitled thereto.~~
19 ~~Such excess shall be payable to the owner or other person upon production of evidence~~
20 ~~of ownership, or other interest satisfactory to the treasurer.~~

21 A. All abatement costs in any enforcement action to abate substandard housing
22 or dangerous building as a public nuisance shall be recoverable.

23 B. When the county has completed the work of abatement, or has paid for the
24 work, the Enforcement Officer shall prepare, pursuant to Section 1.16.150 of
25 this code, an "abatement expense statement" showing all abate costs for the

1 razing, removing, demolishing, or otherwise performing work on such a
2 building. The county shall demand payment of said costs within fifteen (15)
3 calendar days of the date of service of the abatement expense statement.

4 C. The abatement expense statement shall be served in accordance with
5 Section 1.16.130.

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

11 E. An abatement cost confirmation hearing for recovery of the abatement costs
12 shall be conducted in accordance with Section 1.16.170 of this code.

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

17
18 To add Section 15.32.120 to read in its entirety as follows:

19 Section 15.32.120 – Severability

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

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 # _____