



# Board Agenda Item 10

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DATE: September 23, 2025

TO: Board of Supervisors

SUBMITTED BY: Edward Hill, Chief Operating Officer

SUBJECT: Proposed Amendment to the Ordinance Code of Fresno County to amend Chapters 1.13, 1.14, 1.16, 8.22, 11.44, 11.45, 15.04 and 15.32

RECOMMENDED ACTION(S):

- 1. Conduct first hearing of an omnibus Ordinance to amend Chapters 1.13, 1.14, 1.16, 8.22, 11.44, 11.45, 15.04, and 15.32 of the Ordinance Code of Fresno County; waive reading of the Ordinance in its entirety and set the second hearing for October 7, 2025;**
- 2. Designate County Counsel to prepare a fair and adequate summary of the proposed Ordinance; and**
- 3. Direct the Clerk of the Board to post and publish the required summary in accordance with Government Code, Section 25124(b)(1).**

There is no additional Net County Cost associated with the recommended action, which will amend certain sections of Chapters 1.13, 1.14, 1.16, 8.22, 11.44, 11.45, 15.04, and 15.32 of the Ordinance Code of Fresno County. The purpose and intent of these amendments is to authorize the County Administrative Officer to administrator and delegate enforcement of the administrative citation, administrative abatement, illegal dumping, abandoned and prohibited vehicle, and substandard housing and dangerous building ordinances to Code Enforcement staff to protect the public health, safety, and welfare of residents of County of Fresno. These amendments are necessary with the realignment of code enforcement within the County Administrative Office. Article 11, section 7 of the California Constitution authorizes the legislative body of a county to adopt ordinances for the preservation of the health, safety, and welfare of the community. Section 25845 of the California Government Code authorizes the legislative body of a county to establish procedures to abate a public nuisance. Section 19 of the Charter of the County of Fresno charges the County Administrative Officer with the enforcement of all ordinances, orders and regulations adopted by the Board of Supervisors. The proposed amendments to the Ordinance Code would affirm the County Administrative Officer's enforcement authority and align the Ordinance Code with the County Administrative Officer's charter authority to enforce the amended ordinances. This item is countywide.

ALTERNATIVE ACTION(S):

Your Board may determine not to approve the recommended actions; however, the current ordinance language may result in procedural limitations on Code Enforcement's authority to enforce the chapters proposed for amendment. Without the proposed amendments, Code Enforcement would be without authority to enforce the inoperable and prohibited vehicle, and substandard housing and dangerous building ordinances. As an additional alternative action, your Board may continue the actions with direction to County Counsel and other responsible County department staff to further revise the proposed ordinance.

### FISCAL IMPACT:

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

### DISCUSSION:

On March 11, 2025, your Board approved the realignment of Code Enforcement from the Department of Public Works and Planning to the County Administrative Office. The current Ordinance Code charges the Director of the Department of Public Works with administration of the administrative citation and administrative public nuisance abatement ordinances. Furthermore, the current Ordinance Code designates the directors of departments of public works and public health as the county officer's responsible for the enforcement of illegal dumping and substandard housing violations. Currently, only the Sheriff-Coroner is authorized to enforce Chapters 11.44 and 11.45 and remove inoperable, abandoned, or wrecked and prohibited vehicles. With Code Enforcement under the County Administrative Office, administration and delegation of enforcement authority to the County Administrative Officer is necessary over the identified ordinances subject to amendment.

#### Chapters 1.13 and 1.14

Chapter 1.13 establishes the authority and procedures for the issuance of administrative citations and imposition of fines as a monetary enforcement mechanism to address Ordinance Code violations. Chapter 1.14 is the delegated authority and procedures for the director of a department that issues administrative citation to reduce the fine amount. Currently, the Director of the Department of Public Works is charged with administration of the County's administrative citation and fine program. The proposed ordinance would amend chapter 1.13 to designate the County Administrative Officer with responsibility to administer the administrative citation and fine program and delegate authority to the County Administrative Officer to reduce the administrative fine amounts, pursuant to the authority in Chapter 1.14. The proposed ordinance further delegates to Code Enforcement staff authority to issue administrative citations and collect fines, as County employees designated by the County Administrative Officer to enforce the Ordinance Code. The amendments to Chapter 1.13 and 1.14 ensure continued administration of the County's administrative citation program by Code Enforcement staff.

#### Chapter 1.16

Chapter 1.16 provides for the procedures to administratively abate violations of the Ordinance Code declared to be a public nuisance. Administrative abatement is an alternative enforcement tool to address violations of the Ordinance Code. Currently, only county employees designated by the director of a county department with the authority to enforce a provision of this code and employees of the Sheriff-Coroner's Office are authorized to initiate administrative abatement and summary abatement proceedings. The proposed ordinance would add employees designated by the County Administrative Officer as employees designated to initiate administrative and summary abatement proceedings. The amended language also revises reference to the auditor to now read as the Auditor-Controller/Treasurer-Tax Collector for clarity. The amendments to Chapter 1.16 ensure continued utilization of the County's administrative public nuisance abatement program by Code Enforcement staff.

#### Chapter 8.22

Chapter 8.22 is the illegal dumping ordinance and provides financial penalties for violations of its provisions and procedures to abate waste material illegally dumped on public and private property. Currently,

enforcement is delegated to employees designated by the directors of the departments of public works and planning and public health, and the Sheriff-Coroner. The proposed ordinance would add employees designated by the County Administrative Officer as employees designated to enforce Chapter 8.22, issue administrative citations and abate violations of this chapter's provisions. The amendments to Chapter 8.22 ensure continued enforcement of the County's illegal dumping ordinance by Code Enforcement staff.

#### Chapters 11.44 and 11.45

Chapter 11.44 authorizes the removal and administrative procedures for violators to challenge orders to remove inoperable, abandoned and wrecked vehicles. Chapter 11.45 prohibits the storage of commercial vehicles, trailers, boats and other enumerated prohibited vehicles on residentially zoned properties. Chapters 11.44 and 11.45, as a local ordinance to abate and removal vehicles declared to be a public nuisance, are authorized by California Vehicle Code section 22660. California Vehicle Code section 22633 requires only that such a local ordinance be administrated by regularly salaried-full time employees of a city or county. Currently, Chapters 11.44 and 11.45 are administrated exclusively by the Sheriff-Coroner. The amendments would also designate employees designated by County Administrative Enforcement to administer and enforce Chapters 11.44 and 11.45, in addition to deputies with the Sheriff-Coroner's Office. The amendments to Chapter 11.44 and 11.45 will enable Code Enforcement staff to enforce the provisions of these chapters and remove inoperable, abandoned and prohibited vehicles declared to be public nuisance.

#### Chapter 15.04

Chapter 15.04 is the general provisions for the County's building and construction regulations found in Title 15. Currently, only the Building Official is authorized to enforce violations for work without required permits. In addition, Chapter 15.04 establishes the Board of Review, a nine-member board, with various expertise in the building and real estate industries, who were appointed by the Board of Supervisors, and delegates to the Board of Review authority to determine the existence and abatement of substandard housing and dangerous buildings. However, the Board of Review has been disbanded since at least 2008. The proposed ordinance would authorize employees designated by the County Administrative Officer to enforce and abate violations for unpermitted work and construction within the unincorporated areas of Fresno County. The amendments remove reference to the Board of Review and delegates authority to determine the existence and manner of abatement of substandard housing and dangerous buildings to a panel of county hearing officers, established by Chapter 2.81. The amendments to Chapter 15.04 are necessary to authorize Code Enforcement staff to enforce unpermitted work violations and establish a valid appeal body to address substandard housing and dangerous building violations.

#### Chapter 15.32

Chapter 15.32 defines what constitutes substandard housing and dangerous buildings, declares such housing and buildings to be a public nuisance, and provides procedures to abate substandard housing and dangerous build violations. Currently, Chapter 15.32 is enforced by the Building Official and the Director of the Department of Public Health and their designees. A county may by charter, ordinance or resolution designate and a charge a department to carry out enforcement of the state and local habitability laws. (Cal. Health & Safety Code § 17964.) The proposed ordinance would add Code Enforcement staff as an authorized department to enforce Chapter 15.32. The addition of Code Enforcement staff will improve efficiency in the County's enforcement of substandard housing and dangerous building violations. The proposed ordinance also repeals reference to Board of Review as the initial hearing body and repeals Section 15.32.070 in its entirety for subsequent appeals to the Board of Supervisors. The administrative abatement process is revised to incorporate the public nuisance abatement procedures found in Chapter 1.16 of the Ordinance Code and provides for cost recovery against property owners for the abatement costs. The amendments further delegate to a panel of county hearing officers as the hearing body for appeals of orders to abate substandard housing and dangerous buildings violations.

REFERENCE MATERIAL:

BAI #10, March 11, 2025

ATTACHMENTS INCLUDED AND/OR ON FILE:

Ordinance

Ordinance (Redline)

On file with Clerk - Ordinance Summary

CAO ANALYST:

Fine Nai