

# Mayor-Council Code Enforcement Task Force

Report and Recommendations

*April 2015*

## **Background**

The Fresno General Plan was created to protect investments in private and public property; to preserve neighborhood character and community values; and to promote investment and reinvestment in Fresno's established neighborhoods.

Recognizing that the strategic, efficient and effective use of the City's code enforcement authority is a key to successful implementation of the 2035 General Plan, Mayor Ashley Swearingin, along with the Fresno City Council, launched a multidisciplinary Code Enforcement Task Force (Task Force) in September 2014. The purpose of the Task Force was to review existing codes in relation to the Fresno General Plan; evaluate current Code Enforcement processes and procedures; and make specific recommendations for improvements, including division structure, case prioritization, technological and legal tools, and fee structures that the City can implement now, as well as over time.

To ensure quality feedback from City employees who are involved in Code Enforcement, the Mayor commissioned an internal *Action Team* that was charged with working alongside the *Task Force* to vet recommendations and to provide input on the Task Force's work.

Mayor Swearingin requested the Task Force conclude its work by March 2015, and asked that recommendations for early action be submitted as soon as they were available.

## ***Engaging External and Internal Stakeholders***

### **Code Enforcement Task Force (External Stakeholders)**

The Task Force is co-chaired by Dr. Matt Jendian (Fresno State) and Steve Hrdlicka (private attorney and representative of the Fresno Apartment Association) and is comprised of a diverse group of stakeholders, including the Mayor and three Councilmembers, the City Manager, community leaders, residents from historic neighborhoods, rental property investors, neighborhood advocates, nonprofit organizations, a general contractor, and a representative from the Fresno Association of

Realtors. The group maintained a monthly meeting schedule between October 2014 and April 2015 with additional meetings scheduled with staff and subgroups throughout the last six months. The complete roster of Task Force members is provided in Appendix A, and the meeting schedule can be found in Appendix B.

### **Code Enforcement Action Team (Internal Stakeholders)**

Based on nominations from department directors, the Action Team, comprised of city staff, represented the various departments that are most heavily involved in the Code Enforcement processes. The Action Team, co-chaired by Professor Jendian and Steve Hrdlicka and the Development and Resource Management Director Jennifer Clark, held bi-monthly meetings and has committed to ongoing progress meetings to ensure that the recommendations in this report are implemented. A roster of Action Team members is also provided in Appendix A.

### ***Key Issues***

As the first step in identifying issues that have the greatest impact on established neighborhoods, the Action Team co-chairs held a series of exploratory meetings with the Task Force, Action Team, and City staff. During the course of these meetings, a number of key themes emerged. These issues were grouped into several areas, Housing Code, Public Nuisance, Zoning Code, and all others. Each is described in detail as follows:

#### **Housing Code**

- Vacant, Blighted Residential Properties
- Substandard Occupied Residential Properties

#### **Public Nuisance**

- Illegal Dumping
- “Yard Cars”
- Weeds
- Homelessness
- Recycling

#### **Zoning Code**

- Illegal Signs
- Illegal Businesses

#### **Others**

- Vacant, Blighted Commercial Properties
- Substandard Occupied Commercial Properties

The severity of these issues varies throughout the city, as does the level of proactive enforcement. Code Enforcement has operated, like in most cities, on the “complaint model” of enforcement (i.e. reactive code enforcement). Cases are created based on complaints and prioritized for action based upon the health and safety of the subject site and the surrounding neighborhood.

### ***Recommending Priority: Vacant, Blighted Residential Properties***

After extensive discussion, the Task Force identified **Vacant, Blighted Residential Properties** as the largest contributor to blight in our city and the greatest impediment to protecting and improving property values in established neighborhoods. Therefore, the Task Force agreed to focus its recommendations on the most effective way to address vacant, blighted residential buildings as the first major step for the City.

Vacant, blighted buildings are considered an “attractive nuisance” (i.e. a dangerous or negligent condition likely to attract individuals) to the City of Fresno. These nuisances disturb the peaceful enjoyment of surrounding properties by reducing market values and by creating a dangerous environment due to physical hazards and unauthorized activities occurring on the property. Additionally, there is a higher cost to provide law enforcement, fire-fighting and prevention, and code enforcement activities in neighborhoods heavily impacted by vacant, blighted homes.

The City of Fresno has approximately 191,000 housing units. In most large cities the vacancy rate is stated as between 5% to 10%. From this vacancy rate there is an expectation that 2.5% to 5% are in nonconformance with the code. Therefore, at any particular time there could be between 250 to 1,000 vacant blighted homes in our housing inventory. In a worst case scenario, up to 10% of vacant units could be blighted resulting in up to 2,000 blighted vacant residential units.

Currently, the City of Fresno has a number of Municipal Code sections and Ordinances that address vacant properties, management of real property and blight. However, implementation of these sections of the code can be unclear or subjective. The Task Force recommends to the City that it provide clear expectations to property owners and neighbors for both the expected outcomes, as well as the process, to enforce the Codes and Ordinances.

The recommendations are proposed to be implemented immediately (i.e. July 1 start date). Ongoing monitoring of the program will be required to determine the effectiveness of each recommendation.

## ***Recommendations***

As can be expected with a diverse group of community stakeholders, there was considerable debate about a number of different policy and programmatic interventions to address vacant, blighted residential properties. The following recommendations were supported by either a supermajority of the Task Force members or unanimously by all Task Force members.

The Task Force recommends that implementation of the following be launched in the 2015-16 Fiscal Year.

### **1. Repeal and Replace the Vacant Building Ordinance**

The current Vacant Building Ordinance governs external and internal code violations of vacant buildings with the goal to obtain occupancy within certain time parameters. It punishes participating property owners with onerous fines and monitoring fees, which reduces voluntary participation and completion rates.

The Task Force recommends a new Vacant, Blighted Residential Property ordinance which requires maintenance of clean and safe external conditions and levies fees and fines for properties that do not comply. The purpose is to clearly define external property standards, reward property owners who comply, and levy fines on those who don't.

The Task Force had extensive debate about what the City should require in its proposed, new Vacant Blighted Building Ordinance. While the Task Force was not in unanimous agreement, the majority agreed to the following standards for vacant residential properties:

- Maintain all yards visible from the public right of way;
- Maintain the exterior of the building in good condition;
- Remove all trash and debris from exterior of the property;
- Take all reasonable steps necessary to prevent criminal activity;
- Secure and maintain the property, both structure and grounds, against trespassers, including maintaining all windows and doors with locking mechanisms, replacing all broken doors or windows, and securing any other openings into the structure that are readily accessible to trespassers;<sup>1</sup>

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<sup>1</sup> Securing windows that are visible from any public right of way shall be done only with rigid transparent material such as clear lexan type material with a minimum of 3/8 inch thickness to 1/2 half thickness. No opaque (typically plywood) boarding materials shall be

- Remove all graffiti on the property;
- Maintain the property free of all fire hazards; and
- Maintain the property free of any “attractive nuisance.”

The Task Force worked with the City Attorney’s Office to draft a proposed, new Vacant, Blighted Building Ordinance, which is provided in Appendix C. The Task Force unanimously recommends immediate introduction of the new ordinance to the Fresno City Council.

## **2. Conduct City-Wide Survey**

Through feedback obtained from stakeholders during the initial phase of the Code Enforcement Task Force, the general consensus was that Fresno should be proactive in identifying vacant, blighted, residential properties, as opposed to responding only to complaints that may be received.

To ensure that all vacant, blighted properties are identified, the Task Force recommends conducting an initial, city-wide survey of all residential properties. All properties which do not meet the new, clear standards will be provided an opportunity to comply before punitive action is taken.

The Administration has included this recommendation in its operating and funding plan for the new “Blight Team” (the exterior standards code enforcement unit) and will propose to fund the team in the FY 2016 budget. The Administration intends to accomplish this recommendation from the Code Enforcement Task Force with interns who will conduct the first city-wide vacant, blighted property survey. The survey will be conducted during the months of June and July with initial Compliance reviews starting in August.

## **3. Establish a Vacant, Blighted Residential Property enforcement team**

The City will establish a new classification of inspector called the Housing/Commercial Compliance Specialist. This position will be tasked with identifying vacant, blighted residential properties; evaluating the current Vacant Building cases and transitioning them to the standards established in the new Vacant, Blighted Residential Ordinance; and resolving new cases.

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used where visible from a public right of way, following sixty (60) days of the effective date of this ordinance.

The City will create a team of four (4) Housing/Commercial Compliance Specialists who can evaluate exterior conditions for blight per the ordinance and take action when necessary to secure the property and notify the property owner.

#### **4. Create a Voluntary Contact List for Property Owners**

All vacant residential properties must comply with the Vacant, Blighted Building Ordinance. Any property owner of a vacant, residential property may provide the City with a confidential contact number for each property. This contact will be used by City personnel in the case of a violation of City Codes, fire or other emergency. It will allow the property owner to take action when a violation is identified rather than to respond to a citation.

#### **5. Technology and Equipment**

Each member of the Blight Team will be issued a tablet with air card, a vehicle and a cell phone. Having the ability to immediately notify property owners of violations and to take corrective action in the field creates an immediate, positive impact on the surrounding neighborhood.

The current system used to track Code Enforcement cases is part of the City's land management database, HTE/Naviline. This system is being evaluated for replacement over the next three years, and the Administration proposes to set the first installment of funding aside in the FY16 budget. Code Enforcement and property tracking will be a part of that evaluation. Having accurate case histories, building permits, and land use information in one place is imperative to creating an efficient work flow.

#### **6. Measuring Performance**

##### **a. Performance Metrics.**

In an effort to gauge progress, the City will establish a system to monitor key performance indicators, including:

- Baseline number and type of vacant, blighted properties identified during the initial City-wide survey by census tract;
- Quarterly updates on the number and type of vacant, blighted properties identified following implementation of the new Vacant, Blighted Building Ordinance by census tract;
- Quarterly updates on the number of vacant, blighted properties that become occupied;
- Quarterly updates on the amount of fines assessed and collected;
- Quarterly updates on the number of receiverships filed and settled;

- Quarterly updates on the number of criminal misdemeanor suits filed and settled; and
- Quarterly updates on the calls for police and fire services among vacant, blighted properties.

Staff will continually evaluate and identify other metrics that may be useful in determining the overall effectiveness of the Vacant, Blighted Property Ordinance. The quarterly reports will be released to the public.

After initial inspection, property owners will have 18 days to comply with the new Vacant Building standards. After the 18<sup>th</sup> day, an inspection will document conditions and issue a report to the property owner. If standards are not met, a case will be initiated. On the 30<sup>th</sup> day, the property will be re-inspected. If property conditions remain unchanged, fines and citations will be issued.

Metrics will measure compliance at the 18<sup>th</sup> day, the 30<sup>th</sup> day and each subsequent 30-day period. The goal is to reach 80% compliance by the 18<sup>th</sup> day, 90% compliance by the 30<sup>th</sup> day and 98% compliance by the 60<sup>th</sup> day.

#### **b. Annual Windshield Survey**

To evaluate long-term impact of the program, the City will conduct an annual windshield survey of residential properties to identify vacant, blighted properties.

### **7. Staff Training and Improved Communication**

The entire Code Enforcement Division will be trained on the new Vacant, Blighted Residential Properties ordinance. The Blight Team of Housing/Commercial Compliance Specialists will be further trained in customer service, complaint response evaluation, performance metrics, and neighborhood property value impacts.

Through a series of weekly meetings, the specialized team will meet with the assigned supervisor to discuss progress toward goals and specific case management techniques.

### **8. Receivership**

Beginning in the Summer 2015, the City Attorney will initiate an ordinance and associated procedures to establish a Receivership Program. The purpose of the Receivership program will be to handle properties that cannot or will not come

into compliance with the proposed new ordinance. The program is slated to begin in late Fall 2015.

**9. Encourage the Formation of a “Landlord Association”**

During the course of the Task Force’s work, property owners took the initiative to start a small landlords’ association in the targeted neighborhoods of Lowell, Yokomi, and Jefferson. It was intended to provide a way to share information which could improve housing conditions, increase property values, and protect investments. To date, it has resulted in better sharing of information among owners and improved properties. The Task Force recommends the expansion of this network to focus on even larger parts of the City.

**10. California Health and Safety Standards**

The issues surrounding habitability are varied and complex. The Task Force recommends that the City Council receive a more detailed briefing on the California statutes governing habitability. Included in this briefing should be information on the City of Fresno’s existing “courtesy” inspection program and other mechanisms currently in place to ensure habitability standards are being met throughout the City.

**11. Task Force “Phase II”**

There was much debate by the Task Force about how and whether to evaluate the City’s “interior inspections” program as a part of this first phase of work. Ultimately, the majority of the Task Force members agreed to postpone work surrounding interior standards to allow staff the time to implement the Vacant, Blighted Building Ordinance and focus city-wide on exterior standards and assess its impact. However, the Task Force recommends that members be invited to participate in a reconvening of the Task Force to review current municipal codes, case data and status, and to evaluate potential changes or enhancements regarding interior standards and occupancy readiness.

**Additional Recommendations from City Council Subcommittee**

The above actions represent the Code Enforcement Task Force’s best recommendations for the issue it identified as the City’s highest priority: vacant, blighted residential properties. The Task Force fully acknowledges that there are numerous, additional code enforcement challenges that need to be addressed throughout our community. However, it is the Task Force’s recommendation that the City focus heavily on this issue until we see improvements city-wide before moving on to the next code enforcement priority.

Councilmembers Baines, Caprioglio, and Olivier formed an ad hoc Council Subcommittee on Code Enforcement that met tangentially to the Task Force over the last four months. The Councilmembers recommend that the Administration address the following, additional issues in the FY 2016 budget:

- Prioritize additional resources to address illegal dumping;
- Ensure a smooth process and timely response for constituents concerned with homeless shelters on private property; and
- Ensure additional and effective enforcement of recycling center operations.

The Mayor has committed to working with the Council to address these concerns in the FY 16 proposed budget.

### ***Conclusions***

The existence of blighted, boarded-up residential properties is a priority issue that has plagued Fresno neighborhoods for too long. Addressing and remediating this issue will go a long way in improving property values and promoting reinvestment in established neighborhoods.

The Task Force believes that implementing the recommendations included in this report is an important first step in evaluating and improving the community's Code Enforcement processes. Effective implementation of these recommendations will have a deep and positive impact on many dozens of neighborhoods throughout our City. The Task Force looks forward to monitoring the results of implementation and taking on future efforts based upon the findings of this team.

### ***Acknowledgements***

The Task Force wishes to commend the dedicated staff from the City who participated on the Action Team. They are a highly competent group of people and a source of pride to the City of Fresno. Having observed the commitment of the Action team to the goals set forth by Mayor Swearingin, Councilmembers Baines, Caprioglio, and Olivier, Task Force members have little doubt that the goals will be achieved.

The Action Team wishes to express its appreciation for the invaluable guidance provided by the Task Force members. The high-energy dialogue that characterized the joint meetings of the two groups was a source of inspiration to the Action Team members, who always, without exception, came away from those meetings with better ideas, thanks to the input from the community members who participated on the Task Force.

## ***Appendix A***

### **Task Force Members**

Mayor Ashley Swearengin

Councilmember Oliver Baines

Councilmember Paul Caprioglio

Councilmember Clint Olivier

Dr. Matt Jendian, Fresno State, Co-Chair

Steve Hrdlicka, Fresno Apartment Association, Co-Chair

Jennifer Clark, DARM Director

Brooke Ashjian, Developer

Melissa Black, Huntington Neighborhood Association

Rosalyn Clark, Neighborhood Watch Association

Rev. David Criner, Jr., Saints Rest Baptist Church, Faith In Community

Terance Frazier, Developer and Rental Property Owner

Tracewell Hanrahan, Fresno Housing Authority

Brad Hardie, Royalty Regency Property Management

Fred Jimenez, Central Valley Real Estate Network

Jason Johnson, Wells Fargo Bank

Rev. Booker Lewis, Rising Star Baptist Church, Faith In Community

Scott Miller, Gazebo Gardens, Fresno Chamber of Commerce

Dr. Janine Nkosi, Fresno State, Faith In Community

Sherri Poindexter, realtor, Fresno Association of Realtors

Bruce Rudd, City Manager

Rev. Phil Skei, On Ramps Church, Lowell Neighborhood CDC

Doug Sloan, City Attorney

Renena Smith, Assistant City Manager

Steve Walter, Rental Property Owner, Lowell Neighborhood

## ***Appendix A***

### ***Action Team Members***

Matt Jendian, Co-Chair

Steve Hrdlicka, Co-Chair

Jennifer Clark, DARM Director, Co-Chair

### ***City Manager's Office***

Bruce Rudd, City Manager

Renena Smith, Assistant City Manager

### ***City Attorney's Office***

Douglas Sloan, City Attorney

Melissa White, Assistant City Attorney

### ***Development and Resource Management Department***

Brian Leong, Building Services Manager

Del Estabrooke, Parking & Code Enforcement Manager

Alan Brajkovich

Howard Lacy

Randi Manouel

Ben Rash

Kevin Watkins

### ***Personnel Services Department***

Sandra Chavez-Martin

### ***Public Utilities Department***

Jerry Schuber, Assistant Director, Solid Waste

### ***Fresno Police Department***

Deputy Chief Pat Farmer

### ***Budget***

Pedro Rivera, Budget Analyst

## *Appendix B*

### **Mayor-Council Code Enforcement Task Force Meeting Schedule**

October 14, 2014

November 17, 2014

December 17, 2014

January 7, 2015

February 4, 2015

March 4, 2015

April 8, 2015

## *Appendix C*

BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA, REPEALING SECTION 10-617 AND ADDING SECTION 10-617; AMENDING SECTIONS 10-603; AND REPEALING SECTIONS 10-620, 11-335 AND 11-422 OF THE FRESNO MUNICIPAL CODE RELATING TO STANDARDS FOR VACANT BUILDINGS

THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 10-617 of the Fresno Municipal Code is repealed and the following is added to read:

SECTION 10-617. BLIGHTED VACANT BUILDING ORDINANCE

(a) All vacant buildings shall be maintained in a non-blighted condition, consistent with the requirements of this section. A vacant building in a blighted exterior condition shall be deemed a public nuisance. If the Director finds the building is being maintained in a blighted condition, the Director may issue a Notice of Correction to the property owner and the property owner may be subject to fines and penalties as set forth in this section.

(b) All vacant buildings shall be actively maintained, monitored and secured in compliance with all of the following standards:

(1) Maintain all yards visible from any public right of way, including interior yards visible from adjacent properties to be maintained in a safe and sanitary condition, including keeping all

plant materials controlled to avoid Overgrowth as defined in this Article; including park strips, with Landscaping as defined in this Article, installed and maintained in a trimmed, live and healthy condition; the requirements of this subsection to maintain live plant material shall not be effective if and during the time the city has implemented Stage 4 water shortage contingency rationing under its Water Use Reduction Plan.

(2) Maintain the exterior of the building, including but not limited to, paint, finishes, roofing materials, siding, stucco, masonry, railings, steps, gutters, and structural elements in good condition. Painted surfaces shall be deemed in good condition if there is at least 95% coverage of the structural element that is painted.

(3) Remove all trash and debris from exterior of the property within seventy-two (72) hours of notification.

(4) Comply with all applicable state and local codes and regulations, and any applicable city issued permits and site plans in the replacement and repair of all elements of the exterior of the building.

(5) Take all reasonable steps necessary to prevent criminal activity, including, but not limited to, the use and sale of controlled substances, prostitution, and criminal street gang activity, on the premises. Examples of reasonable steps include actively

monitored security alarm systems and frequent physical inspections as defined in subsection 10-603(c).

(6) Secure and maintain the property, both structure and grounds, against trespassers, including maintaining all windows and doors with locks, replacing all broken doors or windows, and securing any other openings into the structure that are readily accessible to trespassers as defined under Chapter 11 of this code or such other means as may be accepted by the Director. Securing windows that are visible from any public right of way shall be done only with rigid transparent material such as clear Lexan type material with a minimum of 3/8 inch thickness to 1/2 inch thickness. No opaque (typically plywood) boarding materials shall be used where visible from a public right of way, following sixty (60) days of the effective date of this ordinance.

(7) Remove all graffiti on the property within forty-eight (48) hours of placement on the property in compliance with Fresno Municipal Code Section 9-2514.

(8) Maintain the property free of all fire hazards.

(9) Maintain the property free of any Attractive Nuisance, as defined in this Article.

(10) All buildings that have been or are expected to be vacant for longer than thirty (30) days may be registered, at no cost, with the city as may be provided on a city website or web

application. The registration shall include the identity of all record owners, the street address of the vacant building, and a local contact, and shall be maintained only for internal use by the city.

(c) Non-compliance. Failure by the property owner to comply with each of the standards set forth in sections (b) (1) through (b) (10) above for the exterior of a vacant building within eighteen (18) days of notification under this section is a separate violation of this code and subject to the following penalties:

(1) Use of any abatement procedure provided in this Article;

(2) Issuance of a criminal citation under Section 1-305, should the owner of a vacant building be found responsible for three or more violations of this Article on three or more separate buildings within a thirty (30) day period;

(3) Issuance of an administrative citation of \$250 per violation, per day, under Section 1-308. There shall be a presumption that a violation continued from day to day between the initial inspection date at which it was observed by the city and a subsequent inspection date at which it continued to exist; and/or

(4) Institution of legal action to pursue any available legal remedy, including receivership or injunction, by the City Attorney upon request by the Director.

(d) Occupancy. If a vacant building has been found to be in violation of this Article, the building shall not be occupied until all fines and abatement costs are paid, or acceptable arrangements with the city for payment have been made, and the owner certifies the property meets all health and safety code standards that are required for occupancy and the property owner receives a written release from the city. The city reserves the right to require an interior inspection of the property to ensure the property meets local and state law requirements for habitability prior to issuing the city's release for occupancy.

(e) Grace period. Owners of newly acquired blighted vacant buildings shall have thirty (30) days from the date of legal possession of the building to be in compliance with this ordinance.

SECTION 2. Section 10-603 of the Fresno Municipal Code is amended to read:

SECTION 10-603. DEFINITIONS.

(a) "Abandoned Vehicle" means a vehicle which is left on a highway, public or private property in such inoperable or neglected condition that the owner's intention to relinquish all further rights or interests in it may be reasonably concluded.

(1) In reaching a reasonable conclusion, one must consider the amount of time the vehicle has been there without being moved, its condition, statements from the owner and witnesses, etc.

(2) In reference to highway or public rights of way, "abandonment" is presumed to have occurred if a vehicle is parked, resting, or otherwise immobilized on any highway or public right of way; and lacks an engine, transmission, wheels, tires, doors, windshield, or other part of equipment necessary to operate safely on the highway in this city. Such vehicles are presumed to be a hazard to public health, safety, welfare and considered an attractive nuisance and may be removed immediately upon discovery.

(b) "Attractive Nuisance" shall mean any condition, instrumentality or machine which is or may be unsafe or dangerous to children by reason of their inability to appreciate the peril therein, and which may reasonably be expected to attract children to the premises and risk injury by playing with, in, or on it, whether in a building or on the premises.

[(c) "Blight" means the condition of a specific property or group of properties which would be offensive in the eyes of the public as compared to the standard of maintenance of the property pursuant to Article 6, Section 10; where the conditions are visible from public streets or right of ways and substantially detract from the aesthetics and economic value of the neighboring properties including health and safety hazards, public nuisance, crime, neglect and deterioration of property.]

[(d) "Blighted Building" means a vacant residential, commercial, or industrial building and all yards surrounding the building that [is in

violation of one or more provisions of the Fresno Municipal Code or California state law, and therefore] reduces the aesthetic appearance of its neighborhood, area or district, is offensive to the senses, or is detrimental to nearby properties uses or property values. A blighted building includes a vacant building and the yards surrounding the building that are not being actively maintained, or actively monitored, or actively secured. ~~To actively maintain, monitor, and secure a vacant building, the owner or his or her agent must comply with all sections of this article and do all of the following:~~

~~————(i)——— Maintain all yards in compliance with any applicable development permits. If there are no applicable development permits, maintain all interior yards (those that are not visible to the general public) in a safe condition, including keeping all plant materials controlled to avoid overgrowth; maintain all exterior yards (those that are visible to the general public), including park strips, with landscaping, as defined in this section, installed and maintained in a trimmed, live and healthy condition;~~

~~————(ii)——— Maintain the exterior of the building, including, but not limited to, paint and finishes, in good condition;~~

~~————(iii)——— Remove all trash and debris from their placement or abandonment on the property;~~

~~————(iv) Maintain the building in continuing compliance with all applicable state and local codes and regulations and any applicable city issued permits; and~~

~~————(v) Take all reasonable steps necessary to prevent criminal activity on the premises, including, but not limited to the use and sale of controlled substances, prostitution and criminal street gang activity; and~~

~~————(vii) Remove all graffiti on the property.~~

~~([e]d)~~ "Decorative Landscaping" means decorative non-live materials used to cover dirt in a garden or yard, such as rocks, gravel, bark, or synthetic lawn, and does not include pavement with asphalt, cement or any other impervious surface.

~~([f]e)~~ "Director" shall include any person authorized to issue citations pursuant to Fresno Municipal Code Section 1-308(k).

~~([g]f)~~ "Dismantled Vehicle" means any vehicle that is partially or wholly dismantled.

~~([h]g)~~ "Inoperative Vehicle" means any motor vehicle that cannot be moved under its own power.

~~([i]h)~~ "Landscaping" means at least fifty percent (50%) of the non-paved portions of the exterior yards (those that are visible to the general public) shall be covered with live trees, shrubs, lawns, or other live [or synthetic lawn] materials, and the remaining portion of the non-paved portions of the exterior yards shall be covered with live trees, shrubs,

lawns, or other live plant materials or shall have decorative landscaping installed, so long as weed block is used where decorative landscaping is installed. Notwithstanding the above, all unpaved areas of a park strip may be landscaped with decorative landscaping, so long as weed block is used. [The requirements of this subsection to maintain live plant material shall not be effective if and during the time the city has implemented Stage 4 water shortage contingency rationing under its Water Use Reduction Plan.]

(~~l~~) "Overgrown" means grass, lawn blades, or weeds [that are:

1. Over twelve (12)] inches long or any [ground covering] plant material that extends over [twelve (12)] inches onto a public ~~right-of-way~~ [street, curb, gutter, or sidewalk or;

2. Over six (6) inches long or any ground covering plant material that extends over six (6) inches on to the public street, curb, gutter or sidewalk when the condition exists in combination with one or more other violations under this Article.]

(~~k~~) "Park Strip" shall mean that portion of a street right of way that lies between the ~~property line~~ [sidewalk] and the outside edge of a, street, gutter, or gutter lip, including a driveway approach. Where no curb exists, "park strip" shall mean the area of property from the ~~property line~~ [sidewalk] to the edge of the street pavement.

(~~l~~) "Property" shall mean any lot or parcel of land. For purposes of this definition, "lot or parcel of land" shall include any alley, sidewalk,

park strip or unimproved public easement abutting such lot or parcel of land. Further, for the purpose of this definition, "unimproved public easement" shall not include an exposed irrigation canal.

(~~[m]~~) "Record Owner" shall mean the person to whom land is assessed as shown on the last equalized assessment roll of the county or current title owner of record, if different.

(~~[n]~~) "Structure" means anything constructed or built, any edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, which requires location on the ground or is attached to something else attached to the ground.

(~~[o]~~) "Vacant building" means real property with one or more structures, whether residential, commercial, or industrial, that is/are unoccupied or occupied by unauthorized persons. In the case of a multi-unit structure or complex, vacant shall mean ~~when any one unit is~~ [fifty percent (50%) or more of the units are] unoccupied or occupied by unauthorized persons.

(~~[p]~~) "Vehicle" means a device by which any person or property may be propelled, moved, or drawn upon a highway, excepting a device moved by human power or used exclusively upon stationary rails or tracks.

([g]p) "Weed Block" means material that is installed over a dirt surface in order to prevent the growth of weeds and that does not prevent the infiltration or passage of water into the dirt surface.

([f]q) "Wrecked Vehicle" means any vehicle that is damaged to such an extent that it cannot be operated upon the highway.

SECTION 3. Section 10-620 of the Fresno Municipal Code relating to Registration of Vacant Foreclosed Properties is repealed.

SECTION 4. Section 11-335 of the Fresno Municipal Code relating to Standards for Temporarily Boarding a Vacant Building or Structure is repealed.

SECTION 5. Section 11-422 of the Fresno Municipal Code relating to Standards for Temporarily Boarding a Vacant Building or Structure is repealed.

SECTION 6. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its final passage.

\* \* \* \* \*

STATE OF CALIFORNIA )  
COUNTY OF FRESNO ) ss.  
CITY OF FRESNO )

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

AYES :  
NOES :  
ABSENT :  
ABSTAIN :

Mayor Approval: \_\_\_\_\_, 2015  
Mayor Approval/No Return: \_\_\_\_\_, 2015  
Mayor Veto: \_\_\_\_\_, 2015  
Council Override Vote: \_\_\_\_\_, 2015

YVONNE SPENCE, CMC  
City Clerk

BY: \_\_\_\_\_  
Deputy

APPROVED AS TO FORM:  
DOUGLAS T. SLOAN,  
City Attorney

BY: \_\_\_\_\_  
Melissa L. White [Date]  
Supervising Deputy

MLW:dlv/ns/elb [66764dlv/elb/mlw] Ord. 3/4/15

Date Adopted:  
Date Approved  
Effective Date:  
City Attorney Approval: \_\_\_\_\_

Ordinance No. \_\_\_\_\_