

1 BEFORE THE BOARD OF SUPERVISORS

2 OF THE COUNTY OF FRESNO

3 STATE OF CALIFORNIA

4 ORDINANCE NUMBER 24-014

5 AN ORDINANCE ADDING CHAPTER 15.90 TO THE ORDINANCE CODE OF THE  
6 COUNTY OF FRESNO PERTAINING TO UNSECURED VACANT STRUCTURES AND  
7 BUILDINGS

8 The Board of Supervisors of the County of Fresno ordains as follows:

9 **Section 1.** That the Ordinance Code of the County of Fresno is hereby amended by adding  
10 Chapter 15.90 of Title 15 to read as follows:

11 Chapter 15.90 – VACANT STRUCTURES AND BUILDINGS

12 Section 15.90.010 – Title, Purpose, and Intent

13 Section 15.90.020 – Definitions

14 Section 15.90.030 – Duty of Property Owner

15 Section 15.90.040 – Duty to Maintain and Secure Commercial, Industrial and Residential  
Property

16 Section 15.90.050 – Exclusions

17 Section 15.90.060 – Standards for Securing and Maintaining a Vacant Structure

18 Section 15.90.070 – Prohibited Acts

19 Section 15.90.080 – Enforcement and Remedies for Violation

20 Section 15.90.090 – Entry on Premises

21 Section 15.90.100 – Notice to Secure and Maintain a Vacant Structure

22 Section 15.90.110 – Abatement by County

23 Section 15.90.120 – Summary Abatement

24 Section 15.90.130 – Recovery of Abatement Costs

25 Section 15.90.140 – Inspection and Reinspection Fees

Section 15.90.150 – Non-Exclusive Remedy

Section 15.90.160 – Severability

1 Section 15.90.010 – Title, Purpose, and Intent

2 This chapter shall be known as the “Vacant Structures and Buildings” ordinance. The  
3 board of supervisors find and declare that vacant structures attract vagrants, trespassers, and  
4 criminals and can be a prime location to conduct illegal activities; that vacant and improperly  
5 secured structures are vulnerable to being set on fire by unauthorized persons; that vacant  
6 structures and buildings can be a source of blight and cause deterioration and instability in  
7 neighborhoods; that vacant structures can invite the accumulation of garbage, trash, discarded  
8 vehicles, weeds, dead and decaying vegetation, and other nuisance conditions; and that vacant  
9 structures can pose serious threats to the public’s health and safety. The purpose of this  
10 ordinance is to require that vacant structures in the unincorporated areas of the county are  
11 properly secured and boarded during temporary periods of vacancy, and the dwellings,  
12 structures and buildings do not remain vacant and unoccupied for appreciable periods of time.  
13

14 Section 15.90.020 – Definitions

15 For the purposes of this chapter:

- 16 A. “Agricultural zoned property” means any property designated for agricultural land uses  
17 including properties designated AE, AL, A-2, and A-2, as identified in the Zoning  
18 Ordinance.
- 19 B. “Commercial zoned property” means any property designated for commercial land uses  
20 including properties designated AC, C-P, C-R, C-1, C-1, C-2, C-3, C-4, C-6, RCC, and  
21 R-P, as identified in the Zoning Ordinance.
- 22 C. “Enforcement officer” means any county employee designated by the county  
23 administrative officer and/or director of the county department with authority to enforce  
24 any provision of this code or related state law, and shall also mean regular salaried, full-  
25 time employees of the sheriff-coroner’s office.

- 1 D. "Industrial zoned property" means any property designated for industrial land uses  
2 including properties designated C-M, M-1, M-2, and M-3, as identified in the Zoning  
3 Ordinance.
- 4 E. "Property" includes tracts, lots, easements, or parcels of land and any and all  
5 improvements thereon.
- 6 F. "Property owner" means an individual or individuals, corporation, partnership, limited  
7 liability company, or any other entity holding fee title or life estate to the subject real  
8 property.
- 9 G. "Residential zoned property" means any property designated for residential land uses  
10 including properties designated R-1, R-1-A, R-1-AH, R-1-B, R-1-C, R-1-E, R-1-EH, R-1,  
11 R-2, R-2-A, R-3, R-3-A , R-4, R-A, and T-P; but excludes properties designated R-R  
12 (Rural Residential), as identified in the Zoning Ordinance.
- 13 H. "Residential building" means a building or structure lawfully used for residential purposes  
14 within the last three hundred sixty-five (365) day period from the date the enforcement  
15 officer identifies a potential violation of this chapter regarding the subject building.
- 16 I. "Structure" means any building, structure, dwelling, office, warehouse, and any other  
17 fully enclosed improvement that may lawfully be used for human occupation.
- 18 J. "Special purpose zones" means property with special land use designations for open  
19 space, resource conservation and recreational land uses including properties designated  
20 O (Open Conservation Land Use), R-C (Resource Conservation), R-E (Recreational),  
21 RS (Rural Settlement), and TPZ (Timberland Preserve); but excludes properties  
22 designated (Off-Street Parking), as identified in the Zoning Ordinance.
- 23 K. "Unsecured" means a structure where one or more doors, windows, or other openings  
24 are broken or missing.
- 25

1 L. "Vacant structure" means any structure: that has not been actively used for a lawful  
2 purpose for a continuous period of not less than six (6) months and has not been  
3 rendered inaccessible to the public by boarding or similar means.

4 M. "Zoning Ordinance" means the Fresno County Zoning Ordinance, Division 6 of the  
5 Fresno County Ordinance Code.  
6

7 Section 15.90.030 – Duty of Property Owner

8 Every property owner shall maintain their property in accordance with the provisions of  
9 this chapter and correct all violations of this chapter. The property owner is liable for violations  
10 of this chapter regardless of any contract or agreement with any third party, including but not  
11 limited to a tenant or manager, concerning the property. If more than one person or entities  
12 owns any portion of the fee interest or life estate, in the property, the property owners'  
13 obligations under this chapter are joint and several.  
14

15 Section 15.90.040 – Duty to Maintain and Secure Commercial, Industrial and Residential  
16 Property

17 It is unlawful for a property owner to fail to secure a vacant building on commercial  
18 zoned property, industrial zoned property, and residential zoned property when any one or more  
19 of the conditions described below are found to exist:

- 20 A. The exterior of the unsecured vacant structure contains waste, rubbish, debris,  
21 excessive vegetation, dead or dying vegetation, or graffiti.  
22 B. Unauthorized entry into the unsecured vacant structure by individuals without the  
23 knowledge or permission by the property owner.  
24 C. Incidents of fire at the property.  
25 D. Incidents of unlawful camping in violation of chapter 10.70 of this code at the property.

1 Section 15.90.050 – Exclusions

- 2 A. This chapter does not apply to any vacant structure that is:
- 3 1. Located on agricultural zoned property.
  - 4 2. Located on special purpose zoned property.
  - 5 3. Located on properties in R-R (Rural Residential) zoned districts.
- 6 B. Notwithstanding paragraph A, this chapter applies to a residential building located in any  
7 zoned district found by the enforcement officer to be a dangerous building or structure,  
8 or substandard housing pursuant to Chapter 15.32 of this code.
- 9

10 Section 15.90.060 – Standards for Securing and Maintaining a Vacant Structure

11 For an unsecured vacant structure in violation of section 15.90.040, a property owner  
12 shall secure and maintain the vacant structure according to the following specifications and  
13 requirements:

- 14 A. All waste, rubbish, debris, excessive vegetation, and graffiti shall be regularly removed  
15 from the vacant structure's interior, exterior, and premises.
- 16 B. If a vacant structure is unsecured, the vacant structure shall be secured as follows:
- 17 1. Barricade all unsecured doorways, windows, and/or other exterior openings with  
18 the minimum one-half inch thickness exterior grade plywood which shall extend  
19 to the molding stops or studs.
  - 20 2. Mount at least two wood stocks of minimum two by four-inch thickness to the  
21 reverse face of the plywood with minimum three-eighths inch carriage bolts  
22 mated with nuts and flat washers.
  - 23 3. Extend the stock a minimum of eight inches on each side of the interior wall.
  - 24 4. Use only hardware that is galvanized or cadmium plated.
  - 25 5. Paint all exterior barricade material the predominant color of the structure.

1           6. In lieu of requiring the owner to board a vacant structure using the materials and  
2           methods of construction specific to this Section, the building official may  
3           authorize the owner to board the vacant structure using one or more alternative  
4           materials or methods of construction, provided the building official determines the  
5           proposed alternative adequately prevents unauthorized entry or vandalism to the  
6           vacant structure.

7           7. All utility service to the dwelling or building must be terminated by removal of the  
8           meters and termination of electric power at the transmission pole. Compliance  
9           with this subsection may be waived in writing by the enforcement officer as to the  
10          electric utility service if electricity is needed to power exterior security lighting, an  
11          alarm or fire prevention system or equipment used in connection with the  
12          rehabilitation of the dwelling, structure or building for which there an active and  
13          current building permit.

14          8. If applicable, the sewer must be capped in a manner approved by the building  
15          official to prevent the accumulation of methane gas in the dwelling, structure, or  
16          building.

17          9. Post the premises. One or more signs must be posted at or near each entrance  
18          of the property and at each entrance of the structure and on fences or walls as  
19          appropriate. The signs must remain posted until the structure is lawfully occupied  
20          or demolished. Posted signs must contain, at a minimum, the following  
21          information:

22                NO TRESPASSING. It is illegal to enter or occupy this building or premises or to  
23                remove or deface this notice. Trespassers will be prosecuted. (The posted sign  
24                shall cite to the applicable sections of the Fresno County Ordinance Code and  
25                California Penal Code.)

1           10. The enforcement officer may require the owner to erect a fence that meets the  
2           specific fencing development standards of the property's applicable zoned district  
3           pursuant to the Zoning Ordinance. Any fence erected in the accordance with this  
4           section shall be maintained in a safe condition without tears, breaks, rust, or  
5           dangerous protuberances.

6  
7   Section 15.90.070 – Prohibited Acts

- 8   A.    Entry Prohibited. It is unlawful for any person to enter or occupy any vacant structure  
9           that has been posted pursuant to Section 15.90.060.B.9, except to repair or demolish  
10          the structure under proper permits or for a lawful purpose authorized by the property  
11          owner.
- 12   B.    Interference with Notice Prohibited. It is unlawful for any person to remove or deface any  
13          notice posted pursuant to Section 15.90.060.B.9, until the required repair or demolition  
14          has been completed.

15  
16   Section 15.90.080 – Enforcement and Remedies for Violation

- 17   A.    A violation of this chapter is declared to be a public nuisance and subject to abatement  
18          in accordance with Section 15.90.110 and Chapter 1.16 of this code.
- 19   B.    A violation of this chapter shall be punishable as an infraction.
- 20   C.    A violation of this chapter may be enforced by and through administrative fines in  
21          accordance with Chapter 1.13 of this code.
- 22   D.    This chapter shall be administrated and enforced by the County Administrative Officer  
23          and the County Administrative Officer's designee, the Director of the Department of  
24          Public Works and Planning and the Director of the Department of Public Health, and  
25          each Director's respective designee, and by and through the employees of the county,

1 and the agents and contractors of the county.

2  
3 Section 15.90.090 – Entry on Premises

- 4 A. To the extent allowed by law, whenever necessary to enforce any provision of this  
5 chapter or, whenever the enforcement officer has reasonable cause to believe that a  
6 violation of this chapter exists, the enforcement officer may inspect any vacant structure  
7 to determine whether the structure or its premises complies with this code or of statutes  
8 or regulations enforced by the enforcement officer pursuant to Section 1.08.010 or to  
9 enter for the purposes of abatement as provided by Chapter 1.16 of this code.
- 10 B. Reinspection. The enforcement officer may periodically reinspect property and vacant  
11 structures to ensure compliance with this chapter and all applicable court and  
12 administrative orders.

13  
14 Section 15.90.100 – Notice to Secure and Maintain a Vacant Structure

- 15 A. If the enforcement officer determines that a violation of this chapter exists, the  
16 enforcement officer shall transmit a notice to secure and maintain a vacant structure to  
17 the property owner by certified mail with return receipt requested, by overnight delivery  
18 with proof of delivery requested, or by personal service and posting on the property.  
19 Service of this notice shall be effective on the date of mailing, overnight delivery,  
20 personal service and posting, or on the earliest date if more than one method of service  
21 is used.
- 22 B. The notice to secure and maintain a vacant structure must contain, at a minimum, the  
23 following information:
- 24 1. The street address or legal description of the property.
  - 25 2. A short, plain statement of the conditions constituting the violation and a

1 description of how the violation must be abated.

2 3. An order that all waste, rubbish, debris, excessive vegetation, and graffiti shall be  
3 regularly removed from the vacant structure's interior, exterior, and premises.

4 4. An order that the owner board or otherwise secure the vacant structure in  
5 compliance with Section 15.90.060.

6 5. A statement that if the violation is not abated within the time specified in the  
7 notice, the county may abate the violation in accordance with Section 15.90.100.

8 6. The order may require the property owner to erect a fence in accordance with  
9 Section 15.90.060.B.10.

10 7. A statement that the property owner has the right to submit in writing any  
11 information relating to the determination of the existence of a violation. If the  
12 enforcement officer determines that an effort is being made to correct the  
13 violation, the enforcement officer may grant an additional period of time for  
14 correction of the violation.

15 C. Within fifteen (15) days after the date a notice to secure and maintain a vacant structure  
16 is served to the property owner, the property owner may appeal the notice to secure and  
17 maintain a vacant structure pursuant to the appeal procedures of Section 1.16.080 of  
18 this code.

19 D. The enforcement officer shall undertake reasonable efforts to obtain current contact  
20 information for a property owner to provide notice under this section.

21 E. Proof of service of the notice to secure and maintain a vacant structure may be made by  
22 a declaration of service by any officer or employee of the county or by affidavit of service  
23 by any person over the age of eighteen (18) years. Failure of a property owner to receive  
24 a mailed notice that was properly addressed shall not affect the validity of the  
25 proceedings.

1 Section 15.90.110– Abatement by County

2 A. If a property owner fails to comply with the notice to secure and maintain a vacant  
3 structure within the time specified in the notice and does not timely appeal, the  
4 enforcement officer may abate the violation and recover the costs as provided for in this  
5 chapter. Abatement may include securing the vacant structure pursuant to the standards  
6 in Section 15.90.060.

7 B. After abating the violation, the enforcement officer must transmit a notice of abatement  
8 to the property owner by certified mail with return receipt requested, by overnight  
9 delivery with proof of delivery requested, or by personal service and posting on the  
10 property the property in accordance with the procedures to provide service found in  
11 Section 1.16.080 of this code. The notice of abatement must inform the property owner  
12 of all of the following:

- 13 1. The property owner must maintain the property in a condition that complies with  
14 this chapter.
- 15 2. The property owner must establish a plan and timeline for the lawful occupancy,  
16 rehabilitation, or demolition of the vacant structure, or alternatively, a plan and  
17 timeline for sale of the property to another person or entity with provision in the  
18 sale for the lawful occupancy, rehabilitation, or demolition of the structure.
- 19 3. If the enforcement officer has erected a fence, the property owner must maintain  
20 the fence in a condition that complies with this chapter.
- 21 4. A description of the actual work of abatement performed.
- 22 5. An abatement expense statement pursuant to section 1.16.150 of this code to  
23 inform that the property owner is responsible for the costs of abatement,  
24 including the actual cost to perform the actual work, the cost of materials,  
25 administrative costs, and inspection and reinspection costs.

1 C. If the enforcement official abates a violation under this section and the property owner  
2 fails to maintain the property in a condition that complies with this chapter, the  
3 enforcement officer may maintain the property and recover costs as provided for in this  
4 chapter.

5 D. Nothing in this chapter shall be construed as requiring the securing of a substandard  
6 building that has become a vacant structure prior to an abatement of the substandard  
7 building under Section 1.16.090 of this code, or the State Housing Law (Health and  
8 Safety Code § 17910, et seq). If a substandard building becomes a vacant structure  
9 before or during abatement under Chapter 1.16 and 15.32 of this code, or the State  
10 Housing Law, the notice and order to abate may require the securing of the building in  
11 accordance with the standard set forth in Section 15.90.060.

12  
13 **Section 15.90.120 – Summary Abatement**

14 Nothing in this chapter prohibits the summary of abatement of a nuisance pursuant to  
15 the procedures set forth in Section 1.16.050 of this code.

16  
17 **Section 15.90.130 – Recovery of Abatement Costs**

18 A. Abatement costs may be recovered by civil action against the property owner or may be  
19 administratively assessed as a lien and special assessment against the property in  
20 accordance with Chapter 1.16 of this code. Abatement costs include the cost to perform  
21 the actual work, the cost of materials, and all administrative costs.

22 B. Summary abatement costs may be recovered by civil action against the property owner  
23 or may be administratively assessed against the property as a lien and special  
24 assessment against the subject property in accordance with Section 1.16.050 of this  
25 code.

1 Section 15.90.140 – Inspection and Reinspection Fees

2 The fee for any inspection, and each reinspection, shall be an amount established by the  
3 board of supervisors in the master schedule fees adopted pursuant to Chapter 4.44 of this code.

4  
5 Section 15.90.150– Non-Exclusive Remedy.

6 This chapter is not the exclusive regulation or abatement procedures for vacant buildings  
7 within the unincorporated areas of Fresno County. It supplements and is in addition to other  
8 regulatory codes, statutes, and ordinances heretofore or hereafter enacted by the county, state  
9 or any legal entity or agency having jurisdiction.

10  
11 Section 15.90.160 – Severability

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

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1 **Section 2:** This ordinance shall take effect thirty (30) days after final passage.

2  
3 THE FOREGOING, was passed and adopted by the following vote of the Board  
4 of Supervisors of the County of Fresno this 5th day of November, 2024, to wit:

5 AYES: Supervisors Brandau, Magsig, Mendes, Pacheco, Quintero

6 NOES: None

7 ABSENT: None

8 ABSTAINED: None

9  
10 

11 \_\_\_\_\_  
12 Nathan Magsig, Chairman of the Board of  
13 Supervisors of the County of Fresno

14 **ATTEST:**  
15 Bernice E. Seidel  
16 Clerk of the Board of Supervisors  
17 County of Fresno, State of California

18 By:  \_\_\_\_\_  
19 Deputy

20 FILE # 24-1235

21 AGENDA # 23

22 ORDINANCE # 24-014  
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25