

SEC. 10-617. - BLIGHTED VACANT BUILDING ORDINANCE.

- (a) All vacant buildings shall be maintained in a non-blighted, safe, and secure condition, consistent with the requirements of this section. A vacant building maintained as a fire hazard, attractive nuisance, or in a blighted condition shall be deemed a public nuisance. If the City finds the building is being maintained as a fire hazard or in a blighted condition, the City may issue a Notice and Order 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 2, 3, or 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.
 - (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 adequate physical inspections.
 - (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 $\frac{3}{8}$ inch thickness to $\frac{1}{2}$ inch thickness. No opaque (typically plywood) boarding materials shall be used where visible from a public right of way.

- (7) Remove all graffiti on the property within forty-eight (48) hours of placement on the property in compliance with 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 shall 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. All applicable properties are required to be registered and updated within 72 hours of a change of ownership or contact information. Upon request, provide a Vacant Building Plan stating the owner's plans for the building, timeline for completion of those plans, and the measures in place to ensure that the building and property will be brought into compliance, will be kept secure until the building and property are brought into compliance, and will continue to be maintained in compliance with applicable city codes.
 - (11) Vacant buildings should be posted with approved no trespassing signage to permit police enforcement action.
 - (12) Fire damaged residential buildings that are not safe and legal to occupy shall be either demolished or fully repaired within 90 days of the occurrence of the fire; the Director may grant a continuance if documentation is provided to the satisfaction of the Director showing any delay is of no fault of the property owner and the property owner has made good faith efforts to demolish or fully repair within 90 days; until demolition or repairs are completed, the property owner shall secure the building to prevent unauthorized access.
- (c) In addition to the requirements set forth above, vacant Commercial Buildings shall comply with the following additional standards:
- (1) Install and maintain in good working order a fire protection system in accordance with all applicable codes and ordinances. Fire protection systems shall be kept in operating condition in accordance with applicable codes and ordinances.
 - (2) Install and maintain in good working order a security system such that breaches of any doors or windows, or the presence of intruders, alert the property owner, a property manager, and/or a security company, so that intruders may be removed.
 - (3) Maintain clear of combustible materials, flammable or combustible waste or rubbish, waste, or hazardous materials. Doors, windows and other openings shall be locked or otherwise secured to prevent entry by unauthorized persons in accordance with all applicable codes.
 - (4) Remove heating facilities or heating equipment pursuant to a valid permit or maintain in accordance with applicable codes and ordinances. If heating equipment is removed, any fuel supply shall be removed or terminated in accordance with applicable permits, codes and

ordinances.

- (5) Maintain in a manner in which all emergency access areas, egress points, stairways, roof-access ladders and exit signage are in functioning condition and free from deterioration.
 - (6) Post a sign no smaller than 18 by 24 inches on the front of the exterior building or structure so it is legible from the public-right-of-way, with the following information: (i) name and twenty-four hour contact telephone number and address of the owner, responsible party, or property management company; and (ii) the statement that "THIS PROPERTY IS MANAGED BY" with the appropriate name inserted and "TO REPORT PROBLEMS OR CONCERNS CALL" with the twenty-four hour telephone number listed. The sign shall be constructed and printed with weather resistant materials.
 - (7) Post a minimum of one "No Trespassing" sign in accordance with the Fresno Police Department sign and size requirements must be displayed along property frontage and visible to the public. The sign must be no smaller than 17 by 22 inches in size, with lettering no smaller than 1 inch in height.
 - (8) Conduct sufficient inspections so that the presence of intruders or illegal and/or dangerous activities (for example, starting fires or manufacturing illegal drugs) in the building may be discovered, so that appropriate remedial action can be taken to terminate the illegal and/or dangerous activities.
- (d) **Non-compliance.** Failure by the property owner to comply with each of the standards set forth 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, with costs recoverable pursuant to Chapter 1, Article 5 of the Code;
 - (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 up to \$2,500 under Section 1-308. A second citation of up to \$5,000 may issue for the following 30 day period. A third citation of up to \$10,000 may issue for the following 30 day period, and each 30 day period thereafter until compliance with the Notice and Order is achieved. 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
- (3)(a) Vacant properties that are not registered on the City's vacant property registry shall be subject to an administrative citation of \$250 per month; 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.

- (e) **Occupancy.** 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. 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 property meets all health and safety code standards that are required for occupancy.
- (f) **Grace period.** Owners of newly acquired blighted vacant buildings shall have sixty (60) days from the date of legal possession of the building to be in compliance with this ordinance. The Director may grant a continuance if documentation is provided to the satisfaction of the Director showing any delay is of no fault of the property owner.

(Added Ord. 2003-17, § 3, 4-22-03; Am. Ord. 2004-111, § 1, eff. 12-05-04; Am. Ord. 2006-9, § 2, 3-13-06; Am. Ord. 2008-68, §§ 1—4, eff. 1-15-09; Am. Ord. 2015-11, § 1, eff. 6-19-15; Am. Ord. 2018-6, § 1, 3-1-18; Am. Ord. 2021-027, § 1, eff. 7-22-21).