



BILL NO. B-41

ORDINANCE NO. 2016-38

AN EMERGENCY ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA, AMENDING SECTION 1-308(g) OF THE FRESNO MUNICIPAL CODE, RELATING TO ADMINISTRATIVE CITATIONS AND PENALTIES AND AMENDING AND ADDING SUBSECTIONS TO SECTION 11-307 OF THE FRESNO MUNICIPAL CODE, RELATING TO CODE VIOLATIONS.

WHEREAS, the current municipal regulations do not adequately deter property owners from disregarding health and safety violations in occupied residential rental properties; and

WHEREAS, citizens, City staff, and the City Council have repeatedly voiced concerns regarding the substandard living conditions of residential rental properties within the City; and

WHEREAS, this proposed amendment will financially deter property owners from disregarding health and safety violations in occupied residential rental properties by significantly increasing penalties for violations and doubling penalties for egregious property owners; and

WHEREAS, the City Council finds there is a current and immediate threat to the public health, safety, and welfare because property owners have consistently ignored ongoing health and safety violations in occupied residential rental properties including, but not limited to the lack of heat and hot water, adequate roofing, exposed electrical wiring, and insect and vermin infestation; and

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Date Adopted: 10/20/2016

Date Approved 10/20/2016

Effective Date: 10/20/2016

Ordinance No. 2016-38



WHEREAS, pursuant to City of Fresno Charter Section 603 and California Government Code Section 36937, in order to protect the public health, safety, and welfare, the City Council may adopt an emergency ordinance; and

WHEREAS, this emergency ordinance will take effect immediately in order to deter any further health and safety code violations within the City.

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

SECTION 1. Subsection (g) of Section 1-308 of the Fresno Municipal Code is amended to read:

SECTION 1-308. ADMINISTRATIVE CITATIONS AND PENALTIES.

The City Council finds that there is a need for an alternative method of enforcement of violations of the Municipal Code. The City Council further finds and declares that an appropriate method for enforcement for violations of the Code is the following administrative citation and civil penalty program.

(g) Penalty. Except as otherwise set forth in this Code, [the Master Fee Schedule shall establish the base schedule for the amount of the civil penalty assessed for code violations, which may vary by types and numbers of violations.] ~~or by the Master Fee Resolution, the City Council establishes the following base schedule for determining the amount of the civil penalty to be assessed for each code violation specified in the administrative citation:~~

~~(i) First violation within a rolling twelve-month period,
one hundred dollars (\$100.00);~~



~~(ii) Second occurrence of the same violation within a rolling twelve-month period, two hundred fifty dollars (\$250.00);~~

~~(iii) Third or subsequent occurrence of the same violation within a rolling twelve-month period, five hundred dollars (\$500.00);~~

SECTION 2. Section 11-307 of the Fresno Municipal Code is amended to read:

SECTION. 11-307. VIOLATIONS.

[(a)] It shall be unlawful for any person, firm or corporation, or other entity to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of this article. Each day that any building or lot is used, occupied or maintained contrary to any provisions of this article, shall [may] be deemed a separate offense.

[(b) Violations deemed a threat to health and safety as defined in this Code or pursuant to Health and Safety Code Section 17920.3 shall be penalized as set forth in the Master Fee Schedule.]

[(c) Egregious violator. Any owner committing health and safety or building code violations in three or more occupied residential rental properties in a rolling twelve-month period shall be deemed an egregious violator.]

[(1) An egregious violator shall be subject to double penalties, as set forth in the Master Fee Schedule, for health and



safety and building code violations on occupied rental residential properties .]

[(2) An owner will no longer be deemed an egregious violator if all health and safety or building code violations are cured, all related fines, penalties, and fees are paid, and the owner does not accrue any new health and safety or building code violations for a six-month period.]

SECTION 3. This emergency ordinance shall become effective and in full force upon its final passage.

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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 20th day of October, 2016.

AYES: Baines, Brand, Brandau, Quintero, Soria, Caprioglio
NOES: None
ABSENT: None
ABSTAIN: Olivier

YVONNE SPENCE, CMC
City Clerk

BY: *Yvonne Spence*
Deputy

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

BY: *Tracy N. Parvavian* *10-26-16*
TRACY N. PARVAVIAN Date
Deputy City Attorney

TNP:nd (72697nd-ns/tnp) 10-14-16