

ORDINANCE NUMBER 2025-12

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VISALIA AMENDING
SECTION 8.40.060.C.1 AND 2 OF THE VISALIA MUNICIPAL CODE DECLARATION
OF A PUBLIC NUISANCE, ISSUANCE OF ADMINISTRATIVE ENFORCEMENT
ORDER

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VISALIA

SECTION 1. Consistent with its control over municipal affairs as a charter city and the powers vested in the City of Visalia through the California Constitution, the City of Visalia is authorized to secure and promote the public health, comfort, safety, and welfare of its citizenry. The City of Council of the City of Visalia hereby makes the followings findings:

- A. California state law, Government Code section 53165.1, which went into effect in 2024, prohibits a local agency from authorizing or returning the imposition of a penalty against a resident, owner, tenant, landlord, or another person as a consequence of contact with a law enforcement or emergency assistance being summoned by certain individuals, including a victim of abuse or crime.
- B. The current municipal code is currently not in compliance with section 53165.1, as it states that properties can be designated as a nuisance property by the number of police or fire calls generated in a calendar year.
- C. The current municipal code exempts calls for medical emergencies, and was intended to allow for a public nuisance declaration when a property owner is failing to adequately manage their property, which often can be seen when non-emergency calls for police or fire services, such as calls complaining of excessive noise from the property are made to the police or calls to the fire department about weeds or trash on the property are made.
- D. State law does not prevent properties from being declared a public nuisance due to failures of a property owner to adequately manage their property but does forbid calls for fire or police services from being used as the basis for imposing penalties. In order to make the code compliant with state law, the code will remove the language stating that the number of police or fire calls generated in a calendar year can be used to support a property being declared a public nuisance.
- E. In order to continue enforcement of property management standards the code section shall be modified to state that if a property has been found to be in violation of a Visalia Municipal Code matter that would be considered a public nuisance more than six times in a calendar year, then the property may be designated a

public nuisance using the record of public nuisance violations as the basis for the determination that the property is not being properly managed.

SECTION 2. The Visalia City Council hereby approves the following revision to Visalia Municipal Code Chapter 8.40.060.C.1 and 2, which identifies a property being designated a public nuisance by being in violation of a Visalia Municipal Code for more than six times in a calendar year, by adding the language below *in italics* and removing the text that is in strikeout:

Section 8.40.060 (C) Declaration of Public Nuisance; Issuance of Administrative Enforcement Order

- C. Management quality standards. The following items shall constitute reasonable basis for the enforcement officer to believe that a property is not being properly managed or maintained. The existence of any of these circumstances shall justify an inspection of the property by the enforcement officer. In addition, violation of these standards may be used as evidence that a public nuisance exists.
1. For an individual residential unit, whether the unit is a standalone residence or part of a multi- family complex, more than six ~~police and/or fire calls~~ *Visalia Municipal Code violations have been issued* over a one year period *involving matters that would constitute a nuisance pursuant to Part 3 (commencing with Section 3479) of Division 4 of the Civil Code* ~~(other than a medical emergency)~~.
 2. For an individual residential unit, whether the unit is a standalone residence or part of a multi- family complex, more than six ~~police and/or fire calls~~ *Visalia Municipal Code violations have been issued* over a one year period *involving matters that would constitute a nuisance pursuant to Part 3 (commencing with Section 3479) of Division 4 of the Civil Code* ~~(other than a medical emergency)~~.

SECTION 3. The City Council intends this Ordinance to supplement, not contradict applicable state law and this Ordinance shall be construed in light of that intent.

SECTION 4. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstances, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivision, paragraphs, sentences, clauses or phrases of the Ordinance, or its application to any other person or circumstance. The City Council of the City of Visalia hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

SECTION 5. This Ordinance shall take effect thirty days after its adoption.

SECTION 6. The City Clerk Shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted as required by law.

PASSED AND ADOPTED:

BRETT TAYLOR, MAYOR

ATTEST:

LESLIE CAVIGLIA, CITY CLERK

APPROVED BY CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF TULARE) ss.
CITY OF VISALIA)

I, Leslie Caviglia, City Clerk of the City of Visalia, certify the foregoing is the full and true Ordinance 2025-12 passed and adopted by the Council of the City of Visalia at a regular meeting held on October 20, 2025 and certify a summary of this ordinance will be published in the Visalia Times Delta.

Dated:

LESLIE CAVIGLIA, CITY CLERK

By Reyna Rivera, Chief Deputy City Clerk