

Chapter 6.65
UNINCORPORATED ALAMEDA COUNTY REAL PROPERTY NUISANCES
(EXCLUDING EAST COUNTY AND AGRICULTURALLY ZONED PROPERTIES)

[Current as of May 10, 2003]

Section 6.65.010 Intent. This chapter is adopted by the County of Alameda to improve the general appearance and cleanliness of substandard real property in unincorporated Alameda County to the general standard, written or unwritten, of the neighborhood in which the property is situated, and to cause the swift abatement of blight; provided, however that this Chapter does not apply to East County and Agriculturally Zoned properties, which are regulated by Chapter 6.64. (Ord. 2003-10 § 2 (part))

Section 6.65.020 Definitions. "Broken" means any motor vehicle which has been wrecked, dismantled or disassembled, or any part thereof, or any motor vehicle which is disabled or which may not be operated because of the need for repairs or for any other reason for a period of time in excess of forty-eight (48) consecutive hours.

"Building" means any house, garage, duplex, apartment, condominium, stock cooperative and other residential and nonresidential structures.

"County" means the unincorporated area of the County of Alameda.

"Documented" means as verified by Enforcement officer (i.e. physical and/or visual evidence).

"East County" means as defined by East County Area Plan adopted May 5, 1994, amended August 12, 1996.

"Enforcement Agency" means the Alameda County Planning Department. "Enforcement officer" means the Alameda County planning director or designee. (In no case shall the Board of Zoning Adjustments be the Enforcement officer.)

"Erosion" means the wearing away of soil and rock by weathering.

"Front or street side yard" means that the area between the public street or approved private street and the farthest building wall facing said public street or approved private street.

"Hearing officer" means the Board of Zoning Adjustments. (In no case shall the Enforcement officer be the Board of Zoning Adjustments.)

"Minor Maintenance" any repair and/or maintenance that can be completed within forty-eight (48) hours.

"Owner" means any person or persons owning real property, as shown on the last equalized assessment roll for county taxes or the lessee, tenant or other person having control or possession of the property.

"Permitted" means to possess a valid building or grading permit.

"Person" means any individual, partnership, corporation, association or other organization, however formed.

"Vehicle" means any vehicle, recreational vehicle, travel trailer, utility trailer, boat, or other mobile equipment, or parts thereof. (Ord. 2003-10 § 2 (part))

Section 6.65.030 Unlawful residential, commercial and industrial real property nuisances.

It shall be unlawful for any person owning, leasing, renting, occupying or having charge or of any real property in the county to maintain the property or to allow the property to be maintained in a manner such that any of the following conditions are found to exist thereon and be visible from a public street or approved private Street for an unreasonable period of time as determined by the enforcement officer, except as otherwise stated herein or as may be allowed by any other provision of law. The prohibited conditions are:

A. Unlawful Outdoor Storage.

1. The accumulation of objects including, but not limited to, broken or neglected equipment, machine parts, scrap material, appliances, furniture, household equipment and furnishings, shopping carts, containers, packing materials, salvage materials, wood, lumber, plant cuttings, litter, rubbish, debris, storage of chemicals, gas, oil, toxic or flammable liquids, or similar materials that constitute a threat to the health or safety of any person or property or contributes to conditions that cause blight and property degradation or materials that pose a hazard to the public. This prohibition includes the accumulation of litter, rubbish and debris in any yard that extends above lawful fencing and is unscreened from view of an adjoining property. Upon written notice that sets forth prohibited conditions on empty lots, the enforcement officer may order the property to be enclosed by a chain link or equal fencing; (except as provided in ordinance 17.52.430 (Fences, walls and hedges--Height limitations));

2. The accumulation of dirt, sand, gravel, concrete, or other similar material not incorporated into landscaped areas on the property or associated with any permitted or otherwise legal construction;

3. Attractive nuisances generally considered dangerous to children including abandoned, broken or neglected vehicles, equipment, machinery, refrigerators and freezers, hazardous pools, ponds or excavations related to construction sites;

4. Boats, trailers, camper shells, recreational vehicles, vehicle parts or other mobile equipments that are left in a state of partial construction or disrepair; or any condition which is detrimental to the public health, safety or general welfare or which constitutes a public nuisance as defined in California Civil Code Section 3480.

B. Property that is inadequately maintained.

1. Property which is not securely fenced or adequately lighted to prevent illegal access and activity related to the dumping of garbage, waste, debris and litter;

2. Property which is in an unsecured state so as to potentially constitute an attractive nuisance to children, a harbor for trespassers, criminals or other unauthorized persons or activities or so as to enable persons to resort thereto for the purpose of committing a nuisance or unlawful act.

C. Property Which Creates a Dangerous Condition.

1. Conditions which due to their accessibility to the public pose hazard including, but not limited to, unused and broken equipment, abandoned wells, shafts or basements, hazardous or unprotected pools, ponds, excavations, structurally unsound fences or structures, machinery which is inadequately secured or protected, lumber, trash, fences or debris that may pose a hazard to the public, storage of chemicals, gas, oil or toxic or flammable liquids;

2. Property which is not swept clean and sanitary and free from all accumulations of offensive matter or odor including, but not limited to, dead organic matter, animal intestinal waste and urine, toxic or otherwise hazardous liquids, substances and material;

3. All dangerous buildings or structures, or dangerous electrical, plumbing, sewage, or mechanical installations that are determined to be public nuisances by the enforcement officer and may be abated by repair, rehabilitation, demolition or removal or by the discontinuance of the supply of electrical energy, fuel gas, or water to any building or structure, electrical, plumbing or mechanical installation in accordance with the procedures specified in Building Ordinance Title 15 or by any other remedy available by law. Both existing and new structures and all parts thereof shall be maintained in a safe and sanitary condition.

D. Landscaping and Vegetation.

1. Vegetation likely to: harbor rats, vermin and other nuisances dangerous to public health; cause a detriment to neighboring property; contribute to conditions that cause blight and property degradation, or grow into the public right-of-way such that it obstructs the view of drivers on public streets or private driveways, or obstructs the use of a public sidewalk area;

2. Lawn areas that exceed a height of six (6) inches above grade; or lack plant material necessary to prevent erosion or contribute to conditions that cause blight and property degradation;

3. Failure to abate all exterior fire hazards; complete abatement may include a combination of discing, mowing, and spraying. Remove from the property all dead trees. Cut dead grasses, weeds and

other vegetation to a height not to exceed four inches (4). Native shrubbery should be cleared to a distance of at least fifteen feet (15) from the structure. Maintain trees within one hundred feet (100) of any building, structure, or within ten feet from any roadway, highway, street, alley or driveway, so that no leafy foliage, twigs, or branches are within six feet of the ground. Remove any portion of a tree that extends within ten feet of the outlet of a chimney or stovepipe. Keep all trees, shrubs, and other vegetation, or portions thereof adjacent to or overhanging any building or structure, free from dead limbs, branches and other combustible materials. Maintain five feet of vertical clearance between roof surface and portions of trees overhanging any building or structure. Maintain roof or building or structure free of leaves, needles, twigs, or other combustible litter.

E. Trash and Recycling Containers.

1. Trash, garbage, recycling or green waste cans, bins, boxes or other such containers stored for more than twenty-four (24) hours in any seven day period, including trash and recycling pickup day for such property in any front or street, side yard, public street, driveway or County right-of-way area unless otherwise authorized by the enforcement officer;

2. Permanent dumpsters, debris boxes and other such trash containers that are unscreened from view from the street;

3. Trash or garbage containers, permanent dumpsters, debris boxes and other such trash containers without covers that fit securely; this provision shall not apply to recycling containers.

NOTE: The third documented occurrence of this sub section E (Trash and Recycling Containers) will constitute a violation and will result in a fine to the property owner(s) according to the schedule of fines and fees.

F. Buildings and Structures.

1. Any building or structure which is not occupied, habited, used and/or secured. For purposes of this chapter, a building or structure is unsecured when it is unlocked or the public can gain entry without the consent of the owner;

2. Any partially constructed, reconstructed or demolished building or structure upon which work is abandoned. Work is deemed abandoned when there is no valid and current building or demolition permit or when there has not been any substantial work on the project for six (6) months;

3. Any building or structure which by reason of rot, weakened joints, walls, floors, underpinning, roof, ceilings, insecure foundation, or other cause has become dilapidated or deteriorated;

4. Any building or structure with exterior walls and/or roof coverings which have become so deteriorated as to not provide adequate weather protection and be likely to, or have resulted in, termite infestation or dry rot;

5. Buildings or structures with broken or missing windows or doors which constitute a hazardous condition or a potential attraction to trespassers. For purposes of this chapter "window" shall include any opening, including glazed doors, which open upon a yard, court, or vent shaft open to the elements;

6. Buildings or structures including, but not limited to, walls, windows, fences, signs, retaining walls, driveways, walkways, poles or other objects which are broken, deteriorated, or substantially defaced to the extent that the disrepair visually impacts on neighboring property or presents a risk to public safety. For purposes of this chapter "defaced" includes, but is not limited to, writings, inscriptions, figures, scratches, or other markings commonly referred to as "graffiti" and peeling, flaking, blistering, or otherwise deteriorated paint; any building or structure used or intended to be used for dwelling purposes which, because of inadequate maintenance, dilapidation, decay, damage, fire, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the enforcement city officer to be unfit for human habitation or in such a condition that it is likely to cause sickness or disease (Building Ordinance Title 15).

G. Fences and Gates.

1. Fences, gates and similar structures that are sagging, leaning, missing boards, ailing or otherwise in an unsafe condition, or are left in a state of partial construction or disrepair, or contributes to blight and property degradation.

H. Parking Limitations.

1. Recreational vehicles, travel trailers, utility trailers, unmounted camper tops and boats or other mobile equipment stored in violation of Alameda County General Code Sections 17.52.330 (Yard Regulations) and where applicable, 17.30.150 (RV Combining District Regulations);
2. Vehicles, recreational vehicles, travel trailers, utility trailers, unmounted camper tops, boats, or other mobile equipment parked or stored on other than a driveway or parking area constructed with an all-weather concrete, asphalt, solid masonry or similar material.
3. Except as allowed under Alameda County General Code Sections 17.52.3 10 (Accessory Building-In Front Yard) and including any standard walkway or driveway, parking or storage of vehicles in the front yard or street side yard exceeding more than fifty (50) percent of the width of the lot.

NOTE: The third documented occurrence of this subsection H (Parking Limitations) will result in a fine to the property owner(s) according to schedule of fines and fees.

I. Paving Limitations

1. Including any standard walkway or driveway, the paving of more than 50% of a front yard or street side yard on any residential property after 6/99.

J. Vehicle Repair.

1. The performance of major mechanical or body repairs, or dismantling of any motorized or non motorized vehicle, unmounted camper top, boat or other mobile equipment, or part thereof, unless such major repair is completed within 30 days and in a location not visible from the street. This section shall not prohibit the registered owner of a vehicle or boat, or part thereof, from performing minor repair on said vehicle in the driveway or other paved surface of a residence, provided the vehicle or boat is registered to someone living at the residence and that any such minor repair is completed within forty-eight (48) hours.

K. Sidewalks, Parking Strips and Gutters.

1. Allowing the accumulation of any material, the placement of any object, or any overgrown vegetation that obstructs the view of drivers on public streets or private driveways, or obstructs the use of a public sidewalk area;
2. Allowing overgrown vegetation or the accumulation of abandoned, discarded or dilapidated objects, including, but not limited to, broken or neglected equipment, machine parts, scrap material, appliances, furniture, household equipment and furnishings, shopping carts, containers, vehicle parts, packing materials, salvage materials, firewood, plant cuttings, litter, rubbish and debris or similar materials in that area between the sidewalk and the curb commonly known as a "parking strip";
3. Allowing the accumulation of leaves, litter, debris or weeds in the gutter in front or street side of any property.

L. Garage Sales.

1. Documented garage sales in excess of two per property in any twelve (12) month period and any garage sale lasting longer than two consecutive days.

NOTE: The third or more documented garage sale in a 12-month period will constitute a violation and will result in a fine to the property owner(s) according to schedule of fines and fees.

M. Miscellaneous.

1. Any other condition or use of a property that gives rise to a reasonable determination by the enforcement officer that such condition of use represents a threat to the health and welfare of the public by virtue of its unsafe, dangerous or hazardous nature; or that is out of harmony with the standards of properties in the vicinity so as to cause a diminution of the enjoyment and use of the property; or contributes to blight or property degradation.
2. Except as otherwise provided herein the provisions of this chapter shall be administered and enforced by the Planning Director. In the enforcement of this chapter the planning director and his deputies may, according to law, enter upon private or public property to determine if any condition exists that may detrimental to the public health, safety or general welfare or which constitutes a public nuisance as defined in California Civil Code Section 3480. (Ord. 2003-10 § 2 (part))