



ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY

PLANNING DEPARTMENT

July 21, 2009
Agenda Item #
Second Reading

July 14, 2009

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CONTINUED FROM (PLANNING Item #5)
TUESDAY, 7/14/09

SUBJECT: SECOND READING OF CODE ENFORCEMENT INITIATED ORDINANCE AMENDMENTS TO THE JUNK VEHICLE, NEIGHBORHOOD PRESERVATION, AND ZONING ORDINANCES – Consideration of amendments to various chapters of the County Ordinance Code to streamline procedures, make them more efficient and effective, and codify current practices relative to dealing with junk vehicles and neighborhood preservation.

Dear Board Members:

RECOMMENDATION: That the Board of Supervisors amend Chapters 6.48, Junk Vehicle Ordinance, and 6.65, Unincorporated Alameda County Real Property Nuisances (Neighborhood Preservation Ordinance), of Title 6, Health and Safety; repeal Chapter 6.64, Rural and Urban Residential and Nonresidential Property Nuisances, of Title 6, Health and Safety; and amend various sections of Title 17, the Alameda County Zoning Ordinance as described below and in Attachment A.

BACKGROUND: County Code Enforcement staff has been reviewing the County's Junk Vehicle, Neighborhood Preservation, and Zoning Ordinances in order to make them more efficient and effective, and to codify current practices. In light of their experiences over the past few years and in consideration of input received from the general public, there has been interest in streamlining the procedures to increase the capabilities of Code Enforcement staff, and to improve the overall process.

The Code Enforcement Division of the Planning Department recently completed an ambitious public outreach program for these items. The Code Enforcement Manager made presentations to the Castro Valley Municipal Advisory Council, the Cherryland Homeowners Association, the San Lorenzo Village Homeowners Association, the Sunol Citizens Advisory Committee, and both the East and West County Board of Zoning Adjustments. At all these meetings public response was positive and supportive, and the bodies all voted unanimously to support the proposed amendments.

BOARD UNINCORPORATED SERVICES COMMITTEE: On Wednesday, May 27, 2009, the Unincorporated Services Committee reviewed the proposed amendments. Public testimony was in favor of the proposed amendments and the Committee concurred.

PLANNING COMMISSION: On Monday, July 6, 2009, the Alameda County Planning Commission reviewed the proposed amendments, and after making minor changes, it voted unanimously to recommend that the Board approve the proposed amendments.

PLANNING CONSIDERATIONS

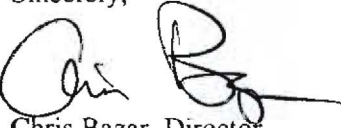
While staff has reorganized and reformatted the Neighborhood Preservation Ordinance extensively, the content, intent, and effect of the ordinance have remained relatively unchanged. The purpose of this reorganization and reformatting is to make it follow a more logical progression, and the changes are cross-referenced in both the markup and clean copies in green brackets. Other major changes include adding or revising definitions to conform to or be consistent with State law and current practice; eliminating language dealing with infractions because it limited the ability to raise fines; eliminating a separate Neighbor Preservation Ordinance for the East County to bring the entire unincorporated area under a common standard; increasing fines for non-abatable items and chronic violators; revising language to ensure consistency and parallel construction; and generally correcting typos, punctuation, and grammar. Please see Attachment A - Summary of Changes.

COUNTY COUNSEL REVIEW: County Counsel has reviewed and approved the proposed ordinance amendments.

ENVIRONMENTAL REVIEW: No environmental review is necessary for this action. Under California Environmental Quality Act Guidelines, §15061, a project is exempt from CEQA if it is covered by the general rule that since CEQA applies only to projects that have the potential for causing a significant effect on the environment, where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment it is exempt from the CEQA. Since this is procedural only, that is the case here and thus no CEQA review is needed.

PRIOR BOARD ACTION: On Tuesday, July 14, 2009, the Board held a public hearing on these proposed amendments. The Board heard a staff presentation, took public testimony, and discussed the matter. At the conclusion of the hearing the Board adopted the proposed amendments, subject to a required second reading of the ordinance.

See attached Summary of Changes for full details.

Sincerely,

Chris Bazar, Director
Community Development Agency

Attachments:

- A. Summary of Changes
- B. Draft proposed language to Junk Vehicle, NPO, and Zoning Ordinances
- C. Draft language showing changes to Junk Vehicle, NPO, and Zoning Ordinances

NOTICE OF PUBLIC HEARING

SECOND READING ON PROPOSED COUNTY REGULATIONS RELATING TO JUNK VEHICLES AND NEIGHBORHOOD PRESERVATION

Notice is hereby given that the Alameda County Board of Supervisors will hold a public hearing to consider a second reading of proposed amendments to Chapter 48 of Title 6 of the Alameda County Ordinance Code, Junk Vehicles; Chapters 64 and 65 of Title 6 of the Alameda County Ordinance Code, Rural And Urban Residential and Nonresidential Property Nuisances and Unincorporated Alameda County Real Property Nuisances, respectively; and Chapters 4, 52, and 59 of Title 17 of the Alameda County Ordinance Code, the Zoning Ordinance of Alameda County, and other sections as appropriate to revise and clarify procedures to bring them into conformance with current practice and State law; to add, refine, and clarify definitions; to eliminate difference in requirements and procedures between the East and West County areas; to establish or modify fines and other penalties for non-compliance; to correct typographical and other errors in the existing language; and otherwise to clarify requirements and procedures.

The Board held a public hearing on these amendments on Tuesday, the fourteenth day of July, 2009, at which hearing it recommended approval of the amendments.

These amendments have been reviewed in accordance with the provisions of the California Environmental Quality Act and have been found to be exempt from the requirements of CEQA under Section 15061(b)(3) of the CEQA Guidelines because there is no possibility that they may have a significant effect on the environment in that the amendments involve procedures only.

If you challenge the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at or prior to the public hearing.

Said public hearing will be held on Tuesday, the twenty-first day of July, 2009, beginning at 9:00 a.m., in the Board Chambers, 1221 Oak Street, 5th floor, Oakland, California. All persons interested in the matter may appear and be heard at this meeting.

If you have questions regarding this action, or would like a copy of the proposed amendments, please contact Tona Henninger at 510-670-5400

**CRYSTAL K. HISHIDA
CLERK OF THE BOARD OF SUPERVISORS**

TELEPHONE: (510) 670-5400

The Board Chambers are wheelchair accessible.

ORDINANCE NO. 2009-___

AN ORDINANCE AMENDING CHAPTERS 6.48 AND 6.65 OF TITLE 6, REPEALING CHAPTER 6.64 OF TITLE 6, AND AMENDING CHAPTERS 17.04, 17.52, 17.58 AND 17.59 OF TITLE 17 OF THE GENERAL ORDINANCE CODE OF THE COUNTY OF ALAMEDA RELATING TO JUNK VEHICLES AND NEIGHBORHOOD PRESERVATION

The Board of Supervisors of the County of Alameda ordains as follows:

SECTION I

Section 6.48.010 of Chapter 6.48 of Title 6 of the General Ordinance Code of Alameda County is hereby amended as follows:

6.48.010 Declaration of Public Policy.

The Board of Supervisors hereby finds and declares that the accumulation and/or storage of wrecked, dismantled, abandoned, or inoperative vehicles, recreational vehicles, travel trailers, utility trailers, boats, or other mobile equipment and/or parts thereof left standing to deteriorate create conditions tending to promote neighborhood blight and deterioration and to constitute an attractive nuisance creating a health and safety hazard and a harborage for rodents and insects. Such accumulation and storage is generally injurious to the health, safety, and welfare of the community. The purpose of this chapter is to provide a method for the prevention and elimination of these conditions.

SECTION II

Section 6.48.020 of Chapter 6.48 of Title 6 of the General Ordinance Code of Alameda County is hereby amended as follows:

6.48.020 Definitions.

“Highway” means a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. Highway includes street.

“Historical Vehicle” means any vehicle that meets the requirements of California Vehicle Code Section 5004.

“Inoperative Vehicle” means any vehicle that does not fall under the definition of “Operative Vehicle”.

“Operative Vehicle” means any vehicle that can be started with the ignition key, will operate at idle speed, can be driven in forward gear and stopped with brakes and can be driven in reverse gear and stopped with brakes.

“Planning director” means, for purposes of this chapter, the Planning Director of Alameda County and any person whom the Planning Director may authorize, designate, or deputize to act for her or him.

“Public Property” does not include “highway.”

“Vehicle” means any vehicle as defined by the California Vehicle Code § 670 and any recreational vehicle, travel trailer, utility trailer, boat, or other mobile equipment, and/or parts thereof.

SECTION III

Section 6.48.030 of Chapter 6.48 of Title 6 of the General Ordinance Code of Alameda County is hereby amended as follows:

6.48.030 Abatement of nuisance.

Any abandoned, wrecked, dismantled or inoperative vehicle, recreational vehicle, travel trailer, utility trailer, boat, or other mobile equipment and/or parts thereof located on public or private property is hereby declared a public nuisance and shall be abated as hereinafter provided.

SECTION IV

Section 6.48.040 of Chapter 6.48 of Title 6 of the General Ordinance Code of Alameda County is hereby amended as follows:

6.48.040 Exclusions.

This chapter shall not apply to:

- A. A vehicle and/or parts thereof which is completely enclosed within a lawful building in a manner such that it is not visible from the street or other public or private property;
- B. A vehicle and/or parts thereof which is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer, or junk dealer, or when such storage or parking is necessary to the operation of a lawfully conducted business or commercial enterprise;
- C. A vehicle that has been proven operable to the Planning Director within a six (6) month period; or
- D. A vehicle that qualifies as a horseless carriage or historical vehicle under California Vehicle Code §5004.

Nothing in this section shall authorize the maintenance of a public or private nuisance as defined under provisions of law other than Chapter 10 (commencing with Section 22650) of Division 11 of the California Vehicle Code and this chapter. Possession of a "Non-Operative" status with the California Department of Motor Vehicles does not exempt vehicles from this ordinance.

SECTION V

Section 6.48.050 of Chapter 6.48 of Title 6 of the General Ordinance Code of Alameda County is hereby amended as follows:

6.48.050 Other codes.

This chapter is not the exclusive regulation of abandoned, wrecked, dismantled, or inoperative vehicles within the unincorporated area of the county. It shall supplement and be in addition to the other regulatory codes and statutes heretofore or hereafter enacted by the county, state, or any other legal entity or agency having jurisdiction.

SECTION VI

Section 6.48.060 of Chapter 6.48 of Title 6 of the General Ordinance Code of Alameda County is hereby amended as follows:

6.48.060 Enforcement official.

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 may, according to law, enter upon private or public property to examine a vehicle, recreational vehicle, travel trailer, utility trailer, boat, or other mobile equipment and/or parts thereof to obtain information as to the identity of a vehicle and to remove or cause the removal of a vehicle and/or parts thereof declared to be a public nuisance pursuant to this chapter.

SECTION VII

Section 6.48.070 of Chapter 6.48 of Title 6 of the General Ordinance Code of Alameda County is hereby amended as follows:

6.48.070 Contract for removal.

When the County so authorizes any person or persons, such person or persons may enter upon private or public property to remove or cause the removal of an abandoned, wrecked, dismantled, or inoperative vehicle, recreational vehicle, travel trailer, utility trailer, boat, or other mobile equipment and/or parts thereof declared to be a public nuisance pursuant to this chapter.

SECTION VIII

Section 6.48.080 of Chapter 6.48 of Title 6 of the General Ordinance Code of Alameda County is hereby amended as follows:

6.48.080 Abatement and removal procedure.

Upon discovering the existence of an abandoned, wrecked, dismantled, or inoperative vehicle, recreational vehicle, travel trailer, utility trailer, boat, or other mobile equipment and/or parts thereof on private or public property within the unincorporated areas of Alameda County, the Planning Director shall have the authority to cause the abatement and removal thereof in accordance with the procedure prescribed herein and to determine and assess costs thereof to the land owner.

A ten (10) day notice of intention to abate and remove the vehicle and/or parts thereof, as a public nuisance shall be provided in person or by prepaid certified mail, return receipt requested to the owner of the land and to the registered and/or legal owner of the vehicle, unless the vehicle is in such condition that identification numbers are not available to determine ownership. The notices of intention shall be in substantially the following forms:

#1 (Notice to Landowner)

NOTICE OF INTENTION TO ABATE AND REMOVE AN ABANDONED, WRECKED, DISMANTLED, OR INOPERATIVE VEHICLE AND/OR PARTS THEREOF AS A PUBLIC NUISANCE

NAME: _____
ADDRESS: _____

As owner shown on the last, equalized assessment roll of the land located at _____, you are hereby notified that the undersigned, pursuant to Sections 6.48.080 of the Alameda County General Ordinance Code, has determined that there exists upon said property an abandoned, wrecked, dismantled, or inoperative vehicle, recreational vehicle, travel trailer, utility trailer, boat, or other mobile equipment and/or parts thereof registered to _____, which constitutes a public nuisance pursuant to the provisions of Sec. 6.48.030 of the Alameda County General Ordinance Code.

You are hereby notified to abate said nuisance by the removal of said vehicle and/or parts thereof within ten (10) days from the mailing date written notification of this determination, and notified that upon your failure to do so said vehicle and/or parts thereof will be abated and removed by the County and the costs thereof, together with administrative costs, assessed to you as owner of the property on which the vehicle and/or parts thereof are located.

You may submit a sworn written statement within the above ten (10) day period denying responsibility for the presence of such vehicle and/or parts thereof on your property, with your reason for denial of responsibility. If you have not acquiesced to the presence of the vehicle and/or parts thereof on your property, you will not be assessed the cost of removal.

As the owner of the land on which the vehicle and/or parts thereof are located, you are hereby notified that you may within the aforesaid ten (10) day period request a public hearing on this determination before the Board of Zoning Adjustments. If such request, in writing, is not received by the Planning Director within such ten (10) day period the County shall have the authority to abate and remove such vehicle and/or parts thereof, as a public nuisance and assess costs as aforesaid without a public hearing.

Notice mailed _____
By _____

#2 (Notice to vehicle owner)

**NOTICE OF INTENTION TO ABATE AND REMOVE AN ABANDONED, WRECKED,
DISMANTLED, OR INOPERATIVE VEHICLE AND/OR PARTS THEREOF AS A PUBLIC
NUISANCE**

NAME: _____
ADDRESS: _____

As last registered owner of record of _____, you are hereby notified that the undersigned, pursuant to Section 6.48.080 of the Alameda County General Ordinance Code, has determined that said vehicle exists as an abandoned, wrecked, dismantled, or inoperative vehicle, recreational vehicle, travel trailer, utility trailer, boat, or other mobile equipment and/or parts thereof at _____, which constitutes a public nuisance pursuant to the provisions of Section 6.48.030 of the Alameda County General Ordinance Code.

You are hereby notified to abate said nuisance by the removal of said vehicle and/or parts thereof, within ten (10) days from the mailing date of written notification of this determination, and notified that upon your failure to do so said vehicle and/or parts thereof will be abated and removed by the County and the costs thereof, together with administrative costs, assessed to you as owner of the vehicle and/or parts thereof.

As the owner of record of the vehicle and/or parts thereof, you are hereby notified that you may within the aforesaid ten (10) day period request a public hearing on this determination before the Board of Zoning Adjustments. If such request, in writing, is not received by the Planning Director within such ten (10) day period, the County shall have the authority to abate and remove such vehicle and/or parts thereof as a public nuisance and assess costs as aforesaid without a public hearing.

Notice mailed _____
By _____

SECTION IX

Section 6.48.090 of Chapter 6.48 of Title 6 of the General Ordinance Code of Alameda County is hereby amended as follows:

6.48.090 Request for hearing.

Within ten (10) days of the mailing date of written notification of the action as noted in the above section the owner of the land or the owner of the vehicle may request a hearing before the Board of Zoning Adjustments on the question of abatement and removal of the vehicle as an abandoned, wrecked, dismantled, or inoperative vehicle, recreational vehicle, travel trailer, utility trailer, boat, or other mobile equipment and/or parts thereof, and the assessment of the administrative costs and the cost of removal of the vehicle and/or parts thereof against the property on which it is located by submitting a written request to the Planning Director. If such a request for hearing is not received within said ten (10) days from the mailing date of written notification of the action, the County shall have the authority to abate and remove the vehicle and/or parts thereof as a public nuisance without holding a public hearing.

If the owners of the land submit a sworn written statement denying responsibility for the presence of the vehicle and/or parts thereof on their land within such ten (10) day period, said statement shall be construed as a request for a hearing, which does not require their presence.

Notice of the hearing shall be mailed by registered mail at least ten (10) days before the hearing to the owner of the land and to the registered and/or legal owner of the vehicle unless the vehicle is in such condition that identification numbers are not available to determine ownership.

SECTION X

Section 6.48.100 of Chapter 6.48 of Title 6 of the General Ordinance Code of Alameda County is hereby amended as follows:

6.48.100 Hearing evidence.

All hearings under this chapter shall be held before the Board of Zoning Adjustments, which shall hear all facts and testimony it deems pertinent. Said facts and testimony may include testimony on the condition of the vehicle and/or parts thereof and the circumstances concerning its location on private or public property. The Board of Zoning Adjustments shall not be limited by the technical rules of evidence. The owners of the land on which the vehicle and/or parts thereof is located may appear in person at the hearing or present a sworn written statement in time for consideration at the hearing, and deny responsibility for the placement or continuing presence of the vehicle and/or parts thereof on the land, with their reasons for such denial.

SECTION XI

Section 6.48.110 of Chapter 6.48 of Title 6 of the General Ordinance Code of Alameda County is hereby amended as follows:

6.48.110 Action of Board of Zoning Adjustments--Content of order--Notice of decision.

The Board of Zoning Adjustments shall impose such conditions and take such other action as it deems appropriate under the circumstances to carry out the purpose of this chapter. It may delay the time for removal of the vehicle and/or parts thereof if, in its opinion, the circumstances justify it. At the conclusion of the public hearing, the Board of Zoning Adjustments may find that a vehicle is an abandoned, wrecked, dismantled, or inoperative vehicle and/or parts thereof on private or public property and order the same removed from the property as a public nuisance and dispose of it or parts thereof as hereinafter provided. The order requiring the removal shall include a description of the vehicle and/or parts thereof and the correct identification number and license number of the vehicle, if available at the site. If any interested parties make a written presentation to the Board of Zoning Adjustments but do not appear, they shall be notified in writing of the decision.

SECTION XII

Section 6.48.120 of Chapter 6.48 of Title 6 of the General Ordinance Code of Alameda County is hereby amended as follows:

6.48.120 Exemption from assessments.

If it is determined at the hearing that the vehicle and/or parts thereof was placed on the land without the consent of the landowners and that they have subsequently not acquiesced in its presence, the County shall not assess costs of administration or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect such costs from the landowner.

SECTION XIII

Section 6.48.130 of Chapter 6.48 of Title 6 of the General Ordinance Code of Alameda County is hereby amended as follows:

6.48.130 Appeal-time evidence.

Any interested party may appeal the decision of the Board of Zoning Adjustments within ten (10) days after its decision. Such appeal shall be heard by the Board of Supervisors which may affirm, amend, or reverse the order to take other action deemed appropriate.

The Planning Department shall give written notice of the time and place of the hearing to the appellant and those persons specified in Section 6.48.080. In conducting such hearing the Board of Supervisors shall not be limited by the technical rules of evidence.

SECTION XIV

Section 6.48.140 of Chapter 6.48 of Title 6 of the General Ordinance Code of Alameda County is hereby amended as follows:

6.48.140 Time for disposal.

Five (5) days after adoption of the order declaring the vehicle and/or parts thereof to be a public nuisance, or five (5) days from the mailing date of written notification of the action if such notice required by Section 6.48.110, or fifteen (15) days after such action of the County authorizing removal following appeal, the vehicle and/or parts thereof may be disposed of by removal to a scrap yard or automobile dismantler's yard. After a vehicle has been removed it shall not thereafter be reconstructed or made operable.

SECTION XV

Section 6.48.150 of Chapter 6.48 of Title 6 of the General Ordinance Code of Alameda County is hereby amended as follows:

6.48.150 Notice to Department of Motor Vehicles and Department of Justice.

Within five (5) days after the date of removal of the vehicle and/or parts thereof the Planning Director shall notify the California Department of Motor Vehicles and the California Department of Justice identifying the vehicle and/or parts thereof removed. At the same time there shall be transmitted to the California Department of Motor Vehicles and the California Department of Justice any evidence of registration available, including registration certificates, certificates of title, and license plates.

SECTION XVI

Section 6.48.160 of Chapter 6.48 of Title 6 of the General Ordinance Code of Alameda County is hereby amended as follows:

6.48.160 Assessment and Collection of Costs--Liability of Registered Owner.

If the administrative costs and the cost of removal which are charged against a parcel of land are not paid within thirty (30) days from the date of the order, or the final disposition of an appeal therefrom, such costs shall be assessed against the parcel of land and shall be transmitted to the tax collector for collection. Said assessment shall have the same priority as other county taxes. If such costs are not charged against the owner of the land on which the vehicle is located, the presence of the vehicle and/or parts thereof thereon shall constitute a prima facie presumption that the last registered owner of record, having failed to comply with the provisions of Section 5900 of the Vehicle Code is responsible for such placement and is thereby liable for the costs of removal and disposition of the vehicle; such costs may be collected by appropriate civil action in the name of the county.

SECTION XVII

Section 6.48.170 of Chapter 6.48 of Title 6 of the General Ordinance Code of Alameda County is hereby repealed.

SECTION XVIII

Section 6.48.180 of Chapter 6.48 of Title 6 of the General Ordinance Code of Alameda County is hereby renumbered as Section 6.48.170 and amended as follows:

6.48.170 Violation--Penalty.

- A. It shall be unlawful for any person to abandon, park, store, leave, or permit the abandonment, parking, storing, or leaving of any licensed or unlicensed abandoned, wrecked, dismantled, or inoperative vehicle, recreational vehicle, travel trailer, utility trailer, boat, or other mobile equipment and/or parts thereof upon any private or public property within the unincorporated area of Alameda County.
- B. In addition to the penalties hereinabove provided any condition caused or permitted to exist in violation of any of the provisions of this chapter shall be deemed a public nuisance and may be summarily abated as such by the County.
- C. Each person, firm, or corporation shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this chapter is committed, continued, or permitted by such person, firm, or corporation and shall be punishable accordingly.
- D. The Planning Director shall have the power to designate by written order that particular officers or employees be authorized to enforce particular provisions of this chapter. Officers or employees so designated shall have the authority to arrest persons who violate any of said provisions.

SECTION XIX

Chapter 6.64 of Title 6 of the General Ordinance Code of Alameda County is hereby repealed.

SECTION XX

Section 6.65.010 of Chapter 6.65 of Title 6 of the General Ordinance Code of Alameda County is hereby amended as follows:

6.65.010 Intent.

This chapter is adopted by the County of Alameda to improve the general appearance and cleanliness of 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.

SECTION XXI

Section 6.65.020 of Chapter 6.65 of Title 6 of the General Ordinance Code of Alameda County is hereby amended as follows:

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).

“Enforcement Agency” means the Alameda County Planning Department.

“Enforcement officer” means the Alameda County planning director as defined below. (In no case shall the Board of Zoning Adjustments be the Enforcement officer.)

“Front or street side yard” means the area between the public street or approved private street and the building wall facing said public street or approved private street.

“Graffiti” includes any unauthorized inscription, word, figure, mark, or designation that is written, marked, etched, scratched, drawn, or painted on any real or personal property.

“Hearing officer” means the Board of Zoning Adjustments.

“Minor Maintenance” means 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.

“Planning Director” means, for purposes of this chapter, the Planning Director of Alameda County and any person whom the Planning Director may authorize, designate, or deputize to act for her or him.

“Public Nuisance” means a nuisance which affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal (California Civil Code Sections 3479 and 3480).

“Vehicle” means any vehicle as defined by the California Vehicle Code §670, and any recreational vehicle, travel trailer, utility trailer, boat, or other mobile equipment, or parts thereof.

SECTION XXII

Section 6.65.030 of Chapter 6.65 of Title 6 of the General Ordinance Code of Alameda County is hereby amended as follows:

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 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 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. Property that is Inadequately Maintained

1. 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 or other wood or lumber, plant cuttings, litter, rubbish and debris, or similar materials that contribute to conditions that cause blight and property degradation on the property including in that area between the sidewalk and the curb commonly known as a "parking strip";
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. Any abandoned, wrecked, dismantled, or inoperative vehicle, recreational vehicle, travel trailer, utility trailer, boat, or other mobile equipment and/or parts thereof, or any other vehicle that is left in a state of partial construction, 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;
4. 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;
5. Property which is not kept clean and sanitary and free from all accumulations of offensive matter or odor, including, but not limited to animal intestinal waste and urine;
6. Buildings or structures including, but not limited to walls, windows, fences, signs, retaining walls, driveways, walkways, poles, or other objects which are broken or deteriorated or present a risk to public safety, including but not limited to peeling, flaking, blistering, or otherwise deteriorated paint;
7. Graffiti on the exterior of any building, fence, wall, window, sign, retaining wall, driveway, walkway, pole, or other structure or object on a property which substantially defaces property to the extent that the disrepair visually impacts neighboring property(ies);
8. Vegetation likely to harbor rats, vermin, or other nuisances dangerous to public health, cause a detriment to neighboring property, or contribute to conditions that cause blight and property degradation;
9. Lawn areas that exceed a height of six inches (6") above grade; or lack plant material necessary to prevent erosion or contribute to conditions that cause blight and property degradation;
10. 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 grasses, weeds, and other vegetation to a height not to exceed six inches (6"). Shrubbery should be well maintained 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 (10') from any roadway, highway, street, alley, or driveway, so that no leafy foliage, twigs, or branches are within six feet (6') of the ground. Remove any portion of a tree that extends within ten feet (10') 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 (5') of vertical clearance between roof surface and portions of trees overhanging any building or structure. Maintain roof of building or structure free of leaves, needles, twigs, or other combustible litter;
11. Fences, gates, and similar structures that are sagging, leaning, missing boards, or otherwise in an unsafe condition, or are left in a state of partial construction or disrepair, or contribute to blight and property degradation;
12. Allowing the accumulation of any material, the placement of any object, or growth of any vegetation that obstructs the view of drivers on public streets or private driveways, or obstructs the use of a public or private sidewalk area; or
13. Allowing the accumulation of leaves, litter, debris, or weeds in the gutter in a front or street side of any property.

B. Property Which Creates a Dangerous Condition.

1. Conditions which, due to their accessibility to the public, pose a hazard including, but not limited to, unused and broken equipment; abandoned wells, shafts, or basements; hazardous or unprotected pools,

ponds, or 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; or storage of chemicals, gas, oil or toxic or flammable liquids;

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; or 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;

3. Any uninhabited or unused building which is not 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;

4. 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 can 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 Alameda County Ordinance Code Title 15, Buildings and Construction, 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;

5. Any building or structure used or intended to be used for dwelling purposes which, because of inadequate maintenance; dilapidation, decay, or damage; fire; faulty construction or arrangement; inadequate light, air, or sanitation facilities; or otherwise, is determined by the Enforcement Officer to be unfit for human habitation or in such a condition that it is likely to cause sickness or disease as specified in the Alameda County Ordinance Code Title 15, Buildings and Construction; or

6. Any other condition or use of a property that gives rise to a reasonable determination by the enforcement officer that such condition or use represents a threat to the health and welfare of the public by virtue of its unsafe, dangerous, or hazardous nature; or contributes to blight or property degradation.

C. Buildings and Structures.

1. 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;

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

3. 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.

D. 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 (7) 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 any public or private street; or

3. Trash or garbage containers, permanent dumpsters, debris boxes, and other such trash containers without covers that fit securely.

E. Parking Limitations.

1. Vehicles, recreational vehicles, travel trailers, utility trailers, unmounted camper tops, boats, or other mobile equipment and/or parts thereof stored in violation of Alameda County General Code Sections 17.52.330 (Yard Regulations) and, where applicable, 17.30.150 (RV Combining District Regulations); or

2. Vehicles, recreational vehicles, travel trailers, utility trailers, unmounted camper tops, boats, or other mobile equipment and/or parts thereof parked or stored on other than a driveway or parking area constructed with an all-weather solid concrete, asphalt, masonry, or similar material.

F. Paving Limitations.

1. Paving of more than fifty percent (50%) of a front yard or street side yard, including any standard walkway or driveway, on any residential property after June 1, 1999.

G. Vehicle Repair.

1. The performance of major mechanical or body repairs or dismantling of any motorized or non motorized vehicle, recreational vehicles, travel trailers, utility trailers, unmounted camper top, boat, or other mobile equipment and/or parts thereof, unless such major repair is completed within thirty (30) days and in a location not visible from the street. This section shall not prohibit the registered owner of a vehicle or boat and/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.

H. Garage Sales.

1. Documented garage sales in excess of two (2) per property in any twelve (12) month period and any garage sale lasting longer than two (2) consecutive days.

SECTION XXIII

Section 6.65.035 of Chapter 6.65 of Title 6 of the General Ordinance Code of Alameda County is hereby created to read as follows:

6.65.035. Enforcement by Planning Director.

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 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.

SECTION XXIV

Section 6.65.040 of Chapter 6.65 of Title 6 of the General Ordinance Code of Alameda County is hereby amended as follows:

6.65.040 Declaration of public nuisance by enforcement officer.

Any property found by the enforcement officer to be maintained in violation of Section 6.65.030, is declared to be a public nuisance and shall be abated by rehabilitation, repair, removal, or demolition and removal, pursuant to the procedures set forth herein. The procedures for abatement set forth herein shall not be exclusive and shall not in any manner limit or restrict the county from enforcing other county ordinances or abating public nuisances in any other manner provided by law.

SECTION XXV

Section 6.65.050 of Chapter 6.65 of Title 6 of the General Ordinance Code of Alameda County is hereby amended as follows:

6.65.050 Notification of Nuisance.

Whenever the enforcement officer determines that any property within the county is being maintained contrary to one or more of the provisions of Section 6.65.030, the enforcement officer shall give written notice to the owner of said property. Such notice shall be served upon the owner in accordance with provisions of Section 6.65.060 covering service in person or by mail.

SECTION XXVI

Section 6.65.060 of Chapter 6.65 of Title 6 of the General Ordinance Code of Alameda County is hereby amended as follows:

6.65.060 Notice to Abate.

Notice to abate shall be provided in person or by prepaid certified mail, return receipt requested and shall include a copy of this chapter and a statement describing the section(s) found to be violated. It shall further set forth a reasonable time for correcting the violation(s), but in no event less than three (3) calendar days nor more than sixty (60) calendar days, and may also set forth suggested methods of correcting the same. The enforcement officer shall inspect subject property within the time limit for correcting the violation(s), to determine whether the violation(s) has been corrected. If the property is found to be in compliance with this chapter, the matter shall be dropped and no further enforcement action taken. If the property is not found to be in compliance with this ordinance, further enforcement action shall occur as set forth herein including fines and/or fees according to Section 6.65.220 Violation – Schedule of Fines and Fees.

In the event that the violation(s) constitutes a second or subsequent violation of Section 6.65.030 on said property, the notice to abate shall include a statement detailing the costs incurred by the enforcement officer in documenting the nuisance and the preparation of notice to abate. Should a second or subsequent violation occur, a fine of five hundred dollars (\$500.00) shall be imposed and further enforcement action may be taken. Such costs incurred and additional fines and/or fees, if any, shall be due and payable to the Enforcement Agency within thirty (30) calendar days from the date of invoice, with unpaid amounts subject to collection as specified in Section 6.65.110.

SECTION XXVII

Section 6.65.070 of Chapter 6.65 of Title 6 of the General Ordinance Code of Alameda County is hereby amended as follows:

6.65.070 Administrative Hearing to Abate Nuisance.

In the event said owner shall fail, neglect, or refuse to comply with the notice to abate a nuisance an administrative hearing shall be conducted within forty-five (45) calendar days after the date established pursuant to Section 6.65.060 of this article to ascertain whether said violation constitutes a public nuisance.

SECTION XXVIII

Section 6.65.080 of Chapter 6.65 of Title 6 of the General Ordinance Code of Alameda County is hereby amended as follows:

6.65.080 Notice of Hearing.

Notice of said hearing shall be served upon the owner not less than seven (7) calendar days before the time fixed for hearing. Notice of hearing shall be provided in person or by prepaid certified mail, return receipt requested to the owner's last known address. Service shall be deemed to be complete at the time notice is personally served or deposited in the mail. Failure of any person to receive notice shall not affect the validity of any proceedings hereunder. Notice shall be substantially in the format set forth below:

COUNTY OF ALAMEDA
NOTICE OF ADMINISTRATIVE HEARING ON ABATEMENT OF NUISANCE

This is a notice of hearing before the Board of Zoning Adjustments to ascertain whether certain property situated in the County of Alameda, State of California, known and designated as [street address], in said County, and more particularly described as [assessor's parcel number] constitutes a public nuisance subject to abatement by the rehabilitation of such property or by the repair, removal, or demolition and removal of property situated hereon. If said property, in whole or part, is found to constitute a public nuisance as defined in this Ordinance and the same is not promptly abated by the owner, such nuisance may be abated by the County of Alameda, in which case the cost of such rehabilitation, repair, removal, or demolition and removal will be assessed upon such property and such costs together with interest thereon, will constitute a lien upon such property until paid; in addition, you may be cited for violation of the provisions of county ordinances and subject to a fine and/or fees.

Said alleged conditions consist of the following:

_____ in violation of Alameda County General Ordinance Code Section(s): _____

The recommended method(s) of abatement are:

All persons having an interest in said matters may attend the hearing and their testimony and evidence will be heard and given due consideration.

Dated this ____ day of _____, 20____.

Board of Zoning Adjustments

Time and Date of Hearing: _____

Location of Hearing: _____

SECTION XXIX

Section 6.65.090 of Chapter 6.65 of Title 6 of the General Ordinance Code of Alameda County is hereby amended as follows:

6.65 090 Administrative Hearing by Board of Zoning Adjustments.

At the time stated in the notice, the Board of Zoning Adjustments shall hear and consider all relevant evidence, objections, or protests, and shall receive testimony relative to such alleged public nuisance and to proposed rehabilitation, repair, removal, or demolition of such property. Said hearing may be continued from time to time.

If the Board of Zoning Adjustments finds that such public nuisance does exist and that there is sufficient cause to rehabilitate, repair, remove, or demolish and remove the nuisance, the enforcement officer shall prepare findings and an order which shall specify the nature of the nuisance, the method(s) of abatement, and the time within which the work shall be commenced and completed, which shall not exceed sixty (60) calendar days. The order shall include reference to the right to appeal set forth in Section 6.65.120.

SECTION XXX

Section 6.65.100 of Chapter 6.65 of Title 6 of the General Ordinance Code of Alameda County is hereby amended as follows:

6.65.100 Service of board of zoning adjustments order to abate.

A copy of the findings and order shall be served on all owners of the subject property in the same manner as provided for notice of hearing in Section 6.65.080. In addition, a copy of the findings and order shall be conspicuously posted on or near the property. Any fines imposed under Section 6.65.060 may be reduced or waived upon determination of hardship or special circumstances by the Board of Zoning Adjustments.

SECTION XXXI

Section 6.65.110 of Chapter 6.65 of Title 6 of the General Ordinance Code of Alameda County is hereby amended as follows:

6.65.110 Procedure--No Appeal.

In the absence of any appeal, the nuisance shall be abated in the manner and means specifically set forth in said findings and order. In the event the owner fails to abate the nuisance as ordered, the enforcement officer shall cause the nuisance to be abated by county employees or private contract. The costs shall be billed to the owner, as specified in Section 6.65.170. The enforcement officer, county employees and/or private contractors are expressly authorized to enter upon said property for such purposes. (Ord. 2003-10 § 2 (part))

SECTION XXXII

Section 6.65.120 of Chapter 6.65 of Title 6 of the General Ordinance Code of Alameda County is hereby amended as follows:

6.65.120 Procedure--Appeal to board of supervisors.

Any interested party may appeal the Board of Zoning Adjustments findings and order to the Alameda County Board of by filing an appeal with the Planning Department within ten (10) calendar days from the mailing date of written notification of the action. The appeal shall contain:

- A. A specific identification of the subject property;
- B. The names and addresses of all appellants;
- C. A statement of appellants' legal interest in the subject property;
- D. A statement in ordinary and concise language of the specific order or action protested and the grounds for appeal, together with all material facts in support thereof;
- E. The date and signatures of all appellants; and
- F. The verification of at least one appellant as to the truth of the matters stated in the appeal.

As soon as practicable after receiving the appeal, the Planning Department shall set a date for the Board of Supervisors to hear the appeal, which date shall be not less than ten (10) calendar days nor more than sixty (60) calendar days from the date the appeal was filed. The Planning Department shall give each appellant written notice of the time and the place of the hearing at least ten (10) calendar days prior to the date of the hearing, either by causing a copy of notice to be provided to the appellant in person or by prepaid certified mail, return receipt requested addressed to the appellant at the address(es) shown on the appeal. Continuances of the hearing from time to time may be granted by the Board of Supervisors on request of the owner for good cause shown, or on the Board of Supervisors' own motion.

SECTION XXXIII

Section 6.65.130 of Chapter 6.65 of Title 6 of the General Ordinance Code of Alameda County is hereby amended as follows:

6.65.130 Decision by Board of Supervisors.

Upon the conclusion of the hearing the Board of Supervisors shall determine whether the property or any part thereof, as maintained, constitutes a public nuisance. If the Board of Supervisors so finds, the Board of Supervisors shall adopt a resolution declaring such property to be a public nuisance, setting forth its findings and ordering the abatement of the same by having such property rehabilitated, repaired, removed, or demolished and removed in the manner and means specifically set forth in said resolution. The resolution shall set forth the time within which such work shall be completed by the owner, in no event less than thirty calendar (30) days. The decision and order of the Board of Supervisors shall be final.

SECTION XXXIV

Section 6.65.160 of Chapter 6.65 of Title 6 of the General Ordinance Code of Alameda County is hereby amended as follows:

6.65.160 Procedure--Hearing before Board of Zoning Adjustments and Board of Supervisors.

- A. All hearings shall be electronically tape recorded.
- B. Hearings need not be conducted according to the California Code of Evidence.
- C. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence, but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions in courts of competent jurisdiction in this state.
Any relevant evidence shall be admitted if it is the type of evidence on which reasonable persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this state.
- D. Irrelevant and unduly repetitious evidence shall be excluded.

SECTION XXXV

Section 6.65.170 of Chapter 6.65 of Title 6 of the General Ordinance Code of Alameda County is hereby amended as follows:

6.65.170 Abatement by county.

If such nuisance is not abated as ordered within said abatement period, the enforcement officer shall cause the same to be abated by county employees or private contract. The enforcement officer, county employees, and/or private contractors are expressly authorized to enter upon said property for such purposes. The cost, including incidental expenses, of abating the nuisance shall be billed to the owner and shall become due and payable to the enforcement agency thirty (30) calendar days thereafter. The term "incidental expenses" shall include, but not be limited to, personnel costs, both direct and indirect, including attorney's fees; costs incurred in documenting the nuisance; the actual expenses and costs of the county in the preparation of notices, specifications, and contracts, and in inspecting the work; and the costs of printing and mailing notices required herein.

No person(s) shall obstruct, impede, or interfere with the enforcement officer or any person who owns or holds any interest or estate in any property on or to which the abatement is to occur in the performing of any necessary act preliminary or incidental to carrying out an abatement order issued pursuant to Section 6.65.040, 6.65.080 and 65.110 of this chapter.

SECTION XXXVI

Section 6.65.190 of Chapter 6.65 of Title 6 of the General Ordinance Code of Alameda County is hereby amended as follows:

6.65.190 Notice of Intent to Demolish.

A copy of any order requiring abatement by demolition under Sections 6.65.090 and 6.65.130 shall be recorded with the Alameda County recorder.

SECTION XXXVII

Section 6.65.200 of Chapter 6.65 of Title 6 of the General Ordinance Code of Alameda County is hereby amended as follows:

6.65.200 Record of Cost of Abatement.

The enforcement officer shall keep an account of the cost, including incidental expenses, of abating such nuisance on each separate lot or parcel of land where the work is done by or under contract with the county and shall render an itemized report in writing to the Board of Supervisors showing the cost of abatement, including the rehabilitation, repair, removal, or demolition and removal of all nuisances; provided that before said report is submitted to the Board of Supervisors, a copy of the same shall be posted for at least five (5) days upon or in front of such property, together with a notice of the time when said report shall be heard by the Board of Supervisors for confirmation. A copy of said report and notice shall be served upon the owner of said property in accordance with the provisions of Section 6.65.080 at least five (5) calendar days prior to submitting the same to the board of supervisors. Proof of said posting and service shall be made by affidavit filed with the clerk of the board.

SECTION XXXVIII

Section 6.65.210 of Chapter 6.65 of Title 6 of the General Ordinance Code of Alameda County is hereby amended as follows:

6.65.210 Assessment lien.

The total cost for abating such a nuisance as confirmed by the board of supervisors, shall constitute a special assessment against the respective lot or parcel of land to which it relates, and, upon recordation in the office of the county recorder of a notice of lien as made and confirmed, shall constitute a lien on said property for the amount of such assessment.

After such confirmation and recordation, a certified copy of the board of supervisor's decision shall be filed with the Alameda County auditor-controller on or before August 1 of each year, whereupon it shall be the duty of said auditor-controller to add the amounts of the respective assessments to the next regular tax bills levied against said respective lots and parcels of land for municipal purposes and thereafter said amounts shall be collected at the same time and in the same manner as ordinary property taxes are collected, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary property taxes. All laws applicable to the levy, collection and enforcement of property taxes shall be applicable to such special assessment.

In the alternative, after such recordation, such lien may be foreclosed by judicial or other sale in the manner and means provided by law.

Such notice of lien for recordation shall be in form substantially as follows:

**NOTICE OF LIEN
(Claim of County of Alameda)**

Pursuant to the authority vested by the provisions of Section _____ of Alameda County Ordinance No. _____, the Board of Zoning Adjustments of the County of Alameda did on or about the _____ day of _____, 20____, cause the property hereinafter described, to be rehabilitated or the building or structure on the property hereinafter described, to be repaired, removed, or demolished and removed in order to abate a public nuisance on said real property; and the Board of Supervisors of the County of

Alameda did on the ____ day of _____, 20____, assess the cost of such rehabilitation, repair, removal, or demolition and removal upon the real property hereinafter described; and the same has not been paid nor any part thereof; and that said County of Alameda does hereby claim a lien on such rehabilitation, repair, removal, or demolition and removal in the amount of said assessment, to wit: the sum of \$_____ and the same shall be a lien upon said real property until the same has been paid in full and discharged of record.

The real property herein above mentioned, and upon which a lien is claimed, is that certain parcel of land lying and being in the County of Alameda, State of California, and particularly described as follows:

(description)

Dated this ____ day of _____, 20____.
Board of Supervisors, County of Alameda.

SECTION XXXIX

Section 6.65.220 of Chapter 6.65 of Title 6 of the General Ordinance Code of Alameda County is hereby repealed.

SECTION XL

Section 6.65.230 of Chapter 6.65 of Title 6 of the General Ordinance Code of Alameda County is hereby renumbered as Section 6.65.220 and amended to as follows:

6.65.220 Violation-Schedule of Fines and Fees.

- A. Each person, firm, or corporation shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this chapter is committed, continued, or permitted by such person and shall be punishable accordingly.
- B. The enforcement officer shall have the power to designate particular officers or employees to enforce particular provisions of this chapter. Officers or employees so designated shall have the authority to impose fines and/or fees.
- C. If the enforcement officer determines that a nuisance does not require immediate summary abatement under the procedures set forth in section 6.65.070 et seq., the nuisance shall be deemed a violation, and a fine will be imposed on the owner of the property and/or anyone known to enforcement officer to be in possession of the property.
- D. The following is a schedule of fines and fees associated with Section 6.65.030.A, B, and C:

Schedule of Fines and Fees – Schedule A	
Initial inspection Fee (to verify violation)	No Charge
Re-inspection Fee (violation corrected)	No Charge
Re-inspection Fee (violation not corrected)	1 hour staff time
Each additional inspection Fee	1 hour staff time
Administrative Hearing/Public Nuisance Fee	\$50.00

Hearing Fee (Board of Zoning Adjustments)	\$ 50.00
Board of Supervisors Appeal Fee	\$ 25.00
Subsequent Violation Fine	\$500.00
Dangerous conditions Fine	\$500.00

Violation Fines – Schedule B				
Violation Type:	1 st letter	2 nd letter	3 rd letter	Subsequent
Trash and Recycling Containers	\$0	\$100.00	\$200.00	\$400.00
Parking Limitations	\$0	\$100.00	\$200.00	\$400.00
Garage Sales	\$0	\$100.00	\$200.00	\$400.00
Vehicle Repair	\$0	\$100.00	\$200.00	\$400.00

The owner(s) may appeal to the Board of Zoning Adjustments any fines or fees imposed by Enforcement officer by filing an appeal with the Planning Department within ten (10) calendar days from the date of service of invoice.

Staff time shall be billed at the rate noted on the most current Alameda County Community Development Agency Planning Department Billable Rate schedule.

SECTION XLI

Section 17.04.010 of Chapter 17.04 of Title 17 of the General Ordinance Code of Alameda County is hereby amended to include the following definition:

“Enforcement Officer” means the Planning Director of Alameda County and any person whom the Planning Director may authorize, designate, or deputize to act for her or him.

SECTION XLII

Section 17.52.170 of Chapter 17.52 of Title 17 of the General Ordinance Code of Alameda County is hereby amended as follows:

17.52.170 Commercial vehicles--Parking in residential districts prohibited--Penalty.

Any other provision of this title to the contrary notwithstanding, every person convicted of parking on any street in violation of Section 17.52.130 shall be punished by a fine.

SECTION XLIII

Section 17.58.1060 of Chapter 17.58 of Title 17 of the General Ordinance Code of Alameda County is hereby amended as follows:

17.58.060 Violation--Penalty.

A. Any person, firm, or corporation violating or causing or permitting to be violated any of the provisions of this title shall be subject to a fine.

B. Any condition caused or permitted to exist in violation of any of the provisions of this title shall be deemed a public nuisance and may be summarily abated as such by the county.

C. Each person, firm, or corporation shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this title is committed, continued or permitted by such person and shall be punishable accordingly.

D. The Planning Director shall have the power to designate by written order that particular officers or employees shall be authorized to enforce particular provisions of this title.

SECTION XLIV

Section 17.59.030 of Chapter 17.59 of Title 17 of the General Ordinance Code of Alameda County is hereby amended as follows:

17.59.030 Notice to abate.

Notice to abate shall be provided in person or by pre-paid certified mail, return receipt requested and shall include a copy of this chapter and a statement describing the section(s) found to be violated. It shall further set forth a reasonable time for correcting the violation(s), but in no event less than ten (10) nor more than sixty (60) calendar days and may also set forth suggested methods of correcting the same. The enforcement officer shall inspect the property within the time limit for correcting the violation(s) to determine whether the violation(s) has been corrected. If the property is found to be in compliance with this chapter, the matter will be dropped and no further enforcement action taken. If the property is not found to be in compliance with this chapter, further enforcement action shall occur as set forth herein.

SECTION XLV

Section 17.59.190 of Chapter 17.59 of Title 17 of the General Ordinance Code of Alameda County is hereby amended as follows:

17.59.190 Alternative actions available.

Nothing in this chapter shall be deemed to prevent the board of supervisors from ordering the commencement of a civil proceeding to abate a public nuisance pursuant to applicable law.

SECTION XLVI

Section 17.59.200 of Chapter 17.59 of Title 17 of the General Ordinance Code of Alameda County is hereby amended as follows:

17.59.200 Violation and penalties.

A. Any person, firm or corporation shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this title is committed, continued or permitted by such person and shall be punishable accordingly.

B. The enforcement officer shall have the power to designate particular officers or employees to enforce particular provisions of this title. Officers or employees so designated shall have the authority to impose fines and/or fees.

C. If the planning director determines that a nuisance does not necessitate immediate summary abatement under the procedures set forth in Section 17.59.040 et seq., the nuisance shall be deemed a violation and fines or fees will be imposed on the owner of the property and/or anyone known to the Planning Director to be in possession of the property.

D. The following is a schedule of fines and fees:

	Fines and Fees
Initial inspection fee (to verify violation)	None
Re-inspection fee (violation corrected)	None
Re-inspection fee (violation not corrected)	1 hour staff time
Each additional inspection fee	1 hour staff time
Administrative Hearing/ Public Nuisance Hearing Fee (Board of Zoning Adjustments)	\$ 50.00
Fee for appeals to the board of supervisors	\$ 25.00
Abatement Fees	Staff time plus actual abatement costs
Fine for violations of non-permitted uses in any district.	\$250.00 for 1 st failed re-inspection \$500.00 for 2 nd failed re-inspection \$1,000.00 for 3 rd failed re-inspection \$1,500.00 for 4 th and subsequent failed re-inspections
Fine for violations of non-permitted uses in any district that remain beyond six (6) months (Penalty will be assessed every six (6) months until violations are corrected)	\$5,000.00

The owner(s) may appeal to the board of zoning adjustments any fines or fees imposed by the enforcement officer by filing an appeal with the Planning Department within ten (10) calendar days from the mailing date of written notification of the action. Staff time shall be billed at the rate noted on the most current Alameda County Community Development Agency Planning Department Billable Rate schedule.

SECTION XLVII

This ordinance shall take effect and be in force thirty (30) days from and after the date of passage and before the expiration of fifteen (15) days after its passage it shall be published once with the names of the members voting for and against the same in the Inter-City Express, a newspaper published in the County of Alameda.

Adopted by the Board of Supervisors of the County of Alameda, State of California, on the ____ day of _____, 2009, by the following called vote:

AYES:

NOES:

EXCUSED:

President of the Board of Supervisors
County of Alameda, State of California

ATTEST: CRYSTAL K. HISHIDA, Clerk
of the Board of Supervisors, County of Alameda

By: _____

Approved as to form:
RICHARD E. WINNIE, County Counsel

By: _____
Deputy County Counsel