

ORDINANCE NO. 18-06 N.S.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RICHMOND AMENDING SECTIONS 1.04.020, 1.04.100, 2.62.010, 2.62.130, 6.02.020, 6.02.060, 6.02.110, 6.38.030, 6.38.050, 9.22.040, 9.22.050, 9.22.080, 9.22.090, 9.22.100, 9.22.120 AND 9.22.130 OF THE MUNICIPAL CODE OF THE CITY OF RICHMOND, REPEALING SECTIONS 1.04.110, 1.04.140 AND CHAPTER 9.48 OF THE MUNICIPAL CODE OF THE CITY OF RICHMOND, AND ADDING NEW SECTION 1.04.110 TO THE MUNICIPAL CODE OF THE CITY OF RICHMOND, PERTAINING TO CODE ENFORCEMENT

The City Council of the City of Richmond do ordain as follows:

SECTION I.

Section 1.04.020 of the Municipal Code of the City of Richmond is hereby amended to read as follows:

Chapter 1.04.020 Definitions.

- (A) Unless the context otherwise requires, the following words and phrases where used in this Code shall have the meanings given in this section:
- (1) "Code" means the Municipal Code of the City of Richmond.
 - (2) "City" means the City of Richmond.
 - (3) "City Council" means the Council of the City of Richmond.
 - (4) "County" means the County of Contra Costa.
 - (5) "Gender." The masculine gender includes the feminine and neuter.
 - (6) "Number." The singular number includes the plural, and the plural the singular.
 - (7) "Oath" includes affirmation.
 - (8) "Person" means any natural person, firm, association, joint venture, joint stock company, partnership, organization, club, company, corporation, business trust, or their manager, lessee, agent, servant, officer or employee, or any of them.
 - (9) "Shall, May." Shall is mandatory; may is permissive.
 - (10) "State" means the State of California.
 - (11) "Tenses." The present tense includes the past and future tenses, and the future tense includes the present tense.
 - (12) "Title of Office." The use of the title of any officer, employee, department, board or commission means that officer, employee, department, board or commission of the City of Richmond.
 - (13) "Director of Public Health" and "Health Officer" mean the Health Officer of the County of Contra Costa, State of California.
 - (14) "Department of Public Health" and "Health Department" mean the department which is under the direction of the Health Officer of the County of Contra Costa.

(15) "Building Official," "Superintendent of Inspection Services," "administrative authority," "responsible official," "chief inspector," "building inspector," "code enforcement officer" or other similar designation as relating to building regulations and construction codes shall mean that Deputy Director of Public Works designated by the Public Works Director as the Building Official of the City of Richmond.

(B) Notwithstanding any other provision in the Municipal Code to the contrary, all references in the Municipal Code to "Building Official," "Superintendent of Inspection Services," "Director of Public Works," "administrative authority," "responsible official," "chief inspector," "building inspector," "code enforcement officer" or any other City official shall include the City Manager. All references in the Municipal Code to any City official, including the City Manager, shall include their designee. All references in the Municipal Code to a Board of Appeals shall include a hearing officer when the Board is unable to convene in a timely manner or when required by constitutional due process.

Section 1.04.100 of the Municipal Code of the City of Richmond is hereby amended to read as follows:

1.04.100 General Penalty -- Continuing Violations.

- (A) Except as otherwise provided herein, every act prohibited or declared unlawful and every failure to perform an act required by this Code shall be a misdemeanor, unless it is reduced to an infraction in the discretion of the prosecuting authority. A misdemeanor shall be punished in accordance with the provisions of California Penal Code Section 19 and an infraction shall be punished in accordance with the provisions of California Penal Code Section 19.6.
- (B) Any person causing or permitting a violation of this Code shall be regarded as committing a separate offense on each day that the violation occurs or continues.
- (C) Pursuant to Section 836.5 of the California Penal Code, any City violations of the Municipal Code after successfully completing the training required by Section 832 of the Penal Code. A refusal to sign such citation shall be a violation of the Municipal Code.

Section 1.04.110 of the Municipal Code of the City of Richmond is hereby deleted and repealed in its entirety.

New Section 1.04.110 is hereby added to the Municipal Code of the City of Richmond to read as follows:

Section 1.04.110 Recovery of Attorney's Fees.

- (A) In any action, administrative proceeding, or special proceeding to abate a nuisance, the prevailing party may recover its reasonable attorney's fees pursuant to Government Code § 38773.5. Recovery of attorney's fees shall be limited to those individual actions or proceedings in which the city elects, at the initiation of that individual action or proceeding, to seek recovery of its own attorney's fees. An award of attorney's fees to a prevailing party shall not exceed the amount of reasonable attorney's fees incurred by the city in any legal action, administrative proceeding, or special proceeding.

- (B) If any person causes, suffers, maintains or permits a public nuisance to continue after written notice is given to such person by the City, directing such person to abate the nuisance, and such continuation goes beyond the time set for such abatement in the written notice, then such person shall be liable to the City for the expenses incurred in detecting, investigating and abating the violation, including attorney's fees and the costs of monitoring compliance. The City may recover such costs by civil action or by billing said person. The City may also recover such costs by special assessment lien if the violation relates to real property.

Section 1.04.140 of the Municipal Code of the City of Richmond is hereby deleted and repealed in its entirety.

Section 2.62.010 of the Municipal Code of the City of Richmond is hereby amended to read as follows:

2.62.010 Purpose.

- (A) This chapter provides for administrative citations pursuant to the City's police and charter powers.
- (B) The remedies provided by this chapter are in addition to all other legal remedies, criminal or civil, which may be pursued by the City to address any violation of this Code.
- (C) Use of this chapter shall be at the sole discretion of the City.

Section 2.62.130 of the Municipal Code of the City of Richmond is hereby amended to read as follows:

2.62.130 Right to Judicial Review.

Any person aggrieved by an administrative decision of a hearing officer on an administrative citation may obtain review of the administrative decision by filing a petition seeking review in accordance with Government Code Section 53069.4. This section shall be limited to proceedings under Chapter 2.62 of the Richmond Municipal Code only.

Section 6.02.020 of the Municipal Code of the City of Richmond is hereby amended to read as follows:

6.02.020 Definitions.

General. For the purpose of this chapter, certain terms, phrases, words and their derivatives shall be construed as specified in this section. Where terms are not defined, they shall have their ordinarily accepted meanings within the context with which they are used. Webster's Third New International Dictionary of the English Language, Unabridged, copyright 1961, shall be considered as providing ordinarily accepted meanings. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine.

- (A) **ACCEPTED FOR CONSTRUCTION**, as to materials, types of construction, equipment and systems, refers to the acceptance by the Building Official as the result of investigation and/or tests conducted by him, or by reason of accepted principles or tests by recognized authorities, technical or scientific organizations.
- (B) **ADDITION** is an extension or increase in floor area or height of a building or structure.

- (C) ALTER or ALTERATION is any change or modification in construction or building service equipment.
- (D) APPROVED AGENCY is an established and recognized agency regularly engaged in conducting tests or furnishing inspection services, when such agency has been approved by the Building Official.
- (E) BUILDING is any structure used or intended for supporting or sheltering and use or occupancy.
- (F) BUILDING CODE or BUILDING STANDARDS CODE is the California Building Standards Code as published by the California Building Standards Commission and promulgated in Title 24 of the California Code of Regulations (including any interim amendments thereto), and adopted in this Code herein by reference.
- (G) BUILDING, EXISTING is a building erected prior to the adoption of this chapter, or one for which a legal building permit has been issued.
- (H) BUILDING OFFICIAL is the person charged with the administration and enforcement of this chapter and the Building Code, or the duly authorized representative of the Building Official. All references to Building Official in Article VI of the Richmond Municipal Code shall include the Building Official's designee, if any.
- (I) BUILDING SERVICE EQUIPMENT refers to the plumbing, mechanical, electrical and elevator equipment including piping, wiring, fixtures and other accessories which provide sanitation, lighting, heating, ventilation, cooling, refrigeration, fire-fighting and transportation facilities essential for the habitable occupancy of the building or structure for its designated use and occupancy.
- (J) CABO ONE AND TWO FAMILY DWELLING CODE. This jointly sponsored code is intended to eliminate conflicts and duplications among the model codes to achieve national uniformity.
- (K) CABO MODEL ENERGY CODE. This code sets forth minimum requirements for the effective use of energy in the design of new buildings and structures and additions to existing buildings and is adopted by reference in the Uniform Building Code.
- (L) CHIEF BUILDING, ELECTRICAL, MECHANICAL, PLUMBING INSPECTOR, PLANS EXAMINER shall be the person providing expertise for the Building Official in the designated technical code.
- (M) CONCRETE INSPECTION MANUAL. A publication on concrete to be used for reference or as a text on concrete inspection.
- (N) DANGEROUS BUILDING CODE is the Uniform Building Code for the Abatement of Dangerous Buildings promulgated by the International Conference of Building Officials, as adopted by the City of Richmond in Chapter 6.10.
- (O) ELECTRICAL CODE is the National Electrical Code promulgated by the National Fire Protection Association, as adopted by the City of Richmond in Chapter 6.16.
- (P) ENGINEER OF RECORD is an engineer licensed by the State of California to practice as such and who is responsible for the preparation of plans, specifications, engineering calculations and other data submitted to

the City of Richmond for the purpose of obtaining a permit under the provisions of this chapter.

- (Q) FIRE CODE is the California Fire Code and Fire Code Standards as published in the Building Standards Code and Title 24 of the California Code of Regulations, and adopted in this Code herein by reference.
- (R) JURISDICTION, as used in this chapter and technical codes, is the City of Richmond, California.
- (S) LISTED and LISTING are terms referring to equipment and materials which are shown in a list published by an approved testing agency, qualified and equipped for experimental testing and maintaining an adequate periodic inspection of current productions and whose listing states that the equipment complies with recognized safety standards.
- (T) MECHANICAL CODE is the California Mechanical Code as published in the Building Standards Code and Title 24 of the California Code of Regulations, and adopted in this Code herein by reference.
- (U) OCCUPANCY is the purpose for which a building, or part thereof, is used or intended to be used. The term "occupancy" as used in this chapter shall include the building or part thereof housing such use.
- (V) OCCUPANT is the person, agent, firm or corporation occupying a building or part thereof.
- (W) OWNER is any person, agent, firm or corporation having a legal or equitable interest in the property interest.
- (X) PERMIT is an official document or certificate issued by the Building Official authorizing performance of a specific activity.
- (Y) PERSON is a natural person, his heirs, executors, administrators or assigns, and also includes a firm, partnership or corporation, its or their successors or assigns, or the agent of any of the aforesaid.
- (Z) PLUMBING CODE is the California Plumbing Code as published in the Building Standards Code and Title 24 of the California Code of Regulations, and adopted in this Code herein by reference.
- (AA) PROCESS EQUIPMENT is equipment used in the production or development of manufactured products. Process equipment includes the following production or research equipment: pressure vessels, heat exchangers, pumps, compressors, boilers and furnaces. Process equipment shall be designed and fabricated in conformance with nationally established and recognized industry codes and standards and is to be certified as such. Process equipment also includes its installation but does not include foundations or structures around this equipment or the connection to utility sources.
- (BB) REPAIR is the reconstruction or renewal of any part of an existing building, structure or building service equipment for the purpose of its maintenance.
- (CC) SHALL, as used in this chapter, is mandatory.
- (DD) STAMPED PLANS and/or SPECIFICATIONS is the plans and/or specifications which have been "accepted for construction" as the official plans and/or specifications to be followed on the job site. Such plans and/or specifications are to be stamped by the Building Official with the official stamp of the City of Richmond's Building Regulations Division

and signed by the Building Official authorizing the issuance of a permit(s) for work to proceed.

- (EE) STRUCTURE is that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.
- (FF) TECHNICAL CODES refer to those codes adopted by the City of Richmond containing the provisions for design, construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance of all buildings and structures and building service equipment as herein defined.
- (GG) UNIFORM BUILDING CODE covers the fire, life and structural safety aspects of all building and related structures.
- (HH) UNIFORM BUILDING CODE STANDARDS presents in a compact and concise manner national test, material and special design standards referred to as the Uniform Building Code. U.B.C. STANDARDS is the Uniform Building Code Standards promulgated by the International Conference of Building Officials, as adopted by the City of Richmond in Chapter 6.04
- (II) UNIFORM BUILDING SECURITY CODE establishes minimum standards to make dwelling units resistance to unlawful entry. It regulates swinging doors, sliding doors, windows and hardware in connection with dwelling units of apartment houses or one-and two-family dwellings. The code gives consideration to the concerns of police, fire and Building Officials in establishing requirements for resistance to burglary which are compatible with fire and life safety.
- (JJ) UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS sets forth orderly procedures for remedying dangerous buildings. This code covers all structures and may be used to supplement the Building Code and State Housing Code.
- (KK) UNIFORM FIRE CODE AND UNIFORM FIRE CODE STANDARDS sets out provisions necessary for fire prevention while achieving uniformity in terms and requirements with other codes published by the Conference. The code is sponsored jointly by the Western Fire Chiefs Association and the International Conference of Building Officials, as adopted by the City of Richmond in Chapter 8.16.
- (LL) UNIFORM HOUSING CODE provides for the conservation and rehabilitation of housing compatible with the Uniform Building Code; meets federal Workable Program requirements and is sponsored by the International Conference of Building Officials, as adopted by the City of Richmond in Chapter 6.24.
- (MM) UNIFORM MECHANICAL CODE contains requirements for the installation and maintenance of heating, ventilating, cooling and refrigeration systems. This publication is sponsored jointly by the International Conference of Building Officials and the International Association of Plumbing and Mechanical Officials.
- (NN) UNIFORM PLUMBING CODE, published by the International Association of Plumbing and Mechanical Officials, the Uniform Plumbing Code covers all aspects of plumbing, including requirements for plumbing materials, and IAPMO installation standards. It is endorsed by the ICBO.
- (OO) UNIFORM SIGN CODE is dedicated to the development of better sign regulation. Its requirements pertain to all signs and sign construction

attached to buildings and is sponsored by the International Conference of Building Officials, as adopted by the City of Richmond in Chapter 4.04.

- (PP) VALUATION or VALUE of BUILDINGS, as applied to a building and its building service equipment, shall be the established cost to replace the building and its building service equipment in kind, based on current replacement costs.
- (QQ) VALUATION or VALUE of STRUCTURES, as applied to a structure and its process and/or service equipment, shall be the estimated cost to replace the structure and its process and service equipment in kind, based on current replacement costs.

Section 6.02.060 of the Municipal Code of the City of Richmond is hereby amended to read as follows:

6.02.060 Conflicting Provisions.

Wherever conflicting provisions or requirements occur between this chapter and the technical codes; or between the technical codes; or between any other municipal code section, the following shall apply:

- (A) This Administrative Code shall prevail in the administration of all codes relating to construction within the City of Richmond.
- (B) The various technical codes shall prevail in their technical field (i.e. the California Building Code shall prevail over other codes in the area of occupancies, types of construction, quality and design of the materials and methods of construction of buildings and structures, and permit requirements. The National Electric Code shall prevail over other codes as relating to electrical work, etc.).
- (C) Where conflicts occur within a technical code, those provisions providing the greater safety shall govern. In other conflicts where safety or sanitation are not involved, the most restrictive provisions shall govern.
- (D) Where in any specific case different sections within any of the technical codes specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.
- (E) Changes, additions and deletions to any technical code can only occur within that particular code which governs the technical field which is being changed, added to or deleted from.

Section 6.02.110 of the Municipal Code of the City of Richmond is hereby amended to read as follows:

6.02.110 Powers and Duties of Building Official.

- (A) General. The Building Official is hereby authorized and directed to enforce all the provisions of this chapter and the referenced technical codes.

The Building Official shall have the power to render interpretations of this chapter and the referenced technical codes, and to adopt and enforce rules and regulations supplemental to this chapter as he may deem necessary in order to clarify the application of the provisions of this chapter and the technical codes. Such interpretations, rules and regulations shall be in conformity with the intent and purpose of this chapter and the technical codes.

- (B) Deputies. In accordance with prescribed procedures and with the approval of the appointing authority, the Building Official may appoint such number of technical officers and inspectors and other employees as shall be authorized from time to time. He may deputize such inspectors or employees as may be necessary to carry out the functions of the code enforcement agency.
- (C) Right of Entry. Whenever necessary to make an inspection to enforce any of the provisions of this chapter and the technical codes, or whenever the Building Official or his authorized representative has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building or premises unsafe, dangerous or hazardous, the Building Official or his authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Building Official by such codes, provided that if such building or premises be occupied, he shall first present proper credentials and request entry; and if such building or premises be unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. Should entry be refused, the Building Official or his authorized representative shall have recourse to every remedy provided by law to secure entry.
- (D) Stop Orders. Whenever any work is being done contrary to the provisions of this chapter and the technical codes, the Building Official may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the Building Official to proceed with the work.
- (E) Occupancy Violations. Whenever any building or structure or building service equipment therein regulated by this chapter and the technical codes are being used contrary to the provisions of such codes, the Building Official may order such use discontinued and utility service disconnected by written notice served on any person causing such use to be continued. Such person shall discontinue the use within the time prescribed by the Building Official after receipt of such notice to make the structure, or portion thereof, comply with the requirements of such codes. Utility disconnect authorized by this section shall be pursuant to the provisions of Section 6.02.110(F).
- (F) Authority to Disconnect Utilities. The Building Official or his authorized representative shall have the authority to order the disconnect and/or disconnect any utility service or energy supplied to the building, structure or building service equipment therein regulated by this chapter or the technical codes in case of emergency where necessary to eliminate an immediate hazard to life or property. The Building Official shall notify the City Attorney and the utility company prior to disconnect and whenever possible notify the owner or occupant of the building, structure or building service equipment, in writing, of such disconnection prior to the disconnect.
- (G) Authority to Condemn Building Service Equipment. Whenever the Building Official ascertains that any building service equipment regulated in the technical codes has become hazardous to life, health, property or becomes unsanitary, he shall order in writing that such equipment either be removed or restored to a safe or sanitary condition, whichever is appropriate.

The written notice itself shall fix a time limit for compliance with such order. No person shall use or maintain defective building service equipment after receiving such notice.

When such equipment or installation is to be disconnected, a written notice of such disconnection and causes therefore shall be given within 24 hours to the serving utility, the owner and occupant of such building, structure or premises. Utility disconnect authorized by this section shall be pursuant to the provisions of Section 6.02.110(F).

When any building service equipment is maintained in violation of the technical codes and in violation of any notice issued pursuant to the provisions of this section, the Building Official shall institute any appropriate action to prevent, restrain, correct or abate such violation.

- (H) Connection after Order to Disconnect. No person shall make connections from any energy, fuel or power supply nor supply energy or fuel to any building service equipment which has been disconnected or ordered to be disconnected by the Building Official or the use of which has been ordered to be discontinued by the Building Official until the Building Official authorizes the reconnection and use of such equipment.
- (I) Liability. The Building Official, or his authorized representative charged with the enforcement of this chapter and the technical codes, acting in good faith and without malice in the discharge of his duties, shall not thereby render himself personally liable for any damage that may accrue to persons or property as a result of any act or by reason of any act or omission in the discharge of his duties. Any suit brought against the Building Official or employee because of such act or omission performed by him in the enforcement of any provision of such codes shall be defended by the City of Richmond until final termination of such proceedings, and any judgment resulting therefrom shall be assumed by the City of Richmond.

This chapter, the technical codes and other laws shall not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling any building, structure or building service equipment therein for any damages to persons or property caused by defects, nor shall the Public Works Department or its parent jurisdiction, the City of Richmond be held as assuming any such liability by reason of the inspections authorized by such laws or approvals issued under such laws.

- (J) Cooperation of Other Officials and Officers. The Building Official may request, and shall receive so far as is required in the discharge of his duties, the assistance and cooperation of other officials of the City of Richmond.

Section 6.38.030 of the Municipal Code of the City of Richmond is hereby amended to read as follows:

6.38.030 Definitions.

The following words and phrases, whenever used in this chapter, shall be construed as defined in this section:

- (A) "Board of Appeals" means the body defined and created by Section 6.02.130 of this code.
- (B) "Owner" means the person identified and listed as having title to the property by the latest property tax assessment rolls maintained by the Contra Costa County Assessor.

- (C) "Property" means any real property interest or estate which may be granted or devised by deed. The word "property" includes tracts, lots, easements, or parcels of land and any and all improvements thereon.
- (D) "Vacant and unoccupied building" means any building or other structure which is neither occupied nor used by persons authorized by the owner of the property on which such building or structure is located.

Section 6.38.050 of the Municipal Code of the City of Richmond is hereby amended to read as follows:

6.38.050 Authority--Building Official.

The Building Official is authorized and directed to use the provisions of this chapter for the purpose of abating those conditions defined by this chapter as a public nuisance or abating any conditions in violation of Article IX of the Richmond Municipal Code.

Section 9.22.040 of the Municipal Code of the City of Richmond is hereby amended to read as follows:

9.22.040 Definitions.

The definitions set forth in Section 9.20.010 of this Code shall be applicable to the provisions contained in this chapter. In addition, the following words shall have the following specified meanings:

- (A) "Director of Public Health" means the Director of the Health Services Department of Contra Costa County or said Director's designee.
- (B) "Junk" means any castoff, damaged, discarded, junked, obsolete, salvage, scrapped, unusable, worn-out or wrecked object, thing or material composed in whole or in part of asphalt, brick, carbon, cement, plastic or other synthetic substance, fiber, glass, metal, paper, plaster, plaster of paris, rubber, terra cotta, wool, cotton, cloth, canvas, organic matter or other substance, having no substantial market value or requiring reconditioning in order to be used for its original purpose.
- (C) "Owner". In addition to the definition set forth in Section 9.20.010 of this Code, the term "owner" also means the occupant, lessee, or holder of a beneficial interest in real property, as the case may be.
- (D) "Property" means premises.
- (E) "Nuisance" shall be defined as set forth in Section 3479 et seq. of the Civil Code.

Section 9.22.050 of the Municipal Code of the City of Richmond is hereby amended to read as follows:

9.22.050 Authority -- Director of Public Works and Director of Public Health.

- (A) The Director of Public Works, City of Richmond, or such person designated by the City Manager, hereinafter referred to as "Director of Public Works," is authorized and directed to use the provisions of this chapter for the purpose of abating those nuisances which exist as the result of violation of those ordinances for which said Director's department has enforcement responsibility.
- (B) The Director of the Health Services Department of the county, hereinafter referred to as "Director of Public Health," is authorized and directed to use

the provisions of this chapter for the purpose of abating those nuisances which exist as the result of violation of those ordinances for which said Director's department has enforcement responsibility.

- (C) As use herein the terms "Director of Public Works" and "Director of Public Health" shall include the authorized representatives of such Directors and the Fire Chief and his authorized representatives as concerns Sections 9.22.090(a)(5) and 9.22.090(c)(9) of this chapter or any other section of this chapter in which the specified condition or activity poses a fire hazard.

Section 9.22.080 of the Municipal Code of the City of Richmond is hereby amended to read as follows:

9.22.080 Violation -- Penalty.

In addition to all other remedies and penalties available under other sections of this Code or under other laws, any person, firm or corporation, whether owner, lessee, sublessor, sublessee or occupant of any premises who violates the provisions of this Code shall be subject to an administrative citation pursuant to Richmond Municipal Code Chapter 2.62 for each day such violation continues.

Section 9.22.090 of the Municipal Code of the City of Richmond is hereby amended to read as follows:

9.22.090 Nuisances Specified.

It is declared a public nuisance for any person owning, leasing, occupying or having charge or possession of any premises in this City to maintain such premises or to permit such premises to be maintained in such a manner that any one or more of the conditions or activities described in the following subsections are found to exist:

(A) Generally.

- (1) Any dangerous, unsightly, or blighted condition which is detrimental to the health, safety or welfare of the public;
- (2) Any condition in violation of the California Building Code, National Electrical Code, California Mechanical Code, Uniform Housing Code as amended by Health and Safety Code Section 19720.3, California Plumbing Code and Uniform Security Code, Title 24 of the California Code of Regulations, the State Building Standards Code, as adopted by reference in this Code, subject to any amendments, additions or deletions made thereto.
- (3) Any condition in violation of Chapter 9.24 of this Code (Animal Control Law);
- (4) Any condition in violation of Chapters 15.04, 15.06 and 15.08 of this Code (zoning, sign and subdivision ordinances);
- (5) Any condition in violation of Chapter 8.16 of this Code (Uniform Fire Prevention Code);
- (6) Any condition in violation of any rule, regulation, standard or other requirement of the air pollution control district in which the City lies;

- (7) Any condition recognized in law or in equity as constituting a public nuisance.
- (B) Buildings or Structures in a State of Disrepair.
- (1) Any building or structure, or portion thereof, which is structurally unsafe or which constitutes a fire hazard, or which has been abandoned or left vacant for a period of six (6) months or more without work being performed in good faith under building permits to rehabilitate the building or structure proceeding in good faith;
 - (2) Any building or structure, including, but not limited to, walls, fences, signs or retaining walls, which are broken, deteriorated, or substantially defaced (including defacement by markings commonly referred to as "graffiti") so that the disrepair poses a risk of harm to the public or constitutes visual blight or reduces the aesthetic appearance of the neighborhood or is offensive to the senses or is detrimental to the use and enjoyment of nearby properties or reduces nearby property values;
 - (3) Any building or structure having dry rot, warping or termite infestation or any building or structure on which the condition of the exterior finish has become so deteriorated as to permit decay, excessive checking, cracking, peeling, chalking, dry rot, warping or termite infestation so that the disrepair poses a risk to the public or constitutes visual blight or reduces the aesthetic appearance of the neighborhood or is offensive to the senses or is detrimental to the use and enjoyment of nearby properties or reduces nearby property values.
- (C) Property Inadequately Maintained.
- (1) The keeping, storage, depositing or accumulation on the premises of any personal property, including, but not limited to abandoned, wrecked, dismantled or inoperative vehicles, automotive parts or equipment, appliances, furniture, containers, packing materials, scrap metal, wood, building materials, junk, solid waste, rubbish, and debris, which is within the view of persons on adjacent or nearby real property or the public right-of-way and which poses a risk of harm to the public or constitutes visual blight or reduces the aesthetic appearance of the neighborhood or is offensive to the senses or is detrimental to the use and enjoyment of nearby properties or reduces nearby property values; provided, however, that wood and building materials being used or to be used for a project of repair or renovation for which a valid and current building permit has been obtained may be stored for such period of time as is necessary expeditiously to complete the project;
 - (2) The keeping, storage, depositing or accumulation of dirt, sand, gravel, concrete or other similar materials, which constitutes visual blight or reduces the aesthetic appearance of the neighborhood or is offensive to the senses or is detrimental to the use and enjoyment of nearby properties or reduces nearby property values; provided however, that building materials being used or to be used for a project of repair or renovation for which a valid and current building permit has been obtained may be stored for such period of time as is necessary expeditiously to complete the project;

- (3) Property on which overgrown, dead or decayed trees, weeds or other vegetation pose a risk of harm to the public, or constitutes visual blight or reduces the aesthetic appearance of the neighborhood or is offensive to the senses or is detrimental to the use and enjoyment of nearby properties or reduces nearby property values;
- (4) Any parking lot, driveway, sidewalk or path which is cracked or has potholes or other breaks in the surface which poses a risk or harm to the public;
- (5) Any swimming pool, pond or other body of water which is abandoned, unattended, unfiltered or otherwise not maintained, resulting in the water becoming polluted by excess bacterial growth or by the presence of garbage, refuse, debris, papers or any other foreign matter or material which creates an unhealthy or unsafe condition;
- (6) Maintenance of property in such a manner that matter, including, but not limited to smoke, odors, dust, dirt, or debris, is permitted to be transported by wind or water or otherwise upon any street, course, alley, sidewalk or other public property or onto neighboring or adjacent properties so as to pose a risk of harm to the public, or to create a condition which is offensive to the senses or detrimental to the use and enjoyment of nearby properties or reduces nearby property values;
- (7) Failure to install or to maintain landscaping which is required by this Code or which is required by the Richmond Redevelopment Agency for a redevelopment project area;
- (8) Storage of solid waste receptacles or bins in front or side yards or visible from the public right-of-way except where:
 - (a) The layout or configuration of the property and the buildings thereon would impose a hardship upon the property owner seeking to comply with this section, or
 - (b) Compliance with this section would itself constitute a hazard to public health, safety or welfare.

Any exception granted pursuant to this subsection (8) shall be subject to the review of the Director of Public Works on a periodic basis set by the Director;
- (9) Property on which any condition poses a fire hazard;
- (10) Property on which any condition exists which is likely to harbor rats, vermin or other pests.
- (11) Any vacant lot or undeveloped parcel shall be maintained by the owner to prevent the accumulation of trash, rubbish, garbage, or debris. Upon written notice to the owner of record, by mail to the last mailing address as listed in the County Tax Assessors records, that the lot or parcel is the site of illegal dumping or contains trash, rubbish or garbage, the owner shall remove all such trash, rubbish, garbage or debris within the time stated in the notice.
 - (a) Upon two (2) or more violations of this section within a twenty-four (24) month period, the property owner shall, at the owner's expense, erect a fence around the vacant lot or

parcel of sufficient height and strength to prevent illegal dumping and/or the unlawful accumulation of trash, rubbish, garbage, or debris and/or unauthorized entry within thirty (30) days of the second notice of violation. The second notice of violation shall include a notice that a fence is required under this section.

- (b) If the property owner, after being given written notice that a fence is required, fails to erect such fence within thirty (30) days of the written notice, the City may apply for an abatement warrant to erect such fence, and upon obtaining the warrant shall erect the fence. All costs of obtaining the warrant and erecting the fence shall, at the City's sole election, be placed on the property as a special assessment lien or collected as a debt against the property owner.
- (c) It shall be unlawful for any person or entity to remove, damage, breach or in any way interfere with a fence erected under this ordinance. The property owner shall at all times properly maintain such fence, including repair or replacement, in the event of damage or deterioration.
- (d) The property owner may apply in writing to the City Manager to remove a fence erected under this ordinance in the event the lot is being developed and all necessary grading or building permits have obtained. Such permission shall not be withheld if such permits have been issued or if the lot or parcel is no longer vacant.

(D) Abandoned or Unsecured Buildings.

- (1) Any building, fence or other structure which is or has been abandoned, boarded up, partially destroyed or permitted to remain in a state of partial construction so that it poses a risk of harm to the public, or constitutes visual blight or reduces the aesthetic appearance of the neighborhood or is offensive to the senses or is detrimental to the use and enjoyment of nearby properties or reduces nearby property values; provided, however, that no partially constructed, reconstructed or demolished structure shall be considered in a state of partial construction if there exists a valid and current building or demolition permit and substantial work has been done pursuant to such permit within the immediately preceding three months.
- (2) Any building, structure or other property which is unlocked or unsecured or has broken or missing doors or windows or other glazed openings allowing unauthorized access by the public so as to constitute a potential attraction to children or trespassers or a harbor for vagrants, criminals, or other unauthorized persons, or so as to enable persons to resort thereto for the purpose of committing a nuisance or other unlawful act.

(E) Parking and Storage of Vehicles and Equipment.

- (1) Parking or storage of construction equipment or machinery or other industrial or commercial equipment or machinery in any area zoned for residential uses so that it is within the view of persons on adjacent or nearby real property or on the public right-of-way except while excavation, construction or demolition operations covered by an active building or demolition permit are in progress on the property.

- (2) Parking or storage of motor vehicles, trailers, campers, boats and other mobile equipment in any area not designated as a parking space on the approved site plan.
- (F) Hazardous and Attractive Nuisances.
- (1) Any building, object or condition, whether natural or manmade, which due to its accessibility to the public or due to its potential attraction to children poses a hazard, including, but not limited to, abandoned, unsecured, unused or neglected motor vehicles, machinery or equipment, abandoned or unprotected wells, shafts, foundations, or basements, hazardous or unprotected pools, ponds, construction sites, or excavations, and stored chemicals, gas, oil, or toxic or flammable substances;
 - (2) Erosion, subsidence, or surface water drainage problems which are hazardous or injurious to the public or to adjacent properties whether caused by grading operations, excavations or fill or as a result of the topography, geology or configuration of the land in its natural state.
- (G) Noise. The emanation of noise of such a loud, unusual penetrating, persistent, raucous or boisterous nature so as to unreasonably disturb, annoy, interfere with or endanger the comfort, repose, health, peace, safety or welfare of neighboring residents of normal sensitivity.
- (H) Vector Control. It shall be a violation of this ordinance for anyone to create, cause, commit, or maintain a public nuisance, which is hereby defined as any one or more of the following:
- (1) Anything that is injurious to health, or is indecent, or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property by an entire community or neighborhood, or by any considerable number of person, or that unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin, or any public park, square, street, or highway;
 - (2) Any artificial alteration of property, excluding water, from its natural condition, resulting in it supporting the development, attraction, or harborage of vectors, with the presence of vectors in their developmental stages on property being prima facie evidence that the property is a public nuisance;
 - (3) Any water that is a breeding place for vectors, with the presence of vectors in their developmental stages in the water being prima facie evidence that the water is a public nuisance; or
 - (4) Any activity that supports the development, attraction, or harborage of vectors, or that facilitates the introduction or spread of vectors.

Section 9.22.100 of the Municipal Code of the City of Richmond is hereby amended to read as follows:

9.22.100 Abatement Procedure.

- (A) Authority. Whenever the Director of Public Health or the Director of Public Works has inspected or caused to be inspected any premises and has found and determined that such premises are in violation of this chapter, the Director may commence proceedings to cause abatement of

the nuisance as provided herein, without limitation as to any other administrative or legal remedies.

- (B) Notice of Violation. Upon determining that premises located in the City are in violation of this chapter, the Director shall issue a notice directed to the record owner and to the occupants, as appropriate, of the premises. The notice shall contain:
- (1) The street address and such other description as is required to identify the premises;
 - (2) A statement which specifies the conditions which constitute the nuisance and which also may specify the measures necessary to abate the nuisance;
 - (3) An order that the nuisance be abated within a specified time period; and
 - (4) A statement that the owner (or any occupant to whom the notice has been directed) has the right to request a hearing before the Board of Appeals and that such request must be made in writing and must be made within the time period within which the owner (or occupant) has been ordered to abate the nuisance.
- (C) Service of Notice. The written notice shall be served upon any occupant to whom it has been directed and upon the record owner of the property upon which the nuisance exists at least five days before the abatement deadline date specified in the notice. The written notice shall be served either by personal delivery upon the record owner or by mailing a copy to the record owner by certified mail, return receipt requested, at the owner's last known address as it appears on the latest equalized assessment roll of the county. Service on any occupant to whom the notice has been directed shall be made by personal delivery to the occupant or by mailing a copy to the occupant by certified mail, return receipt requested, at the address of the subject property or to another address known to be the occupant's home, business or mailing address. In all instances, a copy of the notice shall also be posted on the premises.
- (D) Duty to Abate--Request for Hearing. After the written notice has been served, it shall be the duty of the owner (or any occupant to whom the notice has been directed) to abate such nuisance within the time specified by the notice. However, within the time specified in the notice to abate the nuisance, the owner (or occupant) may request a hearing before the Board of Appeals, created in Section 6.02.030 of this Code (Board of Appeals). Such request must be made in writing and should set forth the reasons why the abatement is not necessary.
- (E) Hearing--Decision. On receipt of a timely written request for hearing, the Board of Appeals shall set a date for and on that date shall conduct a hearing on the proposed abatement. At the hearing the Board of Appeals shall redetermine whether or not a nuisance exists and whether or not the owner (or any occupant to whom the notice has been directed) should abate the nuisance. If the Board of Appeals finds, based on a preponderance of the evidence, that the nuisance continues to exist, the Board of Appeals shall issue a written decision informing the owner (or occupant) of that finding and specifying the time within which the abatement shall be completed. The decision of the Board of Appeals shall be the final and conclusive administrative decision.
- (F) Service of Hearing Decision. The hearing decision shall be served on the record owner and on any occupant to whom the notice has been directed in the same manner as set forth in subsection (c) of this section. One copy of

the hearing decision shall also be served on each of the following, if disclosed from official public records: The holder of any mortgage, deed of trust or other lien or encumbrance of record and the holder of any other estate or legal interest of record in the premises.

Section 9.22.120 of the Municipal Code of the City of Richmond is hereby amended to read as follows:

9.22.120 Summary Abatement.

- (A) If, in the opinion of the Director of Public Works or the Director of Public Health or, if a hearing has been requested, the Board of Appeals, there exists a condition on any premises which is of such a nature as to be imminently dangerous to the public health, safety or welfare, which, if not abated, would, during the pendency of the abatement procedures set forth in this chapter, subject the public to potential harm of a serious nature, the same may be abated by the City forthwith without compliance with the provisions of this chapter.
- (B) No summary abatement shall be undertaken unless it shall first be approved by the City Attorney or his authorized representative.
- (C) The cost of summary abatement including all administrative costs of any action taken hereunder, including reasonable attorney's fees, may be assessed against the subject real property as a special assessment lien and/or made a personal obligation of the owner as provided in Section 9.22.110.

Section 9.22.130 of the Municipal Code of the City of Richmond is hereby amended to read as follows:

9.22.130 Abatement of Dangerous Buildings.

Notwithstanding the procedures set forth in Section 9.22.110, whenever the Director of Public Works has inspected or has caused to be inspected any building or structure and has determined that such building or structure is a dangerous building pursuant to the Uniform Code for the Abatement of Dangerous Buildings as adopted by the State of California and Chapter 6.10 of the Richmond Municipal Code, abatement of the conditions causing the building to be dangerous shall be undertaken pursuant to the procedures set forth in the Uniform Code for the Abatement of Dangerous Buildings and this Code.

Chapter 9.48 of the Municipal Code of the City of Richmond is hereby deleted and repealed in its entirety.

SECTION II.

Any provisions of the Richmond Municipal Code, or appendices thereto, or any other ordinances of the City inconsistent herewith, to the extent of such inconsistencies and no further, are hereby repealed.

SECTION III.

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance.

SECTION IV. Severability.

The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that

any one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

SECTION V. Effective Date.

This Ordinance shall be effective 30 days after passage and adoption.

I certify that the foregoing ordinance was passed and adopted by the Council of the City of Richmond, California at a regular meeting held on April 4, 2006, by the following vote:

AYES:	Councilmembers Bates, Butt, Griffin, McLaughlin, Rogers, Thurmond, Viramontes, and Mayor Anderson
NOES:	None
ABSTENTIONS:	None
ABSENT:	Councilmember Marquez

DIANE HOLMES
Clerk of the City of Richmond

(SEAL)

Approved:

IRMA L. ANDERSON
Mayor

Approved as to form:

JOHN EASTMAN
City Attorney

State of California	}
County of Contra Costa	: ss.
City of Richmond	}

I certify that the foregoing is a true copy of Ordinance No. 18-06 N.S., finally passed and adopted by the Council of the City of Richmond at a regular meeting held on April 4, 2006, and published in accordance with law.