

“Side yard” is that area normally and customarily found in residential property between the fence line at the front of a structure and extending along the sides of the building until the rear yard is reached.

“Substantial obstruction” means any obstruction which is a threat to health, safety or welfare, or which impairs the clear or safe passage of any vehicle, pedestrian or device to assist any pedestrian, including, but not limited to, wheelchairs, or which impairs safe sight distances for the operation of motor vehicles. In order to provide appropriate fire protection, “substantial obstruction” includes the failure to keep a clear lane of four feet or more on one side yard or the other of a structure in order to provide appropriate access for the provision of firefighting personnel and apparatus. (Ord. 1494 §2(part), 1993).

(Ord. 1808, Amended, 07/22/2008; Ord. 1614, Amended, 04/07/1999)

8.10.020 Enforcement of chapter.

A. Authority – Department Head Defined. The City Manager or his or her designee shall be the department head with the principal responsibility for enforcing this chapter. Additionally, the City Attorney, Fire Chief, Chief of Police, Director of Public Works, Director of Community Development, Building Official, Director of Housing and Redevelopment, and Code Compliance Technicians, or any of their designees, shall have authority to enforce the provisions of this chapter. Any provision of this chapter that refers to the City Manager shall be interpreted to include a reference to a designee of the City Manager or anyone specified herein to have enforcement authority.

B. Appointment of Hearing Examiner. In order to hear cases brought under the provisions of this code, the City Manager or his/her designee shall appoint one or more hearing examiners who shall serve at the City Manager’s pleasure. A hearing examiner may be a permanent city employee. Should a property owner object to a city employee serving as hearing examiner, then the City Manager or his/her designee shall appoint an outside hearing examiner to hear the matter.

C. Violations. Upon entry of second or subsequent civil or criminal judgment within a two-year period finding that an owner or property is responsible for the same or a similar condition described in Section [8.10.030](#), the court or the hearing officer may order the owner to pay triple the costs of abatement. (Ord. 1494 §2(part), 1993).

(Ord. 1808, Amended, 07/22/2008; Ord. 1721, Amended, 09/10/2004; Ord. 1620, Amended, 07/08/1999; Ord. 1614, Amended, 04/07/1999)

8.10.030 Nuisance.

A. Generally. It is declared a public nuisance for any person owning, leasing, occupying or having charge or possession of any premises in this City, whether commercial, industrial or residential, to maintain or use, or allow the maintenance or use of, such premises in such a manner that any one or more of the conditions or activities described in the following subsections are found to exist. However, these provisions relating to nuisances are not intended to, nor shall they, supersede the enforcement as a nuisance of the violation of any other provisions of state law or the Vacaville Municipal Code.

1. Any condition as described in the Uniform Code for the Abatement of Dangerous Buildings as adopted in Chapter 14.20.256 or in the Uniform Housing Code as adopted in Chapter 14.20.255. Reference to said code is not intended to, nor shall it reduce, supersede, diminish or otherwise affect enforcement through the provision of said Uniform Code, or any other code. Said Uniform Code provisions shall remain in full force and effect;

2. Any condition as described in the California Fire Code as adopted in Chapter 14.20.271. Reference to said code is not intended to, nor shall it reduce, supersede, diminish or otherwise affect enforcement through the provision of said fire code, or any other code. Said fire code provisions shall remain in full force and effect. In addition, and in order to provide appropriate access for the provision of firefighting personnel and apparatus, property owners must keep a clear lane of four feet or more throughout one side yard of a structure;

3. Any building or structure which has been abandoned or vacant for any amount of time, such that it constitutes an attractive nuisance or hazard to the public, or which has been so damaged by fire, wind, earthquake, flood, neglect or which has become so dilapidated or deteriorated as to (a) become an attractive nuisance to children; (b) become a harbor for criminal persons or persons appearing to engage in criminal activity; or (c) which enables persons to resort thereto or utilize said property for the purpose of acts threatening safety of oneself, other persons, or the property;

4. Any building or structure which has been abandoned or vacant for any amount of time, unless one of the following applies:

a. The building or structure is the subject of an active building permit for repair or rehabilitation and the owner or other person having charge or possession of the property is progressing diligently to complete the repair or rehabilitation; or

b. The building or structure complies with all applicable provisions of the State Housing Law (California Health and Safety Code Sections 17920 et seq.), the Federal Housing Quality Standards and/or the Vacaville Municipal Code, including but not limited to the City's construction and fire standards (Division 14.20 of this code), is ready for occupancy, and is either actively being offered for sale, lease or rent or is actively being maintained and monitored by the owner or other person having charge or possession of the property so as not to contribute to blight or otherwise detrimentally affect the public safety or welfare, including, but not limited to:

i. Maintenance of landscaping and plant materials in good condition; and

ii. Maintenance of the exterior of the building or structure; including, but not limited to, paint and finishes in good condition, and if the property contains an exterior pool or spa, such pool or spa is being kept in good working order so the water remains clear and free of pollutants and debris or has been drained and kept dry, and there is an enclosure surrounding such pool or spa that complies with the minimum pool barrier requirements of the State of California; and

iii. Regular removal and disposal of all exterior trash, debris, and graffiti or other inscribed material (as set forth in Vacaville Municipal Code Chapter 8.13), and any other items that give the appearance that the property is abandoned or vacant, such as the accumulation of newspapers, circulars, flyers, or notices (except those required by federal, State or local law) and discarded personal property; and

iv. Prevention of criminal activity on the premises, including but not limited to the use and sale of controlled substances, prostitution, criminal street gang activity, trespassing and vandalism; and

v. The building or structure has been secured against intrusion by unauthorized persons or animals; and

vi. If the building or structure remains, or is anticipated to remain, abandoned or vacant for 30 or more days, the property owner or other person having charge

or possession of the property has notified the City's Code Compliance Division thereof in writing, including the name, address, and telephone number of the owner or other person having charge or possession of the property and, if applicable, a 24-hour contact phone number of the property management company in control of the building or structure; and

vii. If the building or structure is owned or controlled by a corporation and/or out-of-area beneficiary/trustee/owner or other person having charge or possession of the property, a local property management company shall be hired to perform weekly inspections to verify that the requirements of this chapter, and any other applicable federal, State or local laws, are being met;

c. Any abandoned or vacant building or structure that also constitutes a public nuisance as defined in this or any other chapter of the Vacaville Municipal Code shall be subject to monthly monitoring fees and enforcement response fees, to recover the City's regulatory costs to monitor and respond to the nuisance. The separate monthly monitoring fee and enforcement response fee shall be set by resolution of the City Council. The monitoring fee shall be applicable, even in the absence of any action, administrative or otherwise, by the City. The monitoring fee shall be imposed upon the owner or other person having charge or possession of the property, upon the City's initial determination that the building or structure constitutes a public nuisance. The fee shall thereafter be imposed in each 30-day period following the imposition of the initial monitoring fee. On buildings or structures requiring an involuntary City enforcement response within any 30-day period, an additional and separate enforcement response fee shall be imposed, for each response, upon the owner or other person having charge or possession of the property;

d. Any monitoring or enforcement response fee imposed pursuant to this subdivision may be appealed and shall be collected in the same manner as is specified in Section [8.10.070](#) of this chapter. Monitoring and enforcement response fees shall be imposed as long as the abandoned or vacant building or structure remains a public nuisance;

5. Any occupied building or structure designed for human occupancy where conditions exist which endanger the health, safety or welfare of the public or the occupant(s), including, but not limited to, buildings violating applicable provisions of the City's construction and fire standards, the State Housing Law, Federal Housing Quality Standards or the Vacaville Municipal Code;

6. Gasoline service stations which are not in operation and are either boarded up or have removed dirt and other materials from the ground and left open excavations, even if the open excavations have been fenced, for a period of sixty days, unless such station has sought and received remediation plans from a local, state or federal agency relative to the management of hazardous or toxic waste and said actions are pursuant to said remediation plan;

7. Any building or structure which, because of obsolescence, dilapidated conditions, deterioration, damage, unsafe electrical wiring, unsafe gas connections, or other causes, is in such a condition as to constitute a fire, or other health and safety hazard;

8. Any unauthorized accumulation, storage, depositing or keeping of lumber, garbage, trash, debris, salvage materials, or any cast-off, damaged, discarded, 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, fiberglass, metal, paper, plaster, plaster of paris, rubber, terra cotta, wool, cotton, cloth, canvas, organic matter, abandoned or unused furniture, appliances, sinks, toilets, cabinets or other fixtures, abandoned, wrecked, dismantled or inoperative vehicles as set forth in Chapter 10.48 hereinafter, camper shells, automobile parts, wheels or tires, unseaworthy boats or other

substances in the front yard of a residential property. This section is not intended to, nor shall it, prohibit the temporary storage for a period not to exceed 30 days of construction or landscaping materials to be used in the improvement of the residential property itself. Further, This section does not prohibit authorized commercial storage and display of products and/or goods nor does it prohibit the weekly placing of waste containers as required for garbage service, however such waste receptacles must be at the side of the house or in the rear yard at all other times;

9. Any unauthorized accumulation, storage, depositing or keeping of lumber, junk, garbage, trash, debris, salvage materials or any cast-off, damaged, discarded, 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, fiberglass, metal, paper, plaster, plaster of paris, rubber, terra cotta, wool, cotton, cloth, canvas, organic matter, abandoned or unused furniture, appliances, sinks, toilets, cabinets or other fixtures, abandoned, wrecked, dismantled or inoperative vehicles as set forth in Chapter 10.48 hereinafter, camper shells, automobile parts, wheels or tires, unseaworthy boats or other substances in the rear or side yard of a residence which is stored or stacked outside of permitted storage sheds or structures above the level of the lowest fencing in said rear or side yard, or which covers more than 25% of the surface area of the rear or side yard. Approved structures, vehicles and children's play equipment which exceed the height of a fence, are allowed in rear or side yards but their surface coverage shall be included within the 25% coverage limit. This section does not prohibit authorized commercial storage and display of products and/or goods under an approved conditional use permit;

10. Where there is an attractive nuisance to children, including but not limited to, appliances, equipment, machinery, camper shells, unenclosed pools or ponds, vehicles, uncapped wells or excavations which may be hazardous to children;

11. The operation of any motor vehicle salvage yard or salvage yard as defined in Vacaville Municipal Code Section 14.016.020 in violation of the provisions of Title 14 of the Vacaville Municipal Code;

12. Property with dead, decayed, diseased or hazardous trees, weeds, plants, shrubs or overgrown vegetation which is likely to harbor rats, vermin or other pests, or any trees, weeds, plants, shrubs or overgrown vegetation which adversely impacts on public property as follows:

a. which lies upon or protrudes over or across a city sidewalk so that less than a minimum of 36 inches clear passage exists, or so as to otherwise substantially obstruct the clear passage of pedestrians or which impairs the safe sight distances for the operation of motor vehicles; or

b. which has branches or limbs which protrude over or across a city sidewalk at a height lower than seven (7) feet, or otherwise substantially obstruct the clear passage of pedestrians or impairs the safe sight distances for the operation of motor vehicles; or

c. which has branches or limbs which protrude over a city street at a height lower than fourteen (14) feet, or which otherwise substantially obstruct the clear passage of vehicles or impairs the safe sight distances for the operation of motor vehicles; or the continued existence of any tree or other plant on private property within the city limits that is infested with insects, mites, fungus, bacteria, virus or growths which constitute a threat to, or may be injurious to trees or other plants owned or maintained by the City in the surrounding area; or any plant which impairs, destroys, or causes safety problems with any street improvement, sidewalk, curb, gutter, sewer, street trees, or other public improvements.

The city may inspect any tree or other plant on private property to determine whether the same, or any portion thereof, is in such condition as to constitute a public nuisance and in addition, for the purpose of abating or correcting any condition or thing declared to be a public nuisance.

Nothing contained in this section shall be deemed to impose any liability or responsibility up on the city, its officers, or employees to undertake abatement of a nuisance arising between private neighboring properties, nor to relieve the owner of any private property from the duty to keep any tree or other plant upon his property or under his control, in such a condition as to prevent such tree or other plant from constituting a public nuisance.

13. Vehicles (as defined in Vacaville Municipal Code Section 10.48.010(B)(11)), which are parked upon or protrude over or across a city street or sidewalk;

14. Vehicles (as defined in Vacaville Municipal Code Section 10.48.010(B)(11)), boats, recreational vehicles, campers, trailers or portions thereof which are parked or standing on private property in the front yard or unenclosed side yard:

a. Not parked on the following surfaces: 1) continuous improved impervious surface which includes concrete, asphalt, brick or fitted stone; 2) continuous improved surface consisting of gravel, loose rock or lava.

b. When the parking area in a front yard exceeds the standards set forth in Vacaville Municipal Code Section 14.074.130(A)(4) providing for a maximum vehicle parking area of 24 feet for residences with one and two car garages and 36 feet for residences with three or more car garages. In addition, vehicles may be stored in a side or rear yard. While it is preferred to have this additional parking area adjacent to the driveway at a residence, that is not required and an additional driveway area may be at another location on a lot so long as the 50% of front yard landscaping is maintained and the total aggregate driveway area does not exceed the 24 foot and 36 foot limits set forth herein.

c. The Director of Community Development may permit minor increases relative to sub-sections (a) and (b) above in exceptional circumstances where the application of these standards will create an unreasonable hardship on the property owner so long as it can also be determined that the adjacent properties and the character of the neighborhood will not be adversely impacted by the additional paving.

d. Further excepted from this provision is farm equipment used for agricultural production on land owned or leased by the property owner.

e. In order to protect the public's right to safely use public sidewalks and streets, any driveway or front-yard vehicle parking area must be designed or constructed in such a way as to keep materials used for parking from being carried on to the public sidewalk or street.

15. Where any pooled oil or hazardous or toxic waste substances are stored or accumulated in any unapproved container or are in violation of any federal, state, county or city statute; or when any such substance heretofore mentioned in allowed to flow onto a public right-of-way, storm drain, or onto or into any public improvement; or where excessive accumulation of grease or oil on paved surfaces, buildings, walls, fences or other structures has occurred;

16. Any unpermitted obstruction of or encroachment on public property, including, but not limited to, any public street, highway, sidewalk, curb, gutter, park, building or any other public improvement. Unpermitted structures may be removed by city at owner's expense;

17. Any building or structure that is marked or defaced with spray paint, dye, or like substance in a manner commonly described as graffiti or as defined in Chapter 8.13 of this code, and which is visible from public or private property when the observer is standing a normal or customary place from which to observe the alleged nuisance or which is found when observed during an inspection pursuant to a warrant;

18. Vacant lots not maintained free of weeds, trash, clutter, litter, junk, discarded vehicles or vehicle parts, or has become a parking area resulting in dirt/mud tracking onto public right-of-way;

19. When excessive noise, as defined herein, occurs or is allowed to occur. Excessive noise is that noise or sound emanating from any property which is loud, unusual or unnecessary and which disturbs the peace or quiet of nearby property or which would cause annoyance or discomfort to a reasonable person of normal sensitivity in the area. Excessive noise includes the use or operation of any radio receiving set, television set, musical instrument, phonograph or stereo, or any other machine or device which produces or reproduces sound in such a manner as to unreasonably disturb the peace, quiet and comfort of neighboring residents. This provision shall apply to all land uses, whether such uses meet other standards under the zoning code of the City. In addition, the following special noise regulations shall constitute nuisances whenever they occur between the hours of 10:00 p.m. and 6:00 a.m. the next morning. This limitation shall extend until 8:00 a.m. on Sunday mornings.

a. Noise from Construction Activities. It is unlawful for any person within 500 feet from any occupied residence to operate equipment or perform any out-of-doors construction or repair work on any building, structure or other building or repair project, except that interior work which would not create noise or disturbance noticeable to a reasonable person of normal sensitivity in the surrounding neighborhood shall not be subject to these restrictions;

b. A request for an exception to the permitted construction hours and days may be granted by the director of community development, or his or her designee, for emergency work, to offset project delays due to inclement weather, for 24-hour construction projects or other similar occurrences;

c. City projects determined by the director of public works to be emergencies, as defined in Chapter 14.03, Environmental Review, shall be exempt from these provisions.

20. Noise from Construction Activities. No construction or grading equipment shall be operated nor any outdoor construction or repair work shall be permitted within 500 feet from any occupied residence between dusk (one-half hour after sunset) and 7:00 a.m. Monday through Saturday, and no such construction or grading activities shall be allowed on Sundays or holidays except as provided for herein:

a. Interior work which would not create noise or disturbance noticeable to a reasonable person of normal sensitivity in the surrounding neighborhood shall not be subject to these restrictions.

b. Construction or repair work performed by or under the direction of a homeowner at his or her residence is exempt from these restrictions on Sundays and holidays, but such construction or repair work shall be limited to the hours between 8:00 a.m. and dusk on Sundays and holidays.

c. A request for an exception to the permitted construction hours and days may be granted by the Director for emergency work, to offset project delays due to inclement weather, for 24-hour construction projects, or other similar occurrences.

d. City projects undertaken by the Public Works Department shall be exempt from these provisions;

21. Noise from Commercial Activities. It is unlawful for any person within five hundred feet from any occupied residence to operate equipment, including, but not limited to, parking lot cleaning and sweeping machines, leaf blowers, and mowing machines. This section does not prohibit the loading or unloading of commercial vehicles;

22. Excessive direct lighting, as defined herein, occurs or is allowed to occur. Excessive direct lighting is that light emanating from any property which is bright, unusual, or unnecessary and which disturbs the peace or quiet of nearby property or which would cause annoyance or discomfort to a reasonable person of normal sensitivity in the area. Excessive direct lighting does not include diffused light which is shielded or directed away from adjoining property and, therefore, does not shine directly onto another property;

23. Violation of any provision of the Vacaville Municipal Code;

24. Any condition recognized in law or in equity constituting a public nuisance.

B. Declaration of Public Nuisance. Any property found to be maintained, used or allowed to be maintained or used in violation of the foregoing section is declared to be a public nuisance and shall be abated by rehabilitation, removal, demolition or repair pursuant to the procedures set forth herein. The declaration of a nuisance and the procedures for abatement set forth here shall not be exclusive and shall not in any manner limit or restrict the city from enforcing other city ordinances or abating public nuisances in any other manner provided by law.

C. Procedures for the Abatement of Nuisances. The City shall follow the provisions of Section [8.10.070](#) regarding the procedures necessary to provide due process to a property owner in a nuisance abatement action.

D. Right of Entry for Enforcement Officer.

1. Whenever an enforcement officer has reason to believe that a nuisance exists or that an inspection is necessary to enforce any provision of this chapter or any other chapter of the municipal code relating to a public nuisance, and to the extent authorized by law, the officer may enter the premises at a reasonable time to perform the inspection or any other right or duty imposed by this chapter, subject to the requirements of Amendment IV of the United States Constitution and any other provisions of applicable federal, State, or local law.

2. Whenever an enforcement officer is authorized by law to enter upon private premises in order to enforce the provisions of this chapter or any other chapter of the municipal code relating to a public nuisance, no owner or other person having charge or possession of the property shall fail, refuse, or neglect to promptly permit entry therein by the enforcement officer. Whenever practicable, the enforcement officer shall contact the occupant of such premises prior to entry and inform the occupant of the reasons for such entry onto such property, and if the occupant is other than the owner, the enforcement officer shall also, if practicable, contact such owner. Notwithstanding the foregoing, unless such contact is required under applicable federal or State law, the failure of the enforcement officer to contact the occupant and/or owner of the property prior to entry shall not invalidate the enforcement officer's right to enter upon the property.

3. Any person who obstructs, impedes, or interferes with any officer, employee, contractor, or authorized representative of the city, or with any person who owns or holds any estate or interest in any premises on which a nuisance exists and which must be abated

under the provisions of this code, whenever such officer, employee, contractor or authorized representative of the city, or person having an interest or estate in such premises is engaged in the work or abating any nuisance as required by the provisions of this code, or in performing any necessary act preliminary to or incidental to such work authorized or directed pursuant to this code is guilty of a misdemeanor. (Ord. 1542 §6, 1995; Ord. 1535 §13, 1995; Ord. 1494 §2(part), 1993).

(Ord. 1808, Amended, 07/22/2008; Ord. 1751, Amended, 07/26/2005; Ord. 1739, Amended, 09/06/2005; Ord. 1721, Amended, 09/10/2004; Ord. 1620, Amended, 07/08/1999; Ord. 1614, Amended, 04/07/1999)

8.10.040 Voluntary abatement – Emergency abatement.

A. Voluntary Abatement. Except in emergencies or where abatement of a particular nuisance has occurred more than twice in the prior two years, enforcing departments shall seek voluntary abatement of the nuisance prior to initiating formal abatement action.

B. Emergency Abatements. Notwithstanding any other provision of this code, the City may act to immediately abate any nuisance or violation of this chapter whenever the department head or enforcement agency determines that a condition poses a clear and imminent danger to, or requires immediate action to prevent or mitigate the loss or impairment of, life, limb, health, property, safety or welfare of anyone, or essential public services. The abatement shall include all actions necessary to secure the premises to prevent further occurrences of the nuisance.

The City may perform this abatement without providing prior notice or hearing to the owner or other person in charge or possession of the offending premises. The City shall issue a notice and order in accordance with Section [8.10.070](#) as soon as practicable following completion of the abatement, and persons receiving such notice and order shall be entitled to all hearing rights as provided therein.

C. Review and Legal Advice of City Attorney Required. Except as set forth below, no action shall be taken under this section unless the city attorney or his or her authorized representative shall first review the proposed action and render his or her legal advice as to whether the requirements of Subsection B have been met. In circumstances where person or property is, in the determination of the Fire Chief, the Chief of Police or the Building Official, in imminent danger of harm, the Fire Chief, the Chief of Police or the Building Official may cause the immediate abatement of the condition posing and immediate threat.

D. Cost Recovery. The costs of any emergency abatement shall be charged against and collected from the property subject to the emergency abatement. (Ord. 1494 §2(part), 1993).

(Ord. 1808, Amended, 07/22/2008; Ord. 1721, Amended, 09/10/2004; Ord. 1620, Amended, 07/08/1999; Ord. 1614, Amended, 04/07/1999)

8.10.050 Abatement of violations of the City's construction and fire standards.

This chapter shall apply to the abatement of nuisances pursuant to the City's construction and fire standards to the extent such abatement does not conflict with any provisions or procedures of said standards. To the extent that a conflict between this chapter and applicable provisions or procedures of said standards exists, the provisions or procedures of the City's construction and fire standards shall apply.

(Ord. 1808, Amended, 07/22/2008; Ord. 1620, Amended, 07/08/1999; Ord. 1614, Amended, 04/07/1999)