

**Abatement, Code Enforcement and Dumping on Public Property in the City of  
Richmond  
Tom Butt, Richmond City Council Member  
August 1, 2004**

**Introduction**

In recent months, public dumping in Richmond has become about as bad as anyone can remember. This has been largely attributed to the reduction in City employees involved in enforcement and cleanup, but there may be other factors such as the cost of taking waste to the dump or the entrepreneurial motivations of illegal trash haulers.

The effectiveness of enforcement of public nuisance laws in Richmond continues to be a challenge but has also been exacerbated by reductions in force.

Nevertheless, there appears to be a new energy by those charged with enforcement and cleanup in the City, and there is certainly an increased interest from citizens. To find out who is running the effort and how they are working, I spent most of the afternoon of Friday, July 30, Richmond Police Officer Sgt. Dick Tak and Code Enforcement Officer Theresa Tingle.

**The Code Enforcement Team**

Currently, Tak is in charge of Abatement, and he has four Code Enforcement Officers assigned, including Theresa Tingle, Angela Ragland, Rosanne Fletcher, and Eva Mann, each of whom is assigned one of four sectors of the City. They work out of the Iron Triangle Substation at 1000 MacDonald Ave. (SE corner of MacDonald & Harbor Way) Sgt. Shawn Pickett also works in the Abatement Team.

**Typical Abatement Complaint**

Theresa had a complaint from a citizen about a back yard full of trash in the Richmond Annex. This location had been a problem previously, and she was familiar with it. We drove to the location, and Theresa knocked on the door, and a woman answered. The occupant claimed to be the owner of the property and said that the material that was the subject of the complaint belonged to her son. She did not have the combination to unlock the padlock on the gate, but she gave Theresa permission to observe it over the top of the fence.

The condition of the back yard was photographed, and the occupant was issued an administrative citation for \$250.



Trash in back yard complaint in Richmond Annex. Registration expired on Vehicle in front of residence

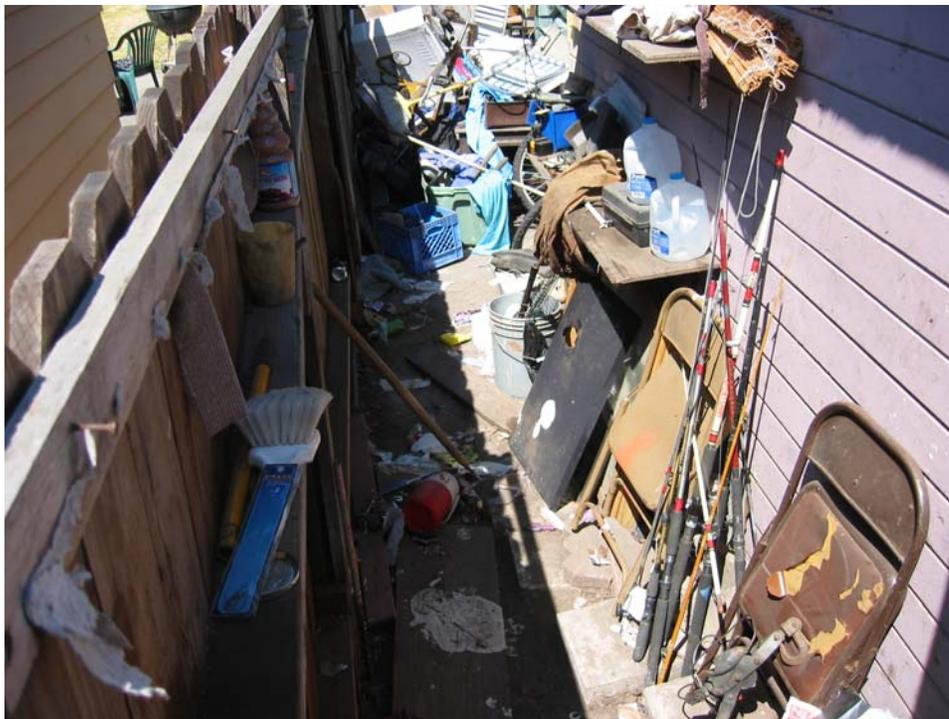
A vehicle on which the registration had expired was parked in front of the residence. Theresa took down the license number, and Sgt. Tak said he would have a police cadet handle getting it towed on Monday. He didn't want to do it at the time because he would have to wait at the site until the tow was underway, and it may have taken an hour or more.

When Theresa went back to the Iron Triangle substation, she used a computer in the Substation Commander's Office to access the Contra Costa County LIS (Land Information System) to obtain the property owner's name and address. I asked her why she didn't use the City of Richmond GIS, and she said the property information was not as up to date as that from the County. There is only one computer in the Substation that has the LIS database on it due to the expense of maintaining it.

Then, Theresa moved to her own workstation where she filled out a cleanup order by hand for mailing to the property owner. This was done, in addition to the citation, because she believed, based on prior experience with the property, that the only way the condition would be abated is if the City did it. Eventually, the City Attorney's office would have to obtain a court order allowing the City to enter the property for a cleanup. The cleanup order forms are done by hand because they are frequently filled out in the field where there is no access to a computer.

Theresa then handed the cleanup order, a copy of the citation, and the property owner information to Deborah Jenkins for processing. Deborah then accessed the City's SAP system, first searching to see if the property owner had a "customer record." Not finding one, she entered the data into system and created one. Then she entered the citation information and created an invoice for \$250. The invoice and a copy of the cleanup order were placed in an envelope in the outbox, where they would be transported to the City's Mailroom on Monday for mailing.

Deborah and Theresa told me that it takes about 30 minutes between the two of them to process a citation and cleanup order. With the help of two summer interns, Deborah is able to process about 25 citations per day. At a minimum of \$250 per citation, this will bring in at least \$6,250. This was the last day for her current two interns, but she anticipated two new ones starting next week.



Violation of Richmond Municipal Code 9.22.090.c (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;

In this case, the self-identified owner was handed the citation, which she signed, so it was effective immediately. The first citation is for \$250. If it had been a vacant lot, or nobody home, the citation would have to be mailed. Typically, the person cited is given at least three days to correct the illegal condition, and two more days are required to be added for mailing, so it takes about a week to determine compliance. After that, a second citation can be issued for \$500, and a third after another week for \$1,000. From then on, citations can be issued weekly for \$1,000.

If the owner is present and issued the citation directly, \$1,000 cites can be issued daily. If a cleanup has to be done by the City, the City Attorney must get a right of entry order from the Court, which can take as much as three weeks.

Overall, the administrative citation process is much more efficient than using just the former cleanup order. Repetitive citations can provide a strong incentive for the owner to comply promptly instead of simply letting the City perform the cleanup.

### **Technology and Misplaced Funding**

After completing the citation process, we had a discussion about a complaint recently received regarding a property in Point Richmond. Dick asked me if I was familiar with the location, and I told him I was. I tried to access the City's GIS system in the Intranet but found that some of the computers in the Substation apparently could not do it. I finally found one that would, and I showed Dick and Theresa the location using the [City of Richmond GIS Viewer](#). Neither of them was familiar with the on-line use of the GIS System, and I find it to still be unwieldy for the type of use they would make of it.

Incidentally, the Code Enforcement team has no field computers that would allow them to access the GIS system, use GPS to identify locations or write reports, citations or cleanup orders in the field.

On August 15, 2003, I wrote to Joseph Samuels, Isiah Turner, Wayne Nishioka and Rich McCoy, with copy to the City Council, the following:

Information technology support. These people need laptop computers in their vehicles loaded with GIS data so that they can instantly identify property boundaries, paper streets, property owners, and even possibly permit history. I believe that GPS could also enhance this. In addition, electronic, data-linked photography, citations, and other applications should be used. This technology is all available and in use in other cities. I am requesting a meeting with Lt. Berry, Rich McCoy and myself to discuss how we can expedite IT applications for our abatement teams. Any of my colleagues who would like to participate, please let me know.

On September 8, 2003, Mindell Penn and I met with Ron Berry and representatives of Public Services, GIS, City Attorney's Office and IT to discuss technical support for the

Abatement program. Rich McCoy committed to have field computers and appropriate software in the hands of code enforcement officers within two weeks.

It became clear later that, In addition to field computers and software, the Code Enforcement Team needed equipment to removed waste. The City Council Minutes for December 16, 2003, indicate that \$600,000 was to be transferred from the Redevelopment Agency to the General Fund to pay or these items.

A proposed resolution amending the Fiscal Year 2003-2004 General Plan Budget to authorize \$600,000 in expenditures for the Code Enforcement and Abatement Program was presented. Following discussion on motion of Councilmember Bates, seconded by Councilmember Griffin adopted **Resolution No. 188-03** by the following vote: **Ayes:** Councilmembers Butt, Belcher, Bates, Griffin, Rogers, and Mayor Anderson. **Noes:** Councilmember Viramontes. **Abstentions:** Councilmember Bell. **Absent:** Vice Mayor Penn.

Apparently, the money was either never transferred or was spent on something else. At the July 27 City Council meeting, no one on staff could explain what happened to it.

### **Trash Dumping**

After following the citation process, we went to look at some examples of public dumping, mostly in the Iron Triangle and Santa Fe neighborhoods. The trash comes from a variety of sources, probably including building contractors, contract haulers and individuals.

Complaints about trash dumped on public property that are received at various City offices (510/620-6944 and 50/620-6886) are forwarded to Deborah Jenkins at the Iron Triangle Substation. She logs them into an EXCEL Spreadsheet and notifies Dora Perdue/Stivers (510/965-1543), who is located in another office at 940 Hensley Street, apparently excess space in the former Chevron Chemical complex, lent to the City.

Dora supervises a crew of two, who are dispatched to remove trash using hand shovels and trucks. There are a total of four people assigned to the removal crew, but two are temporarily unavailable. There is no automated equipment, such as front end loaders available. The volume of dumping in the City has simply overwhelmed the City's ability to remove it.

Hauling anything to the dump from a Richmond location for a fee is illegal, because Richmond sanitary Service, Inc., has that exclusive right. Article VII of the Franchise Agreement Between the City of Richmond and Richmond Sanitary Service, Inc. (now Republic) is that RSS has an exclusive privilege of collecting "solid waste and such other materials for which there is a net cost to the customer of collection and disposal." It does not appear that anyone else can legally haul "solid waste" for a fee in the City of Richmond. I do not see any exclusion even for construction contractors. This would not

prohibit an individual or business from hauling its own waste to the dump or for an out of town hauler to transit Richmond with waste on the way to the dump or some other location, so long as the vehicle conforms to RMC 9.20.145.



Trash in a cul de sac in the Santa Fe neighborhood



Trash in a cul de sac in the Santa Fe neighborhood



Trash on a sidewalk in downtown Richmond

Other Richmond ordinances relating to waste hauling are excerpted below:

RMC 9.20.070, Unlawful collection, states: "The City, in order to more effectually promote and protect the public health and safety and reduce the danger of hazards of fire, reserves unto itself the exclusive right to collect and dispose of the solid wastes produced or found within the corporate limits of said City. It is unlawful for any person to collect or dispose of solid wastes within the City, except as is expressly provided in this chapter. The City shall have the right to franchise its exclusive rights hereunder to the collector. (Amended by Ordinance No. 15-87 N.S.)"

RMC 9.20.145, Vehicle requirements, states: "(a) For every vehicle used to transport refuse on or over streets of the City, a means shall be provided to cover and contain refuse securely within the hauling body of the vehicle so that no refuse shall escape. (b) Vehicles used for collecting or hauling refuse shall be kept clean, and no nuisance of odor committed. (Amended by Ordinance No. 15-87 N.S.)"

RMC 14.44.130, Parking of vehicles containing refuse prohibited, states: "It shall be unlawful for any person to park any motor vehicle containing refuse upon any street, parkway or alley or upon any private property when the motor vehicle is visible from any street, parkway or alley or from any public or private property, unless: (1) the person is actually engaged in the process of loading or unloading the motor vehicle, or (2) the refuse is fully contained within the motor vehicle. As used in this section, the term "refuse" shall mean garbage; trash; rubbish; kitchen or table food wastes; animal or vegetable wastes or sewage; grass, tree, shrub or bush trimmings and clippings; branches, twigs and leaves; newspapers or magazines; ashes, paper or cardboard; metal; wood; glass; beddings; rockery; plastics or rubber by-products; litter; animal excrement; industrial wastes; demolition and construction wastes; and discarded home and industrial appliances. (Added by Ordinance No. 27-89 N.S.)"

RMC 14.52.010, Certain vehicles prohibited in central traffic district, prohibits hauling refuse, rubbish, garbage or dirt in certain areas of the City (central traffic districts) between 7:00 AM and 6:00 PM: "(a) No person shall operate any of the following vehicles in the central traffic district between the hours of seven a.m. and six p.m. of any day: (1) Any freight vehicle more than eight and one-half feet in width, with load, or any freight vehicle so loaded that any part of its load extends more than twenty feet to the front or rear of the vehicle; (2) Any vehicle carrying building mat

We looked for identifying information in some of the waste and found a letter to an individual with an address on Ohio. We drove to the address, and Sgt. Tak knocked on the door, but no one answered.

There was a small pickup truck parked in the driveway that looked as if it might have been use to haul trash. It had no license plates, and Sgt. Tak said he would return on Monday to try once again to contact the occupant and have the truck towed.

Other papers found in various trash piles indicated addresses in San Francisco and Marin County. A driver's license of an Oakland resident was also found.

We talked to the owner of a business adjacent to one huge pile of trash, and he said that he used to take down license numbers of dumpers, but he didn't bother any more because the police didn't seem interested. Sgt. Tak told him it was a new day and gave the man his cell phone number, telling him to call immediately if he was ever a bale to get a license number or other identification.

Tak told me that the Police had installed a surveillance camera about a block away from this location and that it had helped them identify one dumper who had already been cited three times at \$1,000 each for illegal dumping.

### **Public Property**

Trash and weed growth on public property, such as City-owned vacant lots, parking strips, drainage ditches, paper streets and the former railroad right of way that is slated to become the Central Richmond Greenway seem to be a particular problem.

City staff members are often confused about what to do with public property. Often citizen complaints are referred to Code Enforcement when it is not their responsibility to deal with it, and they lack the resources to do so.

Similar problems arise with property owned by other public agencies such as Caltrans and the East Bay Regional Parks District. It is not clear what authority the City has to cite or compel compliance with these agencies.

Although not public property, the property owned by the railroads is also particularly troublesome. There appears to be no reason that railroads should be treated any differently than other property owners, but it is difficult to determine who to contact and where to send abatement notices and citations.

### **Recommendations**

Based on recent and prior experience, I recommend the following:

1. Code enforcement has to be treated as a cost-recovery resource, not an expense that must be pared down to balance a budget. Properly handled, code enforcement can fully support the necessary effort.
2. More employees need to be hired to do the job properly.
3. Code enforcement staff does not have the basic tools and equipment to do their jobs efficiently and cost-effectively. Officers work with printed reference materials, such as plat maps and copies of ordinances that have not changed

- format in 50 years. These employees need computers for field use that use GPS and GIS technology and allow them to automatically prepare abatement orders, digital photographs and citations in the field that are linked in real time to the SAP system. Cleanup crews need proper equipment, such as front end loaders to do their jobs.
4. The City needs a clear plan for maintenance of all city property that is subject to weed growth and dumping. Persons and departments responsible need to be identified. The City budget needs a separate line item for City property maintenance, with sub-headings for each parcel or type of property.
  5. Information needs to be made available to the public that makes it clear what their expectations should be and who to contact for specific code enforcement, blight and abatement issues.
  6. We need to find out what happened to the \$600,000 earmarked for abatement.



The former Kaiser hospital on Marina Way and Cutting is a continual violator of nuisance ordinances and has been cited many times. It is surrounded by trash, has broken windows, and is inhabited by homeless persons.