



MEMORANDUM

TO: HONORABLE MAYOR &
CITY COUNCIL

FROM: Edward D. Reiskin
City Administrator

SUBJECT: Changes to Nuisance
Abatement Procedures

DATE: July 23, 2021

INFORMATION

EXECUTIVE SUMMARY

To enhance efficient problem-solving across departments and allocate resources more effectively, the City Administrator is assigning nuisance abatement duties and authorities to subject-matter departments or divisions and dissolving in name the Nuisance Abatement Division in the City Administrator's Office.

BACKGROUND

The City Council adopted a Public Nuisance Ordinance in November 2003, Ordinance No. 12550, codified in Oakland Municipal Code (OMC) Sections 1.08, 1.12, and 1.16. The Public Nuisance Ordinance authorizes the City Administrator or his or her designee to abate public nuisances and violations of various sections of the OMC through civil penalties, administrative citations, and administrative abatement.

The Nuisance Abatement Division in the City Administrator's Office has been charged with implementing the Public Nuisance Ordinance since 2005. Currently the Division consists of a portion of one FTE, who also oversees the Special Activities Permits Division, including managing cannabis policy and programs. However, portions of nuisance abatement work also take place in other departments; for example, Oakland Animal Services (OAS) responds to animal-related complaints, Oakland Public Works (OPW) handles dumping and litter abatement, Oakland Department of Transportation (OakDOT) addresses encroachments in the public right-of-way, the Planning and Building Department (PBD) addresses building code and zoning code violations, and the Oakland Fire Department (OFD) addresses fire hazards. This division of authority in the realm of nuisance abatement has resulted in duplication of work and forum shopping by complainants.

By allowing the department or division with subject matter expertise to both respond to the relevant nuisance complaint as well as take administrative actions such as assessing penalties

allows for a streamlined approach to problem solving. This change also addresses resource restraints, allowing existing Nuisance Abatement staff to focus on the Special Activities Permits Division, which includes cannabis, mobile food vending, the RV pilot project, and the transition of special events permitting from the Police Department as mandated by the City Council in Resolution No. 88236 CMS. Furthermore, focusing existing staff on special activity permits aligns with the transfer of the Special Activity Permits Division from the City Administrator's Office to the Department of Economic and Workforce Development approved by City Council in the Fiscal Year 2021-2023 Budget. Under the new distribution of nuisance authority, as shown in **Attachment A**, the Special Activities Permits Division will continue to have nuisance abatement authority to take administrative enforcement for unpermitted special activities such as cannabis, cabaret, massage, mobile food vending and smoking.

The changes are being implemented over time with ongoing coordination from the City Administrator's Office, and the shift in protocol has been successful to date. For example, noise complaints related to barking dogs have been moved to OAS, which has been able to effectively address dog ownership/behavioral issues in ways that were not previously possible. In addition, with the shift in protocols, OPW now has direct authority to pursue fines, penalties, and appeals for illegal dumping. Similarly, OakDOT now has the authority to fully address unlawful encroachments into the right-of-way, OFD has the authority to fully address fire code violations, and PBD can fully address building code, zoning code, and excessive noise violations on private property. The revised referral chart for nuisance complaints is provided in full in **Attachment A**.

MOVING FORWARD

In acknowledgment of all the above, the City Administrator has authorized departments to utilize the Public Nuisance Ordinance as an additional tool in their enforcement processes. Consistent with current procedures, constituents should contact the Oakland Call Center at 311 or Oak311@oaklandca.gov regarding any non-criminal nuisance issues, and constituents should report any criminal matters to the Oakland Police Department. The Call Center will then refer non-criminal nuisance matters to departments who have subject matter expertise over each issue as provided in **Attachment A** and the Oakland Police Department will coordinate administrative resolution of criminal matters with the City Administrator's Office.

Respectfully submitted,



EDWARD D. REISKIN

City Administrator

For questions please contact Greg Minor, Assistant to the City Administrator, at (510) 238-6370.

2021 REFERRAL CHART FOR NUISANCE COMPLAINTS

Type of Nuisance	Responsible Department/Division	Where to Report
Barking dogs	Oakland Animal Services	311 or Oak311@oaklandca.gov
Keeping roosters	Oakland Animal Services	311 or Oak311@oaklandca.gov
Non-compliant w/OAS notice (unlicensed dogs, dog at large, overlimit, etc)	Oakland Animal Services	311 or Oak311@oaklandca.gov
Unlawful sidewalk encroachment/right of way	Oakland Department of Transportation	311 or Oak311@oaklandca.gov
Zoning violations (i.e. commercial or industrial activity in a residential zone)	Code Enforcement, Planning and Building Department	311 or Oak311@oaklandca.gov
Building code violations/blight/squatting	Code Enforcement, Planning and Building Department	311 or Oak311@oaklandca.gov
Excessive noise other than barking dogs and special activity permitted businesses	Code Enforcement, Planning and Building Department	311 or Oak311@oaklandca.gov
Fire code violations	Fire Prevention Bureau, Oakland Fire Department	311 or Oak311@oaklandca.gov
Illegal dumping	Oakland Public Works	311 or Oak311@oaklandca.gov
Unpermitted tobacco retail operation	Oakland Police Department (ABAT)	911, non-emergency, drug hotline (238-DRUG)
Gambling, prostitution, drug activity, illegal weapons	Oakland Police Department/City Administrator's Office	911, non-emergency, drug hotline (238-DRUG)
Violation of smoking ordinance	Special Activity Permits Division- Department of Economic and Workforce Development	311 or Oak311@oaklandca.gov
Unpermitted special events	Special Activity Permits Division- Department of Economic and Workforce Development	311 or Oak311@oaklandca.gov
Unpermitted cannabis operations	Special Activity Permits Division- Department of Economic and Workforce Development	311 or Oak311@oaklandca.gov
Unpermitted cabaret operation	Special Activity Permits Division- Department of Economic and Workforce Development	311 or Oak311@oaklandca.gov
Unpermitted massage establishments	Special Activity Permits Division- Department of Economic and Workforce Development	311 or Oak311@oaklandca.gov
Unpermitted mobile food vending	Special Activity Permits Division- Department of Economic and Workforce Development	311 or Oak311@oaklandca.gov