

- (B) 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.
- (7) 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.
- (8) Vector Control. It shall be a violation of this section for anyone to create, cause, commit, or maintain a public nuisance, which is defined as any one or more of the following:
 - (A) 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;
 - (B) 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;
 - (C) 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
 - (D) Any activity that supports the development, attraction, or harborage of vectors, or that facilitates the introduction or spread of vectors.
- (9) Any uncovered storage or transfer of coal or petroleum coke shall be deemed a nuisance, and specifically the following shall apply to storage or transfer of coal or petroleum coke:
 - (A) All piles of coal or petroleum coke shall be maintained in enclosed storage. The enclosed storage shall be equipped with and use as needed, a water spray system or permitted air pollution control equipment sufficient to control fugitive dust emissions at designed vents and at entrances or exits for material or vehicles.
 - (B) Any entrance or exits for coal or petroleum coke or vehicles shall have overlapping flaps, sliding doors or other devices(s) approved by the Director of Public Works, which shall remain closed except to allow vehicles to enter and leave or when people are inside. Material truck and railcar unloading shall be in an enclosed structure that is either equipped with a water spray system to be used as needed to prevent visible dust emissions or vented to permitted air pollution control equipment that is operated during unloading activities. The ends of the structure shall have overlapping flaps that reduce the opening to no greater than 11 feet high by 10 feet wide, sliding doors which shall remain closed except to allow trucks to enter and leave, or other equally effective devices as approved by the Director of Public Works.
 - (C) The operator shall only conduct railcar coal or petroleum coke unloading in an enclosed structure that is either equipped with a water spray system operated to prevent visible dust emissions, or vented to permitted air pollution control equipment that is operated during unloading activities. The ends of the structure shall have overlapping flaps, sliding doors or other equally effective devices as approved by the Director of Public Works, which shall remain closed except to allow the railcars to enter and leave.
 - (D) The operator shall pave and maintain as paved, the following areas:

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- (1) All ground surfaces within the facility where coal or petroleum coke accumulations routinely occur; and,
 - (2) All roads and vehicle movement areas within the facility that are used for transporting or moving coal or petroleum coke.
- (E) In order to clean roads of accumulations of coal or petroleum coke, the operator shall use a street sweeper to clean any track-in/track-out road and any road inside the facility, used to transport coal or petroleum coke.
- (1) The street sweeping shall be sufficient so that not more than 4 hours elapses between each street sweeper cleaning or after every 100 truck material receipts or dispatches, but not less than one time daily when the facility is open for business.
 - (2) Each 24-hr. day, the day beginning at 12:01 A.M., the operator shall designate and record whether for that day the operator is street sweeping every four hours or every 100 trucks. The record shall show the date and time when street sweeping was performed and the truck count.
 - (3) Facility operators shall begin cleaning up coal or petroleum coke spills of more than three pounds, or that cover more than a square foot, within one hour and continue cleanup operations until the spill is removed.
- (F) The operator shall maintain all areas within the facility free of any accumulation of coal or petroleum coke unless the accumulation is completely covered.
- (G) All conveyors shall be enclosed conveyors.
- (H) The operator shall only load materials into ships through a telescoping loading chute which uses a water spray system, or an air pollution control system, sufficient to control fugitive dust emissions during operations that is extended to within five feet of the top of the pile; or, is at least 5 feet below the hatch opening.
- (I) The operator shall not load coal or petroleum coke into any truck trailer unless it is subsequently and immediately covered, before leaving the facility, in one of the following manners sufficient to prevent material from escaping from the trailer onto the facility property:
- (1) A solid sliding cover on the top of the truck that is kept completely closed, or;
 - (2) A slot-top type cover that reduces the uncovered open surface area by at least 50% and extends above the trailer top edges, without gaps and either the material contained in the trailer is moist material, or a chemical stabilizer is applied to the surface of the coal or petroleum coke in sufficient amounts and concentration so as to prevent fugitive dust emissions during transport; or,
 - (3) A continuous tarp that completely covers the trailer top, and does not contact the coal or petroleum coke within the trailer. In addition, the tarp shall be installed or the trailer constructed to prevent wind from entering over the leading edge of the trailer rim into the interior of the trailer.
- (J) Facility operators shall not load coal or petroleum coke into truck trailers such that a trailer leaks liquid that contains material onto the facility property. If a truck trailer leaks liquid that contains material onto the facility property, the facility operator shall clean the affected property within one hour with a street sweeper or water.
- (K) The operator shall clean all out-going coal or petroleum coke transport trucks, whether loaded or empty, so that:

- (1) Any part of any tractor, trailer or tire exterior surface, excluding the inside of the trailers, are free of all loose coal or petroleum coke in excess of 1 gram per square decimeter or 10 grams total.
 - (2) The coal or petroleum coke removed by the truck cleaning operation is collected and recycled or otherwise disposed of so that it does not result in fugitive dust emissions.
- (L) The operator shall not cause, or allow the discharge into the atmosphere of, fugitive dust for a period or periods aggregating more than three minutes in any one hour which is equal to or greater than 10% opacity (equivalent to 10% opacity under EPA Method 9 or one half of No. 1 on the Ringelmann Chart, as published by the United States Bureau of Mines).
- (M) Section 9.22.090 (9) shall be effective one year from the date of adoption.

9.22.100 - Administrative abatement.

- (a) Authority. Whenever an authorized City employee has inspected or caused to be inspected any premises and has found and determined that such premises are in violation of this chapter, and such violation does not warrant a summary abatement under this chapter, an authorized City employee 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, an authorized City employee may issue a notice of violation directed to the record owner and to the occupants, as appropriate, of the premises. The notice of violation shall contain:
 - (1) The name and address of the person, firm, corporation or entity in violation, and the street address and such other description as is required to identify the premises where the violation is present;
 - (2) A statement which specifies the conditions which constitute the nuisance, an explanation of what specific code sections have been violated, and measures necessary to abate the nuisance;
 - (3) An order that the nuisance be abated within a specified time period;
 - (4) The range of administrative, civil and/or criminal actions and monetary penalties, as described herein, that the City may impose for such violations if not corrected;
 - (5) A statement informing the recipient of the name and office telephone number of the person to contact should the recipient desire to explain why he or she believes the premises should not be declared to be a public nuisance and abated. The authorized City employee may rescind or modify the notice of violation based on substantive evidence presented by the recipient; and
 - (6) Service of Notice of Violation. A copy of the notice of violation, shall be served either by personal delivery or by First Class U.S. mail, postage prepaid, upon the record owner at the address as it appears at the County Recorder's Office of Contra Costa County, and upon the occupants of the premises, if any. If neither of these methods result in the notice of violation being served upon the record owner and any occupants after reasonable attempts to serve, a copy of the notice shall be posted on the premises.
- (c) Administrative Citation. If after serving the notice of violation as described in this chapter, the owner or occupants do not timely abate the nuisance specified in the notice of violation, then an authorized City employee may issue an administrative citation directed to the record owner and any occupants of the premises.
 - (1) Service of Administrative Citation. A copy of the administrative citation, shall be served either by personal delivery or by First Class U.S. mail, postage prepaid, upon the record owner at the