

AN ORDINANCE TO SUPPRESS, PROHIBIT, AND ABATE NUISANCES WITHIN THE LIMITS OF THE CITY OF OAKLAND, IN PURSUANCE OF THE POWER GIVEN TO THE CITY COUNCIL BY STATUTE FOR THAT PURPOSE, APPROVED OCTOBER 28, 1872.

*The Council of the City of Oakland do ordain as follows:*

SECTION 1. All owners or possessors of land and premises within the corporate limits of the City of Oakland upon which there is any natural or artificial cavity, slough, hole, or low spot in the same sufficient to contain stagnant water or other nauseous and offensive substances, and the same shall from natural or artificial causes become filled or contain stagnant water, or other nauseous and offensive substances which shall be deleterious and dangerous to the public health, such owners and possessors of such land and premises shall be deemed guilty of having, permitting, maintaining, and continuing a public nuisance; and if not abated as provided by this ordinance or otherwise so that the same shall cease to be offensive and deleterious and dangerous to the public health, then the said nuisance shall be abated by public authority, and the person or persons permitting, having, causing, maintaining, and continuing the said nuisance shall be proceeded against as provided in this ordinance. And any person or persons who shall violate any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in the sum of one hundred dollars, and in default of payment, shall be imprisoned in the City Prison one day for every two dollars of such fine.

SEC. 2. Upon complaint being made by any person that a public nuisance exists, as set forth in section one of this ordinance, it shall be the duty of the Health Officer of the City of Oakland to immediately examine the same; and if in his judgment a public nuisance exists and the same is deleterious and dangerous to the public health, he shall forthwith make his certificate as Health Officer, stating the nuisance, where located, upon whose premises, and what and who causes the same, and that the same is a public nuisance and is deleterious and dangerous to the public health; which certificate he shall forthwith deliver to the City Marshal, who shall forthwith serve a written notice on the person or persons owning or possessing the land and premises upon which the said nuisance is located, or the person or persons causing said nuisance, stating therein that the owner or possessor of the land and premises or other person or persons causing the nuisance must, within three days after the service of said notice upon him or her, abate said nuisance, and to drain off said stagnant water and remove said offensive substances from said cavities, slough, holes, and low places, and fill in the same with dirt or other substance.

SEC. 3. The Health Officer shall be entitled to five dollars for each examination and certificate made under this ordinance, to be paid out of the fines collected for violation thereof.

SEC. 4. This ordinance shall take effect and be in full force on and after its approval.