

581 b- Nuisance defined.

'vegetation overgrowth' is a nuisance / 'poison oak' is a nuisance

Rodent, raccoon and mosquito infestations are a nuisance and are vectors of disease.

A yard, or open space, is considered to be in compliance with the health code when:

- There are regular visits to assess conditions and do maintenance, (at least 2x monthly in the case of vacant property, or as often as necessary);
- There is regular trimming and litter or refuse removal;
- There is no water source such as neglected fountains, buckets or tires that allow mosquitoes to breed;
- Any items stored there do not provide food, water or harborage for rodents or mosquitoes;
- All areas of the property are accessible for inspection;
- Fruit and other produce are promptly harvested;
- Pet food and garbage are not accessible to rodents, insects and wildlife;

When property is not maintained as above, it will soon become a "public health nuisance" affecting neighbors and resulting in a "notice of violation" (NOV) for vegetation overgrowth being issued by SFDPH:

- When the vegetation is neglected and is growing uncontrolled. and
- It is not possible to assess whether rodents are nesting or sheltering, due to the density of vegetation;
- When rodents and mosquitoes are reported nearby (neglected yards are often the source);
- When mosquitoes are sheltering within dense, damp shrubbery, and emerging at dusk
- When egress from a rear exit is not possible due to dense/overgrown vegetation. This is a safety hazard;
- When grasses, weeds, anise stalks, etc, are above "knee high";
- When compost pile/fruit trees are not being properly managed, creating odors or drawing flies, rodents;
- When conditions have, or are likely to have, negative impact on the neighborhood.

"eyesore" vs "public health nuisance"

A neglected property may be an "eyesore" to neighbors, but not a "nuisance" as defined by SFDPH code;

Example: A small amount of litter and grass about 12" high in front of a home.

In this case we inform the owner and/or tenants by mail that we have received a complaint about the conditions, and we request that corrections be made ("notice of alleged violation").

Compliance is voluntary. There is no follow-up or enforcement of such a notice.

Control of a rodent infestation is likely to require additional outdoor control measures on more than one parcel of property, including City-owned land, such as:

- Heavy pruning of vines, ground cover, brambles and shrubbery;
- Trimming tree branches that give access to structures;
- Clearing fences of vegetation;
- Clearing the ground around foundations;
- Removing dead fronds from palms;
- Installing shields that prevent rats from climbing trees and;
- Spreading pea gravel to discourage rat burrowing and weed re-growth;

Special considerations

We recognize that control of vegetation is hard work, can be costly, and must be repeated regularly; Steep hillsides are evaluated case-by-case for stability, accessibility and severity of pest infestation; Many seniors are no longer able to do the work themselves, yet are unable to afford to hire someone; DPW-BUF sometimes do the work after a court order - and they are not gardeners.

Hazardous or nuisance trees and City trees are the jurisdiction of DPW-BUF

