

## **Title 6**

### **SANITATION AND HEALTH**

#### **Chapters:**

- 1. Animals**
- 2. Barbers and Cosmetologists**
- 3. Food Handling**
- 4. Milk Inspection and Distribution**
- 5. Sewage Disposal**
- 6. Housing Code**
- 7. Litter and Contaminants**
- 8. Water Quality**
- 9. Public Health Permits**
- 10. General Provisions**
- 11. Underground Storage of Hazardous Substances**
- 12. Regulation of Biosolids**
- 13. Camping Within the Unincorporated Area of Yolo County**
- 14. Limitations to Access to Tobacco Products**
- 15. Tobacco Retailer Permit**
- 16. Recycling And Diversion of Debris From Construction and Demolition**
- 17. Waste and Recyclables**

## Chapter 1

### ANIMALS\*

#### Sections:

##### Article 1. Title, Purpose, Authority, and Territory

- 6-1.101 Title.
- 6-1.102 Purpose.
- 6-1.103 Authority.
- 6-1.104 Territory.

##### Article 2. Administration

- 6-1.201 Sheriff.
- 6-1.202 Chief of the Animal Control Division.
- 6-1.203 Authority to carry firearms.
- 6-1.204 Pursuit on private property.
- 6-1.205 Animal Control Registrars.
- 6-1.206 Health Officer.
- 6-1.207 Fees and Penalties.

##### Article 3. Definitions

- 6-1.301 Scope.
- 6-1.302 Agricultural Commissioner.
- 6-1.303 Animal Control Center.
- 6-1.304 At large.
- 6-1.305 Chief of the Animal Control Division.
- 6-1.306 Dog.
- 6-1.307 Health Officer.
- 6-1.308 Kennel.
- 6-1.309 Owner.
- 6-1.310 Person.
- 6-1.311 Vaccination.
- 6-1.312 Veterinarian.
- 6-1.313 Vicious animal.
- 6-1.314 Wolf hybrid.

##### Article 4. Prohibitions

- 6-1.401 Animals running at large.
- 6-1.401.1 Dogs on leashes.
- 6-1.401.2 Animals running at large: Fees.
- 6-1.401.3 Wolf hybrids.
- 6-1.402 Trespassing.
- 6-1.403 Noise.
- 6-1.404 Female dogs in heat.
- 6-1.405 Proper care.
- 6-1.406 Unlicensed dogs.

repealed by Section 1, Ordinance No. 703, effective May 22, 1974.

- 6-1.407 Tags and collars.
- 6-1.408 Replacement of tags.
- 6-1.409 Improper tags.
- 6-1.410 Removal of tags.
- 6-1.411 Unlicensed kennels.
- 6-1.412 Kennel standards.
- 6-1.413 Kennels after license revocation.
- 6-1.414 Taking dogs from kennels.
- 6-1.415 Vaccinations.
- 6-1.416 Reports.
- 6-1.417 Isolation or quarantine.
- 6-1.418 Epidemic regulations.
- 6-1.419 Interference with enforcement.
- 6-1.420 Cats: Damages or injuries.
- 6-1.421 Fecal matter.
- 6-1.422 Violations: Misdemeanors: Infractions.
- 6-1.423 Separate offenses.
- 6-1.424 Promises to appear.

##### Article 5. Licenses: General

- 6-1.501 Effect of licenses.
- 6-1.502 Exemptions from licensing.

##### Article 6. Licenses: Dogs

- 6-1.601 Dog licenses.
- 6-1.602 Dogs required to be licensed.
- 6-1.603 Time of applications: Duration of licenses: Renewal notices.
- 6-1.604 Preparation of forms and tags.
- 6-1.605 License applications.
- 6-1.606 Fees.
- 6-1.607 Penalties.
- 6-1.608 Exceptions from penalties.
- 6-1.609 Seeing Eye dogs.
- 6-1.610 Law enforcement dogs.
- 6-1.611 Issuance: Filing.
- 6-1.612 Endorsement and filing of application forms.
- 6-1.613 License tags.
- 6-1.614 Notices.
- 6-1.615 Lost tags.

##### Article 7. License: Kennels

- 6-1.701 Kennel licenses.
- 6-1.702 Preparation of forms and certificates.
- 6-1.703 Contents of application forms.
- 6-1.704 Fees.
- 6-1.705 Penalties.
- 6-1.706 Exceptions from penalties.
- 6-1.707 Law enforcement dogs.

\* Article 1 entitled "Animals at Large", consisting of Section 6-1.101, codified from Ordinance No. 63, Article 2 entitled "Dogs", consisting of Sections 6-1.201 through 6-1.226, codified from Ordinance No. 468, as amended by Ordinance Nos. 494 and 536 and Ordinance No. 620, effective January 1, 1970, and 701, effective January 28, 1974, and Article 3 entitled "Poundmaster", consisting of Sections 6-1.301 through 6-1.304, codified from Ordinance No. 468, and Section 6-1.305, added by Ordinance No. 637, effective October 14, 1970,

- 6-1.708 Investigations.
- 6-1.709 Action on applications.
- 6-1.710 Endorsement and filing.
- 6-1.711 License certificates.
- 6-1.712 Notices.
- 6-1.713 Suspension of kennel licenses.
- 6-1.714 Suspension of kennel licenses: Notices.
- 6-1.715 Appeals.
- 6-1.716 Automatic revocation.

**Article 8. Impoundment**

- 6-1.801 Taking up and impounding.
- 6-1.802 Redemption period.
- 6-1.803 Animals voluntarily surrendered.
- 6-1.803.1 Surrendered or abandoned animals: Adoption: Immunization.
- 6-1.803.2 Spay or neuter deposit.
- 6-1.804 Redemption.
- 6-1.804.1 Euthanasia.
- 6-1.805 Disposition.
- 6-1.805.1 Animal traps.
- 6-1.806 Liability.

**Article 9. Rabies**

- 6-1.901 Vaccinations.
- 6-1.902 Vaccinations: Imported dogs.
- 6-1.903 Vaccinations: Exceptions.
- 6-1.904 Vaccinations: Procedure.
- 6-1.905 Reports.
- 6-1.906 Reports to the Health Officer.
- 6-1.907 Isolation or quarantine.
- 6-1.908 Carcasses of rabid animals.
- 6-1.909 Destruction.
- 6-1.910 Epidemic regulations.
- 6-1.911 Fees.

**Article 10. Regulation of Vicious Animals**

- 6-1.1001 Purpose.
- 6-1.1002 Filing of charges.
- 6-1.1003 Investigations: Impoundment: Rabies control.
- 6-1.1003.1 Factors to consider.
- 6-1.1004 Disposition: Notices.
- 6-1.1005 Requests for hearings: Waivers.
- 6-1.1006 Hearings: Procedure: Judicial reviews.
- 6-1.1007 Disposition of vicious animals.
- 6-1.1008 Fees.
- 6-1.1009 Territory.
- 6-1.1010 Prohibitions.

**Article 1. Title, Purpose, Authority, and Territory**

- Sec. 6-1.101. Title.

This chapter shall be known as and may be cited and referred to as the "Animal Control Law of the County of Yolo". (§ 2, Ord. 703, eff. May 22, 1974)

**Sec. 6-1.102. Purpose.**

The purpose of this chapter is to provide for the preservation of the health and safety of persons and domestic livestock in the County, to fix the limits within which animals shall not run at large, and to provide for the regulation and licensing of dogs and kennels. (§ 2, Ord. 703, eff. May 22, 1974)

**Sec. 6-1.103. Authority.**

This chapter is enacted pursuant to authority conferred by the following enactments:

- (a) Article 11, Section 7 of the California Constitution;
- (b) Title 3, Division 2, Chapter 8 of the Government Code (commencing with Section 25800) of the State;
- (c) Division 1, Part 2, Chapter 1, Article 1 of the Health and Safety Code (commencing with Section 450) of the State; and
- (d) Division 14 of the Food and Agricultural Code (commencing with Section 30501) of the State. (§ 2, Ord. 703, eff. May 22, 1974)

**Sec. 6-1.104. Territory.**

The provisions of this chapter shall apply to the entire unincorporated territory of the County, and the provisions governing dogs shall apply to territory within any city which is located within the County which requests, by ordinance, the application of the provisions of this chapter within the confines of such city. (§ 2, Ord. 703, eff. May 22, 1974)

**Article 2. Administration**

**Sec. 6-1.201. Sheriff.**

The sheriff shall:

- (a) Supervise and direct the Chief of the Animal Control Division, and his or her deputies or assistants and the Animal Control Registrars in the performance of their duties;
- (b) Administer the dog licensing and kennel licensing provisions of this chapter;
- (c) Collect at least monthly all dog license fees and kennel license fees received by the Chief of the Animal Control Division, and Animal Control Registrars; and
- (d) Deposit at least monthly all fees collected by him or her in the County Treasury for deposit in the general fund of the County, and render with the money so deposited an itemized statement of collections, and file a copy thereof with the County Auditor. (§ 2, Ord. 703, eff. May 22, 1974, as amended by § 1, Ord. 1061, eff. November 26, 1987)

**Sec. 6-1.202. Chief of the Animal Control Division.**

The duties of the Chief of the Animal Control Division, shall be as follows:

(a) To administer and enforce the provisions of this chapter;

(b) To take up and impound all animals found to be in violation of the provisions of this chapter or of Chapter 7 of Division 9 of the Food and Agricultural Code of the State;

(c) To receive applications for dog licenses, to issue dog licenses, to collect dog license fees in advance, and to enforce the dog licensing provisions of this chapter;

(d) To receive applications for kennel licenses, to issue kennel licenses, to collect kennel license fees in advance, and to enforce the kennel licensing provisions of this chapter;

(e) To operate and maintain the Animal Control Center and to administer and enforce the Animal Control Center provisions of this chapter;

(f) To cooperate with the Health Officer in the administration and enforcement of the rabid and dangerous animal provisions of this chapter in the manner therein set forth;

(g) To remove and dispose of the carcass of any dog found in or on any street, alley, or other public place, except State highways;

(h) To keep such records as may be required by the Board, the Agricultural Commissioner, or other authorities; and

(i) To pay all fees collected by him or her in the discharge of his or her duties under this chapter to the Sheriff. (§ 2, Ord. 703, eff. May 22, 1974, as amended by § 2, Ord. 1061, eff. November 26, 1987)

**Sec. 6-1.203. Authority to carry firearms.**

The Chief of the Animal Control Division, and such animal control officers as he may specifically designate in writing, are hereby authorized to carry firearms when acting in the course and scope of their employment pursuant to the provisions of Section 12031 of the Penal Code of the State. (§ 2, Ord. 703, eff. May 22, 1974)

**Sec. 6-1.204. Pursuit on private property.**

Animal control officers, when in pursuit of an animal at large, shall have the authority to enter private property to apprehend such animal. (§ 2, Ord. 703, eff. May 22, 1974)

**Sec. 6-1.205. Animal Control Registrars.**

(a) *Establishment.* There is hereby created and established the position of Animal Control Registrar.

(b) *Appointment.* The Sheriff shall appoint, with confirmation by the Board, Animal Control Registrars in such number as he or she shall determine, and such Animal Control Registrars shall serve at the pleasure of the Sheriff.

(c) *Compensation.* Animal Control Registrars shall serve without compensation.

(d) *Duties.* The duties of the Animal Control Registrars shall be as follows:

(1) To receive applications for dog licenses, to issue dog licenses, and to collect dog license fees in advance;

(2) To keep such records as may be required by the Board, the Sheriff, or other authorities; and

(3) To pay all fees collected in the discharge of their duties pursuant to the provisions of this chapter to the Sheriff. (§ 2, Ord. 703, eff. May 22, 1974, as amended by § 3, Ord. 1061, eff. November 26, 1987)

**Sec. 6-1.206. Health Officer.**

The Health Officer shall:

(a) Administer and enforce the vaccination provisions of this chapter; and

(b) Cooperate with the animal control officers in the administration and enforcement of the rabid and dangerous animal provisions of this chapter in the manner set forth in this chapter. (§ 2, Ord. 703, eff. May 22, 1974)

**Sec. 6-1.207. Fees and penalties.**

The Animal Control Division shall charge, receive and collect fees and penalties for the performance of services in the amounts, at the times, and in the manner specified herein or by resolution of the Board of Supervisors. (§ 1, Ord. 1097, eff. August 24, 1989)

**Article 3. Definitions**

**Sec. 6-1.301. Scope.**

For the purposes of this chapter, unless the provisions or the context indicates otherwise, the terms and words defined in this article shall have the meaning set forth in this article. (§ 2, Ord. 703, eff. May 22, 1974)

**Sec. 6-1.302. Agricultural Commissioner.**

"Agricultural Commissioner" shall mean the Agricultural Commissioner of the County. (§ 2, Ord. 703, eff. May 22, 1974)

**Sec. 6-1.303. Animal Control Center.**

"Animal Control Center" shall mean the facilities provided by the County for the impounding of animals. (§ 2, Ord. 703, eff. May 22, 1974)

**Sec. 6-1.304. At large.**

"At large" shall mean an animal that, with or without the consent of its owner, is off the premises of its owner and not under restraint by leash, or that is not under the control and in the immediate presence of its owner or his or her agent. (§ 2, Ord. 703, eff. May 22, 1974, as amended by §2, Ord. 1365, eff. December 6, 2007)

**Sec. 6-1.305. Chief of the Animal Control Division.**

“Chief of the Animal Control Division” shall mean the person designated by the Sheriff as the Chief of the Animal Control Division for the County and his or her duly authorized deputies. (§ 2, Ord. 703, eff. May 22, 1974, as amended by § 4, Ord. 1061, eff. November 26, 1987)

**Sec. 6-1.306. Dog.**

“Dog” shall mean any domesticated animal of the canine family, excluding domesticated coyotes, foxes, dingoes, wolves, or other wild species of the same, as well as all hybrids thereof, which are defined separately in this Title as “wolf hybrids.” (§ 2, Ord. 703, eff. May 22, 1974, as amended by §2, Ord. 1365, eff. December 6, 2007)

**Sec. 6-1.307. Health Officer.**

“Health Officer” shall mean the Health Officer of the County and any Health Department employee or other person duly authorized by the Health Officer to act on his behalf. (§ 2, Ord. 703, eff. May 22, 1974)

**Sec. 6-1.308. Kennel.**

“Kennel” shall mean any enclosure, premises, building, structure, lot or area, except where reasonably necessary to support an agricultural use (i.e., to contain herding dogs), where five (5) or more dogs or other small domestic animals, as defined in Title 8, which are not sick or injured and are ten (10) weeks in age or older are boarded for compensation, cared for, trained for compensation, kept for sale, or bred for sale, or ten (10) or more dogs or other small domestic animals that are ten (10) weeks of age or older which are kept and maintained as pets, “rescue” animals, or for any other non-commercial purpose. (§ 2, Ord. 703, eff. May 22, 1974, as amended by §2, Ord. 1365, eff. December 6, 2007)

**Sec. 6-1.309. Owner.**

“Owner” shall mean a person who possesses, has title to, or an interest in, harbors, or has control, custody, or possession of an animal, and the verb forms of “to own” shall include all these shades of meaning. (§ 2, Ord. 703, eff. May 22, 1974)

**Sec. 6-1.310. Person.**

“Person” shall mean any person, firm, company, corporation, partnership, or association. (§ 2, Ord. 703, eff. May 22, 1974)

**Sec. 6-1.311. Vaccination.**

“Vaccination” shall mean the inoculation of a dog with canine anti-rabies vaccine approved by and in the manner prescribed by the Department

of Public Health of the State. (§ 2, Ord. 703, eff. May 22, 1974)

**Sec. 6-1.312. Veterinarian.**

“Veterinarian” shall mean a person licensed by the State to practice veterinary medicine. (§ 2, Ord. 703, eff. May 22, 1974)

**Sec. 6-1.313. Vicious animal.**

“Vicious animal” shall mean any dog or other animal, except a dog assisting a peace officer in law enforcement duties, which has attacked any person or other animal, without provocation by such person or other animal, at a place other than on private property where the attacking animal is maintained by its owner. (§ 1, Ord. 950, eff. June 2, 1983, as amended by §2, Ord. 1365, eff. December 6, 2007)

**Sec. 6-1.314. Wolf Hybrid.**

“Wolf hybrid” shall mean a mammal that, based on substantial evidence, is determined to be the offspring of any species of wild canid or wild canid hybrid and a domestic dog or a wild canid hybrid, or any mammal that is represented by its owner to be a wolf hybrid. “Wolf hybrid” includes hybrids of wolves, coyotes, dingoes, foxes, or any other kind of wild canid. Substantial evidence used to identify wolf hybrids may include the opinion of an expert in wolf hybrid identification. (§2, Ord. 1365, eff. December 6, 2007)

**Article 4. Prohibitions**

**Sec. 6-1.401. Animals running at large.**

The territory to which the provisions of this chapter shall apply is hereby fixed as the limits within which animals shall not run at large, and no owner shall permit his animal, wild or domestic, except a domestic cat, to run at large within the territory to which the provisions of this chapter apply. (§ 2, Ord. 703, eff. May 22, 1974)

**Sec. 6-1.401.1. Dogs on leashes.**

No owner shall permit his dog to be in any area, other than on private property where the dog is maintained by or on behalf of its owner, unless the dog is restrained by a leash not exceeding eight (8') feet in length; provided, however, this section shall not apply if the dog is (1) assisting a peace officer in law enforcement duties, (2) under the control of a person engaged in hunting pursuant to a license issued under Sections 3031 et swq. Of the Fish and Game Code of the State, (3) enrolled and actually participating in a dog training or obedience class, exhibition, or competition conducted by an organization with the permission of the owner or operator of the grounds or facility, or (4) actively herding on an agriculturally zoned parcel. (§ 1,

Ord. 949, eff. May 26, 1983, as amended by §2, Ord. 1365, eff. December 6, 2007)

**Sec. 6-1.401.2. Animals running at large: Fees.**

Whenever the Chief of the Animal Control Division or authorized personnel thereof take up, assume control over, herd, or otherwise respond to a situation involving any animal which is at large, and which is not impounded pursuant to the provisions of Article 8 of this chapter, the owner or other person responsible for the care or restraint of such animal shall pay, and be charged and liable for a fee not to exceed the actual costs incurred by the County in taking up, assuming control over, herding, or otherwise responding to the at large animal. (§ 4, Ord. 1013, eff. August 15, 1985)

**Sec. 6-1.401.3 Wolf Hybrids.**

(a) After November 1, 2007, no person shall possess, purchase, acquire, or breed a wolf hybrid, except for:

(1) Wolf hybrids possessed in the County prior to November 1, 2007; or

(2) Any wolf hybrid born to a wild canid or wolf hybrid that was both pregnant with such hybrid and possessed in the county prior to that date.

(b) Any wolf hybrid falling within either of the above exceptions shall be spayed or neutered, and shall at all times be vaccinated against rabies. Notwithstanding such vaccination, however, any wolf hybrid that bites or scratches a human being or other animal must be quarantined as required by the current California Rabies Compendium. Wolf hybrids may not be bred. The owner of a wolf hybrid may be required, upon reasonable request by the Chief of Animal Services, to provide satisfactory evidence that the hybrid falls within either of the above exceptions.

(c) Except as otherwise set forth in this section, any wolf hybrid falling within either of the exceptions set forth in subsection (a), above, shall be subject to all of the same requirements of the Yolo County Code that apply to dogs.

(d) Any wolf hybrid that is determined to be possessed illegally may, in addition to other penalties provided in this Title, be seized and disposed of as determined to be appropriate by the Chief of Animal Services. The Chief of Animal Services may, in his or her sole discretion, provide the person in possession of such wolf hybrid not more than 30 days to transfer such animal out the county prior to seizure.

Any person determined to have violated the provisions of this Code with respect to wolf hybrids may file an appeal regarding the identification of the animal. Such appeal must be initiated within fifteen (15) days of the

determination that the animal is possessed illegally, and shall be commenced by filing an application for an appeal with the Clerk of the Board of Supervisors. The Board of Supervisors shall hear the appeal in accordance with the provisions of Title 1 of this Code. If the appeal is filed with regard to an animal that is in the custody of Animal Services, the animal shall be maintained at the cost of the Owner until there is a final decision on the appeal. (§2, Ord. 1365, eff. December 6, 2007).

**Sec. 6-1.402. Trespassing.**

No owner shall permit his animal, except a domestic cat, to trespass on any property, public or private, without the consent of the owner of the property. (§ 2, Ord. 703, eff. May 22, 1974)

**Sec. 6-1.403. Noise.**

No owner shall permit his animal, except a domestic cat, habitually to make a loud noise or act in such a manner as to constitute a public nuisance. (§ 2, Ord. 703, eff. May 22, 1974)

**Sec. 6-1.404. Female dogs in heat.**

No owner of any unspayed female dog shall permit such dog to stray or run at large in the territory to which this chapter applies while such female dog is in the copulating season. (§ 2, Ord. 703, eff. May 22, 1974)

**Sec. 6-1.405. Proper care.**

No owner or person in charge of an animal shall permit such animal to go without proper food, water, care, shelter, or attention. (§ 2, Ord. 703, eff. May 22, 1974)

**Sec. 6-1.406. Unlicensed dogs.**

No owner shall have a dog required to be licensed within the territory to which this chapter applies unless such dog has been licensed pursuant to the provisions of this chapter. (§ 2, Ord. 703, eff. May 22, 1974)

**Sec. 6-1.407. Tags and collars.**

No owner shall fail, neglect, or refuse to attach, by means of a collar, harness, or other device, any tag issued pursuant to the provisions of this chapter to the licensed dog, or pot-bellied pig; nor shall any owner fail, neglect, or refuse to keep such tag attached to such dog or pot-bellied-pig at all times while the license is in force. In addition, pot-bellied pigs must be micro-chipped and chip numbers recorded with Yolo County Animal Services. (§ 2, Ord. 703, eff. May 22, 1974 and amended by §2, Ord. 1365, eff. December 6, 2007).

**Sec. 6-1.408. Replacement of tags.**

No owner shall fail to apply for a new license within ten (10) days after the date of the loss of the license tag. (§ 2, Ord. 703, eff. May 22, 1974)

**Sec. 6-1.409. Improper tags.**

No owner shall permit to be attached or kept upon any dog any license tag provided for by this chapter except a tag issued for that dog pursuant to the provisions of this chapter, nor shall any owner permit to be attached to or kept upon any dog, or to be made or to be kept in his possession, any counterfeit or imitation of any tag provided for by this chapter. (§ 2, Ord. 703, eff. May 22, 1974)

**Sec. 6-1.410. Removal of tags.**

No person without authorization from the owner shall remove from any dog any collar, harness, or other device to which a current license tag is attached; nor shall any such person remove a current license tag from any such collar, harness, or other device. (§ 2, Ord. 703, eff. May 22, 1974)

**Sec. 6-1.411. Unlicensed kennels.**

No owner shall maintain, conduct, or operate, or cause to be maintained or operated; any unlicensed dog kennel. (§ 2, Ord. 703, eff. May 22, 1974)

**Sec. 6-1.412. Kennel standards.**

No person shall fail, neglect, or refuse to maintain a kennel:

- (a) So as to prevent dogs contained therein from running at large;
- (b) So the location does not violate planning and zoning laws;
- (c) So the kennel building does not violate the building codes or sanitary laws;
- (d) So the kennel premises are maintained in a clean and sanitary condition;
- (e) So the dogs therein are not subject to suffering, cruelty, or abuse;
- (f) So the kennel does not constitute a public nuisance;
- (g) So the keeping and maintenance of the kennel will not be detrimental to the peace, health, or safety of persons in the immediate vicinity or in the County as a whole; or
- (h) Without possessing evidence that each dog in the kennel has been vaccinated in accordance with the provisions of this chapter. (§ 2, Ord. 703, eff. May 22, 1974)

**Sec. 6-1.413. Kennels after license revocation.**

No person shall operate or maintain a kennel within one year after the revocation of a kennel license. (§ 2, Ord. 703, eff. May 22, 1974)

**Sec. 6-1.414. Taking dogs from kennels.**

No person shall take a dog off the premises of a kennel except under leash or the control of the owner; nor shall any owner of a kennel or his agent or employee run or take dogs off the

premises of a kennel or permit dogs to be run or be taken therefrom except as provided in this chapter. (§ 2, Ord. 703, eff. May 22, 1974)

**Sec. 6-1.415. Vaccinations.**

No owner shall have a dog within the unincorporated area of the County unless such dog has been vaccinated against rabies pursuant to the provisions of this chapter. (§ 2, Ord. 703, eff. May 22, 1974)

**Sec. 6-1.416. Reports.**

No person having knowledge of an animal of the categories set forth in Section 6-1.905 of Article 9 of this chapter shall fail to report the animal to the Health Officer, the Chief, Division of Animal Control, or the Sheriff-Coroner. (§ 2, Ord. 703, eff. May 22, 1974)

**Sec. 6-1.417. Isolation or quarantine.**

No person shall violate any of the conditions of isolation or quarantine prescribed by the Health Officer. (§ 2, Ord. 703, eff. May 22, 1974)

**Sec. 6-1.418. Epidemic regulations.**

No person shall violate any rules or regulations promulgated pursuant to the provisions of this chapter based upon a determination or declaration of a rabies epidemic or other unusually dangerous health situation. (§ 2, Ord. 703, eff. May 22, 1974)

**Sec. 6-1.419. Interference with enforcement.**

No person shall interfere with, oppose, or resist the animal control officers or other persons authorized under the provisions of this chapter to take up and impound animals while any such person is engaged in the performance of any act authorized by the provisions of this chapter. (§ 2, Ord. 703, eff. May 22, 1974)

**Sec. 6-1.420. Cats: Damages or injuries.**

No owner of a domestic cat shall permit or suffer such cat to damage property, public or private or real or personal, or to bite, scratch, or claw any human being or other animal which is the property of another. (§ 2, Ord. 703, eff. May 22, 1974)

**Sec. 6-1.421. Fecal matter.**

No owner shall permit his dog to deposit fecal matter on the lands of another, unless such owner shall cause the fecal matter to be removed immediately thereafter. (§ 2, Ord. 703, eff. May 22, 1974, as amended by § 1, Ord. 903, eff. February 12, 1981)

**Sec. 6-1.422. Violations: Misdemeanors: Infractions.**

(a) Any person who violates the provisions of Sections 6-1.401, through 6-1.401.3, 6-1.410

through 6-1.413, 6-1.415, 6-1.418, or 6-1.419 of this article shall be guilty of a misdemeanor.

(b) Any other provision of this Code notwithstanding, any person who violates any provision of this article other than the provisions set forth in subsection (a) of this section shall be guilty of an infraction, punishable as set forth in Section 25132 of the Government Code of the State. (§ 2, Ord. 703, eff. May 22, 1974, as amended by § 1, Ord. 1027, eff. April 3, 1986, as amended by §2, Ord. 1365, eff. December 6, 2007).

**Sec. 6-1.423. Separate offenses.**

Every person violating any provision of this chapter shall be deemed guilty of a separate offense for each day, or portion thereof, during which such violation continues and shall be punishable therefor as provided in this article. (§ 2, Ord. 703, eff. May 22, 1974)

**Sec. 6-1.424. Promises to appear.**

(a) *Notices to appear.* If any person is arrested for any such violation, and such person is not immediately taken before a magistrate, the arresting officer, pursuant to the provisions of Section 853.6 of the Penal Code of the State, shall prepare, in duplicate, a written notice to appear in court. Such written notice shall contain the name and address of such person and the offense charged and shall set forth the time when and the place where such person shall appear in court. The time set forth in the notice to appear shall be at least fourteen (14) days after such arrest. The place set forth in the notice to appear shall be the court of the magistrate before whom the person would be taken if the requirement of taking an arrested person before a magistrate were complied with, or shall be an officer authorized by such court to receive a deposit of bail.

(b) *Bail.* The arresting officer shall deliver one copy of the notice to appear to the arrested person, and the arrested person, in order to secure release, shall give his written promise to appear in court by signing the duplicate notice which shall be retained by the officer. Thereupon, the arresting officer shall forthwith release the person arrested from custody. The officer, as soon as practicable, shall file the duplicate notice with the magistrate specified therein. Thereupon, the magistrate shall fix the amount of bail which, in his judgment, in accordance with the applicable provisions of the Penal Code of the State, will be reasonable and sufficient for the appearance of the defendant and shall endorse upon the notice a statement signed by the magistrate in the form set forth in the applicable section of said Penal Code. The defendant, prior to the date upon which he promised to appear in court, may deposit with the magistrate the amount of bail thus set. Thereafter, at the time

when the case is called for arraignment before a magistrate, if the defendant shall not appear, either in person or by counsel, the magistrate may declare the bail forfeited and, in his discretion, may order that no further proceedings shall be had in such case. Upon the making of such order that no further proceedings shall be had, all sums deposited as bail shall forthwith be paid into the County Treasury for disposition pursuant to the applicable provisions of said Penal Code. No warrant shall issue on such charge for the arrest of a person who has given such written promise to appear in court unless and until he has violated such promise or has failed to deposit bail, or to appear for arraignment, trial, or judgment, or to comply with the terms and provisions of the judgment as required by law.

(c) *Violations: Warrants for arrest.* Any person wilfully violating his written promise to appear in court shall be deemed guilty of a misdemeanor, regardless of the disposition of the charge upon which he was originally arrested. Whenever a person signs a written promise to appear at the time and place set forth therein and has not posted bail as provided in the Penal Code of the State, the magistrate shall issue and have delivered for execution a warrant for his arrest within twenty (20) days after the delivery of such written promise to appear by the officer to a magistrate having jurisdiction over the offense. When such person violates his promise to appear before the officer authorized to receive bail, other than a magistrate, the officer shall immediately deliver to the magistrate having jurisdiction over the offense charged the written promise to appear and the complaint, if any, filed by the arresting officer. (§ 2, Ord. 703, eff. May 22, 1974, as amended by § 2, Ord. 1027, eff. April 3, 1986)

**Article 5. Licenses: General**

**Sec. 6-1.501. Effect of licenses.**

The issuance of any license or permit to keep an animal as provided for in this chapter shall be prima facie evidence that the owner has satisfied the basic licensing requirements pursuant to the provisions of this chapter, but such issuance shall be given no evidentiary weight to indicate that the owner has conformed to the zoning regulations, building regulations, health and safety regulations, or to any other applicable rule, regulation, or statute unless, pursuant to the issuance, official written approval has been given by the office or agency responsible for the administration of the rule, regulation, or statute in question. If such approval has been given, it shall be deemed prima facie evidence that the matter approved is in conformance with the rule, regulation, or statute in question. (§ 2, Ord. 703, eff. May 22, 1974)

**Sec. 6-1.502. Exemptions from licensing.**

The licensing regulations of this chapter shall not be applicable to the following owners who use animals for diagnostic purposes or research, the use having been approved by the Board of Public Health of the State pursuant to the provisions of Section 1666 of the Health and Safety Code of the State; owners who use animals for teaching purposes in recognized educational institutions; owners of establishments which treat or board animals and which are owned or operated by veterinarians licensed by the State; and owners of pet shops, circuses, animal exhibits, and other enterprises maintaining animals which have been granted business licenses by the County. (§ 2, Ord. 703, eff. May 22, 1974)

**Article 6. Licenses: Dogs**

**Sec. 6-1.601. Dog Licenses.**

Every owner of a dog required to be licensed shall procure an annual license for such dog in accordance with the procedure set forth in this chapter. (§ 2, Ord. 703, eff. May 22, 1974)

**Sec. 6-1.602. Dogs required to be licensed.**

A dog required to be licensed shall be a dog that:

- (a) Is over the age of four (4) months; and
  - (b) Is not in a licensed kennel; and
  - (c) Has not been in a licensed kennel within forty-eight (48) hours; and
  - (d) Has been in the County for ten (10) days.
- (§ 2, Ord. 703, eff. May 22, 1974)

**Sec. 6-1.603. Time of applications:  
Duration of licenses:  
Renewal notices.**

(a) Applications for dog licenses shall be made on or before the first day the dog is required to be licensed pursuant to Section 6-1.602 of this article; provided, however, in the case of a dog for which a license has previously been issued pursuant to this article, an application shall be made within thirty (30) days prior to the expiration of such previously issued license. Before any dog is released to a new owner, a completed application form, together with the license fee, shall be submitted by such person.

(b) A license which is initially issued in accordance with this article shall be valid for twelve (12) months following such application therefor. A license which is a renewal of a previously issued license shall be valid for the twelve (12) months following the expiration of the previously issued license.

(c) The Animal Control Division shall endeavor to notify the owners of currently

licensed dogs of the impending expiration of such licenses approximately thirty (30) days prior to the expiration date; provided, however, the failure of the Animal Control Division to provide such notice shall not relieve a dog owner from the requirements of this article. (§ 2, Ord. 703, eff. May 22, 1974, as amended by § 1, Ord. 963, eff. December 1, 1983)

**Sec. 6-1.604. Preparation of forms and tags.**

The Sheriff is hereby authorized and directed to have prepared suitable application forms for dog licenses as provided in this article and license tags to be issued to the owners of dogs. (§ 2, Ord. 703, eff. May 22, 1974, as amended by § 5, Ord. 1061, eff. November 26, 1987)

**Sec. 6-1.605. License applications.**

The license application shall bear the name (if any), age, sex, color, breed, previous rabies vaccination date, and subsequent revaccination date of the dog for which the license is applied. (§ 2 Ord. 703, eff. May 22, 1974, as amended by § 2, Ord. 963, eff. December 1, 1983, and § 1, Ord. 1047, eff. January 8, 1987)

**Sec. 6-1.606. Fees.**

The amount of the annual dog license fee shall be set by resolution of the Board of Supervisors; provided, however, if a certificate is presented from a licensed veterinarian that the dog has been either spayed or neutered, or if the veterinarian has on file an affidavit stating that the animal has been spayed or neutered and that examination by the veterinarian discloses no evidence to the contrary, the fee shall be one-half (1/2) the regular fee. (§ 2, Ord. 703, eff. May 22, 1974, as amended by § 1, Ord. 797, eff. June 8, 1978, § 1, Ord. 940, eff. December 1, 1982, and § 2, Ord. 1097, eff. August 24, 1989)

**Sec. 6-1.607. Penalties.**

(a) The owner of any dog required to be licensed who fails to procure and pay for such license as required by Section 6-1.602 of this article shall pay, in addition to the license fee, a penalty set by resolution of the Board of Supervisors.

(b) The owner of any dog required to be licensed by this article for the year immediately preceding the year in which an application for a dog license is filed who failed to obtain a license for such dog for such year shall pay, in addition to any other license fee or penalty, a penalty set by resolution of the Board of Supervisors. (§ 2, Ord. 703, eff. May 22, 1974, as amended by § 3, Ord. 963, eff. December 1, 1983, and § 3, Ord. 1097, eff. August 24, 1989)

**Sec. 6-1.608. Exceptions from penalties.**

(a) The penalty provided for in subsection (a) of Section 6-1.607 of this article shall not apply to the owner of a dog required to be licensed which has not been subject to the licensing requirement for more than thirty (30) days.

(b) The penalty provided for in subsection (b) of Section 6-1.607 of this article shall not apply to the owner of a dog required to be licensed which dog had not been subject to the licensing requirement for more than thirty (30) days during the immediately preceding year. (§ 2, Ord. 703, eff. May 22, 1974, as amended by § 4, Ord. 963, eff. December 1, 1983, and § 2, Ord. 1047, eff. January 8, 1987)

**Sec. 6-1.609. Seeing Eye dogs.**

(a) No fee or penalty shall be collected or received for any dog license issued for a Seeing Eye dog owned by a blind or partially blind person.

(b) If a person presents written verification from Guide Dogs for the Blind, Inc., that his child is raising a Seeing Eye puppy and will deliver it to Guide Dogs for the Blind, Inc., when it is approximately one year old, no fee or penalty shall be collected or received for any dog license issued for a Seeing Eye puppy. (§ 2, Ord. 703, eff. May 22, 1974)

**Sec. 6-1.610. Law enforcement dogs.**

If a dog is owned and used exclusively for law enforcement purposes by a public agency, no fee or penalty shall be collected or received for such dog. (§ 2, Ord. 703, eff. May 22, 1974)

**Sec. 6-1.611. Issuance: Filing.**

A license shall be issued after the submission of a completed application form, a license fee, and a rabies vaccination certificate issued pursuant to the provisions of this chapter establishing that the dog in question has been vaccinated in accordance with the requirements of the State Department of Health. The license shall be sent to the applicant within ninety (90) days thereafter. A copy of all licenses shall be filed in the office of the Chief of the Animal Control Division and shall at all times be open for public inspection. (§ 2, Ord. 703, eff. May 22, 1974, as amended by § 5, Ord. 963, eff. December 1, 1983, and § 3, Ord. 1047, eff. January 8, 1987)

**Sec. 6-1.612. Endorsement and filing of application forms.**

(§ 2, Ord. 703, eff. May 22, 1974; repealed by § 6, Ord. 963, eff. December 1, 1983)

**Sec. 6-1.613. License tags.**

The initial issuance of a dog license shall be accompanied by a license tag which shall be valid for so long as the dog is owned by the person to whom the tag is originally issued.

License tags shall be metallic, shall be numbered serially, and shall have a stamp thereon bearing the name of the County. (§ 2, Ord. 703, eff. May 22, 1974, as amended by § 7, Ord. 963, eff. December 1, 1983)

**Sec. 6-1.614. Notices.**

The Sheriff may notify all dog owners of record that a current license is due and a fee is payable. (§ 2, Ord. 703, eff. May 22, 1974, as amended by § 6, Ord. 1061, eff. November 26, 1987)

**Sec. 6-1.615. Lost tags.**

As often as any license tag is lost, the owner, within ten (10) days thereafter, shall procure another tag for which such owner shall pay a fee set by resolution of the Board of Supervisors. (§ 2, Ord. 703, eff. May 22, 1974, as amended by § 8, Ord. 963, eff. December 1, 1983, and § 4, Ord. 1097, eff. August 24, 1989)

**Article 7. Licenses: Kennels**

**Sec. 6-1.701. Kennel licenses.**

Every person owning or controlling a kennel shall procure an annual kennel license on or before February 15 of each year in accordance with the procedure set forth in this chapter, which kennel license shall be a license for all dogs kept therein. (§ 2, Ord. 703, eff. May 22, 1974)

**Sec. 6-1.702. Preparation of forms and certificates.**

The Chief of the Animal Control Division is hereby authorized and directed to have prepared suitable application forms for kennel licenses and kennel license certificates as provided in this article. (§ 2, Ord. 703, eff. May 22, 1974)

**Sec. 6-1.703. Contents of application forms.**

The application forms for kennel licenses shall set forth the name and address of the applicant, the location, including the address, of the kennel, a description of the facility for housing the dogs, and the number and description of the dogs to be kept in the kennel. (§ 2, Ord. 703, eff. May 22, 1974)

**Sec. 6-1.704. Fees.**

The kennel license fee shall be set by resolution of the Board of Supervisors. (§ 2, Ord. 703, eff. May 22, 1974, as amended by § 5, Ord. 1097, eff. August 24, 1989)

**Sec. 6-1.705. Penalties.**

(a) The owner of any kennel who fails to procure and pay for such license until after February 15th of any year shall nevertheless procure a kennel license until January 1st next

ensuing and, except as otherwise provided in Section 6-1.706 of this article, shall pay in addition to the license fee a penalty set by resolution of the Board of Supervisors.

(b) The owner of any kennel required to be licensed by this chapter for the year immediately preceding the year in which an application for a kennel license is filed who failed to obtain a license for that kennel for that year shall pay in addition to any other license fee or penalty a penalty set by resolution of the Board of Supervisors. (§ 2, Ord. 703, eff. May 22, 1974, as amended by § 6, Ord. 1097, eff. August 24, 1989)

**Sec. 6-1.706 Exceptions from Penalties.**

(a) The penalty provided for in Section 6-1.705 of this article for the nonpayment of a license fee on or prior to February 15 in any year shall not apply to the owner of a kennel required to be licensed that has not been subject to the licensing requirement for more than ten (10) days.

(b) The penalty provided for in Section 6-1.705 of this article for nonpayment of a license fee for the immediately preceding year shall not apply to the owner of a kennel required to be licensed that had not been subject to the licensing requirement for more than ten (10) days during the immediately preceding year. (§ 2, Ord. 703, eff. May 22, 1974)

**Sec. 6-1.707. Law enforcement dogs.**

If a kennel is used exclusively for housing dogs used exclusively for law enforcement purposes by a public agency, no fee or penalty shall be collected or received for such a kennel. (§ 2, Ord. 703, eff. May 22, 1974)

**Sec. 6-1.708. Investigations.**

Upon the receipt of an application and license fee and penalties, if any, the Chief, Division of Animal Control, shall send copies of the application to the Health Officer and to the building official and planning official having jurisdiction over the territory where the kennel is located for an investigation and report as to conformity with the sanitation laws, building codes, and planning and zoning laws, respectively. (§ 2, Ord. 703, eff. May 22, 1974)

**Sec. 6-1.709 Action on applications.**

After the receipt of the sanitation, building code, and planning and zoning reports and making such investigations as he may deem proper, the Chief, Division of Animal Control shall act on the application as follows:

(a) He shall approve the application if he finds that the kennel is maintained in accordance with each of the conditions of Sections 6-1.401, 6-1.405, and 6-1.412 through 6-1.419 of Article 4 of this chapter.

(b) He may impose such conditions upon granting an application as are reasonably necessary to bring a kennel into compliance with the provisions of this chapter.

(c) He shall deny the application if he does not make the findings set forth in this section, or he may grant the application subject to conditions. (§ 2, Ord. 703, eff. May 22, 1974)

**Sec. 6-1.710. Endorsement and filing.**

The issuance of the license shall be endorsed upon the application form by the person issuing the license. All license application forms so endorsed shall be filed in the office of the Chief, Division of Animal Control, and shall be at all times open for public inspection. (§ 2, Ord. 703, eff. May 22, 1974)

**Sec. 6-1.711. License certificates.**

The issuance of a kennel license shall be evidenced by the issuance of a kennel license certificate in a form determined by the Chief, Division of Animal Control; however, kennel license certificates shall bear the name of the County and the year of issuance and shall be numbered serially. (§ 2, Ord. 703, eff. May 22, 1974)

**Sec. 6-1.712. Notices.**

The Chief, Division of Animal Control, may notify all kennel owners of record that a current kennel license is due and a fee is payable. (§ 2, Ord. 703, eff. May 22, 1974)

**Sec. 6-1.713. Suspension of kennel licenses.**

The Chief, Division of Animal Control, may make an order suspending any kennel license issued pursuant to the provisions of this chapter upon a finding that there exists any fact which would have been a ground for refusal to issue a kennel license, or if there has been a violation of the provisions of Sections 6-1.401 through 6-1.405 or 6-1.412 through 6-1.419 of Article 4 of this chapter, or if there has been a violation of the conditions imposed in any kennel license, or if the owner of the kennel, or any agent or employee employed therein, has been convicted of a violation of the provisions of Section 597 of the Penal Code of the State. (§ 2, Ord. 703, eff. May 22, 1974)

**Sec. 6-1.714. Suspension of kennel licenses: Notices.**

No order of suspension shall become effective until the Chief, Division of Animal Control, shall cause a copy thereof to be mailed to the applicant by United States certified mail, postage prepaid, return receipt requested, at the address set forth in his application. (§ 2, Ord. 703, eff. May 22, 1974)

**Sec. 6-1.715. Appeals.**

The applicant or permittee may appeal an order of the Chief, Division of Animal Control, denying a license, issuing a license subject to conditions, or suspending a license to the Board by filing such appeal within fifteen (15) days after the denial or granting of an application with conditions or after the mailing of a notice of revocation. (§ 2, Ord. 703, eff. May 22, 1974)

**Sec. 6-1.716. Automatic revocation.**

If no appeal shall be taken within the time specified for an appeal following an order of suspension of a license, the license shall be deemed revoked. (§ 2, Ord. 703, eff. May 22, 1974)

**Article 8. Impoundment**

**Sec. 6-1.801. Taking up and impounding.**

The Chief of the Animal Control Division shall take up and impound in the Animal Control Center, in a manner consistent with recognized standards of humane treatment, all animals found to be in violation of the provisions of this chapter or of Chapter 7 of Division 9 of the Food Agricultural Code of the State. (§ 2, Ord. 703, eff. May 22, 1974)

**Sec. 6-1.802. Redemption period.**

Except as otherwise provided in this article, all animals impounded at the Animal Control Center shall be kept and maintained at least for the following redemption periods:

- (a) Five (5) days for any dog found wearing a current annual license tag;
- (b) Seventy-two (72) hours for any dog found not wearing a current annual license tag;
- (c) Five (5) days for any animal governed by the provisions of Section 17003 of the Food and Agricultural Code of the State; and
- (d) Seventy-two (72) hours for any other animal. (§ 2, Ord. 703, eff. May 22, 1974)

**Sec. 6-1.803. Animals voluntarily surrendered.**

Any animal which is voluntarily surrendered to or deposited with the Animal Control Center, or authorized personnel thereof, shall not be deemed to be impounded and need not be kept or retained for any minimum period of time. (§ 2, Ord. 703, eff. May 22, 1974)

**Sec. 6-1.803.1. Surrendered or abandoned animals: Adoption: Immunization.**

(a) Except as otherwise provided by law the Chief of the Animal Control Division may authorize the adoption of any animal in the care, custody, and control of the Animal Control Center which animal has been abandoned or voluntarily surrendered to or deposited with the Animal

Control Center or authorized personnel thereof. The Chief of the Animal Control Division may issue regulations to implement the provisions of this section. A fee, set by resolution of the Board of Supervisors, shall be charged to defray the costs associated with the adoption of the animal, which fee shall be in addition to all other fees provided for or authorized by law.

(b) The Chief of the Animal Control Division may authorize the immunization of any dog, six (6) months of age or less, which is voluntarily surrendered to or deposited with the Animal Control Center or authorized personnel thereof by its legal owner against certain viral diseases, including, but not necessarily limited to, immunization against canine distemper. A fee, set by resolution of the Board of Supervisors, shall be assessed to all persons adopting an immunized dog, which fee shall be in addition to all other fees provided for or authorized by law. (§ 1, Ord. 994, eff. January 10, 1985, as amended by § 1, Ord. 1013, eff. August 15, 1985, and § 7, Ord. 1097, eff. August 24, 1989)

**Sec. 6-1.803.2. Spay or neuter deposit.**

(a) A spay or neuter deposit, as set by resolution of the Board of Supervisors, shall be collected at the time of adoption of any dog or cat, and will be held by the County for a period not to exceed sixty (60) days, except that for dogs and cats six (6) months of age or younger at the time of adoption, the period shall not exceed six (6) months. If a female dog and her puppies or a female cat and her kittens are adopted together, one deposit shall be charged.

(b) At any time within the period specified above, the owner may present a spay or neuter certificate for the adopted animal from a licensed veterinarian or veterinary clinic, in which event the deposit shall be returned. Deposits not so claimed within the time period specified above shall be deemed unclaimed and shall automatically be forfeited to the County for use in accordance with Food and Agricultural Code Sections 30503 and 31751. (§ 8, Ord. 1097, eff. August 24, 1989)

**Sec. 6-1.804. Redemption.**

(a) The owners of impounded animals, during the redemption period and at any time before the disposition of such animals, may redeem them by paying the impoundment fees and licensing dogs in the manner provided in this section.

(b) The Chief of the Animal Control Division shall charge and collect fees, as set by resolution of the Board of Supervisors, for every impounded animal when claimed and before its release. (§ 2, Ord. 703, eff. May 22, 1974, as amended by §§ 2 and 3, Ord. 797, eff. June 8, 1978, § 2, Ord. 1013, eff. August 15, 1985, and § 9, Ord. 1097, eff. August 24, 1989)

## Article 9. Rabies

### Sec. 6-1.804.1. Euthanasia.

(a) The Chief of the Animal Control Division may provide euthanasia services on animals whose owners request it. The Chief of the Animal Control Division may issue regulations to implement the provisions of this section.

(b) A fee, set by resolution of the Board of Supervisors, shall be charged and collected by the Animal Control Division for every animal which is euthanized at its owner's request. (§ 3, Ord. 1013, eff. August 15, 1985, as amended by § 10, Ord. 1097, eff. August 24, 1989)

### Sec. 6-1.805. Disposition.

(a) Except as otherwise provided in this chapter, an impounded animal which is not redeemed within the redemption period specified in this chapter, in the discretion of the Chief of the Animal Control Division, may be sold for not less than the amount of the redemption fees specified by this chapter, be destroyed, or be otherwise disposed of; provided, however, no animal shall be sold, destroyed, or otherwise disposed of until seventy-two (72) hours after a notice of the impoundment thereof has been given to the owner, if he shall be known.

(b) If an animal is sold, the receipt signed by the Chief of the Animal Control Division shall be valid title to the animal.

(c) Notwithstanding any other provision of this chapter to the contrary, an impounded animal which is determined by the Chief of the Animal Control Division to constitute a health hazard may be destroyed or otherwise disposed of as ordered by the Chief of the Animal Control Division upon the concurrence of a veterinarian.

(d) The possession of any animal governed by the provisions of Section 17003 of the Food and Agricultural Code of the State shall be delivered to the Director of the Department of Agriculture of the State or his designee. (§ 2, Ord. 703, eff. May 22, 1974)

### Sec. 6-1.805.1. Animal traps.

(a) The Chief of the Animal Control Division may loan animal traps and provide related pick up services for persons who request it. The Chief of the Animal Control Division may adopt regulations to implement provisions of this section.

(b) Such fees and deposits as are set by resolution of the Board of Supervisors shall be charged for the use of an animal trap and for pick up services provided by the Animal Control Division. (§ 11, Ord. 1097, eff. August 24, 1989)

### Sec. 6-1.806. Liability.

No person shall be liable for the disposition of any animal in accordance with the provisions of this chapter. (§ 2, Ord. 703, eff. May 22, 1974)

### Sec. 6-1.901. Vaccinations.

Every owner of a dog over four (4) months in age shall have such dog vaccinated with such canine anti-rabies vaccine and at such intervals as prescribed by the State Department of Health. (§ 2, Ord. 703, eff. May 22, 1974, as amended by § 4, Ord. 1047, eff. January 8, 1987)

### Sec. 6-1.902. Vaccinations: Imported dogs.

Every owner who brings into the County a dog which has not been vaccinated within twelve (12) months prior to the importation thereof shall have the dog vaccinated within five (5) days from and after its arrival in the County. The certificate of vaccination issued by a duly licensed veterinarian from any other jurisdiction for the specific dog, establishing the vaccination with an approved vaccine, may be accepted by the Chief of the Animal Control Division as evidence of vaccination upon the date of the vaccination indicated in the certificate. (§ 2, Ord. 703, eff. May 22, 1974)

### Sec. 6-1.903. Vaccinations: Exceptions.

A dog shall be exempt from the vaccination requirements of this chapter if within one year:

(a) A veterinarian has examined the dog and certified that a vaccination will endanger the dog's health for physiological reasons; and

(b) Such certificate is presented to the Health Officer within five (5) days after the examination; and

(c) The Health Officer concurs in the opinion of the veterinarian and endorses his approval on the veterinarian's certificate. (§ 2, Ord. 703, eff. May 22, 1974)

### Sec. 6-1.904. Vaccinations: Procedure.

(a) Dogs shall be vaccinated by a veterinarian or at vaccination clinics approved by the Health Officer.

(b) Every person who vaccinates a dog for rabies shall issue to the owner of the dog a certificate containing the following:

(1) The name, address, and telephone number of the owner of the dog;

(2) The type of rabies vaccine administered (including the name of the manufacturer and the lot number of the vaccine used);

(3) The date of the vaccination, the interval for the next vaccination, and the date the next vaccination is due;

(4) A description of the dog, including the breed, age, sex, color, and markings of the dog;

(5) The stamped, printed, or typewritten name, address, and telephone number of the person who administered the vaccine; and

(6) The signature, with date, of the person administering the vaccine.

(c) Every person who vaccinates a dog for rabies shall submit to the Animal Control Division a copy of the rabies vaccination certificate required by subsection (b) of this section no later than thirty (30) days after the date the vaccination was administered. (§ 2, Ord. 703, eff. May 22, 1974, as amended by § 1, Ord. 962, eff. October 27, 1983, and § 5, Ord. 1047, eff. January 8, 1987)

**Sec. 6-1.905. Reports.**

It shall be the duty of any person having knowledge of any animal falling into the following categories to immediately report the animal to the Health Officer, Chief of the Animal Control Division, or Sheriff-Coroner and to furnish complete information regarding the incident:

- (a) Known rabid animals;
- (b) Suspected rabid animals;
- (c) Animals which have bitten a human or otherwise exposed a human to rabies; and
- (d) Animals of a species subject to rabies which have been bitten by a known rabid or suspected rabid animal or have been in intimate contact with a rabid or suspected rabid animal. (§ 2, Ord. 703, eff. May 22, 1974)

**Sec. 6-1.906. Reports to the Health Officer.**

Upon the receipt of a report pursuant to the provisions of Section 6-1.905 of this article, upon acquiring knowledge of an animal listed in said Section 6-1.905, or upon the receipt of information of the existence of any case of rabies or any other animal disease dangerous to human beings in the County, the Chief of the Animal Control Division or the Sheriff-Coroner shall report the same to the Health Officer. (§ 2, Ord. 703, eff. May 22, 1974)

**Sec. 6-1.907. Isolation or quarantine.**

(a) The Health Officer shall order the isolation or quarantine of all animals of the categories set forth in Section 6-1.905 of this article, shall order the place and conditions thereof in a manner not inconsistent with State and local laws and regulations, and, with the cooperation of the Chief of the Animal Control Division, shall insure the isolation or quarantine of such animals.

(b) Upon a determination by the Sheriff or his or her designee, or the Chief of the Animal Control Division, that the Health Officer is not reasonably available for such purposes, the Chief of the Animal Control Division may discharge the powers and duties of the Health Officer set forth in subsection (a) of this section, in accordance with procedures established by the Health Officer, until such time as the Health Officer is determined to be available to do so. (§ 2, Ord. 703, eff. May 22, 1974, as amended by § 1, Ord. 977, eff. June 7, 1984, and § 7, Ord. 1061, effective November 26, 1987)

**Sec. 6-1.908. Carcasses of rabid animals.**

Upon the death of any rabid animal, clinically suspected rabid animal, or animal which has bitten or otherwise exposed a human to rabies, the Chief of the Animal Control Division shall obtain and turn over to the Health Officer the carcass of such animal or an adequate specimen thereof. (§ 2, Ord. 703, eff. May 22, 1974)

**Sec. 6-1.909. Destruction.**

Upon an order of the Health Officer, the Chief of the Animal Control Division shall destroy any animal or its carcass if an examination shows such animal or carcass to be rabid. (§ 2, Ord. 703, eff. May 22, 1974)

**Sec. 6-1.910. Epidemic regulations.**

The Health Officer may determine and declare that a rabies epidemic or other unusually dangerous health situation exists among dogs or other animals in the County, or in any part thereof. Upon making such a declaration, the Health Officer shall prepare and promulgate, with the approval of the Board, such rules and regulations as are necessary for the conduct of all persons within the area where the dangerous condition exists and such rules and regulations as are necessary for the control of dogs and other animals within such area. Such rules and regulations of the Health Officer may include, but not be limited to, the quarantine, vaccination, and destruction of diseased or suspected or stray animals by humane methods. It shall be the duty of the Chief of the Animal Control Division to comply with all the directives of the Health Officer in the enforcement of such rules and regulations. (§ 2, Ord. 703, eff. May 22, 1974)

**Sec. 6-1.911. Fees.**

Upon a determination by the Health Officer that an animal which has been isolated or quarantined in accordance with the provisions of this article may be released or discharged from such isolation or quarantine, the animal may be released to the owner or other person responsible for its care and control upon the payment of the fees provided in Section 6-1.804 of Article 8 of this chapter. If the owner or other person responsible for the care and control of the animal does not obtain the release of the animal, such owner or other responsible person shall pay, and be charged and liable for, the fees set forth in subsections (1) and (2) of subsection (b) of said Section 6-1.804. (§ 5, Ord. 1013, eff. August 15, 1985)

**Article 10. Regulation of Vicious Animals**

**Sec. 6-1.1001. Purpose.**

The uncontrolled maintenance of vicious animals constitutes a dangerous situation which

presents a threat to the health, safety, and welfare of persons and animals within the County. This situation presents a serious hazard within the County which is compounded by the increasing tendency to maintain animals which, by virtue of breeding and training, have a propensity to attack others. The purpose of this article is to protect the public health, safety, and welfare by regulating vicious animals. (§ 2, Ord. 950, eff. June 2, 1983)

**Sec. 6-1.1002. Filing of charges.**

Any person possessing knowledge of facts indicating that there is a vicious animal within the County may file with the Chief of the Division of Animal Control a written affidavit containing the following facts:

(a) A description of the animal, including, to the extent known, the color, size, sex, breed, and name of the animal and the name and address of the owner of the animal;

(b) An assertion that the animal described is a vicious animal, together with a statement of facts upon which the assertion is based, including the name and address of any person or animal which has been victimized by the allegedly vicious animal, the date and location of any incidents related to the assertion, the name and address of any witnesses thereto, and an explanation of how the knowledge of the incident was acquired; and

(c) The name, residential and occupational addresses, and telephone numbers of the affiant. (§ 2, Ord. 950, eff. June 2, 1983)

**Sec. 6-1.1003. Investigations:  
Impoundment:  
Rabies control.**

(a) Upon the receipt of an affidavit filed in compliance with Section 6-1.1002 of this article, the Chief of the Animal Control Division may investigate the incident or incidents described in the affidavit for the purpose of verifying the facts stated or for obtaining other information. In conducting such investigation, the Chief of the Animal Control Division shall attempt to obtain pertinent information from the attacking animal's owner. If, based upon such affidavit and investigation, the Chief of the Animal Control Division identifies facts which, in his discretion, show the existence of a vicious animal, the Chief of the Animal Control Division may immediately locate and impound the animal as necessary to protect the public health, safety, and welfare. The Chief of the Animal Control Division may use any lawful means which are reasonably necessary to so locate and impound the animal.

(b) If, based upon an affidavit or investigation pursuant to this article, the Chief of the Animal Control Division determines that an animal capable of carrying or transmitting rabies has bitten a person or other animal, the Chief of the

Animal Control Division shall report the matter to the Chief of the Environmental Health Division, who shall take such action as is appropriate under Article 9 of this chapter. In the event of a conflict between this article and Article 9 of this chapter, the provisions of Article 9 shall supersede the conflicting provisions of this article. (§ 2, Ord. 950, eff. June 2, 1983)

**Sec. 6-1.1003.1 Factors to consider.**

(a) The following factors shall be considered in determining whether an attack has been provoked for the purposes of this article:

(1) Whether the person or animal which was attacked acted in a manner which would reasonably be expected to excite the attacking animal;

(2) In the case of a person being attacked, whether the exciting conduct, if any, was intentionally and knowingly engaged in;

(3) The nature and extent of the attack as compared to the nature and extent of the exciting conduct, if any; and

(4) Whether the attack occurred in an enclosed space and, if so, whether the enclosure was prominently and clearly posted in a manner which would notify a reasonable person of the dangers of entering the enclosure.

The list set forth in this subsection is intended to be illustrative and is not exhaustive. Furthermore, conduct which may be provocation for a minor attack is not necessarily provocation for an attack of a more serious nature.

(b) The following factors shall be considered in determining the appropriate disposition of a vicious animal under this article:

(1) The factors specified in subsection (a) of this section;

(2) The location of the attack;

(3) Efforts by the owner to control the attacking animal; and

(4) Prior incidents of a similar nature involving the attacking animal and/or its owner.

The list set forth in this subsection is intended to be illustrative and is not exhaustive. (§ 2, Ord. 950, eff. June 2, 1983)

**Sec. 6-1.1004. Disposition: Notices.**

(a) The Chief of the Animal Control Division may do any of the following with regard to an animal which has been determined to be vicious in accordance with Section 6-1.1003 of this article:

(1) Retain the animal for observation for a period not to exceed fourteen (14) days;

(2) Release the animal to the owner upon such conditions as are reasonably determined to be necessary to insure the public health, safety, and welfare and which may include, but need not be limited to, requiring (a) that the animal be securely muzzled, leashed, and under the control of a person eighteen (18) years of age or older

who is physically capable of restraining the animal whenever the animal is off the premises, (b) that the animal be confined on the owner's premises in an enclosure approved by the Chief of the Animal Control Division, and (c) that the owner demonstrate financial responsibility by posting a bond or certificate of insurance for not less than Ten Thousand and no/100ths (\$10,000.00) Dollars. The owner shall agree that a violation of any of the conditions imposed upon the release of the animal may result in the animal being impounded and destroyed; or

(3) Cause the animal to be destroyed if, in the opinion of the Chief of the Animal Control Division and the Chief of the Environmental Health Division, the release of such animal would create a significant threat to the public health, safety, and welfare.

(b) The Chief of the Animal Control Division shall notify the owner of the animal of the intended disposition of the animal pursuant to subsection (a) of this section within three (3) days of such decision. In the event the Chief of the Animal Control Division determines pursuant to said subsection (a) that the animal is to be destroyed, the notice shall be given at least five (5) days in advance of the intended action and at least ten (10) days in advance of such action if notice is given by mail. Such notice may be served personally or by mail. Service shall be deemed to be complete and effective upon deposit with the United States Postal Service.

The notice shall contain the following:

(1) A summary of the facts upon which the Chief of the Animal Control Division has based the determination that the animal is a vicious animal;

(2) The intended disposition of the animal and the reasons therefor;

(3) A copy of the provisions of this article, if not already provided to the owner; and

(4) Notice of the owner's right to a hearing pursuant to Section 6-1.1005 of this article.

If additional information is subsequently obtained, the Chief of the Animal Control Division shall not be limited to the facts, incidents, and reasons set forth in the notice in any administrative or judicial proceeding reviewing the determinations and decisions made pursuant to this article. (§ 2, Ord. 950, eff. June 2, 1983)

#### **Sec. 6-1.1005. Requests for hearings: Waivers.**

The owners of the animal may appeal the decision of the Chief of the Animal Control Division pursuant to Section 6-1.1004 of this article by filing a written request for a hearing, including the grounds and reasons therefor, with the Clerk of the Board within five (5) days after the date of the notice given by the Chief of the Animal Control Division pursuant to said Section 6-1.1004 if such notice is personally served, or

within ten (10) days if such notice is given by mail only. The Clerk of the Board shall thereupon transmit copies of the hearing request to the Sheriff, the Director of Public Health, and the presiding judge of the Municipal Court or, in the event such judge has designated a hearing officer, the person so designated.

Any person who fails to request a hearing within the time specified in this section shall be deemed to have waived any right in or claim upon such animal or to claim any damages or other relief by reason of any action by the Chief of the Animal Control Division pursuant to this article. (§ 2, Ord. 950, eff. June 2, 1983, as amended by § 1, Ord. 991, eff. November 22, 1984, and § 8, Ord. 1061, eff. November 26, 1987)

#### **Sec. 6-1.1006. Hearings: Procedure: Judicial reviews.**

In the event a request for a hearing is properly filed, a hearing shall be held pursuant to the provisions of this section.

(a) The hearing shall be conducted by an individual who is designated by the presiding judge of the Municipal Court. The person may be an employee of the County who is not assigned to the Animal Control Division or the Environmental Health Division or who is not otherwise subordinate to the Chief of the Animal Control Division or the Chief of the Environmental Health Division. Unless otherwise agreed by the parties, the hearing shall be held within thirty (30) days after the date the request for the hearing was properly filed.

(b) The burden shall be upon the Chief of the Animal Control Division to prove that the animal is a vicious animal. If it is found or established that the animal is a vicious animal, the burden shall be upon the appellant to prove that the disposition ordered by the Chief of the Animal Control Division is unreasonable.

At the hearing the appellant and the Animal Control Division may be represented by counsel, may present oral and written evidence, and may cross-examine witnesses. Strict rules of evidence shall not apply. Any relevant evidence may be admitted if it is the sort of evidence which responsible persons are accustomed to rely upon in the conduct of serious affairs. For good cause, the hearing may be continued. The hearing shall be tape recorded, and all documents presented as evidence shall be maintained as part of the record of the hearing.

In the event the appellant fails to appear at the time, date, and place appointed for the hearing, the hearing shall be conducted in the absence of the appellant, and the hearing officer shall render a decision based upon evidence presented during the hearing.

(c) The hearing officer shall render a decision within ten (10) days after the close of the

hearing. The decision shall be supported by the weight of evidence. The decision of the hearing officer shall be final, Chapter 4 of Title 1 of this Code notwithstanding.

The decision shall be in writing and shall include findings of fact and conclusions respecting the following:

(1) Whether, based upon the evidence presented during the hearing, the animal is a vicious animal; and

(2) If the animal is determined to be a vicious animal, what disposition should be made. The hearing officer shall formulate a disposition based upon all of the facts and circumstances revealed by the evidence and may:

(i) Uphold the decision of the Animal Control Division and order the decision carried out;

(ii) Order the return of the animal to its owner upon such conditions as may be reasonably necessary to insure the public health, safety, and welfare, including, but not limited to, those set forth in Section 6-1.1004 of this article, and subject to the further condition that the animal may be destroyed if any of such conditions is breached; and

(iii) Such other action as is found reasonably necessary to protect the public health, safety, and welfare, including a continuance of the impoundment of such animal for the purposes of observation for a period not to exceed thirty (30) days after the date of the order.

The hearing officer shall promptly file the decision with the Clerk of the Board who shall thereupon transmit copies to the parties.

(d) Any action seeking a judicial review of a decision of the hearing officer shall be brought pursuant to Section 1094.5 of the Code of Civil Procedure of the State and shall be instituted within ninety (90) days after the date the decision is filed with the Clerk of the Board. (§ 2, Ord. 950, eff. June 2, 1983, as amended by § 2, Ord. 991, eff. November 22, 1984)

#### **Sec. 6-1.1007. Disposition of vicious animals.**

Except as otherwise provided in this section, in the event the hearing officer orders the destruction of an animal determined to be vicious, the Chief of the Animal Control Division shall continue to impound the animal and shall destroy the animal on the seventh (7th) day following the date of personal service upon the owner or deposit with the United States Postal Service of notice of the hearing officer's decision. In the event the Chief of the Animal Control Division is personally served with a summons or other legal process in connection with a lawsuit which seeks a review of the hearing officer's decision, the animal shall not be destroyed and shall continue to be impounded while the lawsuit is pending. (§ 2, Ord. 950, eff. June 2, 1983)

#### **Sec. 6-1.1008. Fees.**

Notwithstanding any of the provisions of this Code or a decision and order of the hearing officer to the contrary, the Chief of the Animal Control Division shall not release an animal which has been determined to be vicious pursuant to this article back to the owner until the owner has paid all fees and charges for impoundment. (§ 2, Ord. 950, eff. June 2, 1983)

#### **Sec. 6-1.1009. Territory.**

The provisions of this article shall apply to the entire unincorporated territory of the County and, any contrary provision of Section 6-1.1004 of this article notwithstanding, within any city located within such city. (§ 2, Ord. 950, eff. June 2, 1983)

#### **Sec. 6-1.1010. Prohibitions.**

(a) No person shall resist, delay, obstruct, or impede any person in the enforcement of this article.

(b) No person shall keep, harbor, or maintain an animal determined to be vicious pursuant to Section 6-1.1003 or 6-1.1006 of this article, except as specifically authorized by law or by lawful order issued pursuant to this article. (§ 2, Ord. 950, eff. June 2, 1983)

## Chapter 2

### BARBERS AND COSMETOLOGISTS

#### Sections:

- 6-2.01 Definitions.
- 6-2.02 Examinations for communicable diseases as required by the Public Health Director.
- 6-2.03 Respiratory diseases.
- 6-2.04 Violations.

#### Sec. 6-2.01. Definitions.

For the purposes of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as follows:

(a) "Barbering" shall mean and include any of, or any combination of, the following practices for hire or reward:

(1) Shaving or trimming the beard or cutting the hair;

(2) Giving facial and scalp massages or treatments with oils, creams, lotions, or other preparations, either by hand or mechanical appliances;

(3) Singeing, shampooing, arranging, dressing, curling, waving, or dyeing the hair or applying hair tonics; provided, however, waving shall not include permanent waving; and

(4) Applying cosmetic preparations, antiseptics, powders, oils, clays, or lotions to the scalp, face, or neck.

(b) "Barber shop" shall mean any establishment or place of business where the practice of barbering is engaged in or carried on.

(c) "Beauty parlor" or "beauty shop" shall mean any establishment or place of business where the art of cosmetology is engaged in or carried on.

(d) "Cosmetology" shall mean and include any and all and any combination of the following practices:

(1) Arranging, dressing, curling, waving, machineless permanent waving, permanent waving, cleansing, cutting, singeing, bleaching, tinting, coloring, straightening, dyeing, brushing, beautifying, or otherwise treating by any means the hair of any person;

(2) Massaging, cleaning, or stimulating the scalp, face, neck, arms, bust, or upper part of the human body by means of the hands, devices, apparatus, or appliances with or without the use of cosmetic preparations, antiseptics, tonics, lotions, or creams;

(3) Beautifying the face, neck, arms, bust, or upper part of the human body by use of cosmetic preparations, antiseptics, tonics, lotions, or creams;

(4) Removing superfluous hair from the body of any person by the use of electrolysis,

depilatories, tweezers, chemicals, or preparations or by the use of devices or appliances of any kind or description, except by the use of light waves, commonly known as rays;

(5) Cutting, trimming, polishing, tinting, coloring, cleansing, or manicuring the nails of any person; and

(6) Massaging, cleansing, treating, or beautifying the hands of any person. (§ 1, Ord. 567)

#### Sec. 6-2.02. Examinations for communicable diseases as required by the Public Health Director.

Should the Public Health Director deem it necessary, he may require an examination or laboratory tests for any respiratory disease considered hazardous to the public health in any person serving as a barber or cosmetologist. (§ 2, Ord. 567, as amended by § 1, Ord. 823, eff. March 1, 1979)

#### Sec. 6-2.03. Respiratory diseases.

(a) *Notices by employees.* It shall be the duty of every employee of a barber or cosmetology shop to notify the operator if such employee contracts an unusually persistent cough.

(b) *Notices by operators.* It shall be the duty of the operator to immediately notify the Public Health Director that such condition exists.

(c) *Action by the Public Health Director.* Upon the receipt of such notice from the operator, it shall be the duty of the Public Health Director to investigate the condition set forth in such report and to institute such measures as may be necessary for the public health. (§ 2, Ord. 567, as amended by § 2, Ord. 823, eff. March 1, 1979)

#### Sec. 6-2.04. Violations.

Any person who shall violate any of the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not exceeding Three Hundred and no/100ths (\$300.00) Dollars, or by imprisonment in the County Jail for not to exceed six (6) months, or by both such fine and imprisonment. (§ 3, Ord. 567)

### Chapter 3

#### FOOD HANDLING

##### Sections:

- 6-3.01 Definitions.
- 6-3.02 Certificates of inspection: Required.
- 6-3.03 Certificates of Inspection: Applications: Form.
- 6-3.04 Permits: Granting: Conditions.
- 6-3.05 Permits: Suspension and revocation: Notices.
- 6-3.06 Permits: Suspension and revocation: Closing of establishments.
- 6-3.07 Permits: Suspension and revocation: Appeals: Hearings.
- 6-3.08 Examinations for communicable diseases as required by the Public Health Director.
- 6-3.09 Inspections of establishments: Grading.
- 6-3.10 Bacterial examinations of utensils.
- 6-3.11 Examinations and rejection of utensils and fixtures.
- 6-3.12 Examinations and condemnation of food and drink.
- 6-3.13 Employee lists.
- 6-3.14 Communicable diseases.
- 6-3.15 Employee lists. (Repealed).
- 6-3.16 Communicable diseases. (Repealed).

##### Sec. 6-3.01. Definitions.

For the purposes of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as follows:

(a) "Employee" shall mean any person, except employees of individuals or concerns excluded in subsection (b) of this section from the definition of food handling establishments, who is engaged in the handling, preparation, packaging, or serving of food or drink, or in the handling of utensils used in the preparation, packaging, or serving of food or drink, or who is employed, with or without pay, at any time in any room in which food or drink is prepared, packaged, or served; provided, however, no person whose employment is temporary in nature and entirely unrelated to the business of food handling shall be deemed to be an employee.

(b) "Food handling establishment" shall mean all individuals or firms operating within the unincorporated limits of the County which handle or process food for human consumption,

including meat markets and grocery stores, with the exception of canneries or similar concerns whose final product is sterilized and packaged in a protective container which renders it safe from further contamination. "Food handling establishment" shall not include slaughterhouses, poultry dressing plants, dairies, or farms.

(c) "Operator" shall mean every person, owner, or agent conducting the business of a restaurant or other food handling establishment.

(d) "Public Health Director" shall mean the Public Health Director of the County or his authorized agent.

(e) "Utensils" shall mean all utensils and equipment used in the storage, processing, preparation, or serving of food and drink intended for human consumption with which utensils and equipment food or drink comes into contact during such use. (§§ 1 through 5, Chapter I, Ord. 260)

##### Sec. 6-3.02. Certificates of inspection: Required.

On and after February 12, 1953, it shall be unlawful for any person to open, operate, or maintain a restaurant or other public eating place without first obtaining a certificate of inspection from the Public Health Director. (§ 1, Chapter II, Ord. 260)

##### Sec. 6-3.03. Certificates of inspection: Applications: Form.

Applications for certificates of inspection shall be filed with the Public Health Director upon forms to be prescribed by him, which applications shall include:

(a) The name and address of the applicant and, if a partnership, corporation, or association, the names and addresses of all partners, and the names and addresses of the president, vice-president, secretary, and managing officer of the corporation or association; and

(b) The location of the premises for which the certificate is sought. (§ 2, Chapter II, Ord. 260)

##### Sec. 6-3.04. Permits: Granting: Conditions.

No permit shall be granted to any person to operate a food handling establishment if the condition of the building, premises, equipment, or apparatus, or the reasonable facilities for the establishment, maintenance, conducting, or operating of the business, is insufficient, unfit, or incapable of being used for the proper maintenance of such business in a manner which will comply with:

(a) The building and equipment requirements made mandatory by the provisions of this chapter;

(b) All other laws of the County in any manner pertaining thereto;

(c) All laws and statutes of the Board of Health of the State in any manner pertaining to the operation of a restaurant or food handling establishment; and

(d) All rules and regulations regarding food handling establishments promulgated by the Director of Public Health of the State or by the Public Health Director of the County. (§ 4, Chapter III, Ord. 260)

**Sec. 6-3.05. Permits: Suspension and revocation: Notices.**

The Public Health Director shall suspend or revoke permits for violations of the provisions of this chapter and, whenever such action is warranted for the protection of the health and safety of the public, by notice in writing delivered personally or by mail to the operator. (§ 1, Chapter III, Ord. 260)

**Sec. 6-3.06. Permits: Suspension and revocation: Closing of establishments.**

Upon receipt of a notice of suspension or revocation of a permit, the operator shall close the food handling establishment until such time as the order of suspension is rescinded by the Public Health Director or until the Board, after the hearing provided for in this chapter, has granted permission to resume operation. (§ 2, Chapter III, Ord. 260)

**Sec. 6-3.07. Permits: Suspension and revocation: Appeals: Hearings.**

An operator whose permit has been suspended or revoked may appeal to the Board within five (5) days after the receipt of the notice suspending or revoking the permit. Such appeal shall be made by filing with the County Clerk-Recorder a statement in writing setting forth the grounds of the appeal. The County Clerk-Recorder shall present the statement, together with a copy of the notice of suspension or revocation, to the Board at its next regular meeting. The appellant shall have the right to be represented by counsel and shall have the right to offer evidence. The Board, within ten (10) days after such appeal has been presented, shall affirm, modify, or overrule the revocation or suspension. (§ 3, Chapter III, Ord. 260)

**Sec. 6-3.08. Examinations for communicable diseases as required by the Public Health Director.**

Should the Public Health Director deem it necessary, he may require an examination or laboratory tests for any communicable disease considered hazardous to the public health in any employee under this chapter. (§ 8, Chapter IV, Ord. 260, as amended by § 1, Ord. 563, and § 3, Ord. 823, eff. March 1, 1979)

**Sec. 6-3.09. Inspections of establishments: Grading.**

At least once every six (6) months the Public Health Director shall cause every restaurant and food handling establishment located within the County to be inspected. A system of grading for restaurants may be instituted at the discretion of the Public Health Director. (§ 8, Chapter IV, Ord. 260, as amended by § 1, Ord. 563, and § 4, Ord. 823, eff. March 1, 1979)

**Sec. 6-3.10. Bacterial examinations of utensils.**

The Public Health Director, from time to time may cause a bacterial examination to be made of such eating and drinking utensils as he may elect to test at any restaurant. In any such test, the resulting bacterial count exceeding 100 per utensil surface area examined shall be considered unsatisfactory. Any three (3) such unsatisfactory results from such tests taken in any restaurant in any sixty (60) day period shall warrant the closing of the restaurant concerned until such time as it has been demonstrated that the conditions causing such unsatisfactory utensil sanitization have been corrected. (§ 8, Chapter IV, Ord. 260, as amended by § 1, Ord. 536, and § 5, Ord. 823, eff. March 1, 1979)

**Sec. 6-3.11. Examinations and rejection of utensils and fixtures.**

Whenever the Public Health Director, upon examination or inspection, shall ascertain that any fixture or utensil used in the operation of any restaurant is unfit or unsuitable for its intended or actual use by reason of previous use for any unclean purpose, or by lack of compliance with any law or regulation pertaining thereto, or by reason of its being damaged or broken, or if for any reason its use is likely to prove a menace to the public health, it shall be the duty of the Public Health Director, and he is hereby empowered, to reject any such fixture or utensil and prohibit its use within the establishment. (§ 1, Chapter IV, Ord. 260, as amended by § 6, Ord. 823, eff. March 1, 1979)

**Sec. 6-3.12. Examinations and condemnation of food and drink.**

Samples of food or drink may be taken and examined by the Public Health Director as often as may be necessary for the detection of unwholesomeness, adulteration, or misbranding. The Public Health Director may condemn, denature, remove, and destroy any food or drink which is unwholesome, adulterated, or misbranded, or he may forbid the sale for human consumption of any food or drink which is adulterated or misbranded. (§ 2, Chapter IV, Ord. 260, as amended by § 7, Ord. 823, eff. March 1, 1979)

**Sec. 6-3.13. Employee lists.**

It shall be the duty of every operator of a restaurant to keep an accurate, up-to-date list of all persons employed therein and to furnish a true copy of such list to the Public Health Director upon request. (§ 4, Chapter IV, Ord. 260, as amended by § 8, Ord. 823, eff. March 1, 1979)

**Sec. 6-3.14. Communicable diseases.**

(a) *Notices by employees.* It shall be the duty of every employee of a food handling establishment to notify the operator if such employee contracts any communicable disease.

(b) *Notices by operators.* It shall be the duty of the operator to immediately notify the Public Health Director that such condition exists.

(c) *Action by the Public Health Director.* Upon the receipt of such notice from the operator, it shall be the duty of the Public Health Director to investigate the condition set forth in such report and to institute such measures as may be necessary for the public health. (§ 3, Chapter IV, Ord. 260, as amended by § 9, Ord. 823, eff. March 1, 1979)

**Sec. 6-3.15. Employee lists.**

(§ 5, Chapter IV, Ord. 260; repealed by § 10, Ord. 823, eff. March 1, 1979)

**Sec. 6-3.16. Communicable diseases.**

(§§ 6 and 7, Chapter IV, Ord. 260; repealed by § 11, Ord. 823, eff. March 1, 1979)

## Chapter 4

### MILK INSPECTION AND DISTRIBUTION

#### Sections:

- 6-4.01 Permits to distribute: Required.**
- 6-4.02 Permits to distribute: Granting: Expiration: Fees.**
- 6-4.03 Permits to distribute: Renewal.**
- 6-4.04 Conformance of products to State standards.**
- 6-4.05 Inspection service.**

The Health Department shall create a milk inspection service and carry out the provisions of this chapter; provided, however, such milk inspection service shall be so conducted as to meet the approval and requirements of the Department of Agriculture of the State. (§ II, Ord. 152)

#### **Sec. 6-4.01. Permits to distribute: Required.**

It shall be unlawful for any person, or the agent or employee of any person, to sell, offer for sale, distribute, or have in his possession for sale or distribution for ultimate consumption within the County any milk or cream for consumption as milk or cream until a permit has been granted by the Health Department permitting such person so to do. (§ III, Ord. 152)

#### **Sec. 6-4.02. Permits to distribute: Granting: Expiration: Fees.**

The permits required by the provisions of Section 6-4.01 of this chapter may be granted at any time during the calendar year and shall remain in force until the expiration of the calendar year in which the permits are granted, unless sooner suspended or revoked for cause, and no permit shall be granted unless the applicant pays such fees as the Board may establish by resolution. (§ III, Ord. 152, as amended by § 2, Ord. 858, eff. October 25, 1979)

#### **Sec. 6-4.03. Permits to distribute: Renewal.**

Applications for the renewal of the permits required by the provisions of Section 6-4.01 of this chapter shall be made and acted upon at the beginning of each successive calendar year in the same manner as original applications. (§ III, Ord. 152)

#### **Sec. 6-4.04. Conformance of products to State standards.**

It shall be unlawful for any person, or the agent or employee of any person, to sell, offer for sale, distribute, or have in his possession for sale or distribution for ultimate consumption within the County any milk or cream for consumption as milk or cream unless it conforms to the standards of grading and to the requirements for the production of milk or cream established by the provisions of Division 15 of the Agricultural Code of the State and the rules and regulations of such standards. (§ I, Ord. 152)

#### **Sec. 6-4.05. Inspection service.**

## Chapter 5

### SEWAGE DISPOSAL

#### Sections:

- Article 1. Definitions.**
- 6-5.101 Scope.
  - 6-5.102 B.O.D.
  - 6-5.103 Cesspool.
  - 6-5.104 Control manhole.
  - 6-5.105 District.
  - 6-5.106 Engineer.
  - 6-5.107 Engineering Division.
  - 6-5.108 Garbage.
  - 6-5.109 Garbage, properly shredded.
  - 6-5.110 Health Officer.
  - 6-5.111 Industrial wastes.
  - 6-5.112 Lot.
  - 6-5.113 Natural outlet.
  - 6-5.114 Outside user.
  - 6-5.115 Paved surface.
  - 6-5.116 Permit.
  - 6-5.117 Person.
  - 6-5.118 pH.
  - 6-5.119 Septic tank system.
  - 6-5.120 Sewage.
  - 6-5.121 Sewage, sanitary.
  - 6-5.122 Sewage treatment plant.
  - 6-5.123 Sewage works.
  - 6-5.124 Sewer.
  - 6-5.125 Sewer, building.
  - 6-5.126 Sewer, house connection.
  - 6-5.127 Sewer, private.
  - 6-5.128 Sewer, public.
  - 6-5.129 Storm drain.
  - 6-5.130 Street.
  - 6-5.131 Suspended solids.
  - 6-5.132 Watercourse.
- Article 2. Public Sewers: Construction**
- 6-5.201 Permits: Required: Exception.
  - 6-5.202 Permits: Applications: Plans, profiles, and specifications.
  - 6-5.203 Compliance with laws and regulations.
  - 6-5.204 Performance of work by licensed contractors.
  - 6-5.205 Subdivision requirements.
  - 6-5.206 Easements and rights-of-way.
  - 6-5.207 Grade and line stakes.
  - 6-5.208 Barriers, lights, and signs.
  - 6-5.209 Restoration of streets, sidewalks, and other property.
  - 6-5.210 Design and construction standards.
  - 6-5.211 Completion of work.
- Article 3. Public Sewers: Use.**
- 6-5.301 Required.

- 6-5.302 Treatment facilities for certain waters and wastes.
- 6-5.303 Connection of toilet facilities.
- 6-5.304 Connection of septic tanks and cesspools.
- 6-5.305 Discharging certain waters and wastes.
- 6-5.306 Interceptors.
- 6-5.307 Manholes.
- 6-5.308 Flow recording devices.
- 6-5.309 Measurements, tests, and analyses of waters and wastes.
- 6-5.310 Agreements to discharge certain industrial wastes.
- 6-5.311 Outside users.
- 6-5.312 Charges.

#### Article 4. Building and House Connection Sewers

- 6-5.401 Permits required.
- 6-5.402 Inspection of works.
- 6-5.403 Costs of work.
- 6-5.404 Responsibility for work.
- 6-5.405 Maintenance.
- 6-5.406 Artificial lifting of sanitary sewage.
- 6-5.407 Structural openings: Fees.
- 6-5.408 Separate sewers.

#### Article 5. Permits, Fees, Deposits, and Insurance

- 6-5.501 Permits: Required: Exception.
- 6-5.502 Permits: Applications: Form.
- 6-5.503 Permits: Applications: Significance of signatures.
- 6-5.504 Permits: Issuance.
- 6-5.505 Permits: Compliance.
- 6-5.506 Permits: Posting: Exhibition.
- 6-5.507 Performance of work by permittees only.
- 6-5.508 Fees and charges.
- 6-5.509 Fees and charges: Deposit.
- 6-5.510 Cash deposits: Bonds.
- 6-5.511 Liability insurance.

#### Article 6. Private Sewage Disposal

- 6-5.601 Scope.
- 6-5.602 Facilities: Required.
- 6-5.603 Facilities: Overflow and seepage: Special permits.
- 6-5.604 Facilities: Construction and maintenance.
- 6-5.605 Certain privies: Permits required.
- 6-5.606 Cesspools: Permits required.
- 6-5.607 Sewer wells: Public nuisances.
- 6-5.608 Buildings: Connections to public sewers.

- 6-5.609 Buildings: Construction: Plans for sewage disposal.**
- 6-5.610 Buildings: Sewage disposal plans prerequisite to issuance of building permits.**
- 6-5.611 Buildings: Sewage disposal plans prerequisite to issuance of certificates of occupancy.**
- 6-5.612 Enforcement: Right of entry.**

**Article 7. Inspections: Enforcement: Violations**

- 6-5.701 Inspections: Right of entry.**
- 6-5.702 Enforcement.**
- 6-5.703 Violations.**

**Article 1. Definitions**

**Sec. 6-5.101. Scope.**

For the purposes of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined in this article. (Article I, Ord. 497)

**Sec. 6-5.102. B.O.D.**

"B.O.D." (denoting biochemical oxygen demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees centigrade, expressed in parts per million by weight. (§ 128, Ord. 497)

**Sec. 6-5.103. Cesspool.**

"Cesspool" shall mean a tank, box, or sump used for the receipt of crude sewage, and containing no provision for the nitrification, clarification, or disposal of the sewage, or which discharges such sewage upon the open ground. (§ 113, Ord. 497)

**Sec. 6-5.104. Control manhole.**

"Control manhole" shall mean a manhole in the building sewer line for the observation, sampling, and measurement of the wastes. (§ 122, Ord. 497)

**Sec. 6-5.105. District.**

"District" shall mean:

- (a) A sewer maintenance district under the control of the Board; or
- (b) A County service area within the County which area provides extended sewer service. (§ 101, Ord. 497, as amended by § 1, Ord. 604)

**Sec. 65.106. Engineer.**

"Engineer" shall mean the Director of Public Works of the County or his duly authorized representative acting as Engineer for the District. (§ 104, Ord. 497)

**Sec. 6-5.107. Engineering Division.**

"Engineering Division" shall mean the Department of Public Works of the County. (§ 105, Ord. 497)

**Sec. 6-5.108. Garbage.**

"Garbage" shall mean solid wastes from the preparation, cooking, and dispensing of food and from the handling, storage, and sale of produce. (§ 126, Ord. 497)

**Sec. 6-5.109. Garbage, properly shredded.**

"Properly shredded garbage" shall mean the wastes from the preparation, cooking, and dispensing of food, which wastes have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2") inch in any dimension. (§ 127, Ord. 497)

**Sec. 6-5.110. Health Officer.**

"Health Officer" shall mean the Public Health Director of the County. (§ 106, Ord. 497)

**Sec. 6-5.111. Industrial wastes.**

"Industrial wastes" shall mean liquid wastes from industrial processes, as distinct from sanitary sewage. (§ 125, Ord. 497)

**Sec. 6-5.112. Lot.**

"Lot" shall mean any piece or parcel of land bounded, defined, or shown upon the latest map, plat, or deed recorded in the office of the County Recorder; provided, however, where any building, or improvements appurtenant to such building, cover more area than a lot, as defined in this section, "lot" shall mean and include all such pieces or parcels of land on which such buildings or improvements are wholly or partly located. (§ 103, Ord. 497)

**Sec. 6-5.113. Natural outlet.**

"Natural outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface water or ground water. (§ 131, Ord. 497)

**Sec. 6-5.114. Outside user.**

"Outside user" shall mean any person responsible for the payment of sewer service fees for premises served outside the boundaries of a District. (§ 108, Ord. 497)

**Sec. 6-5.115. Paved surface.**

"Paved surface" shall mean any form of pavement used on any street in the County, whether such pavement is composed of concrete, asphalt, oil, gravel, crushed rock, or any combination of such materials. (§ 111, Ord. 497)

**Sec. 6-5.116. Permit.**

"Permit" shall mean any written authorization

required pursuant to the provisions of this chapter or any regulation of a District for the installation of any sewage works. (§ 109, Ord. 497)

**Sec. 6-5.117. Person.**

"Person" shall mean any individual, firm, company, association, society, organization, partnership, corporation, or group. (§ 107, Ord. 497)

**Sec. 6-5.118. pH.**

"pH" shall mean the logarithm of the reciprocal of the hydrogen ion concentration in grams per liter of solution. (§ 129, Ord. 497)

**Sec. 6-5.119. Septic tank system.**

"Septic tank system" shall mean a system of reservoirs or tanks which receive crude sewage and, by septic bacterial action, effect decomposition and settlement of settleable solids and diversion of the septic liquid for clarification and purification which take place by further bacterial action in percolation ducts extending into natural or prepared porous subsoil beds. (§ 112, Ord. 497)

**Sec. 6-5.120. Sewage.**

"Sewage" shall mean the liquid wastes from residences, business buildings, institutions, and industrial establishments, which wastes contain animal or vegetable matter in suspension. (§ 115, Ord. 497)

**Sec. 6-5.121. Sewage, sanitary.**

"Sanitary sewage" shall mean any waste discharging in a District sewage system, which waste contains human or animal excreta. (§ 116, Ord. 497)

**Sec. 6-5.122. Sewage treatment plant.**

"Sewage treatment plant" shall mean any arrangement of devices and structures used for treating sewage. (§ 124, Ord. 497)

**Sec. 6-5.123. Sewage works.**

"Sewage works" shall mean all facilities for collecting, pumping, treating, and disposing of sewage effluent. (§ 114, Ord. 497)

**Sec. 6-5.124. Sewer.**

"Sewer" shall mean a pipe or conduit for carrying sewage. (§ 117, Ord. 497)

**Sec. 6-5.125. Sewer, building.**

"Building sewer" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes from the building and conveys such discharge to the junction with the house connection sewer at the lot property line or sewer easement line. (§ 120, Ord. 497)

**Sec. 6-5.126. Sewer, house connection.**

"House connection sewer" shall mean the portion of a sewer located within a public street or public easement connecting a building sewer to the public sewer. (§ 119, Ord. 497)

**Sec. 6-5.127. Sewer, private.**

"Private sewer" shall mean a sewer serving an independent sewage disposal system not connected with a public sewer and which accommodates one or more buildings or industries. (§ 121, Ord. 497)

**Sec. 6-5.128. Sewer, public.**

"Public sewer" shall mean any sewer, other than a house connection sewer, which has been constructed in a street and is part of the public sewer system of the District. (§ 118, Ord. 497)

**Sec. 6-5.129. Storm drain.**

"Storm drain" shall mean a conduit which carries storm and surface waters and drainage but excludes sanitary sewage and polluted industrial wastes. (§ 123, Ord. 497)

**Sec. 6-5.130. Street.**

"Street" shall mean any public highway, road, street, avenue, alley, way, walk, easement, or right-of-way. (§ 110, Ord. 497)

**Sec. 6-5.131. Suspended solids.**

"Suspended solids" shall mean solids which either float on the surface of, or are in suspension in, water, sewage, or other liquids and which are removable by laboratory filtration expressed in parts per million by weight. (§ 130, Ord. 497)

**Sec. 6-5.132. Watercourse.**

"Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently. (§ 132, Ord. 497)

**Article 2. Public Sewers: Construction**

**Sec. 6-5.201. Permits: Required: Exception.**

(a) *Required.* In accordance with the provisions of Article 5 of this chapter, no person shall construct, extend, or connect to any public sewer or house connection sewer under the jurisdiction of the District without first obtaining a written permit from the Engineer, paying all fees and connection charges, and furnishing bonds as required in this chapter.

(b) *Exception.* The provisions of this section requiring permits shall not be construed to apply to contractors constructing sewers and appurtenances under contracts awarded and entered into by the County through the Department of Public Works. (§ 401, Ord. 497)

**Sec. 6-5.202. Permits: Applications: Plans, profiles, and specifications.**

Any sewer line which connects to a public sewer, other than a building sewer and house connection sewer, shall be classified as a public sewer line and shall be subject to the submittal of plans, profiles, and specifications as required. The application for a permit for public sewer construction shall be accompanied by complete plans, profiles, and specifications complying with all applicable laws, rules, and regulations of the District and the County. Such plans, profiles, and specifications shall be prepared by a registered civil engineer and show all details of the proposed work based on an accurate survey of ground. The application, together with the plans, profiles, and specifications, shall be examined by the Engineering Division which shall, within thirty (30) days, approve them as filed or require them to be modified as is deemed necessary for proper installation. After examination by the Engineering Division, the application, plans, profiles, and specifications shall be submitted to the Director of Public Works for his review and comments. When the Director of Public Works is satisfied that the proposed work is proper and the plans, profiles, and specifications are sufficient and correct, he shall sign each original tracing and shall order the issuance of a permit predicated upon the payment of all connection charges and fees and furnishing bonds as required by the Engineer. The permit shall prescribe such terms and conditions as the Director of Public Works finds necessary in the public interest. (§ 402, Ord. 497)

**Sec. 6-5.203. Compliance with laws and regulations.**

Any person constructing a sewer within a street shall comply with all State, County, and City laws, rules, and regulations pertaining to the cutting of pavement, the opening, barricading, lighting, and protecting of trenches, and the backfilling and repaving thereof and shall obtain all permits and pay all fees required by the department having jurisdiction prior to the issuance of a permit by the Director of Public Works. (§ 407, Ord. 497)

**Sec. 6-5.204. Performance of work by licensed contractors.**

Only properly licensed contractors shall be authorized to perform the work of public sewer construction within the District. All terms and conditions of the permit issued by the District to the applicant shall be binding on the contractor. (§ 405, Ord. 497)

**Sec. 6-5.205. Subdivision requirements.**

The provisions of Sections 6-5.201 and 6-5.202 of this article shall be fully complied with before any final subdivision map which includes

property within any District shall be approved by the County. The final subdivision map shall provide for the dedication for public use of streets, easements, or rights-of-way in which public sewer lines are to be constructed. If a final subdivision map of a tract is recorded and the work of constructing sewers to serve the tract is not completed within the time limit allowed on the permit, the Director of Public Works may extend the time limit or may complete the work and take appropriate steps to enforce the provisions of the bond furnished by the subdivider. (§ 403, Ord. 497)

**Sec. 6-5.206. Easements and rights-of-way.**

In the event an easement is required for the extension of the public sewer or the making of connections, the applicant shall procure and have accepted by the Engineering Division and the County the proper easement or grant of right-of-way sufficient in length to allow the laying and maintenance of such extension or connection. (§ 404, Ord. 497)

**Sec. 6-5.207. Grade and line stakes.**

Grade and line stakes shall be set by a registered civil engineer or land surveyor prior to the start of work on any public sewer construction. The contractor shall be responsible for accurately transferring grades to grade bars and sewer invert. (§ 406, Ord. 497)

**Sec. 6-5.208. Barriers, lights, and signs.**

The applicant shall maintain such barriers, lights, and signs as are necessary to give warning to the public at all times that a sewer is under construction and of each dangerous condition to be encountered as a result thereof. He shall likewise protect the public in the use of the sidewalk against any such conditions in connection with the construction of the sewer. (§ 408, Ord. 497)

**Sec. 6-5.209. Restoration of streets, sidewalks, and other property.**

Streets, sidewalks, parkways, and other property disturbed in the course of the sewer construction work shall be reinstalled in a manner satisfactory to the District and the County or any other person having jurisdiction thereover. (§408, Ord. 497)

**Sec. 6-5.210. Design and construction standards.**

The minimum standards for the design and construction of sewers within the District shall be in accordance with the Improvement Standards and Specifications of the County adopted by the Board, copies of which are on file in the office of the Department of Public Works. The Engineer

may permit modifications or may require higher standards where unusual conditions are encountered.

"As-built" tracings, showing the actual location of all mains, structures, Y's, and laterals, shall be filed as a permanent record with the Engineer before final acceptance of the work. (§ 409, Ord. 497)

**Sec. 6-5.211. Completion of work.**

Before the acceptance of any sewer line by the Engineer, and prior to the admission of any sewage into the system, the sewer line shall be tested and completed in full compliance with all the requirements of the Improvement Standards and Specifications of the County and to the satisfaction of the Director of Public Works. (§ 410, Ord. 497)

**Article 3. Public Sewers: Use**

**Sec. 6-5.301. Required.**

It shall be unlawful for any person to place, deposit, or permit to be deposited, in an insanitary manner upon public or private property within the District or in any area under the jurisdiction of the District, any human or animal excrement, garbage, or other objectionable wastes. (§ 201, Ord. 497)

**Sec. 6-5.302. Treatment facilities for certain waters and wastes.**

(a) *Required.* It shall be unlawful to discharge into any natural outlet within the District or in any area under the jurisdiction of the District any sanitary sewage, industrial wastes, or other polluted waters except where suitable treatment has been provided in accordance with the provisions of this article. The admission into the public sewers of any waters or wastes with the following qualities shall be subject to review and approval by the Engineer:

- (1) Having a five (5) day biochemical oxygen demand greater than 300 parts per million by weight;
- (2) Containing more than 350 parts per million by weight of suspended solids;
- (3) Containing any quantity of substances having the characteristics set forth in Section 6-5.305 of this article; or
- (4) Having an average daily flow greater than two (2%) percent of the average daily sewage flow of the system.

(b) *Construction.* Where necessary in the opinion of the Engineer, the owner shall provide, at his expense, such preliminary treatment as may be necessary to:

- (1) Reduce the biochemical oxygen demand to 300 parts per million and the suspended solids to 350 parts per million by weight;

(2) Reduce objectionable characteristics or constituents to within the maximum limits provided for in Section 6-5.305 of this article; or

(3) Control the quantities and rates of discharge of such waters or wastes.

Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Engineer, and no construction of such facilities shall be commenced until such approval is obtained in writing.

(c) *Maintenance.* Where preliminary treatment facilities are provided for any waters or wastes, such facilities shall be maintained continuously in satisfactory and effective operation by the owner at his expense. (§§ 202, 505, and 507, Ord. 497)

**Sec. 6-5.303. Connection of toilet facilities.**

The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the District and abutting on any street, alley, or right-of-way in which there is located a public sanitary or combined sewer of the District, is hereby required at his expense to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter within ninety (90) days after the date of official notice to do so by the Health Department provided such public sewer is within 200 feet of the property line. (§ 203, Ord. 497)

**Sec. 6-5.304. Connection of septic tanks and cesspools.**

No person shall connect any septic tank, cesspool, or the drains therefrom to any building sewer, service sewer, lateral, or other sanitary sewer. (§ 501, Ord. 497)

**Sec. 6-5.305. Discharging certain waters and wastes.**

Except as otherwise provided in this article, no person shall discharge, or cause to be discharged, any of the following waters or wastes to any public sewer:

- (a) Any liquid or vapor having a temperature higher than 100 degrees Fahrenheit;
- (b) Any water or waste which may contain more than 200 parts per million, by weight, of fat, oil, or grease;
- (c) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas;
- (d) Any garbage which has not been properly shredded and contains any particle greater than one-half (1/2") inch in any dimension;
- (e) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or any other solid or viscous substance capable of causing

obstruction to the flow in sewers or other interference with the proper operation of the sewage works;

(f) Any waters or wastes having a pH lower than five and five-tenths (5.5) or higher than nine and five-tenths (9.5), or having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the sewage works;

(g) Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plant;

(h) Any waters containing radioactive wastes of sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plant;

(i) Any waters containing synthetic detergents in sufficient quantity to injure or interfere with any sewage treatment process or create problems in the receiving waters of the sewage treatment plant;

(j) Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant;

(k) Any noxious or malodorous gas or substance capable of creating a public nuisance; and

(l) Industrial wastes, waters, or liquids which are odorless, stable, and free from deleterious chemicals shall, where practicable, be discharged into storm drains or storm water channels. For the purposes of this subsection, any industrial wastes, waters, or liquids containing sufficient oxygen to prevent putrefaction when incubated for a period of five (5) days at a temperature of twenty-five (25) degrees centigrade shall be deemed stable. (§ 502, Ord. 497)

**Sec. 6-5.306. Interceptors.**

(a) *Required.* Grease, oil, and sand interceptors shall be provided when, in the opinion of the Engineer, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand, or other harmful ingredients; provided, however, such interceptors shall not be required for private living quarters or dwelling units.

(b) *Type, capacity, and location.* All interceptors shall be of a type and capacity approved by the Engineer and shall be located so as to be readily and easily accessible for cleaning and inspection.

(c) *Construction.* Grease and oil interceptors shall be constructed of impervious materials

capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight.

(d) *Maintenance.* Where installed, all grease, oil, and sand interceptors shall be maintained by the owner at his expense in continuously efficient operation at all times. (§§ 503 and 504, Ord. 497)

**Sec. 6-5.307. Manholes.**

When required by the Engineer, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole cover, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the Engineer. The manhole shall be installed and maintained by the owner at his expense. (§ 508, Ord. 497)

**Sec. 6-5.308. Flow recording devices.**

When required by the Engineer, the owner of any property served by a building sewer carrying industrial wastes with a volume greater than two (2%) percent of the system flow shall install and maintain an approved flow recording device for continuous measurement of the volume of waste discharged to the public sewer. The flow measuring station and the records obtained therefrom shall be accessible at all times to the Engineer. Copies of the flow measurements shall be furnished the Engineer. (§ 509, Ord. 497)

**Sec. 6-5.309. Measurements, tests, and analyses of waters and wastes.**

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with "Standard Methods for the Examination of Water and Sewage", published by the American Public Health Association, and shall be determined at the control manhole provided for in Section 6-5.307 of this article or upon suitable samples taken at such control manhole. In the event no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the house connection sewer is connected. (§ 510, Ord. 497)

**Sec. 6-5.310. Agreements to discharge certain industrial wastes.**

The provisions of this chapter shall not be construed as preventing any special agreement or arrangement between a District and any industrial concern whereby an industrial waste of unusual strength or character may be accepted

by the district for treatment, subject to payment therefor by the industrial concern. (§ 511, Ord. 497)

**Sec. 6-5.311. Outside users.**

Outside users may be permitted to connect to a District's sewer only when the Engineer finds that such connection will not be adverse to the District's interests and that sufficient capacity is available in the sewage works. Rules and regulations of the district shall be applicable to outside users, and service charges, as established by the District for outside users, shall be applicable. In the event it shall develop, by reason of increased flow, changes in the character of discharge, or changes of any cause whatsoever, that the flow becomes adverse to the District's interests or that capacity in the sewage works is no longer available for outside users, such users may be disconnected ninety (90) days after notice is given in writing that service is to be terminated. (§ 512, Ord. 497)

**Sec. 6-5.312. Charges.**

A sewer service charge, if adopted by a District, shall be applicable to wastes permitted to be discharged to the public sewer system. (§ 506, Ord. 497)

**Article 4. Building and House Connection Sewers**

**Sec. 6-5.401. Permits required.**

(a) *Connection and use.* No unauthorized person shall uncover, make any connection with or opening into, use, alter, or disturb any public sewer, house connection sewer, or appurtenance thereof without first obtaining a written permit from the Engineer.

(b) *Construction and excavations.* No public sewer or house connection sewer shall be constructed or any excavation made within the right-of-way of any street within the District until after a permit has been issued therefor by the Engineer as provided in this chapter. (§§ 301 and 302, Ord. 497)

**Sec. 6-5.402. Inspection of works.**

The Engineer shall act as Sewer Inspector. The duties of the Sewer Inspector shall include, but not be limited to:

- (a) Supervising any and all connections to District sewer lines lying within street limits;
- (b) Inspecting all trenches for alignment and grade and approving such trenches for pipe laying;
- (c) Inspecting pipe laying and jointing;
- (d) Inspecting backfill, pavement replacement, and completion of work; and
- (e) Issuing an acceptance of work completed satisfactorily. (§ 303, Ord. 497)

**Sec. 6-5.403. Costs of work.**

All costs and expenses incident to the installation and connection of a house connection sewer and building sewer shall be borne by the owner. The owner shall indemnify the District from any loss or damage which may directly or indirectly be occasioned by the installation of the building sewer. (§ 304, Ord. 497)

**Sec. 6-5.404. Responsibility for work.**

All persons performing work pursuant to the provisions of this chapter shall be responsible for any and all acts of their agents or employees in connection with such work. Upon being notified in writing by the Engineer of any defect arising therefrom in any sewer or the violation of the provisions of this chapter, the person responsible for such work shall immediately correct such defect or violation. (§ 305, Ord. 497)

**Sec. 6-5.405. Maintenance.**

House connection sewers and building sewers shall be maintained by the owner of the property served thereby. (§ 307, Ord. 497)

**Sec. 6-5.406. Artificial lifting of sanitary sewage.**

In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer. Where installed, such installations shall be maintained by the owner at his expense and installed on his property. (§ 308, Ord. 497)

**Sec. 6-5.407. Structural openings: Fees.**

Whenever the Engineer finds that it is necessary for any person to construct a connection to any sewer of eighteen (18") inches in diameter, or smaller, where no Y or T spur branch or other structural opening exists, the contractor or person doing the work shall excavate to the sewer at the point where the connection is being made, and the sewer maintenance forces of the District shall then cut the required hole in the sewer top and install a saddle furnished by the District for the connection. The additional fee for tapping the sewer and furnishing and installing the saddle shall be Twenty-Five and no/100ths (\$25.00) Dollars. Sewers over eighteen (18") inches in diameter, where a saddle is required to be installed, shall be handled on an individual basis in the same manner at the actual cost of making the connection. (§ 309, Ord. 497)

**Sec. 6-5.408. Separate sewers.**

A separate and independent house connection sewer shall be provided for every building unless one building stands at the rear of another on the same lot and is under the same ownership and no private sewer is available or

can be constructed to the rear building through an adjoining alley, court, yard, or driveway. In such event, the matter shall be reviewed on an individual basis, whereby a building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. (§ 306, Ord. 497)

**Article 5. Permits, Fees, Deposits, and Insurance**

**Sec. 6-5.501. Permits: Required: Exception.**

(a) *Required.* No unauthorized person shall uncover, make any connection with or opening into, use, alter, or disturb any public sewer or appurtenance or perform any work on any house connection without first obtaining a written permit from the Engineer.

(b) *Exception.* No permit shall be required for routine clean-out work on house connection sewers where no opening is required. (§ 601, Ord. 497)

**Sec. 6-5.502. Permits: Applications: Form.**

Any person lawfully entitled to apply for and receive a permit shall make such application on forms provided by the Engineer for such purpose. The applicant shall give a description of the character of the work proposed to be done and the location, ownership, occupancy, and use of the premises in connection therewith. The Engineer may require plans, specifications, or drawings and such other information as he may deem necessary. (§ 602, Ord. 497)

**Sec. 6-5.503. Permits: Applications: Significance of signatures.**

The applicant's signature on an application for any permit shall constitute an agreement to comply with all of the provisions, terms, and requirements of this chapter and other applicable laws, with the rules and regulations of the District, and with the plans and specifications he has filed with his application, if any, together with such corrections or modifications as may be made or permitted by the District, if any. Such agreement shall be binding upon the applicant and may be altered only by the District upon written request for the alteration from the applicant. (§ 604, Ord. 497)

**Sec. 6-5.504. Permits: Issuance.**

If the Engineer determines that the plans, specifications, drawings, descriptions, and information furnished by the applicant is in compliance with the provisions of this chapter and the rules and regulations of the District, the Engineer shall issue the permit applied for upon the payment of the fees set forth in this article. (§ 602, Ord. 497)

**Sec. 6-5.505. Permits: Compliance.**

After the approval of the application, evidenced by the issuance of a permit, no change shall be made in the location of the sewer or the grade, materials, or other details from those described in the permit or as shown on the plans and specifications for which the permit was issued except with the written permission of the District, the Engineer, or other authorized representative. (§ 603, Ord. 497)

**Sec. 6-5.506. Permits: Posting: Exhibition.**

At all times while the work under any permit issued pursuant to the provisions of this chapter is in progress, the original of such permit shall be kept at the place of work and shall, on demand, be exhibited to the Engineer. (§ 601, Ord. 497)

**Sec. 6-5.507. Performance of work by permittees only.**

No person, other than the permittee, shall perform any work under a permit issued pursuant to the provisions of this chapter. (§ 602, Ord. 497)

**Sec. 6-5.508. Fees and charges.**

(a) *House connection permits and inspections.* A fee in the amount of Ten and no/100ths (\$10.00) Dollars shall be paid to the District for issuing a permit and inspecting each house connection sewer installation.

(b) *Alteration of existing sewer installations.* A fee in the amount of Ten and no/100ths (\$10.00) Dollars shall be paid to the District for issuing a permit for any work adding to, altering, or extending an existing public sewer installation. In addition, a plan-checking and construction inspection fee in the amount of two (2¢) cents per lineal foot per inch of pipe diameter shall be paid.

(c) *Hookup charges for partially assessed and unassessed areas.* The owners of lands within the boundaries of a District, which lands have been partially assessed or not assessed at all, shall comply with the provisions of subsections (a) and (b) of this section and, in addition, shall pay to the District a hookup charge which shall be determined on the basis of area and upon fees established by resolution for each District within the County.

(d) *Outside users.* Outside users shall comply with the provisions of this section and of this chapter but shall be considered on an individual basis by the Department of Public Works. (§§ 605, 606, and 608, Ord. 497)

**Sec. 6-5.509. Fees and charges: Deposit.**

All fees and charges collected pursuant to the provisions of this chapter shall be deposited with the Treasurer-Tax Collector to the credit of the District within which the work is done. (§ 607, Ord. 497)

**Sec. 6-5.510. Cash deposits: Bonds.**

(a) *Cash deposits.* Before any permit is issued pursuant to the provisions of this chapter, a cash deposit or surety bond shall be on file with the County. The cash deposit shall be in a sum of not less than Five Hundred and no/100ths (\$500.00) Dollars, or 100 percent of the estimated cost of the work, whichever is greater. Such deposit shall remain with the County for not less than six (6) months from the date of the last permit issued to the depositor thereof. Such deposit shall be held to insure the faithful performance of the work, and the County is hereby empowered to deduct from such cash deposit all sums due for any and all damages occurring to the County by reason of faulty or defective work of the permittee.

(b) *Bonds.* At the option of the permittee, a good and sufficient bond in any amount equal to the amount of such cash deposit may be executed by the applicant to the satisfaction of the Director of Public Works, payable to the County by a reliable surety company. Such bond shall be conditioned upon the faithful and proper performance of the work upon the same terms as the terms required by such cash deposit in lieu of which such bond is executed. The County is hereby empowered to enforce collections under the bond for all sums due for charges pursuant to the provisions of this chapter and for any and all damages occurring to the County by reason of faulty or defective work by the permittee.

(c) *Exception.* The requirements of this section may be waived by the Engineer for house connection sewer permits where the lateral exists and no opening in the street surface is necessary. (§§ 609, and 611, Ord. 497)

**Sec. 6-5.511. Liability insurance.**

(a) *Required.* A permit, as provided for in this chapter, shall not be issued until the applicant has filed with the Engineer, in duplicate, a policy or certificate of protective liability insurance in which the County has been named or co-insured with the permittee. The policy of insurance shall insure the County and its departments, officers, and employees, while acting within the scope of their duties, against all claims arising out of, or in connection with, the operations of the permittee or any contractor or subcontractor of the permittee pursuant to the permit.

(b) *Amounts.* The policy of insurance shall provide coverage in the following amounts:

(1) For bodily injury, One Hundred Thousand and no/100ths (\$100,000.00) Dollars for each person;

(2) For each accident, Three Hundred Thousand and no/100ths (\$300,000.00) Dollars; and

(3) For property damage, Fifty Thousand and no/100ths (\$50,000.00) Dollars for each accident.

(c) *Coverage.* Such policy of insurance shall provide coverage at least as broad as that provided in the Standard Form approved by the National Bureau of Casualty Underwriters, together with such endorsements as are required to cover the risks involved.

(d) *Exception.* The requirements of this section may be waived by the Engineer for house connection sewer permits where the lateral exists and no opening in the street surface is necessary. (§§ 610 and 611, Ord. 497)

**Article 6. Private Sewage Disposal**

**Sec. 6-5.601. Scope.**

The provisions of this article shall apply to all the unincorporated territory within the County. (§ 1, Ord. 197)

**Sec. 6-5.602. Facilities: Required.**

It shall be unlawful for any person to maintain or use any residence, place of business, or other building or place where persons reside, congregate, or are employed which is not provided with means for the disposal of human excreta, either by a flush toilet connected with a sewerage system approved by the Public Health Director or, when it is judged advisable by the Public Health Director, a privy which meets the construction and maintenance requirements set forth in Section 6-5.604 of this article. (§ 2, Ord. 197)

**Sec. 6-5.603. Facilities: Overflow and seepage: Special permits.**

It shall be unlawful for any person to construct or maintain any privy, cesspool, septic tank, sewage treatment works, sewer pipes or conduits, or other pipes or conduits for the treatment or discharge of sewage, impure waters, or any matter or substance offensive, injurious, or dangerous to the public health whereby such sewage facilities shall do any of the following:

(a) Overflow any lands whatever; or

(b) Empty, flow, seep, or drain into, or affect any spring, stream, river, lake, or other waters within the County; provided, however, if, with respect to existing septic tanks, sewage treatment works, sewer pipes or conduits, or other pipes or conduits for the treatment or discharge of sewage or impure waters, it would be exceptionally difficult, if not impossible, to comply with the provisions of this section, the Public Health Director shall have the power, by special permit, to allow such variations from the provisions of this section as will prevent unnecessary hardship or injustice and at the same time most nearly accomplish the general purposes and intent of such provisions. (§ 4, Ord. 197)

**Sec. 6-5.604. Facilities: Construction and maintenance.**

Every residence, place of business, or other building or place where persons congregate, reside, or are employed which does not abut a street or alley in which there is an approved sanitary sewer or which is not within 200 feet of an approved public sanitary sewer shall be provided, by the owner, agent, or occupant of the property, with a private water flush toilet or, if, in the opinion of the Public Health Director, conditions permit, a privy. Such water flush toilet system or privy shall be built, rebuilt, or constructed and maintained in such manner as to meet the following construction and maintenance requirements:

(a) *Private sewage disposal systems.* At any residence, place of business, or other building where there is installed a water flush system of excreta disposal which is not connected to a public sewer system, and where the customary users do not exceed fifteen (15) in number, there shall also be established or installed a private sewage disposal plant, the plans and construction of which shall be approved by the Public Health Director. Such disposal plant shall consist of a septic tank and a system of underground drains for the disposal of the tank effluent. Such tank and drains shall be so constructed as to meet the following construction and maintenance requirements:

(1) *Septic tanks: Compartments and location.* Septic tanks shall be of two (2) compartment construction. The first compartment shall be twice the capacity of the second. Such tank shall be of a type, constructed, and located in accordance with the recommendations of the Department of Public Health of the State and the Public Health Director. If it is necessary to install the tank above the ground surface, it shall be made airtight and odortight.

(2) *Septic tanks: Size.* The minimum capacity of the septic tank shall be as follows:

- (i) 700 gallons to serve up to seven (7) persons or a three (3) bedroom house;
- (ii) 850 gallons to serve up to nine (9) persons or a four (4) bedroom house; and
- (iii) 1,100 gallons to serve up to twelve (12) persons or a six (6) bedroom house.

(3) *Septic tanks: Materials.* Septic tanks shall be constructed of concrete, metal, irrigation heart grade redwood, or some other material of equal durable and waterproof qualities approved by the Public Health Director.

(4) *Drains.* The effluent from septic tanks shall discharge into an approved absorption field. The construction shall be such that the sewage shall at no time flow over the top of the ground. The absorption field shall be laid at a grade of not more than one inch in 100 feet. The effluent lines shall be laid in a trench at least eighteen (18") inches wide which has a layer of loose rock on

the bottom at least twelve (12") inches deep. The minimum length of the effluent leaching lines shall be 100 feet to serve up to seven (7) persons or a three (3) bedroom house, and an additional fifteen (15') feet for each person over seven (7) served. Additional length of the effluent line may be required by the Public Health Director if unusual conditions are encountered. In any case where the topography or area of any lot, piece, or parcel of land, upon which a septic tank is erected, maintained, constructed, or is proposed to be erected, maintained, or constructed, is such that the minimum requirements for the length of effluent leaching lines cannot be complied with, the Public Health Director may grant a special permit for the erection, construction, or maintenance of shorter effluent leaching lines or other means of effluent disposal if, in his judgment, such other means or shorter effluent lines are sufficient to provide for the efficient disposal of the effluent without endangering the public health or safety.

(b) *Pit privies.* It shall be unlawful to use a pit privy for the disposal of human excreta without a permit from the Public Health Director. When, in the opinion of the Public Health Director, the conditions permit the disposal of human excreta by means of a pit privy, such privy, if established or installed, shall be so constructed, built, or rebuilt and maintained as to meet the following requirements:

(1) *Location.* Privies shall be placed at a distance approved by the Public Health Director from all wells, streams, and dwellings.

(2) *Vaults and pits.* The excreta deposited in privies shall not fall upon the surface of the ground but shall enter into a vault or pit in the ground or a compartment built for such purpose.

(3) *Flyproofing.* Vaults and buildings thereon shall be made as nearly flyproof as possible.

(4) *Sanitation.* All privy buildings shall be kept in a clean and sanitary condition at all times. (§ 5, Ord. 197)

**Sec. 6-5.605. Certain privies: Permits required.**

Chemical, septic, concrete vault, and other privies not otherwise provided for in this article shall be used only with the special permission of the Public Health Director. (§ 5, Ord. 197)

**Sec. 6-5.606. Cesspools: Permits required.**

It shall be unlawful to use a cesspool for the disposal of human excreta without a permit from the Public Health Director so to do. (§ 5, Ord. 197)

**Sec. 6-5.607. Sewer wells: Public nuisances.**

All sewer wells are hereby declared to be a public nuisance. It shall be unlawful to drill, construct, maintain, or operate a sewer well, and

such an offense shall constitute a misdemeanor. (§ 5, Ord. 197)

**Sec. 6-5.608. Buildings: Connections to public sewers.**

Every building where persons reside, congregate, or are employed, which building abuts a street or alley in which there is an approved public sanitary sewer, or which is within 200 feet of an approved public sanitary sewer, provided a right-of-way can be obtained, and if possible grade is present, shall be connected to such sewer by the owner or agent of the premises in the most direct manner possible, with separate connections for each home or building. (§ 3, Ord. 197)

**Sec. 6-5.609 Buildings: Construction: Plans for sewage disposal.**

It shall be unlawful for any person to construct, build, or rebuild any residence, place of business, or other building or place where persons congregate, reside, or are employed which is not to be connected to an approved public sanitary sewer without first submitting plans of the means of human excreta disposal to the Public Health Director. Such plans shall include the plot plan of the premises with sufficient elevations, the size and type of septic tank, and a plan of the absorption field, giving all dimensions and other pertinent information. (§ 6, Ord. 197)

**Sec. 6-5.610. Buildings: Sewage disposal plans prerequisite to issuance of building permits.**

No building permit shall be issued for any building which is not to be connected to an approved public sanitary sewer without the written approval of the Public Health Director of the plan of the means of human excreta disposal for such building. (§ 7, Ord. 197)

**Sec. 6-5.611. Buildings: Sewage disposal plans prerequisite to issuance of certificates of occupancy.**

No certificate of occupancy shall be issued for any building which is not to be connected to an approved public sanitary sewer without the written approval of the Public Health Director of the plan of the means of human excreta disposal for such building. (§ 8, Ord. 197)

**Sec. 6-5.612 Enforcement: Right of entry.**

It shall be the duty of the Public Health Director to enforce the provisions of this article, and, in the performance of such duty, the Public Health Director or his duly authorized agent is hereby authorized to enter at any reasonable hour any premises as may be necessary in the enforcement of such provisions. (§ 9, Ord. 197)

**Article 7. Inspections: Enforcement: Violations**

**Sec. 6-5.701. Inspections: Right of entry.**

The Engineer may make such inspections or investigations as he deems necessary at any reasonable time in any building or on any premises or lot for any of the following purposes:

(a) To determine the size, depth, and location of any sewer connection;

(b) To determine the outlet of any sewer connection by depositing testing materials in any plumbing fixture attached thereto and flushing the same, if necessary;

(c) To determine by measurements and samples the quantity and nature of sewage or waste water being discharged into any sewer, storm drain, or watercourse;

(d) To inspect, test, or sample the discharge of any device used to prevent the discharge into any sewer, storm drain, or watercourse of unlawful wastes or unlawful quantities of waste, such as floor drains, sand boxes, grease traps, or other clarifiers, and of devices used to grind, shred, pulverize, or otherwise treat garbage or industrial waste before discharging the same into a sewer or storm drain;

(e) To determine the location of roof, swimming pool, and surface drains and whether they are connected to a street gutter, storm drain, or sewer; and

(f) To determine the nature and quantity of flow in any open watercourse or storm drain.

No person shall interfere with, prevent, or refuse to permit the entry of the Engineer into any building or upon any premises or lot for any of the purposes set forth in this section. (§ 804, Ord. 497)

**Sec. 6-5.702. Enforcement.**

Except as otherwise provided in Article 6 of this chapter, the Engineer is hereby charged with the enforcement of the provisions of this chapter and with the coordination of all District and County officials and departments in order to achieve the purposes of such provisions. (§ 803, Ord. 497)

**Sec. 6-5.703. Violations.**

(a) *Willful damage.* No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating the provisions of this subsection shall be subject to immediate arrest under a charge of disorderly conduct.

(b) *Penalties.* Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not exceeding Two

Hundred Fifty and no/100ths (\$250.00) Dollars, or by imprisonment in the County Jail for not to exceed ninety (90) days, or by both such fine and imprisonment.

(c) *Notices: Abatement of hazards.* Any person found to be violating any of the provisions of this chapter, except subsection (a) of this section, shall be served with a written notice by the Engineer stating the nature of the violation and requiring a time limit for the satisfactory correction thereof. Any person who shall continue any such violation in excess of sixty (60) days shall be guilty of a misdemeanor as provided in subsection (b) of this section; provided, however, if the Engineer determines that the violation results in a public hazard or menace to the public health or safety, he may enter upon the premises without notice and do everything necessary to abate such hazard or menace to the public health or safety. The actual cost incurred by the Engineer in taking such abatement action shall be a legal charge against the violator. (§§ 701, 801, and 802, Ord. 497)

## Chapter 6

### HOUSING CODE\*

#### Sections:

- 6-6.01 **Adoption of the 1985 Edition of the Uniform Housing Code.**
- 6-6.02 **Purpose.**
- 6-6.03 **Housing Code Advisory and Appeals Board: Created.**
- 6-6.04 **Housing Code: Advisory and Appeals Board: Membership.**
- 6-6.05 **Housing Code Advisory and Appeals Board: Membership: Terms: Composition.**
- 6-6.06 **Housing Code Advisory and Appeals Board: Compensation.**
- 6-6.07 **Housing Code Advisory and Appeals Board: Rules.**
- 6-6.08 **Housing Code Advisory and Appeals Board: Organization.**
- 6-6.09 **Housing Code Advisory and Appeals Board: Duties.**
- 6-6.10 **Amendments: Section 301: Building Permits.**
- 6-6.11 **Amendments: Section 304: Voluntary Inspections.**
- 6-6.12 **Amendments: Section 402: Further Definitions.**
- 6-6.13 **Amendments: Section 1101: Notices and Orders.**
- 6-6.14 **Amendments: Section 1306: Appeals from Board to Board of Supervisors.**
- 6-6.15 **Amendments: Section 1307: Limitations on time for Action.**
- 6-6.16 **Amendments: Section 204: Violations and Penalties.**
- 6-6.17 **Deletions: Section 203.**

\* Chapter 6 entitled "Tent Camps and House Courts", consisting of Sections 6-6.01 through 6-6.24, codified from Ordinance No. 163, repealed by Ordinance No. 718, effective April 23, 1975.

#### **Sec. 6-6.01. Adoption of the 1985 Edition of the Uniform Housing Code.**

(a) There is hereby adopted the 1985 Edition of the Uniform Housing Code by reference thereto. Said Code is published by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California. Said Code shall be known as the Housing Code for the County.

(b) Said Uniform Housing Code is hereby adopted in its entirety, except for such portions as are deleted, modified, amended, and added by the provisions of this chapter.

(c) Three (3) copies of said Uniform Housing

Code are on file in the office of the Clerk of the Board, and additional copies are available to the public through the office of the Building Official, at cost. (§ 2, Ord. 718, eff. April 23, 1975, as amended by § 1, Ord. 819, eff. February 8, 1979, § 1, Ord. 1003, eff. March 28, 1985, and § 1, Ord. 1050, eff. March 26, 1987)

#### **Sec. 6-6.02. Purpose.**

The purpose of adopting said Uniform Housing Code by reference is to provide minimum requirements for the protection of the life, limb, health, property, safety, and welfare of the general public and the owners and occupants of residential dwellings in the unincorporated portions of the County. The further purpose is to designate the officers of the County charged with the responsibilities for the enforcement of said Code and to establish a local Housing Code Advisory, and Appeals Board to hear appeals and perform other duties more particularly set forth in this chapter. (§ 2, Ord. 718, eff. April 23, 1975, as amended by § 2, Ord. 819, eff. February 8, 1979)

#### **Sec. 6-6.03. Housing Code Advisory and Appeals Board: Created.**

There is hereby created the Housing Code Advisory and Appeals Board, referred to in this chapter as the "Board". (§ 2, Ord. 718, eff. April 23, 1975)

#### **Sec. 6-6.04. Housing Code Advisory and Appeals Board: Membership.**

The Board shall be composed of nine (9) members who are not employees of the County. The Building Official shall serve as the secretary to the Board. (§ 2, Ord. 718, eff. April 23, 1975)

#### **Sec. 6-6.05. Housing Code Advisory and Appeals Board: Membership: Terms: Composition.**

The composition of the Board shall be one person skilled in the building trades, one person skilled in fire prevention and control, one person who is a registered architect or engineer whose professional work is connected with the building and construction trades, one person who is an active licensed real estate salesman or broker, and five (5) members of the general public, one appointed from each supervisorial district of the County.

The members of the Board shall be appointed by the Board of Supervisors. The terms of office shall be three (3) years, except for the initial appointees. The terms of office of the initial appointees shall be as follows:

(a) The person skilled in the building trades and two (2) of the public members selected by lot shall serve for one year.

(b) The real estate salesman or broker and two (2) of the public members selected by lot shall serve for two (2) years.

(c) The architect or engineer, the person skilled in fire prevention and control, and one of the public members selected by lot shall serve for three (3) years.

After the initial appointments, in the event of a vacancy in office by reason of the expiration of a term or the termination of the term of office of a member with the technical skills of a real estate broker, architect or engineer, or person skilled in fire prevention or control, such office shall be filled by the appointment of a person of like technical skills.

In the event of a vacancy in office caused by the expiration of a term or the termination of the term of office of a public member, such office shall be filled by the appointment of a member of the public from the same supervisorial district of the County.

Appointments to the Board to fill vacancies which occur prior to the expiration of the term of office shall be for the unexpired term only.

At the first meeting of the Board after March 24, 1975, lots shall be cast; two (2) lots with the number "1" which shall signify the first term of office as one year; two (2) lots with the number "2" which shall signify the first term of office as two (2) years; and one lot with the number "3" which shall signify the first term of office as being three (3) years. All subsequent terms of office shall be for three (3) years. (§ 2, Ord. 718, eff. April 23, 1975)

**Sec. 6-6.06 Housing Code Advisory and Appeals Board: Compensation.**

Each member of the Board shall receive transportation compensation at regular County rates for travel within the scope of his duties.

Each member of the Board shall receive compensation at the rate of Twenty-Five and no/100ths (\$25.00) Dollars for each meeting of the Board actually attended provided, however, after July 1, 1975, no member of the Board shall receive compensation for more than two (2) meetings per calendar month actually attended. (§ 2, Ord. 718, eff. April 23, 1975)

**Sec. 6-6.07. Housing Code Advisory and Appeals Board: Rules.**

The Board may adopt reasonable rules and regulations for conducting business and shall render all decisions and findings in writing. Appeals to the Board shall be processed in accordance with the provisions set forth in Chapters 12 and 13 of said Uniform Housing Code. Copies of all rules or regulations adopted by the Board shall be delivered to the Building Official who shall make them accessible to the public for a nominal charge. (§ 2, Ord. 718, eff. April 23, 1975)

**Sec. 6-6.08. Housing Code Advisory and Appeals Board: Organization.**

The members of the Board shall elect a chairman and a vice-chairman to serve terms of one year from January 1 to December 31 of each year. The chairman shall be authorized to appoint subcommittees as necessary for the efficient administration of the duties of the board. (§ 2, Ord. 718, eff. April 23, 1975)

**Sec. 6-6.09. Housing Code Advisory and Appeals Board: Duties.**

The duties of the Board shall be as follows:

(a) To hear appeals as provided for in this chapter;

(b) To propose new ordinances or amendments to said Uniform Housing Code to the Board of Supervisors;

(c) With the advice of the Building Official, to promulgate written rules and regulations pertaining to the enforcement and implementation of said Uniform Housing Code. Such rules and regulations shall become effective when ratified, approved, and adopted by the Board of Supervisors; and

(d) To advise the Board of Supervisors in the interpretation of the provisions of said Uniform Housing Code. (§ 2, Ord. 718, eff. April 23, 1975)

**Sec. 6-6.10. Amendments: Section 301: Building Permits.**

Section 301 of said Uniform Housing Code is amended to read as follows:

*Sec. 301. Building Permits.* Whenever a building is substandard, no person, firm, or corporation shall commence or undertake any work upon such building, such as erection, construction, enlargement, alteration, repair, removal, improvement, conversion, or demolition, without first obtaining a separate building permit for such work from the Building Official in the manner and according to the applicable conditions prescribed in Chapter 3 of the Uniform Building Code and upon the payment of fees as set forth therein. (§ 2, Ord. 718, eff. April 23, 1975)

**Sec. 6-6.11. Amendments: Section 304: Voluntary Inspections.**

Section 304 is added to said Uniform Housing Code to read as follows:

*Sec. 304. Voluntary Inspections.* The Building Official shall inspect buildings and structures used as places of human habitation to determine the conditions thereof upon the request of the owner of such premises, or the mortgagee or beneficiary of a deed of trust upon such premises, and shall charge for the same at the rate of Twenty and no/100ths (\$20.00) Dollars per hour of time spent, or fraction thereof. (§ 2, Ord. 718, eff. April 23, 1975)

**Sec. 6-6.12. Amendments: Section 402:  
Further Definitions.**

Section 402 is added to said Uniform Housing Code to read as follows:

*Sec. 402. Further Definitions.*

(a) *“Place of human habitation”* shall mean any structure, shelter, or building used or designed for human habitation and shall include all fences and appurtenances attached thereto and all buildings on the same property that are supplemental of such habitation.

(b) *“Building Official”*. Wherever the term “Building Official” is used in this Code, it shall mean the Director of Public Health or his or her designee.

(c) *“Apartment complex”* shall mean any series of buildings, or portions thereof, designed, built, rented, leased, let, or hired out to be occupied as the homes or residences of three (3) or more families living independently of each other and doing their own cooking in such building or buildings, and shall include flats and apartments.

(d) *“Board”*. Wherever the term “Board” is used in this Code, it shall mean and refer to the Housing Code Advisory and Appeals Board of the County of Yolo.

(e) *“City Council”*. Wherever the term or expression “City Council” is used in this Code, it shall mean the Board of Supervisors of the County of Yolo.

(f) *“City”*. Wherever the term “City” is used in this Code, it shall be deemed to mean “County”.

(g) *“City Attorney”*. Wherever the term or expression “City Attorney” is used in this Code, it shall mean the County Counsel of the County of Yolo.

(h) *“Enforcement Agency”*. The term “enforcement agency”, as used in this Code, shall be defined to refer to the Department of Public Health of the County of Yolo. (§ 2, Ord. 718, eff. April 23, 1975, as amended by § 2, Ord. 1003, eff. March 28, 1985)

**Sec. 6-6.13. Amendments: Section 1101:  
Notices and Orders.**

Section 1101 of said Uniform Housing Code is amended to read as follows:

*Sec. 1101. Notices and Orders.*

(a) *Commencement of Proceedings*. Whenever the Building Official has inspected or caused to be inspected any building and has found and determined that such building is a substandard building, he shall commence proceedings to cause the repair, rehabilitation, vacation, or demolition of the building.

(b) *Notice and Order*. The Building Official shall issue a notice and order directed to the record owner of the building. The notice and order shall contain:

1. The street address and a legal description sufficient for the identification of the premises upon which the building is located;

2. A statement that the Building Official has found the building to be substandard with a brief and concise description of the conditions found to render the building dangerous under the provisions of Section 202 of this Code;

3. A statement of the action required to be taken as determined by the Building Official.

(i) If the Building Official has determined that the building or structure must be repaired, the order shall require that all required permits be secured therefor and the work physically commenced within such time (not to exceed sixty (60) days from the date of the order) and completed within such time as the Building Official shall determine is reasonable under all of the circumstances.

(ii) If the Building Official has determined that the building or structure must be vacated, the order shall require that the building or structure shall be vacated within a certain time from the date of the order as determined by the Building Official to be reasonable.

(iii) If the Building Official has determined that the building or structure must be demolished, the order shall require that the building be vacated within such time as the Building Official shall determine reasonable (not to exceed sixty (60) days from the date of the order); that all required permits be secured therefor within sixty (60) days from the date of the order; and that the demolition be completed within such time as the Building Official shall determine is reasonable;

4. Statements advising that if any required repair or demolition work (without vacation also being required) is not commenced within the time specified, the Building Official (i) will order the building vacated and posted to prevent further occupancy until the work is completed, and (ii) may proceed to cause the work to be done and charge the costs thereof against the property or its owner; and

5. Statements advising (i) that any person having any record title or legal interest in the building may appeal from the notice and order or any action of the Building Official to the Housing Code Advisory and Appeals Board, provided the appeal is made in writing as provided in this Code, and filed with the Building Official within thirty (30) days from the date of service of such notice and order; and (ii) that failure to appeal will constitute a waiver of all right to an administrative hearing and determination of the matter.

(c) *Service of Notice and Order*. Service of the first notice and order shall be made upon the record owners and posted on the property.

(d) *Compliance by Mortgagee or Beneficiary*. If such building shall not have complied with the order of the Building Official on or before the expiration of the time set for the completion of

work or demolition ordered by the Building Official, the mortgagee or beneficiary under such deed of trust may, within fifteen (15) days after the expiration of such period, comply with the requirements of the order of the enforcement agency.

(e) *Noncompliance.* If the order of the Building Official shall not have been complied with on or before the time specified therein, the Building Official may institute such appropriate actions or proceedings to correct or abate the condition as would be taken to correct or abate any nuisance or any violation of any other provision of this Code, or, as an alternative procedure, he may institute proceedings for the abatement of such nuisance before the Housing Code Advisory and Appeals Board.

(f) *Method of Service.* All of the notices required herein shall be given in the following manner: the Building Official shall post conspicuously at least one copy of the notice on the building alleged to be unfit and shall send another copy by registered or certified mail, postage prepaid, return receipt requested, to the person owning the land on which the building is located, as such person's name and address appear on the last equalized assessment roll or as known to the Clerk of the governing board of such enforcement agency, and to any deed of trust of record, at the last known address of such mortgagee or beneficiary; and, if such address is unknown to the enforcement agency, then such fact shall be so stated in the copy mailed, and it shall be addressed to him at the county seat of the county wherein such property is situated.

(g) *Proof of Service.* The Building Official, upon giving the notice referred to in subsection (b) of this section, shall file proof of service thereof with the Clerk of the Board of Supervisors certifying to the time and manner in which such notice was given. He shall also file therewith any receipt card which may have been returned to him in acknowledgment of the receipt of such notice by registered mail. The failure of any owner or other person to receive such notice shall not affect in any manner the validity of any proceedings taken hereunder.

(h) *Second Notice.* If the Building Official determines to proceed with the abatement of such nuisance through proceedings instituted before the Housing Code Advisory and Appeals Board, he shall give a second notice, in the same manner as set forth in this section, directing the owner of such building to appear before said Board at a stated time and place and show cause why such building should not be condemned as a nuisance and such nuisance be abated as provided in this section, and a copy of such notice shall be mailed to each mortgagee or beneficiary under any deed of trust of record in the manner prescribed in this section. Such notice shall be headed "Notice to Abate

Nuisance" in letters not less than three-fourths (3/4") inch in height and shall be substantially in the following form:

#### NOTICE TO ABATE NUISANCE

The owner of the building situated at \_\_\_\_\_ is hereby notified to appear before the Housing Code Advisory and Appeals Board of the County of Yolo at its meeting to be held \_\_\_\_\_, 19\_\_\_\_, at (place of meeting), at the hour of \_\_\_\_\_ o'clock., \_\_\_\_\_m., or as soon thereafter as he may be heard, and show cause, if any he has, why said building should not be condemned as a public nuisance and said nuisance be abated by reconstructing or properly repairing said building or by razing or removing same in accordance with the provisions of Ordinance No. \_\_\_\_\_.

Dated \_\_\_\_\_ .

\_\_\_\_\_  
(Name of Enforcement Agency)

BY

\_\_\_\_\_  
(Name of Officer)

(i) *Affidavit of Posting.* The officer or employee of the enforcement agency giving such notice shall file an affidavit of posting and mailing in the manner required by Section 1015 of Title 25 of the California Administrative Code, but the failure of any owner or other person to receive such notice shall not affect in any manner the validity of any proceedings taken pursuant to the provisions of this section.

(j) *Notice to Prospective Purchasers.* The owner of any property for which a notice has been issued pursuant to this section shall deliver a copy of such notice to prospective purchasers of the property before making (or accepting) an offer to sell (or purchase) the property. (§ 2, Ord. 718, eff. April 23, 1975, as amended by § 3, Ord. 1003, eff. March 28, 1985)

#### **Sec. 6-6.14. Amendments: Section 1306: Appeals from Board to Board of Supervisors.**

Section 1306 is added to said Uniform Housing Code to read as follows:

*Sec. 1306. Appeals from Board to Board of Supervisors.* The decision of the Board shall be final, subject to appeal to the Board of Supervisors.

Any person entitled to notice under the provisions of this Code may appeal the decision of the Board by filing with the Clerk of the Board of Supervisors within fifteen (15) days after the date of the decision a request that the matter be set for an appeal hearing by the Board of Supervisors.

The Clerk of the Board of Supervisors shall notify the appellant of the date of the hearing and

give the appellant no less than fifteen (15) days' notice of the hearing date. The Clerk of the Board of Supervisors shall serve the notice by certified mail to the address given by the appellant in his notice of appeal.

The Clerk of the Board of Supervisors shall notify the Building Official of the filing of such request, and the Building Official shall transmit to the Board of Supervisors the records of the Board pertaining to the order being appealed. The filing of such an appeal shall automatically defer the effective date of any order until the Board of Supervisors has ruled on the appeal.

The decision of the Board shall be presumed to be correct, and the appellant shall have the burden of proof in the appeal hearing before the Board of Supervisors. In the event the Board of Supervisors sustains the order of the Board, the period for the commencement and completion of the abatement as specified in the Board resolution shall start from the date of such action by the Board of Supervisors.

The Board of Supervisors may continue its hearings on such appeals from time to time. It may hear evidence from competent persons as may be desired. It may return the matter to the Board for further information or for further hearings. The Board of Supervisors may modify as it determines proper any order of the Board. Any order so modified shall be returned to the Board, and thereafter, in that case, the Board and the Building Official shall act upon that modified order in the same manner as orders which the Board itself might issue. (§ 2, Ord. 718, eff. April 23, 1975, as amended by § 4, Ord. 1003, eff. March 28, 1985)

**Sec. 6-6.15. Amendments: Section 1307:**

**Limitations on Time for Action.**

Section 1307 is added to said Uniform Housing Code to read as follows:

*Sec. 1307. Limitations on Time for Action.* Any action or decision to attack, review, set aside, void, or annul any decision of the Board of Supervisors hereunder, or to determine the reasonableness, legality, or validity of any such act of the Board of Supervisors, shall not be maintained by any person unless such action or proceeding is commenced within sixty (60) days after the date of such decision. Thereafter all persons shall be barred from any such action or proceeding or any defense of invalidity or unreasonableness of such decision or of such proceedings, act, or determinations. (§ 2, Ord. 718, eff. April 23, 1975)

**Sec. 6-6.16. Amendments: Section 204:**

**Violations and Penalties.**

Section 204 of said Uniform Housing Code is amended to read as follows:

*Sec. 204. Violations and Penalties.* Any person, firm, or corporation violating any of the

provisions of said Uniform Housing Code shall be deemed guilty of a misdemeanor and shall be punishable as set forth in Chapter 2 of Title 1 of the Yolo County Code. (§ 4, Ord. 819, eff. February 8, 1979, as amended by § 5, Ord. 1003, eff. March 28, 1985)

**Sec. 6-6.17. Deletions: Section 203.**

Section 203 is hereby deleted from said Uniform Housing Code. (§ 3, Ord. 819, eff. February 8, 1979)

## Chapter 7

### LITTER AND CONTAMINANTS

#### Sections:

6-7.01	Definitions.
6-7.02	Disposal of litter.
6-7.03	Disposal of contaminants.
6-7.04	Enforcement.

#### Sec. 6-7.01. Definitions.

For the purposes of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as follows:

(a) "Contaminant" shall mean sewage, sludge, cesspool or septic tank effluent, an accumulation of human excreta, or liquid industrial waste.

(b) "Fill" shall mean deposits of soil, rock, or other irreducible materials placed by man.

(c) "Garbage" shall mean all solid putrescible wastes and all solid animal or vegetable refuse or residue which shall result from the preparation or care for, or treatment of, foodstuffs intended to be used as food, or shall have resulted from the preparation or handling of food for human consumption, or any decayed or unsound meat, fish, fruit, or vegetables, or the excreta from domestic animals.

(d) "Industrial waste" shall mean any and all liquid or solid waste substances, not sewage, from any producing, manufacturing, or processing operation of whatever nature.

(e) "Litter" shall mean and include garbage, rubbish, and refuse as defined in this section, except that litter shall not include fill.

(f) "Person" shall mean any person, firm, association, organization, partnership, joint venture, corporation, business trust, or company and any officer or agent thereof.

(g) "Refuse" shall mean and include all types of, but not be restricted to, putrescible or non-putrescible solid wastes consisting of both combustible and non-combustible wastes, such as paper, cardboard, garbage, grass clippings, tree or shrub trimmings, wood, bedding, crockery, rubber tires, construction and demolition waste, and similar waste materials, except sewage and liquid industrial wastes.

(h) "Rubbish" shall mean solid non-putrescible wastes, such as unusable, unwanted, or discarded material and debris resulting from normal community or business activities, or materials which by their presence may injuriously affect the health, safety, and comfort of persons and/or depreciate property values in the vicinity thereof. (§ 1, Ord. 619, as amended by § 3, Ord. 903, eff. February 12, 1981)

#### Sec. 6-7.02. Disposal of litter.

(a) It shall be unlawful for any person to place, deposit, or dump any litter or allow any accumulation of litter to remain on any public or private property within the unincorporated area of the County except as set forth in this section.

(b) An occupant of property which is devoted entirely to commercial agricultural purposes, including the feeding and raising of livestock for dairying or poultry raising, may dispose on such property of his own refuse from operations conducted on such property by burying the refuse at least 800 feet from the nearest building used for human habitation, but such occupant may not permit any other person or agency to use his property for the disposal of refuse unless the property is declared a disposal area by the Board.

(c) Litter may be placed, deposited, or dumped and may remain in the areas designated as disposal areas by the Board, and the dumps maintained by the Cities of Woodland, Davis, and Winters and by the County on November 5, 1969, are hereby designated as such disposal areas. (§ 2, Ord. 619)

#### Sec. 6-7.03. Disposal of contaminants.

It shall be unlawful for any person to place, deposit, dump, or dispose of any contaminant in the unincorporated area in the County except by means of a private sewage disposal system or other acceptable means approved by the Health Officer in the manner provided by law or in a public sanitary sewer or disposal area designated by the Board. (§ 3, Ord. 619)

#### Sec. 6-7.04. Enforcement.

The Health Officer shall be the primary enforcement officer for the enforcement of the provisions of this chapter. To aid in such enforcement, the Sheriff's office shall periodically report to the Health Officer citations or arrests made pursuant to the provisions of this chapter in the course of normal patrol activities. Employees of the County, members of agencies of the County, and the personnel of other governmental agencies who discover violations of the provisions of this chapter shall report to, and cooperate with, the Health Officer in enforcing the provisions of this chapter. (§ 5, Ord. 619)

## Chapter 8

### WATER QUALITY

#### Sections:

#### Article 1. Authority and Title

- 6-8.101 Authority.
- 6-8.102 Title.

#### Article 2. Purposes.

- 6-8.201 Purposes.

#### Article 3. Policies

- 6-8.301 Policies.
- 6-8.302 State regulations.

#### Article 4. Definitions

- 6-8.401 Scope.
- 6-8.401.5 Abandoned well.
- 6-8.402 Board.
- 6-8.403 Connection or service connection.
- 6-8.404 Contamination.
- 6-8.405 Domestic water supply.
- 6-8.406 Effluent.
- 6-8.407 Hazardous substance operation.
- 6-8.408 Inactive well.
- 6-8.409 Industrial liquid waste treatment system.
- 6-8.410 Liquid waste or wastewater.
- 6-8.411 Liquid waste discharge.
- 6-8.412 Person.
- 6-8.413 Pollution.
- 6-8.414 Public nuisance.
- 6-8.415 Recondition and/or reconstruct.
- 6-8.416 Seepage pit.
- 6-8.417 Septic tank.
- 6-8.418 Subdivision.
- 6-8.419 Test hole.
- 6-8.420 Wastewater system.
- 6-8.421 Water quality.
- 6-8.422 Well.
- 6-8.423 Public water supply system.

#### Article 5. Administration

- 6-8.501 Water Quality Control Board.
- 6-8.502 Duties and functions.
- 6-8.503 County Water Resources Board: Duties
- 6-8.504 Technical Advisory Committee.
- 6-8.505 Technical Advisory Committee: Duties.
- 6-8.506 Enforcement Officer.
- 6-8.507 Enforcement Officer: Duties.
- 6-8.508 Chief Building Inspector: Duties. (Repealed)

#### Article 6. Prohibitions

- 6-8.601 Domestic water supplies.

- 6-8.602 Wells.
- 6-8.603 Septic tanks.
- 6-8.604 Waste discharges.
- 6-8.605 Waste discharge standards: Violations of conditions and requirements.
- 6-8.606 Exceptions.

#### Article 7. Waste Discharge Standards

- 6-8.701 Applications for establishments.
- 6-8.702 Applications: Contents.
- 6-8.703 Applications: Procedure.
- 6-8.704 Applications: Processing Fees.
- 6-8.705 Public hearings: Establishment of standards.
- 6-8.706 Standards: Term.

#### Article 8. Permits

- 6-8.801 Permits: Applications.
- 6-8.802 Permits: Issuance.
- 6-8.802.1 Permits: Inspections.
- 6-8.803 Permits: Form.
- 6-8.804 Permits: Term.
- 6-8.805 Permits: Fees.
- 6-8.806 Permits: Decision by Enforcement officer: Appeals.
- 6-8.807 Decisions of Enforcement Officer: Finality and validity.
- 6-8.808 Appeals: Procedure.
- 6-8.809 Appeals: Hearings and determinations.
- 6-8.810 Decisions of Board: Finality and validity.
- 6-8.811 Permits: Nontransferable.
- 6-8.812 Permits: Revocation.
- 6-8.813 Permits: Revocation: Petitions.
- 6-8.814 Permits: Revocation: Hearings and determinations.
- 6-8.815 Permits: Revocation: Cease and desist orders.

#### Article 9. Standards, Criteria, and Regulations for Public Water Supplies

- 6-8.901 Public water supply quality.
- 6-8.902 Water quality monitoring and records.

#### Article 10. Standards, Criteria, and Regulations for Wells

- 6-8.1001 Wells: Construction, reconditioning, reconstruction, and abandonment standards.
- 6-8.1002 Wells: Unattended.
- 6-8.1003 Water supply wells: Construction.

- 6-8.1004 **Water supply wells: Locations.**
- 6-8.1005 **Water supply wells: Spacing.**
- 6-8.1006 **Water supply wells: Casings.**
- 6-8.1007 **Water supply wells: Annular seals.**
- 6-8.1008 **Water supply wells: Depths of surface seals.**
- 6-8.1009 **Water supply wells: Surface construction.**
- 6-8.1010 **Water supply wells: Disinfection.**
- 6-8.1011 **Water supply wells: Abandonment.**
- 6-8.1012 **Wells: Exceptions from standards.**

**Article 11. Standards, Criteria, and Regulations for Septic Tank Systems**

- 6-8.1101 **Purpose of provisions.**
- 6-8.1102 **Seepage pits.**
- 6-8.1103 **Septic tank systems: Locations.**
- 6-8.1104 **Septic tank systems: Number of connections.**
- 6-8.1105 **Septic tank systems: Size and design.**
- 6-8.1106 **Septic tank systems: Materials.**
- 6-8.1107 **Septic tank systems: Lines.**
- 6-8.1108 **Septic tank systems: Lines: Depth.**
- 6-8.1109 **Septic tank systems: Soil absorption, depth, and slope conditions.**
- 6-8.1110 **Septic tank systems: Special designs.**
- 6-8.1111 **Septic tanks: Sewer connection availability.**

**Article 12. Cache Creek**

- 6-8.1201 **Findings.**
- 6-8.1202 **Prohibition against dumping, discharge, and the like: Scope of application: Nuisances.**

**Article 13. Violations: Penalties**

- 6-8.1301 **Violations: Penalties.**

**Article 1. Authority and Title**

**Sec. 6-8.101. Authority.**

This chapter is enacted pursuant to the provisions of the following laws:

- (a) The State Constitution, Article II, Section 7;
- (b) The Health and Safety Code of the State, Division 5, Part 1, Chapter 7 (commencing with Section 4010);

(c) The Porter-Cologne Water Quality Control Act (Sections 13000 et seq. of the Water Code of the State);

(d) 22 California Administrative Code, Part II, Chapter 15 (commencing with Section 64401); and

(e) 22 California Administrative Code, Part II, Chapter 15 (commencing with Section 64551). (§ 1, Ord. 765, eff. October 7, 1976, as amended by §§ 1 and 2, Ord. 811, eff. July 27, 1978)

**Sec. 6-8.102. Title.**

This chapter shall be known as, and may be cited as, the "Water Quality Law of the County of Yolo". (§ 1, Ord. 765, eff. October 7, 1976)

**Article 2. Purposes**

**Sec. 6-8.201. Purposes.**

The purposes of this chapter are to adopt and declare objectives, criteria, and procedures for the regulation of domestic water supplies, wells, and liquid waste discharges in order to assure high quality water supplies and to protect the quality of the surface and ground waters of the County. (§ 1, Ord. 765, eff. October 7, 1976)

**Article 3. Policies**

**Sec. 6-8.301. Policies.**

The Board of Supervisors declares that it is the policy of the County, by licensing and regulating the activities, work, facilities, and projects described in this chapter:

- (a) To seek to maintain a high quality environment within the County; and
- (b) To take all the action necessary to seek to maintain clean and safe water. (§ 1, Ord. 765, eff. October 7, 1976)

**Sec. 6-8.302. State regulations.**

It is the policy of the Board of Supervisors to regulate only those activities, facilities, and projects described in this chapter which are not appropriately regulated by the State Regional Water Quality Control Board or other State entities and which are deemed to warrant more stringent regulations due to particular conditions within the County.

Nothing contained in this chapter shall release any person from compliance with the provisions of Article 3 of Chapter 10 of Division 7 of the Water Code of the State or any successor thereto. (§ 1, Ord. 765, eff. October 7, 1976)

**Article 4. Definitions**

**Sec. 6-8.401. Scope.**

For the purposes of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are

defined in this article. (§ 1, Ord. 765, eff. October 7, 1976)

**Sec. 6-8.401.5. Abandoned well.**

A well is considered “abandoned” when it has not been used for a period of one year, unless the owner can demonstrate his intention to use the well again for supplying water or another associated purpose (such as an observation well or injection well). The well shall then be considered “inactive”. As evidence of his intentions for continued use, the owner shall properly maintain the well in such a way that:

(a) The well has no defects which will allow the impairment of quality of water in the well or in the water-bearing formations penetrated;

(b) The well is covered such that the cover is watertight and cannot be removed, except with the aid of equipment or the use of a tool;

(c) The well is marked so that it can be clearly seen; and

(d) The area surrounding the area is kept clear of brush or debris. If the pump has been removed for repair or replacement, the well shall not be considered “abandoned”. During the repair period, the well shall be adequately covered to prevent injuries to people and to prevent the entrance of undesirable water or foreign matter.

Observation or test wells used in the investigation or management of groundwater basins by governmental agencies or engineering or research organizations are not considered “abandoned” so long as they are maintained for such purpose. Such wells, however, shall be covered with an appropriate cap, bearing the label “Observation Well”, and the name of the agency or organization, and shall be locked when measurements are not being made. When such wells are no longer used for such purpose or for supplying water, they shall be considered “abandoned”. (§ 1, Ord. 1015, eff. August 15, 1985)

**Sec. 6-8.402. Board.**

“Board” shall mean the Yolo County Water Quality Control Board. (§ 1, Ord. 765, eff. October 7, 1976)

**Sec. 6-8.403. Connection or service connection.**

(a) *Connection and service connection.* “Connection” or “service connection” shall mean the pipeline, device, or facility used for water supplies or wastewater conveyance from or to the public main, lateral, or facility into or from a facility, building, structure, or place of human habitation, occupancy, or use.

(b) *Equivalent number of service connections.* For the purposes of this chapter, the equivalent number of service connections shall be computed by reference to the design capacity of the facility and converting this value to the

number of equivalent dwelling units. For any school or recreational, industrial, or commercial facility, the equivalent number of service connections shall be computed by determining the design capacity equivalent population of the facility and dividing such number by three (3). (§ 1, Ord. 765, eff. October 7, 1976)

**Sec. 6-8.404. Contamination.**

“Contamination” shall mean an impairment of the quality of the waters of the County to a degree which creates a hazard to the public health. (§ 1, Ord. 765, eff. October 7, 1976)

**Sec. 6-8.405. Domestic water supply.**

“Domestic water supply” shall mean a source of water for drinking, consumption, or domestic use by human beings. (§ 1 Ord. 765, eff. October 7, 1976)

**Sec. 6-8.406. Effluent.**

“Effluent” shall mean any liquid or semiliquid flowing out of any water or wastewater treatment plant or facility. (§ 1, Ord. 765, eff. October 7, 1976)

**Sec. 6-8.407. Hazardous substance operation.**

“Hazardous substance operation” shall mean the manufacture, formulation, mixing, or transfer from one container to another of any substance or product set forth in the most current Director’s List of Hazardous Substances developed by the Director of Industrial Relations of the State for which the manufacturer or producer is required to prepare a Material Safety Data Sheet of the substance or product pursuant to the Hazardous Substances Information and Training Act (Chapter 2.5 of Part 1 of Division 5 of the Labor Code of the State, commencing with Section 6360); provided, however, quantities of less than 500 pounds, fifty-five (55) gallons, or 200 cubic feet in the gaseous state during any thirty (30) day period shall not be included unless the Health Officer has provided notice that he has lowered the weight or volume limits of this exemption for a specific hazardous substance or product in response to public health concerns. (§ 1, Ord. 765, eff. October 7, 1976, as amended by §§ 2 and 3, Ord. 1015, eff. August 15, 1985)

**Sec. 6-8.408. Inactive well.**

“Inactive well” shall mean a well which satisfies the conditions set forth in Section 6-8.401.5 of this article. (§ 1, Ord. 765, eff. October 7, 1976, as amended by §§ 4 and 5, Ord. 1015, eff. August 15, 1985)

**Sec. 6-8.409. Industrial liquid waste treatment system.**

“Industrial liquid waste treatment system” shall mean a system designed for the processing

of liquid wastes, other than human wastes, from any producing, manufacturing, or processing operation of whatever nature and for the discharge of its effluent to the land or to a surface or subsurface water body. Excepted shall be systems located on a farm or ranch for the processing of products from that farm or ranch so long as such systems do not constitute a public nuisance. (§ 1, Ord. 765, eff. October 7, 1976)

**Sec. 6-8.410. Liquid waste or wastewater.**

"Liquid waste" or "wastewater" shall mean any and all waste materials which exist and are transportable in a liquid or slurry form, either treated or untreated. "Liquid waste" or "wastewater" shall not include or mean storm water, ground water, roof or yard drainage, or irrigation tailwater. (§ 1, Ord. 765, eff. October 7, 1976)

**Sec. 6-8.411. Liquid waste discharge.**

"Liquid waste discharge" shall mean the discharging of, emitting, casting off, causing or permitting to flow, using, or storing in reservoirs, ponds, or underground, in any region, or on any lands, or into the waters of the County, any wastewater, either treated or untreated. (§ 1, Ord. 765, eff. October 7, 1976)

**Sec. 6-8.412. Person.**

"Person" shall mean any person, firm, association, organization, partnership, joint venture, corporation, business trust, company, and any officer or agent thereof, and any governmental agency, public body, special district, district, the State, and any city, county, or governmental body, including the United States of America. (§ 1, Ord. 765, eff. October 7, 1976)

**Sec. 6-8.413. Pollution.**

"Pollution" shall mean an impairment or alteration of the quality, including the potability and palatability, of waters of the County to a degree which unreasonably affects the beneficial uses of such waters. "Pollution" may include contamination. (§ 1, Ord. 765, eff. October 7, 1976)

**Sec. 6-8.414. Public nuisance.**

"Public nuisance" shall mean anything which:

(a) Is injurious to health or is indecent or offensive to the senses or any obstruction to the free use of property so as to interfere with the comfortable enjoyment of life or property; and

(b) Affects at the same time an entire community or neighborhood or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.

"Public nuisance" shall include, but not be limited to, the following:

(c) Any attractive nuisance which may prove

detrimental to children, whether in a building, on the premises of a building, or upon an unoccupied lot. This includes any abandoned wells or shafts;

(d) Whatever is dangerous to human life or is detrimental to health, as determined by the Health Officer; and

(e) Inadequate or unsanitary sewage or plumbing facilities. (§ 1, Ord. 765, eff. October 7, 1976)

**Sec. 6-8.415. Recondition and/or reconstruct.**

"Recondition" and/or "reconstruct" shall mean the reworking of any well to repair or modify in any way its physical construction. "Recondition" and/or "reconstruct" shall not include changes in pumps or other production equipment. (§ 1, Ord. 765, eff. October 7, 1976)

**Sec. 6-8.416. Seepage pit.**

"Seepage pit" shall mean any excavation, pit, or vault less than ten (10') feet deep which receives the discharge from a septic tank or other treatment unit, so designed as to permit the effluent from the treatment facility to seep through its bottom and sides. A pit or vault excavation exceeding ten (10') feet shall be considered a waste disposal well. (§ 1, Ord. 765, eff. October 7, 1976)

**Sec. 6-8.417. Septic tank.**

"Septic tank" shall mean a watertight receptacle which receives the discharge from a sewerage system, designed and constructed so as to retain solids, digest organic matter through a period of detention, and allow the liquids to discharge as already provided herein. (§ 1, Ord. 765, eff. October 7, 1976)

**Sec. 6-8.418. Subdivision.**

"Subdivision" shall mean a subdivision as defined by the Subdivision Map Act of the State. (§ 1, Ord. 765, eff. October 7, 1976)

**Sec. 6-8.419. Test hole.**

"Test hole" shall mean an excavation constructed for the determination of subsurface geologic or hydrologic information by seismic investigation, by direct physical measurement, or by electric, nuclear, or other test means. (§ 1, Ord. 765, eff. October 7, 1976)

**Sec. 6-8.420. Wastewater system.**

"Wastewater system" shall mean a wastewater system and treatment facility serving two (2) or more service connections or equivalent service connections; one or more commercial or industrial discharges; or other waste discharge as determined by the Enforcement Officer with the concurrence of the Board. A wastewater system shall not include a system used exclusively to

carry out storm water or irrigation runoff. (§ 1, Ord. 765, eff. October 7, 1976, as amended by § 3, Ord. 811, eff. July 27, 1978)

**Sec. 6-8.421. Water quality.**

"Water quality" shall mean the chemical, physical, biological, bacteriological, radiological, and other properties and characteristics of the water which affect its use. (§ 1, Ord. 765, eff. October 7, 1976)

**Sec. 6-8.422. Well.**

"Well" shall mean any artificial excavation constructed by any method for the purpose of extracting liquid from, or injecting liquid into, the underground. "Well" shall include the following:

(a) *Water supply well.* "Water supply well" shall mean a well constructed for the extraction of ground water and shall include:

- (1) Individual domestic wells which supply an individual residence or duplex;
- (2) Public wells which serve three (3) or more residences or a school, employee housing facility, or commercial establishment;
- (3) Community domestic wells which supply domestic water supply systems;
- (4) Industrial wells which supply industry on an individual basis; and
- (5) Irrigation wells which supply water for agricultural and landscape uses.

(b) *Observation well.* "Observation well" shall mean a well constructed to monitor or sample ground water conditions, such as water quality and water level.

(c) *Recharge or injection well.* "Recharge or injection well" shall mean a well constructed for the introduction of water into an aquifer to replenish the ground water or otherwise contribute to ground water quantity or quality.

(d) *Waste disposal well.* "Waste disposal well" shall mean a well constructed for the purpose of injecting liquid waste into the subsurface.

(e) *Electrolytic protection well.* "Electrolytic protection well" shall mean a well constructed at least twenty-five (25') feet deep for the purposes of installing facilities to electrically protect metal in contact with the ground. (§ 1, Ord. 765, eff. October 7, 1976)

**Sec. 6-8.423. Public water supply system.**

"Public water supply system" shall mean the utility serving five (5) or more connections through an integrated piping system; five (5) or more residences or dwelling units; a school; employee housing facility; a commercial or industrial establishment; or any system serving more than five (5) equivalent service connections. (§ 4, Ord. 811, eff. July 27, 1978, as amended by § 1, Ord. 1099, eff. October 19, 1989)

**Article 5. Administration**

**Sec. 6-8.501. Water Quality Control Board.**

The Board of Supervisors hereby declares and constitutes itself as the Yolo County Water Quality Control Board. (§ 1, Ord. 765, eff. October 7, 1976)

**Sec. 6-8.502. Duties and functions.**

The duties and functions of the Board shall be:

- (a) To establish liquid waste discharge standards, conditions, and requirements;
- (b) To hear appeals from the decisions and determinations of the Enforcement Officer;
- (c) To hear and determine petitions to revoke permits filed by the Enforcement Officer; and
- (d) To direct the enforcement of its rulings and determinations, and the rulings and determinations of the enforcement agency, by appropriate legal action. (§ 1, Ord. 765, eff. October 7, 1976)

**Sec. 6-8.503. County Water Resources Board: Duties.**

The County Water Resources Board, created by Article 19 of Chapter 2 of Title 2 of this Code, shall have the following duties relative to this chapter:

- (a) To advise the Water Quality Control Board as to all matters governed by this chapter;
- (b) To study, analyze, and report on proposed amendments and additions to this chapter; and
- (c) To seek, hear, and obtain comments from members of the public and from public agencies on the formulation of rules, regulations, and standards. (§ 1, Ord. 765, eff. October 7, 1976)

**Sec. 6-8.504. Technical Advisory Committee.**

A Technical Advisory Committee is hereby constituted, composed of the County Chief of Environmental Health, the Director of Public Works, and the consultant on water matters retained by the County. (§ 1, Ord. 765, eff. October 7, 1976)

**Sec. 6-8.505. Technical Advisory Committee: Duties.**

The Technical Advisory Committee shall perform the following duties and functions:

- (a) Report and advise the Board and the Enforcement Officer, as requested, as to technical matters related to all matters governed by this chapter; and
- (b) Seek, hear, and obtain technical input from members of the public, experts and consultants, and public agencies as to technical matters relative to this chapter. (§ 1, Ord. 765, eff. October 7, 1976)

**Sec. 6-8.506. Enforcement Officer.**

The Enforcement Officer established hereby, and referred to in this chapter, shall be the Health Officer of the County. (§ 1, Ord. 765, eff. October 7, 1976)

**Sec. 6-8.507. Enforcement Officer: Duties.**

The duties and functions of the Enforcement Officer are:

(a) To receive applications and issue all the permits provided for in this chapter, including the permits for public water supply systems, private septic tank sewage disposal systems, and wells;

(b) To analyze and examine applications for all permits and entitlements provided for in this chapter;

(c) To approve, deny, or approve upon conditions such permits upon written forms approved by the Board;

(d) To file petitions with the Board to revoke permits;

(e) To investigate pollution and public nuisances and recommend the initiation of abatement proceedings;

(f) To consult with the County Water Resources Board;

(g) To inspect, examine, and monitor the projects and activities regulated by this chapter, including the inspection of the construction, reconstruction, repair, abandonment, change in use, or operation of wells and septic tank sewage disposal systems, excepting therefrom the repair, maintenance, and replacement of pumps or pumping equipment; and

(h) To maintain all the necessary and appropriate office records pertaining to the work, projects, and activities regulated by this chapter, including liquid discharge systems. The records of construction and inspections shall be maintained by the Building Inspection Department. (§ 1, Ord. 765, eff. October 7, 1976, as amended by §§ 5 and 6, Ord. 811, eff. July 27, 1978)

**Sec. 6-8.508. Chief Building Inspector: Duties.**

(§ 1, Ord. 765, eff. October 7, 1976; repealed by § 7, Ord. 811, eff. July 27, 1978)

**Article 6. Prohibitions**

**Sec. 6-8.601. Domestic water supplies.**

(a) No person shall supply water for domestic uses to two (2) or more service connections without a valid permit to do so.

(b) No person shall so supply water in violation of the conditions of his permit.

(c) No person shall make a material change in the source of domestic water supply without first notifying the Enforcement Officer of such change.

(d) No person shall discontinue or abandon such a domestic water supply without first notifying the Enforcement Officer of such discontinuance or abandonment. (§ 1, Ord. 765, eff. October 7, 1976)

**Sec. 6-8.602. Wells.**

(a) No person shall construct, reconstruct, repair, or abandon any well or test hole, except oil and gas wells, without a valid permit to do so.

(b) No person shall make a material change in the use of any well without a valid permit to do so.

(c) No person shall construct, reconstruct, abandon, or materially change the use of any well in violation of the conditions of the granted permit. (§ 1, Ord. 765, eff. October 7, 1976)

**Sec. 6-8.603. Septic tanks.**

No person shall construct, reconstruct, repair, abandon, or materially change any septic tank without a valid permit to do so. (§ 1, Ord. 765, eff. October 7, 1976)

**Sec. 6-8.604. Waste discharges.**

No person shall construct, reconstruct, abandon, or materially change the use of any of the following waste discharge systems or devices unless and until he has applied to the Board for the establishment by the Board of the standards, requirements, and conditions for such activity pursuant to the provisions of Article 7 of this chapter, and the Board has so established such standards, requirements, and conditions:

(a) Wastewater systems; and

(b) Industrial liquid waste treatment systems. (§ 1, Ord. 765, eff. October 7, 1976)

**Sec. 6-8.605. Waste discharge standards: Violations of conditions and requirements.**

No person shall construct, reconstruct, abandon, or materially change the use of or maintain any of the systems or devices described in Section 6-8.604 of this article in violation of, or contrary to, any condition or standard established by the Board pursuant to the provisions of this chapter. (§ 1, Ord. 765, eff. October 7, 1976)

**Sec. 6-8.606. Exceptions.**

The provisions of this chapter shall not apply to the following:

(a) Persons holding valid and subsisting domestic water supply permits from the State;

(b) Persons whose discharges have had discharge standards set and established by the Regional Water Quality Control Board may be excepted if said standards comply with the provisions of this chapter;

(c) Persons supplying water for domestic uses to a single-family or two (2) dwelling units on the same parcel of real property;

(d) Persons supplying water to agriculturally-oriented dwellings, all of which are located upon the same parcel of land and connected to the same water supply source provided none of the dwellings or group of dwellings would meet the criteria established by the Department of Housing and Community Development, Division of Codes and Standards, as being an Employee Housing Facility or Labor Camp;

(e) All water wells and septic tanks completed and in use on or before October 7, 1976, unless there exists a public nuisance or a hazard to the public health, safety, and welfare;

(f) The construction or reconstruction of a well or septic tank may be undertaken by any person without first applying for and receiving a grant of a permit in the event of great urgency due to the sudden failure of such well or septic tank, and provided the work of the construction or reconstruction thereof is performed in compliance with the standards and criteria of this chapter, and further provided an application for any permit required by the provisions of this chapter is made within three (3) working days after the commencement of such construction or reconstruction;

(g) Wells drilled less than forty (40') feet in depth;

(h) Wells drilled into a side slope for slope stability control;

(i) Well points less than two (2") inches in diameter; and

(j) The location of wells installed for drainage, dewatering, or slope stability. (§ 1, Ord. 765, eff. October 7, 1976, as amended by § 8, Ord. 811, eff. July 27, 1978)

## **Article 7. Waste Discharge Standards**

### **Sec. 6-8.701. Applications for establishment.**

The standards, requirements, and conditions for the activity and projects described in Section 6-8.605 of Article 6 of this chapter shall be established by the Board upon written applications therefor. (§ 1, Ord. 765, eff. October 7, 1976)

### **Sec. 6-8.702. Applications: Contents.**

Written applications to establish such standards, requirements, and conditions shall be on forms prescribed by the Board and shall contain all relevant and necessary technical and scientific data to enable the Board to review the project as a whole and to consider both the direct and indirect, and short term as well as long term, impact and effects of the project upon the environment. Such applications shall be filed with the Enforcement Officer, who shall then file them with the Clerk of the Board. (§ 1, Ord. 765, eff. October 7, 1976)

### **Sec. 6-8.703. Applications: Procedure.**

The Clerk of the Board, upon the receipt of an application, shall cause the matter to be set for a public hearing no later than sixty (60) days after the receipt of such application and shall publish a notice of such hearing in a newspaper of general circulation in the manner provided in Section 6066 of the Government Code of the State.

The Clerk of the Board shall give written notice by ordinary mail to all persons concerned, and to the Water Resources Board and Technical Advisory Committee, of the date of such hearing no less than fifteen (15) days prior thereto. (§ 1, Ord. 765, eff. October 7, 1976)

### **Sec. 6-8.704. Applications: Processing fees.**

The application submitted to the Clerk of the Board shall be accompanied by a processing fee of One Hundred and no/100ths (\$100.00) Dollars.

In the event it is determined by the Board at the public hearing that the processing fee set forth in this section is insufficient to defray the costs of processing the particular application in view of its magnitude or scope, the Board shall first hear the question of imposing or demanding additional fees before acting upon the application. (§ 1, Ord. 765, eff. October 7, 1976)

### **Sec. 6-8.705. Public hearings: Establishment of standards.**

The Board shall set the standards, conditions, and requirements for the quality and quantity of liquid waste discharges, or other activity applied for, or may deny the application, or may grant the application upon conditions and requirements, or may retain jurisdiction thereafter to monitor or review the matter, or may continue the matter and require the applicant to furnish additional data or information.

At such public hearing the Board may also determine that additional fees and costs for such monitoring of the activity are required and are appropriate and may order the applicant to pay such required fees and costs before commencing the subject project or activity. (§ 1, Ord. 765, eff. October 7, 1976)

### **Sec. 6-8.706. Standards: Term.**

The standards to discharge liquid wastes shall be valid for the period set in the discharge standards or until a material change is made in the discharge. (§ 1, Ord. 765, eff. October 7, 1976)

## **Article 8. Permits**

### **Sec. 6-8.801. Permits: Applications.**

All persons required to apply for and obtain a

permit under the provisions of this chapter shall prepare and file with the Enforcement Officer an application on forms provided by the Enforcement Officer. (§ 1, Ord. 765, eff. October 7, 1976, as amended by § 9, Ord. 811, eff. July 27, 1978)

**Sec. 6-8.802. Permits: Issuance.**

(a) The permits required by the provisions of this chapter shall be granted, or be granted upon condition, if the applicant meets the standards for the activity or project contained in or determined as set forth in this chapter.

Such permits shall be denied if the applicant does not meet or comply with the standards contained in or determined as set forth in this chapter.

(b) Permits for domestic water supplies, wells, and septic tank systems shall require approval by the Enforcement Officer. The Enforcement Officer shall deny applications for permits which do not meet or comply with the standards contained in or determined as set forth in this chapter.

(c) Where it is not reasonably possible to meet the standards of this chapter, the Enforcement Officer may approve a permit based on a special alternative design provided the special alternative design is not an unreasonable hazard to health, and does not impair the integrity of the neighborhood, and is not detrimental to the public health, safety, or general welfare. (§ 1, Ord. 765, eff. October 7, 1976)

**Sec. 6-8.802.1. Permits: Inspections.**

All permits issued pursuant to this chapter shall have compliance inspections as follows:

(a) *Public water supply systems.* In addition to the regularly scheduled water samples, water supply systems shall be inspected at least once each year for compliance with the standards. Such inspections shall include the source of water, storage facilities, the distribution system, the cross connection control, and other aspects as required by this chapter.

(b) *Waste discharges.* Waste discharges shall be inspected at least once each year or shall be inspected and monitored as specified by the Board.

(c) *Septic tank sewage disposal systems.* In addition to any plan-checking site inspections, any portion of a septic tank sewage disposal system shall be inspected for compliance at least once prior to covering.

(d) *Sealed wells.* In addition to plan-checking site inspections, all wells required to be sealed shall be inspected immediately prior to and during the placement of the surface seal and immediately following the placement of the well in service.

(e) *Other wells.* Other wells shall be inspected as agreed to at the time of the permit issuance and as specified on the permit.

(f) *Concealing materials.* Any concealing material which prevents an inspection shall be removed for inspection, and replacement shall be at the contractor's expense. It shall be the responsibility of the contractor to call for the inspections at the appropriate times.

(g) *Fees.* Fees shall be charged to the extent and as provided in Section 6-8.805 of this article. (§ 10, Ord. 811, eff. July 27, 1978, as amended by § 1, Ord. 814, eff. September 28, 1978, and § 6, Ord. 1015, eff. August 15, 1985)

**Sec. 6-8.803. Permits: Form.**

All permits issued pursuant to this chapter shall be in a form prescribed by the Board. (§ 1, Ord. 765, eff. October 7, 1976)

**Sec. 6-8.804. Permits: Term.**

(a) Permits to supply water for domestic uses shall be void immediately upon the occurrence of a material change in the operation of the supply system.

(b) Permits for the construction, reconstruction, repair, abandonment, or change in use of a well or for the construction or reconstruction of a septic tank system shall expire and become null and void if the work authorized by such permit is not commenced within 120 days after the date of such permit or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 120 days. Before such work may be resumed, a new permit shall be first obtained to do so, and a fee therefor shall be charged of one-half (1/2) the amount required for a new permit for such work provided no changes have been made or will be made in the original plans and specifications for such work and provided, further, the period of suspension or abandonment does not exceed one year.

(c) Permits for the construction, reconstruction, repair, abandonment, or change in use of a well or for the construction or reconstruction of a septic tank system shall be secured prior to the start of any work. Failure to secure the permit prior to the start of the work shall result in the permittee being assessed a penalty equal in cost to the permit fee (double fees for permits). The only exception made shall be for emergency repairs, as set forth in subsection (f) of Section 6-8.606 of Article 6 of this chapter. (§ 1, Ord. 765, eff. October 7, 1976, as amended by § 11, Ord. 811, eff. July 27, 1978)

**Sec. 6-8.805. Permits: Fees.**

If the Board of Supervisors shall establish a schedule of fees by resolution, permits or

entitlements issued under the provisions of this chapter shall only be issued upon the payment to the County of a nonrefundable fee in the amount set by such resolution. Any such fee shall be due and payable upon the submission of a request for an entitlement, an initial application, or an application to renew a permit. No initial application for a permit, an application to renew a permit, or a request for an entitlement shall be accepted unless the filing fee, if required, is paid with the submission of the application or with the request for an entitlement. (§ 1, Ord. 765, eff. October 7, 1976, as amended by § 12, Ord. 811, eff. July 27, 1978, and § 2, Ord. 814, eff. September 28, 1978)

**Sec. 6-8.806. Permits: Decision by Enforcement Officer: Appeals.**

All decisions, determinations, and actions of the Enforcement Officer as to applications for permits may be appealed to the Board by any aggrieved person. (§ 1, Ord. 765, eff. October 7, 1976)

**Sec. 6-8.807. Decisions of Enforcement Officer: Finality and validity.**

The decision of the Enforcement Officer rendered pursuant to the provisions of this chapter shall be final, unless appealed to the Board within thirty (30) days after such decision is rendered in writing, and notice of the same is given to the applicant by certified mail. (§ 1, Ord. 765, eff. October 7, 1976)

**Sec. 6-8.808. Appeals: Procedure.**

Appeals from all orders, decisions, and determinations of the Enforcement Officer shall be made in writing, and shall specify and set forth the grounds for the appeal; and shall be filed by the appellant with the Clerk of the Board. The Board shall set the matter for a hearing no later than thirty (30) days after such filing and shall give the appellant and all concerned persons no less than fifteen (15) days' written notice of such date of hearing by certified mail. (§ 1, Ord. 765, eff. October 7, 1976)

**Sec. 6-8.809. Appeals: Hearings and determinations.**

Upon hearing the appeal, the Board shall grant the permit, or grant the permit upon conditions, if it is found that the project or activity applied for meets the standards contained in or determined as set forth and described in this chapter.

In the event the applied-for project or activity fails to meet and comply with the standards contained in or determined as set forth in this chapter, the Board shall deny the application.

The Board, for good cause shown, may impose other conditions or requirements for such permit. (§ 1, Ord. 765, eff. October 7, 1976)

**Sec. 6-8.810. Decisions of Board: Finality and validity.**

Any action or proceeding to attack, review, set aside, void, or annul the decision of the Board, or of any of the proceedings, acts, or determinations taken, done or made prior to such decision, or to determine the reasonableness, legality, or validity of any condition attached thereto, shall not be maintained by any person, unless such action or proceeding is commenced and the service of the summons effected within thirty (30) days after the date of the rendition in writing of such decision. (§ 1, Ord. 765, eff. October 7, 1976)

**Sec. 6-8.811. Permits: Nontransferable.**

Permits issued under the provisions of this chapter may not be transferred, assigned, or set over by the permittee to any other person.

All permits issued under the provisions of this chapter shall refer to and be limited to the activity applied for at the site, location, or address designated in such permit, and such activity may not be undertaken at any other location. (§ 1, Ord. 765, eff. October 7, 1976)

**Sec. 6-8.812. Permits: Revocation.**

Any permit issued pursuant to this chapter may be revoked by the Board upon a petition by the Enforcement Officer if the Board finds that:

- (a) The activity or project has caused or become a public nuisance; or
- (b) The permittee has violated a condition of the permit; or
- (c) Due to a change of circumstances and conditions at the site of the activity or project, the continuance of the project is hazardous to the public health, welfare, or safety; or
- (d) The applicant for the permit made a material misrepresentation of fact in his application. (§ 1, Ord 765, eff. October 7, 1976)

**Sec. 6-8.813. Permits: Revocation: Petitions.**

A petition to revoke a permit shall be filed with the Clerk of the Board by the Enforcement Officer, accompanied by a statement of the grounds or reasons for such action.

Upon the receipt of such a petition, the Clerk of the Board shall set the matter for a public hearing and shall serve the permittee with a notice of the hearing by certified mail, and a copy of such petition, no less than fifteen (15) days prior to such hearing. (§ 1, Ord. 765, eff. October 7, 1976)

**Sec. 6-8.814. Permits: Revocation: Hearings and determinations.**

Upon hearing the petition of the Enforcement Officer and the response of the permittee at such public hearing, the Board may revoke the permit if it finds that any of the grounds set forth in Section 6-8.813 of this article exist or have occurred. The Board shall deny the petition for revocation if it finds that none of such grounds for revocation exist or have occurred. (§ 1, Ord. 765, eff. October 7, 1976)

**Sec. 6-8.815. Permits: Revocation: Cease and desist orders.**

An order of revocation may be accompanied by an order to cease and desist from the continuance of the permitted activity. Such orders shall be in writing, addressed to the permittee at his address given in the application, and shall contain a factual statement of the reasons for the action, (§ 1, Ord. 765, eff. October 7, 1976)

**Article 9. Standards, Criteria, and Regulations for Public Water Supplies\***

\* The title of Article 9, formerly entitled "Standards, Criteria, and Regulations for Domestic Water Supplies", amended by Section 13, Ordinance No. 811, effective July 27, 1978.

**Sec. 6-8.901. Public water supply quality.**

The bacteriological, chemical, physical, and radiological quality of public water supply systems shall be the same as those standards set by the State for its regulation as set forth in 22 California Administrative Code, Division 4, and in Section 6-8.101 of Article 1 of this chapter. (§ 1, Ord. 765, eff. October 7, 1976, as amended by § 14, Ord. 811, eff. July 27, 1978)

**Sec. 6-8.902. Water quality monitoring and records.**

(a) Bacteriological samples shall be taken at least twice each year for all domestic water supplies.

(b) Chemical, physical, and trace element samples shall be taken once during each time period in accordance with Table No. 2 set forth in this section.

(c) Samples shall effectively monitor the entire system. When a system is supplied by more than one source of water, each source of water shall be sampled at frequencies pursuant to said Table No. 2.

(d) Distribution systems shall be sampled at the frequencies set forth in said Table No. 2 to determine the quality of water delivered to the consumer. Sampling points shall be chosen to monitor each area supplied by a different source.

(e) The permit may contain conditions which require sampling for problem constituents or more frequent sampling to evaluate new sources of supply, treatment plant performance, repairs, complaints, and other considerations in the supply of domestic water.

(f) Analyses of water samples shall be made by approved laboratories for the constituents included in Section 6-8.901 of this article.

(g) Reports of analyses shall be made in writing to the water supplier who shall retain the records of all such analyses for review by the Enforcement Officer.

(h) Said Table No. 2 is set forth as follows:

TABLE NO. 2  
*Water Quality Monitoring Frequency*

	<i>Raw Water Sources</i>			<i>Distribution System</i>		
	<i>Chemical</i>	<i>Physical</i>	<i>Trace</i>	<i>Chemical</i>	<i>Physical</i>	<i>Trace</i>
Ground water	5yrs.	5yrs.	5yrs.	5yrs.	6mos.	-----
Surface water	6mos.	6mos.	5yrs.	6mos.	6mos.	-----

(§ 1, Ord. 765, eff. October 7, 1976)

**Article 10. Standards, Criteria, and Regulations for Wells**

**Sec. 6-8.1001. Wells: Construction, reconditioning, reconstruction, and abandonment standards.**

All wells regulated by this chapter shall be constructed, reconstructed, repaired, abandoned, or changed in use only in accordance with the standards and criteria set forth in this chapter. (§ 1, Ord. 765, eff. October 7, 1976)

**Sec. 6-8.1002. Wells: Unattended.**

Wells left unattended during or awaiting reconstruction, repair, or abandonment shall be temporarily sealed to prevent the inflow of surface materials or access from the surface. (§ 1, Ord. 765, eff. October 7, 1976)

**Sec. 6-8.1003. Water supply wells: Construction.**

No person required to be licensed in accordance with the provisions of the Contractors License Law (Chapter 9 of Division 3 of the

Business and Professions Code of the State) shall be issued a permit unless he has a valid contractor's license of the proper class issued in accordance with the Contractors License Law. (§ 1, Ord. 765, eff. October 7, 1976)

**Sec. 6-8.1004. Water supply wells: Locations.**

(a) All water supply wells shall be located a safe distance from potential sources of contamination and pollution.

(b) No water supply well shall be located within the minimum distances from the features specified in Table No. 3 set forth in Section 6-8.1005 of this article.

(c) The location of each water supply well for which an application is made shall be approved by the Enforcement Officer. (§ 1, Ord. 765, eff. October 7, 1976)

**Sec. 6-8.1005. Water supply wells: Spacing.**

Table No. 3, referred to in Section 6-8.1004 of this article, is set forth as follows:

TABLE NO. 3

*Water Supply Well Spacing (Feet)*

	<i>Individual Domestic Wells</i>	<i>Public or Community Domestic Wells</i>	<i>Irrigation Wells</i>	<i>Other Wells</i>
Septic tank or sewer line	50	100	100	100
Leach field	100	100	100	100
Seepage pit	150	150	100	100
Public road right-of-way	----	100	----	50
Property lines	----	50	----	50
Animal or fowl intense confinement	100	100	----	100
Hazardous substance operations	100	100	100	100

(§ 1, Ord. 765, eff. October 7, 1976, as amended by § 7, Ord. 1015, eff. August 15, 1985)

**Sec. 6-8.1006. Water supply wells: Casings.**

(a) Except as otherwise provided in this section, all wells shall be cased using casing materials and installation methods in accordance with Sections 12A and B of California DWR Bulletin 74, Water Well Standards.

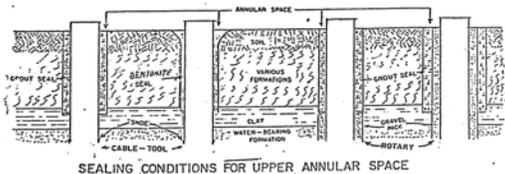
(b) The Enforcement Officer may approve, with the recommendation of the Technical Advisory Committee, new casing materials which may be developed in the future using new and improved technology.

(c) The uppermost perforations in casings shall not be above the depths specified in Section 6-8.1008 of this article.

(d) Wells may be constructed with a permanent conductor or outer casing, and, if so, there shall be at least two (2") inches of uniform annular space between the conductor and the hole for wells requiring a suffice seal. The inner, or production, casing may be of any size adequate for design production rates. Perforations may be located in the inner casing or in a liner of smaller diameter and suspended from the casing.

(e) Wells may be constructed with a single, or production, casing, and, if so, there shall be at least two (2") inches of uniform annular space between the casing and the hole for wells requiring a surface seal. Perforations may be located in the casing below the surface seal or in a liner of smaller diameter and hung from the casing. Excepted from this requirement is the cable tool drilling method when the drive shoe annulus is sealed in accordance with Section 6-8.1007 of this article. (§ 1, Ord. 765, eff. October 7, 1976, as amended by § 15, Ord. 811, eff. July 27, 1978)

**Sec. 6-8.1007. Water supply wells: Annular seals.**



The annular space between the drilled hole and the outermost casing shall be sealed to the depths specified in Section 6-8.1008 of this article as follows:

(a) Using neat cement, cement grout, or concrete with an aggregate size not to exceed three-eighths (3/8") inch; or

(b) Using puddled clay mixed with clean materials supplied for preparing clay-base mixtures; or

(c) Using bentonide when drying conditions are not present. When a drilling method does not provide a two (2") inch annulus, the drive shoe

annulus shall be maintained full of bentonide slurry during the advancement of the casing through the depth of the required seal. The surface seal shall be maintained through the completion of the well.

(d) Such sealing materials shall be placed in one continuous operation with the displacement from the bottom to the top of the interval to be sealed.

(e) Any well deeper than 1,000 feet and which penetrates two (2) or more distinct aquifers shall have a minimum fifty (50') foot annular seal placed in the confining materials between each two (2) aquifers. The installation of such seals will be based on the interpretation of the well log by the Enforcement Officer and the well driller or owner. (§ 1, Ord. 765, eff. October 7, 1976, as amended by § 16, Ord. 811, eff. July 27, 1978)

**Sec. 6-8.1008. Water supply wells: Depths of surface seals.**

All wells regulated by this chapter shall be sealed to the following minimum depths:

Type of Well	Depth of Seal (Feet)
Individual domestic	20
Public or community domestic	50
Irrigation	20
Monitoring	20
All other	40

Notwithstanding the table set forth in this section, the Health Officer may alter the required depth of the annular seal when adverse or special conditions warrant. (§ 1, Ord. 765, eff. October 7, 1976, as amended by § 8, Ord. 1015, eff. August 15, 1985)

**Sec. 6-8.1009. Water supply wells: Surface construction.**

All wells governed and regulated by this chapter shall be constructed only in accordance with the following standards and criteria:

(a) All wells shall be constructed with a concrete base, at least three (3') feet in diameter or three (3') feet square and six (6") inches in thickness, poured to a finished grade at least three (3") inches above the ground surface, with the top of the casing extending at least one-half (1/2") inch through the concrete base.

(b) Domestic water supply wells shall be constructed with no less than an eighteen (18") inch pump pedestal and a casing vent.

(c) The construction of well pits shall be prohibited.

(d) All openings, other than required vents, at the top of a well shall be capped or equipped with watertight seals.

(e) All vents shall be open, with the opening facing ground level, and screened.

(f) If a pump motor is to be mounted over the

well, a watertight seal shall be placed between the pump head and base, or between the pump head and production casing.

(g) If an offset surface pump or submersible pump is used, or if any wires or piping enter the well, watertight seals shall be placed around such openings.

(h) All pumping equipment shall be installed with protective devices to effectively prevent the entrance of foreign matter for back siphonage into the well casing. A properly designed air gap may be considered an acceptable protective device for agricultural wells. No person shall install any equipment or mechanism, or use any water-treating chemical or substance, if it is found that such equipment, mechanism, chemical, or substance may cause pollution or contamination of the groundwater supply. Such equipment or mechanism may be permitted only equipped with an approved backflow prevention device. (§ 1, Ord. 765, eff. October 7, 1976, as amended by § 9, Ord. 1015, eff. August 15, 1985)

**Sec. 6-8.1010. Water supply wells: Disinfection.**

The following types of wells shall be disinfected using the conventional and acceptable methods at the time of the construction, reconstruction, or reconditioning and prior to the well being used or placed in service:

(a) Water supply wells, except irrigation wells; and

(b) Recharge and injection wells.

All gravel added to any well shall be adequately disinfected prior to, or during, placement in the well.

Water used for the drilling of domestic water supply wells shall be secured from a potable source or another groundwater well. For irrigation wells, the water used for drilling shall be clean water, not obviously polluted, and shall be of a quality which is adequate to support marine life, especially fish. (§ 1, Ord. 765, eff. October 7, 1976, as amended by § 17, Ord. 811, eff. July 27, 1978)

**Sec. 6-8.1011. Water supply wells: Abandonment.**

Abandoned wells shall be destroyed within 120 days after notification by the Enforcement Officer that it has been established that the well is abandoned and directing that the well be destroyed. The destruction shall be done by the owner thereof in the following manner:

(a) The well shall be filled with silt, clay, neat cement, cement grout, or concrete to approximately twenty (20') feet from the surface. For gravel envelope wells, additional measures for sealing may be directed where the commingling of water from the various strata may be a problem.

(b) Neat cement, cement grout, or concrete shall be placed from approximately twenty (20') feet to within ten (10') feet, and not higher than three (3') feet, from the surface.

(c) The top three (3') feet to ten (10') feet of the well shall be cut off and a plate welded or sealed on the stub.

(d) The excavation shall be backfilled with native material. (§ 1, Ord. 765, eff. October 7, 1976, as amended by § 10, Ord. 1015, eff. August 15, 1985)

**Sec. 6-8.1012. Wells: Exceptions from standards.**

All wells shall be constructed, reconstructed, repaired, or abandoned in accordance with the standards and criteria set forth in this article and the following exceptions:

(a) *Exploratory wells and test holes.* Unless the owner or constructor completes or changes in use the exploratory well or test hole to another type of well:

(1) The location or site of the exploratory well shall not be limited.

(2) Casings shall not be required.

(3) Subsurface seals shall not be required.

(4) Exploratory wells and test holes shall be abandoned within fourteen (14) days after the completion of the test work.

(b) *Recharge or injection wells.* Samples of water shall be taken and compared to the proposed recharge or injection water for compatibility by the Enforcement Officer. In the event of the incompatibility of the waters, the well shall be classified a waste disposal well.

(c) *Waste disposal wells.* The design and location of the point or points of discharge shall be reviewed by the Technical Advisory Committee. No perforation or injection shall be made above the bottom of fresh water as determined by aquifer samplings, subsurface loggings, or other means.

(d) *Electrolytic protection wells.*

(1) A vent pipe may be substituted for casing.

(2) Failed electrolytic protection wells shall be abandoned within 120 days after notification by the Enforcement Officer that it has been established that the well has failed and directing that the well be abandoned.

(e) *Drainage, dewatering, and slope stability wells.* Licensed drillers shall not be required for the construction of drainage, dewatering, and slope stability wells. (§ 1, Ord. 765, eff. October 7, 1976)

**Article 11. Standards, Criteria, and Regulations for Septic Tank Systems**

**Sec. 6-8.1101. Purpose of provisions.**

It is the intent and purpose of this article to fix standards and criteria for the construction of

septic tank and leach field treatment systems and to provide for the effective treatment of liquid wastes in individual systems and the proper disposal of the liquid and solid products of such systems. (§ 1, Ord. 765, eff. October 7, 1976)

**Sec. 6-8.1102. Seepage pits.**

The use of seepage pits for liquid waste treatment and disposal is hereby prohibited. (§ 1, Ord. 765, eff. October 7, 1976)

**Sec. 6-8.1103. Septic tank systems:  
Locations.**

(a) No septic tank or leach field shall be located within such distance from surface and groundwater courses or from other features so as to result in the discharge of liquid wastes to the surface or to a water supply.

(b) No septic tank or leach field shall be located within the minimum distances from the water sources or features specified in Table No. 4 set forth in this section.

(c) The location of each septic tank and leach field for which an application is made shall be approved by the Enforcement Officer.

TABLE NO. 4

*Septic Tank and Leach Field Spacing (Feet)*

	<i>Nearest Structure</i>	<i>Individual Domestic Well</i>	<i>Public or Community Domestic Well</i>	<i>Other Well</i>	<i>a) Flowing Stream</i>	<i>b) Drainage Course or Ephemeral Stream</i>	<i>c) Cut or Fill Bank</i>	<i>d) Lake or Reservoir</i>	<i>e) Property Line</i>
Septic Tank	10	50	100	100	50	25	50	100	25
Leach Field	10	100	100	100	100	50	100	200	50

a) measured from ten (10) year flood line

b) measured from edge of drainage course or ephemeral stream

c) measured from top edge of bank

d) measured from high water line

e) the property line spacing requirement does not apply to a property line separating the property containing the septic tank or leach field from property supplied by a community domestic well which supplies domestic water supply systems.

(§ 1, Ord. 765, eff. October 7, 1976)

**Sec. 6-8.1104. Septic tank systems: Number of connections.**

Septic tanks shall be designed and installed for single connections, except where, in the opinion of the Enforcement Officer, local conditions at the site are such that additional connections present no hazard to the public health and safety. (§ 1, Ord. 765, eff. October 7, 1976)

**Sec. 6-8.1105. Septic tank systems: Size and design.**

The design and size of septic tanks to be installed at a particular site shall be approved in accordance with the best technical judgement of the Enforcement Officer, using the United States Public Health Service Manual of Septic Tank Practice as a guideline, but, in any event, the installation of a septic tank with a capacity of less than 750 gallons is hereby prohibited.

All installations, other than for single-family residential units, shall be based on said Manual of Septic Tank Practice and approved by the Enforcement Officer. Such installations shall have a minimum 100 percent replacement disposal area. (§ 1, Ord. 765, eff. October 7, 1976)

**Sec. 6-8.1106. Septic tank systems: Materials.**

All septic tanks shall be constructed of concrete, fiberglass, or other suitable, durable, and watertight material. (§ 1, Ord. 765, eff. October 7, 1976)

**Sec. 6-8.1107. Septic tank systems: Lines.**

All effluent sewer and leach lines shall be constructed of concrete, tile, fiberglass, plastic, or other suitable pipe material. Effluent sewers shall be installed with watertight joints between the septic tank and leach field. (§ 1, Ord. 765, eff. October 7, 1976)

**Sec. 6-8.1108. Septic tank systems: Lines: Depth.**

Leach lines shall be located at a minimum depth of twelve (12") inches, but not deeper than twenty-four (24") inches, above the top of the leach line. (§ 1, Ord. 765, eff. October 7, 1976)

**Sec. 6-8.1109. Septic tank systems: Soil absorption, depth, and slope conditions.**

The design of septic tank and leach field systems shall be approved by the Enforcement Officer using his best technical judgment and using as guidelines the procedures and guidelines utilized by the Central Valley Regional Water Quality Control Board and the United States Health Service Manual of Septic Tank Practices, except that every installation shall:

(a) Have a percolation rate of less than sixty (60) minutes per inch; provided, however, percolation rates shall not be less than five (5) minutes per inch unless the applicant can demonstrate that the ground or surface water will not be adversely affected;

(b) Have a surface slope less than thirty (30%) percent;

(c) Have a five (5') foot minimum depth of soil below the bottom of the leach line to the first impermeable strata or to the seasonal high groundwater level, as listed in the General Soil Map for Yolo County; and

(d) Have minimum disposal areas determined as follows:

<i>Percolation Rate Minutes per Inch</i>	<i>Minimum Disposal Area (Feet)</i>
41-60	12,000
21-40	10,000
11-20	8,000
5-10	6,000
less than 5	Not allowable

Areas lying within the minimum distances included in Table No. 4 shall not be used for waste disposal. Other areas unsuitable for waste disposal include:

(a) Areas in easements dedicated for surface or subsurface improvements;

(b) Paved areas;

(c) Areas not owned or controlled by the property owner unless dedicated for waste disposal; and

(d) Areas occupied or to be occupied by structures. (§ 1, Ord. 765, eff. October 7, 1976)

**Sec. 6-8.1110. Septic tank systems: Special designs.**

Where it is not reasonably possible to meet the standards of this article, the Enforcement Officer may approve a special alternative design as provided in Section 6-8.802 of Article 8 of this chapter; provided, however, any such special alternative design shall include a minimum 100 percent replacement disposal area. (§ 1, Ord. 765, eff. October 7, 1976)

**Sec. 6-8.1111. Septic tanks: Sewer connection availability.**

(a) No septic tank shall be constructed in connection with a new single-family dwelling, and no permit shall be issued therefor, if the cost to connect to sewer service is less than Two Thousand and no/100ths (\$2,000.00) Dollars.

(b) No person shall reconstruct or repair a septic tank system unless the cost thereof is in excess of 120 percent of the cost to connect to sewer service.

(c) No septic tank sewage disposal system shall be constructed within a residential subdivision of five (5) or more lots, or parcels in

which any one parcel is less than five (5) acres net size, for which a tentative subdivision map is approved after October 7, 1976.

(d) No septic tank shall be constructed in connection with six (6) or more new dwelling units constructed on a single lot or parcel of real property.

(e) It is the policy of the County to encourage owners of property within existing subdivisions served by septic tanks to undertake assessment proceedings to obtain sewer service.

(f) In the absence of substantial justification to the contrary, the policy of the County strongly disfavors the use of on-site sewage treatment and/or disposal systems for the construction of an urban type development, such as a commercial, industrial, multi-family unit, or other development or residential subdivision of five (5) or more lots when within any sphere of influence of a city or other governmental agency providing sewer service. In the absence of substantial justification to the contrary, the policy of the County strongly favors the use of the sewerage system of a city or other governmental agency providing sewer service for such urban development within any sphere of influence. As used in this section, "sphere of influence" shall mean an urban service area boundary established by the Yolo County Local Agency Formation Commission pursuant to Section 54774 of the Government Code of the State. (§ 1, Ord. 765, eff. October 7, 1976, as amended by § 18, Ord. 811, eff. July 27, 1978, and § 1, Ord. 813, eff. August 10, 1978)

#### **Article 12. Cache Creek**

##### **Sec. 6-8.1201. Findings.**

The Board of Supervisors finds and declares that the people of the County have a primary interest in the control and utilization of the waters of Cache Creek, which is an invaluable and irreplaceable resource of the County for, inter alia, agricultural, recreational, and domestic uses, and that the quality of the waters of Cache Creek shall be protected for the use and enjoyment by the people of the County. The Board of Supervisors further finds and declares that activities and factors, both within and outside the County, which may affect the quality of the waters of Cache Creek within the County shall be regulated to attain the highest water quality which is reasonable, considering all demands being made and to be made on those waters, and the total values involved, beneficial and detrimental, economic and social, tangible and intangible. The Board of Supervisors further finds and declares that the health, safety, and welfare of the County require that the County exercise its full power and jurisdiction to protect the quality of the waters of Cache Creek within the County from degradation originating inside or outside the boundaries of the

County. (§ 2, Urgency Ord. 1052, eff. April 7, 1987)

##### **Sec. 6-8.1202. Prohibition against dumping, discharge, and the like: Scope of application: Nuisances.**

(a) Any other provision of this Code notwithstanding, no person shall deposit or discharge, or cause to be deposited or discharged, any sewage, industrial waste, or effluent, or treated sewage, industrial waste, or effluent, directly or indirectly (including, but not limited to, percolation) in or upon Cache Creek or any creek, stream, river, or other defined watercourse draining into the waters of Cache Creek.

(b) The provisions of subsection (a) of this section shall apply without limitation to all persons and activities within and/or outside the County to the extent that such activities affect the waters of Cache Creek within the unincorporated territory of the County.

(c) In addition to any other penalties and remedies provided by law, a violation of the provisions of this section shall constitute a nuisance, actionable as such. (§ 2, Urgency Ord. 1052, eff. April 7, 1987)

#### **Article 13. Violations: Penalties**

##### **Sec. 6-8.1301. Violations: Penalties.**

Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than Five Hundred and no/100ths (\$500.00) Dollars, or imprisonment in the County Jail for not more than six (6) months, or by both such fine and imprisonment. Such person shall be deemed guilty of a separate offense for each and every day during any portion of which a violation of this chapter is committed, continued, or permitted by such person. (§ 1, Ord. 765, eff. October 7, 1976, as renumbered by § 1, Urgency Ord. 1052, eff. April 7, 1987)

## Chapter 9

### PUBLIC HEALTH PERMITS

#### Sections:

#### Article 1. Authority and Purpose

- 6-9.101 Title.
- 6-9.102 Authority.
- 6-9.103 Findings.
- 6-9.104 Purpose.
- 6-9.105 Application.

#### Article 2. Definitions

- 6-9.201 Scope.
- 6-9.202 Restaurant.
- 6-9.203 Retail food production and marketing establishment.
- 6-9.204 Food processing establishment. (Repealed).
- 6-9.205 Mobile food preparation unit.
- 6-9.206 Itinerant restaurant.
- 6-9.207 Vending machine.
- 6-9.208 Food vehicle.
- 6-9.209 Roadside stand.
- 6-9.210 Public swimming pool.
- 6-9.211 Public water system.
- 6-9.212 Injection well.

#### Article 3. Prohibitions

- 6-9.301 Permits: Required.
- 6-9.302 Violations of conditions.
- 6-9.303 Permits: Changes in conditions.
- 6-9.304 Permits: Revoked: Effect.

#### Article 4. Permits

- 6-9.401 Applications.
- 6-9.402 Applications: Investigations: Issuance: Denial.
- 6-9.403 Form.
- 6-9.404 Terms.
- 6-9.405 Applications: Fees.
- 6-9.406 Applications: Appeals.
- 6-9.407 Applications: Decisions: Finality.
- 6-9.408 Applications: Decisions: Appeals: Procedure.
- 6-9.409 Applications: Decisions: Appeals: Hearings: Determinations.
- 6-9.410 Nontransferability.
- 6-9.411 Revocation.
- 6-9.412 Revocation: Petitions.
- 6-9.413 Revocation: Hearings: Determinations.

#### Article 5. Standards

- 6-9.501 Scope.
- 6-9.502 Standards.
- 6-9.503 Restaurants. (Repealed).

6-9.504 Retail food production and marketing establishments. (Repealed).

6-9.505 Food processing establishments. (Repealed).

6-9.506 Mobile food preparation units. (Repealed).

6-9.507 Itinerant restaurants. (Repealed).

6-9.508 Vending machines. (Repealed).

6-9.509 Vending machine and vehicle identification.

6-9.510 Food vehicles. (Repealed).

6-9.511 Roadside stands. (Repealed).

6-9.512 Public swimming pools.

6-9.513 Public water systems.

6-9.514 Injection wells.

6-9.515 Food crop growing and harvesting operations.

6-9.516 Infectious waste.

#### Article 6. Violations: Penalties

6-9.601 Violations: Penalties.

#### Article 1. Authority and Purpose

##### Sec. 6-9.101. Title.

This chapter may be known and may be cited and referred to as the "Public Health Permit Law of the County of Yolo". (§ 1, Ord. 858, eff. October 25, 1979)

##### Sec. 6-9.102. Authority.

This chapter is enacted pursuant to the authority conferred by the Health and Safety, Public Resources, and Water Codes of the State. (§ 1, Ord. 858, eff. October 25, 1979, as amended by § 3, Ord. 1074, eff. May 12, 1988)

##### Sec. 6-9.103. Findings.

The Board hereby determines, pursuant to Section 510 of the Health and Safety Code of the State, that the expense of the Health Officer in the enforcement of statutes, orders, quarantines, rules, or regulations prescribed by State officers or departments relating to the public health, which either require or authorize the Health Officer to perform specified acts, are not met by any fees prescribed by the State. (§ 1, Ord. 858, eff. October 25, 1979)

##### Sec. 6-9.104. Purpose.

It is the purpose of this chapter to authorize the prescription of such fees as will pay the reasonable expenses of the Health Officer incurred in such enforcement as to the establishments, businesses, or activities for which a public health permit is required by this chapter. (§ 1, Ord. 858, eff. October 25, 1979)

##### Sec. 6-9.105. Application.

The provisions of this chapter shall apply within any city in the County when the governing body thereof consents to County health administration for that city pursuant to Section 476 of the Health and Safety Code of the State, and the schedule of fees authorized by this chapter shall be applicable in the area in which the Health Officer enforces any statute, order, quarantine, rule, or regulation prescribed by a State Health Officer or department relating to public health. (§ 1, Ord. 858, eff. October 25, 1979)

## Article 2. Definitions

### Sec. 6-9.201. Scope.

For the purposes of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as set forth in this article. (§ 1, Ord. 858, eff. October 25, 1979)

### Sec. 6-9.202. Restaurant.

"Restaurant" shall mean any restaurant as defined by Section 28522 of the Health and Safety Code of the State. (§ 1, Ord. 858, eff. October 25, 1979)

### Sec. 6-9.203. Retail food production and marketing establishment.

"Retail food production and marketing establishment" shall mean any such establishment as defined by Section 28802 of the Health and Safety Code of the State. (§ 1, Ord. 858, eff. October 25, 1979)

### Sec. 6-9.204. Food Processing establishment.

(§1, Ord. 858, eff. October 25, 1979; repealed by Ord. 1099, eff. October 19, 1989)

### Sec. 6-9.205. Mobile food preparation unit.

"Mobile food preparation unit" shall mean that term as defined by subsection (a) of Section 13601 of Title 17 of the California Administrative Code. (§ 1, Ord. 858, eff. October 25, 1979)

### Sec. 6-9.206. Itinerant restaurant.

"Itinerant restaurant" shall mean that term as defined by Section 28523 of the Health and Safety Code of the State. (§ 1, Ord. 858, eff. October 25, 1979)

### Sec. 6-9.207. Vending machine.

"Vending machine" shall mean that term as defined by Section 28525 of the Health and Safety Code of the State. (§ 1, Ord. 858, eff. October 25, 1979)

### Sec. 6-9.208. Food vehicle.

"Food vehicle" shall mean any vehicle as defined by Section 28524 of the Health and

Safety Code of the State. (§ 1, Ord. 858, eff. October 25, 1979)

### Sec. 6-9.209. Roadside stand.

"Roadside stand" shall mean that term as defined by subsection (k) of Section 13650 of Title 17 of the California Administrative Code. (§ 1, Ord. 858, eff. October 25, 1979)

### Sec. 6-9.210. Public swimming pool.

"Public swimming pool" shall mean that term as defined by Section 24100 of the Health and Safety Code of the State. (§ 1, Ord. 858, eff. October 25, 1979)

### Sec. 6-9.211. Public water system.

"Public water system" shall mean that term as defined by subsection (e) of Section 4010.1 of the Health and Safety Code of the State and by subsection (b) of Section 64411 of Title 22 of the California Administrative Code. (§ 1, Ord. 890, eff. September 18, 1980)

### Sec. 6-9.212. Injection well.

"Injection well" shall mean a Class II injection well as defined in Section 8-2.2372 of this Code. (§ 4, Ord. 1074, eff. May 12, 1988)

## Article 3. Prohibitions.

### Sec. 6-9.301. Permits: Required.

No person shall maintain any of the following establishments, businesses, or activities without a valid public health permit to do so:

- (a) Public swimming pools;
- (b) Public water systems with fewer than 200 service connections;
- (c) Food crop growing and harvesting operations;
- (d) Infectious waste. (§ 1, Ord. 858, eff. October 25, 1979, as amended by § 2, Ord. 890, eff. September 18, 1980, § 5, Ord. 1074, eff. May 12, 1988, and § 2, Ord. 1099, eff. October 19, 1989)

### Sec. 6-9.302. Violations of conditions.

No person shall maintain any of the establishments, businesses, or activities listed in Section 6-9.301 of this article in violation of the conditions of a public health permit. (§ 1, Ord. 858, eff. October 25, 1979)

### Sec. 6-9.303. Permits: Changes in conditions.

No person shall make a material change in any establishment, business, or activity set forth in Section 6-9.301 of this article without making an application for a new public health permit. (§ 1, Ord. 858, eff. October 25, 1979)

**Sec. 6-9.304. Permits: Revoked: Effect.**

No person shall maintain any of the establishments, businesses, or activities listed in Section 6-9.301 of this article with a revoked public health permit. (§ 1, Ord. 858, eff. October 25, 1979)

**Article 4. Permits**

**Sec. 6-9.401. Applications.**

Any person required to apply for and obtain a permit under the provisions of this chapter shall prepare and submit to the Health Officer an application for such permit on forms provided for such purpose by the County. (§ 1, Ord. 858, eff. October 25, 1979)

**Sec. 6-9.402. Applications: Investigations: Issuance: Denial.**

The Health Officer shall cause an investigation to be made of the facts stated in the application and of the establishment, business, or activity for which the application is made. If the Health Officer finds that the applicant is in compliance with the standards specified by this chapter, the Health Officer shall order the issuance of the public health permit. If he finds that compliance with such standards can be obtained by the applicant, the Health Officer may issue a permit subject to reasonable conditions. If he finds that the applicant cannot comply with the standards specified by this chapter the Health Officer shall deny the permit. (§ 1, Ord. 858, eff. October 25, 1979)

**Sec. 6-9.403. Form.**

All permits issued pursuant to this chapter shall be in the form prescribed by the Board. (§ 1, Ord. 858, eff. October 25, 1979)

**Sec. 6-9.404. Terms.**

The term of a public health permit shall be one year. Every public health permit issued pursuant to the provisions of this chapter shall terminate at the expiration of one year after the date of issuance. (§ 1, Ord. 858, eff. October 25, 1979)

**Sec. 6-9.405. Applications: Fees.**

Each application shall be accompanied by the fees prescribed by resolution of the Board. Such fees shall in no event exceed the actual cost to the County in carrying out the purposes of this chapter. (§ 1, Ord. 858, eff. October 25, 1979, as amended by § 6, Ord. 1074, eff. May 12, 1988)

**Sec. 6-9.406. Applications: Appeals.**

All decisions, determinations, and actions of the Health Officer as to applications for public health permits may be appealed by the applicant

to the Board. (§ 1, Ord. 858, eff. October 25, 1979)

**Sec. 6-9.407. Applications: Decisions: Finality.**

The decision of the Health Officer rendered pursuant to the provisions of this chapter shall be final, unless appealed to the Board within thirty (30) days after such decision is rendered in writing, and notice of the decision is given to the applicant by certified mail. (§ 1, Ord. 858, eff. October 25, 1979)

**Sec. 6-9.408. Applications: Decisions: Appeals: Procedure.**

Appeals from decisions of the Health Officer shall be made in writing, and shall specify and set forth the grounds for the appeal, and shall be filed by the appellant with the Clerk of the Board. The Board shall set the matter for a hearing no later than thirty (30) days after such filing and shall give the appellant and the Health Officer no less than fifteen (15) days' written notice of such date of hearing. (§ 1, Ord. 858, eff. October 25, 1979)

**Sec. 6-9.409. Applications: Decisions: Appeals: Hearings: Determinations.**

Upon hearing the appeal, the Board shall grant the public health permit, or grant the public health permit upon conditions, if it is found that the establishment, business, or activity applied for meets the standards prescribed by this chapter. In the event such establishment, business, or activity fails to meet the standards prescribed by this chapter, the Board shall deny the application. The Board, for good cause shown, may impose other conditions or requirements for such public health permits. (§ 1, Ord. 858, eff. October 25, 1979)

**Sec. 6-9.410. Nontransferability.**

Public health permits issued under the provisions of this chapter shall not be transferred, assigned, or set over by the permittee to any other person. All public health permits issued under the provisions of this chapter shall refer to and be limited to the establishment, business, or activity applied for. If such establishment, business, or activity is conducted upon a particular site, location, or address, such permit shall not be transferable to any other site, location, or address. (§ 1, Ord. 858, eff. October 25, 1979)

**Sec. 6-9.411. Revocation.**

Any permit issued pursuant to this chapter may be revoked by the Board upon a petition by the Health Officer if the Board finds that:

(a) The establishment, business, or activity has caused or become a public nuisance; or

(b) The permittee has violated a condition of the permit; or

(c) Due to a change of circumstances and conditions, the continuance of the establishment, business, or activity is hazardous to the public health, welfare, or safety; or

(d) The applicant for the permit made a material misrepresentation of facts in his application; or

(e) The establishment, business, or activity is maintained in violation of the standards described by this chapter. (§ 1, Ord. 858, eff. October 25, 1979)

**Sec. 6-9.412. Revocation: Petitions.**

A petition to revoke a permit shall be filed with the Clerk of the Board by the Health Officer, accompanied by a statement of the grounds or reasons for such action. Upon the receipt of such petition, the Clerk of the Board shall set the matter for a public hearing and shall serve the permittee with a notice of the hearing by mail and a copy of such petition no less than fifteen (15) days prior to the hearing. (§ 1, Ord. 858, eff. October 25, 1979)

**Sec. 6-9.413. Revocation: Hearings: Determinations.**

Upon hearing the petition of the Health Officer and the response of the permittee at such public hearing, the Board may revoke the permit if the Board finds that any of the grounds set forth in Section 6-9.411 of this article exist or have occurred. The Board shall deny the petition for revocation if the Board finds that none of such grounds for revocation exist or have occurred. (§ 1, Ord. 858, eff. October 25, 1979)

**Article 5. Standards**

**Sec. 6-9.501. Scope.**

Applications for the issuance of public health permits and petitions for the revocation of public health permits shall be determined in accordance with the standards prescribed by this article. (§ 1, Ord. 858, eff. October 25, 1979)

**Sec. 6-9.502. Standards.**

The standards shall consist of any statute, order, quarantine, rule, or regulation prescribed by a State officer or department relating to public health or by this chapter. (§ 1, Ord. 858, eff. October 25, 1979)

**Sec. 6-9.503. Restaurants.**

(§ 1, Ord. 858, eff. October 25, 1979; repealed by Ord. 1099, eff. October 19, 1989)

**Sec. 6-9.504. Retail food production and marketing establishments.**

(§ 1, Ord. 858, eff. October 25, 1979; repealed by Ord. 1099, eff. October 19, 1989)

**Sec. 6-9.505. Food processing establishments.**

(§ 1, Ord. 858, eff. October 25, 1979; repealed by Ord. 1099, eff. October 19, 1989)

**Sec. 6-9.506. Mobile food preparation units.**

(§ 1, Ord. 858, eff. October 25, 1979; repealed by Ord. 1099, eff. October 19, 1989)

**Sec. 6-9.507. Itinerant restaurants.**

(§ 1, Ord. 858, eff. October 25, 1979; repealed by Ord. 1099, eff. October 19, 1989)

**Sec. 6-9.508. Vending machines.**

(§ 1, Ord. 858, eff. October 25, 1979; repealed by Ord. 1099, eff. October 19, 1989)

**Sec. 6-9.509. Vending machine and vehicle identification.**

(a) Each vending machine shall have affixed thereon, in an accessible place, an identification plate made of durable material setting forth the model number or symbol of the machine and the serial number identifying each machine.

(b) In addition, there shall be affixed to each vending machine or food vehicle a decal or other identification tag furnished by the Health Officer indicating that the required health permit fee has been paid for the current fiscal year. (§ 1, Ord. 858, eff. October 25, 1979)

**Sec. 6-9.510. Food vehicles.**

(§ 1, Ord. 858, eff. October 25, 1979; repealed by Ord. 1099, eff. October 19, 1989)

**Sec. 6-9.511. Roadside stands.**

(§ 1, Ord. 858, eff. October 25, 1979; repealed by Ord. 1099, eff. October 19, 1989)

**Sec. 6-9.512. Public swimming pools.**

The standards for a public swimming pool shall include those specified for such pools by Article 3 of Chapter 1 of Division 20 of the Health and Safety Code of the State (commencing with Section 24100). (§ 1, Ord. 858, eff. October 25, 1979)

**Sec. 6-9.513. Public water systems.**

The standards for a public water system shall include those specified for such water systems by Chapter 7 of Division 5 of the Health and Safety Code of the State (commencing with Section 4010). (§ 3, Ord. 890, eff. September 18, 1980)

**Sec. 6-9.514. Injection wells.**

(a) The standards for the establishment, operation and maintenance of an injection well shall be as follows:

(1) The site shall be constructed to prevent seepage and runoff. A berm made of impervious

materials and with a fluid holding capacity of 110 percent of the maximum on-site storage volume shall be constructed and appropriately located and maintained.

(2) The site shall be adequately secured against vandalism and unauthorized entry, including but not limited to security fencing of the entire site and an adequate safety lock system for all points of fluid discharge and unloading.

(3) The operator and the site shall be properly authorized and permitted for an injection well operation by all appropriate regulatory agencies, including but not limited to the Division of Oil and Gas and the Yolo County Community Development Agency.

(4) The application shall be accompanied by a list identifying all companies which will transport waste to the site for injection. The operator shall notify the Health Officer on a monthly basis of any new company transporting waste to the site.

(5) An automatic shut-off valve, triggered by a significant increase or decrease in pressure, shall be installed and maintained.

(6) A sample tap for the sampling and testing of injection fluid shall be installed on line.

(7) Continuous tamper-proof pressure and volume recording devices shall be installed.

(8) Proof of liability insurance, issued by a carrier licensed in California shall be provided, naming the County as an additional named insured and providing the County not less than thirty (30) days' advance written notice of cancellation, in an amount not less than One Million and no/100ths (\$1,000,000) Dollars per occurrence and Two Million and no/100ths (\$2,000,000) Dollars annual aggregate, for the duration of the permit period plus three (3) years thereafter. A certificate of insurance shall be provided in a form satisfactory to the County Administrator and the County Counsel. The Board of Supervisors may approve an equivalent financial resource proposed by an operator, as specified in Article X of the Health Services Agency's regulations.

(9) The operator shall execute a satisfactory hold harmless and indemnification clause, in a form satisfactory to the County Administrator and the County Counsel, in favor of the County and any city whose general plan area is within one-half (1/2) mile of the injection well site.

(10) The operator shall comply with all standards and requirements otherwise imposed by law, including but not limited to all local, State and Federal laws and regulations.

(b) No injection well shall be established, operated or maintained in such a manner as to cause degradation to any water supply well.

(c) In addition to the fees imposed and collected pursuant to Section 6-9.405, the operator shall pay fees on a monthly basis based upon the volume of waste injected at the site during the preceding month. Such fees shall be

set by resolution of the Board and shall not exceed the costs of regulating and monitoring the injection wells and of otherwise enforcing the provisions of the section.

(d) The Health Officer is authorized to adopt regulations to carry out the provisions of this section, including specifying the manner, place and interval for the testing and monitoring of injection wells and water supply wells within the County. Such regulations shall include, but not be limited to, baseline testing and subsequent monitoring of water supply wells and injection well sites, unannounced random and periodic testing of the materials being transported, sorted and injected, examination and copying of all Division of Oil and Gas reports (including test results) provided by or to the injection well operator, and the application of appropriate elements of the Safe Drinking Water Act of 1986. The cost of such monitoring and testing shall be borne by the injection well operators and included in the permit fees. Such regulations, and any amendments thereto, shall be filed with the Board of Supervisors and not less than forty-five (45) days prior to their effective date. The Administrative Regulations considered by this Board on October 25, 1988, hereby are ratified.

(e) The injection well operator shall immediately report to the Health Officer any extraordinary occurrence at the site that may adversely affect the public health, safety or welfare, including but not limited to earthquake or vandalism causing structural damage, significant change in well pressures, accidental spill or discharge, and fire.

(f) The injection well operator shall provide copies of all recorded material from the pressure and volume recording devices to the Health Officer on a monthly basis.

(g) The injection well operator shall notify the Health Officer of any testing of the injection well by the Division of Oil and Gas in advance of such testing and not more than two (2) working days after receiving notification from the Division of Oil and Gas, and the Health Officer shall be allowed to be present to monitor and obtain the results of such testing. The operator shall forward copies of all reports of such testing and the results thereof to the Health Officer within two (2) working days of their receipt by the operator.

(h) The injection well site shall only be used for the holding and injection of Class II waste fluid generated by conventional oil and/or natural gas production wells. Materials other than those used or generated in the settling and injection operations shall not be stored at the site.

(i) All operator-owned vehicles used to transport the waste shall be clearly identified by company name and address with letter not less than three (3") inches high on both sides of the vehicle exterior and of colors contrasting with the vehicle exterior.

(j) The operator shall file a report for each load of waste delivered to the site, on a form designated by the Health Officer. The report shall be filed on a monthly basis, and shall contain the following information: date and location of delivery, name and address of hauling company, and origin of the waste.

(k) Upon the occurrence of an earthquake which results in National Watch System notification to the County Emergency Services Director, the Health Officer may enter the injection well site for inspection and appropriate testing.

(l) No injection well shall be abandoned except in compliance with applicable Federal and State laws and regulations. A copy of a certificate of abandonment evidencing such compliance shall be filed with the Health Officer within thirty (30) days of its receipt.

(m) The provisions of this section shall apply to all pre-existing and future injection wells. The operator of a pre-existing injection well shall apply for the required permit and pay the appropriate fees on or before July 1, 1989, and shall comply with all other requirements of this section on or before January 1, 1989; provided, however, that the Health Officer may extend the compliance period for one or more requirements of this section to a date no later than July 1, 1989, upon determination that compliance with such requirement(s) by January 1, 1989, is impracticable. (§ 7, Ord. 1074, eff. May 12, 1988, as amended by § 1, Ord. 1085, eff. January 19, 1989)

**Sec. 6-9.515. Food crop growing and harvesting operations.**

The standard for food crop growing and harvesting operations are set forth in Chapter 6.5 of Part 3 of Division 5 of the Health and Safety Code, commencing with Section 5474.2 and regulations promulgated thereunder, including Group 11 of Subchapter 1 of Chapter 5 of Part 1 of Title 17 of the Code of California Regulations, commencing with Section T-17-8000. (§ 4, Ord. 1099, eff. October 19, 1989)

**Sec. 6-9.516. Infectious waste.**

The standards for the regulation of infectious waste are as set forth in Chapter 6.5 of Division 20 of the Health and Safety Code commencing with Section 25100, including the regulations promulgated under Section 25157.3 thereof, which include Article 13 of Chapter 30 of Division 4 of Title 22 of the Code of California Regulations, commencing with Section 66335 of which Section 66865 authorizes enforcement by local health officers and which are made applicable to a general acute care hospital by 22 CCR Section 70849, to an acute psychiatric hospital by 22 CCR Section 71651, to a skilled nursing facility by 22 CCR Section 72647, to an

intermediate care facility by 22 CCR Section 73645, to an intermediate care facility/developmentally disabled-nursing by 22 CCR Section 73947, to a primary care clinic by 22 CCR Section 75069, and to an intermediate care facility for the developmentally disabled by 22 CCR Section 76657. (§ 5, Ord. 1099, eff. October 19, 1989)

**Article 6. Violations: Penalties**

**Sec. 6-9.601. Violations: Penalties.**

Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than Five Hundred and no/100ths (\$500.00) Dollars, or by imprisonment in the County Jail for not more than six (6) months, or by both such fine and imprisonment. Such person shall be deemed guilty of a separate offense for each and every day during a portion of which a violation of this chapter is committed, continued, or permitted by such person. (§ 1, Ord. 858, eff. October 25, 1979)

## Chapter 10

### GENERAL PROVISIONS

#### Sections:

**Article 1. Arrest Authority**  
**6-10.101            Arrest authority.**

#### **Article 1. Arrest Authority**

##### **Sec. 6-10.101. Arrest authority.**

In the performance of his duties, the Health Officer, and his duly authorized agents and employees, including the Chief of the Environmental Health Department and registered sanitarians employed by the County as such, shall have the authority and immunities of public officers and employees as set forth in Section 836.5 of the Penal Code of the State to make arrests without a warrant whenever such officer or employee has reasonable cause to believe that the person to be arrested has committed a misdemeanor in his presence which is in violation of any provision of State law, this Code, or any city ordinance, the violation of which is a misdemeanor, and which officer or employee has the duty to enforce. (§ 1, Ord. 887, eff. August 28, 1980)

## Chapter 11

### UNDERGROUND STORAGE OF HAZARDOUS SUBSTANCES\*

#### Sections:

6-11.01	<b>Purpose.</b>
6-11.02	<b>Definitions.</b>
6-11.03	<b>Design standards and monitoring systems for new facilities.</b>
6-11.04	<b>Monitoring systems for existing facilities.</b>
6-11.05	<b>Abandonment. (Repealed).</b>
6-11.05.1	<b>Permits: Required.</b>
6-11.06	<b>Permits: Applications: Filing.</b>
6-11.07	<b>Permits: Applications: Contents.</b>
6-11.08	<b>Permits: Issuance.</b>
6-11.09	<b>Permits: Term.</b>
6-11.10	<b>Permits: Contents.</b>
6-11.11	<b>Permits, appeals, variances, and enforcement: fees.</b>
6-11.12	<b>Permits: Transferability.</b>
6-11.12.1	<b>Violations: Penalties. (Repealed).</b>
6-11.12.2	<b>Permits: Amendments and modifications.</b>
6-11.12.8	<b>Abandonment.</b>
6-11.13	<b>Inspections.</b>
6-11.14	<b>Unauthorized releases.</b>
6-11.14.4	<b>Unauthorized releases: Repair requirements.</b>
6-11.15	<b>Violations: Penalties.</b>
6-11.16	<b>Hearing Authority.</b>
6-11.17	<b>Appeals.</b>
6-11.18	<b>Appeals: Hearings.</b>
6-11.19	<b>Appeals: Finality of determinations.</b>
6-11.20	<b>Permits: Revocation: Grounds.</b>
6-11.21	<b>Permits: Revocation: Method.</b>
6-11.22	<b>Trade secrets.</b>
6-11.23	<b>Site specific variances.</b>

- Sections 6-11.101 through 6-11.121, as added by Ordinance No. 970, effective January 12, 1984, renumbered to Sections 6-11.01 through 6-11.21 by codifier to conform with the numbering system of the Code.

#### **Sec. 6-11.01. Purpose.**

It is the purpose of this chapter to establish standards for the construction and monitoring of facilities used for the underground storage of hazardous substances and to establish a procedure for the issuance of permits for such facilities. (§ 1, Ord. 970, eff. January 12, 1984)

#### **Sec. 6-11.02. Definitions.**

For the purposes of this chapter, unless otherwise apparent from the context, certain

words and phrases used in this chapter are defined as follows:

(a) "Facility" shall mean any one, or combination of, underground storage tanks used by a single business entity at a single location or site.

(b) "Hazardous substance" shall mean all of the following liquid and solid substances, unless the Board determines the substance could not adversely affect the quality of the waters of the County or the region:

(1) Substances on the list prepared by the Director of the Department of Industrial Relations pursuant to Section 6382 of the Labor Code of the State;

(2) Hazardous substances, as defined in Section 26316 of the Health and Safety Code of the State; and

(3) Any substance or material which is classified by the National Fire Protection Association (NFPA) as a flammable liquid, or a Class II combustible liquid, or a Class III-A combustible liquid.

(c) "Permitting Authority" shall mean the Public Health Director or his designee.

(d) "Person" shall mean an individual, trust, firm, joint stock company, corporation, including a government corporation, partnership, or association. "Person" shall also include any city, county, district, or the State, or any department or agency thereof.

(e) "Board" shall mean the Board of Supervisors of the County.

(f) "Primary containment" shall mean the first level of containment, such as the portion of a tank which comes into immediate contact on its inner surface with the hazardous substance being contained.

(g) "Product-tight" shall mean impervious to the substance which is contained, or is to be contained, so as to prevent the seepage of the substance from the primary containment. To be product-tight, the tank shall not be subject to physical or chemical deterioration by the substance which it contains over the useful life of the tank.

(h) "Secondary containment" shall mean the level of containment external to, and separate from, the primary containment.

(i) "Single-walled" shall mean construction with walls made of only one thickness of material. For the purposes of this chapter, laminated, coated, or clad material shall be considered single-walled.

(j) "Storage" or "store" shall mean the containment, handling, or treatment of hazardous substances, either on a temporary basis or for a period of years. "Storage" or "store" shall not mean the storage of hazardous wastes in an underground storage tank if the person operating the tank has been issued a hazardous waste facilities permit by the State Department of

Health Services pursuant to Section 25200, or granted interim status under Section 25200.5, of the Health and Safety Code of the State.

(k) "Unauthorized release" shall mean any release or emission of any hazardous substance which does not conform to the provisions of this chapter, unless such release is authorized by the State Water Resources Control Board pursuant to Division 7 (commencing with Section 13000) of the Water Code of the State.

(l) "Underground storage tank" shall mean any one or combination of tanks, including pipes connected thereto, which are used for the storage of hazardous substances and which are substantially or totally beneath the surface of the ground. "Underground storage tank" shall not include any of the following:

(1) A tank used for the storage of hazardous substances used for the control of external parasites of cattle and subject to the supervision of the County Agricultural Commissioner if the County Agricultural Commissioner determines, by inspection prior to use, that the tank provides a level of protection equivalent to that required by Section 6-11.03 of this chapter if the tank was installed after June 30, 1984, or protection equivalent to that provided by Section 6-11.04 of this chapter if the tank was installed on or before June 30, 1984;

(2) Tanks which hold 1,100 gallons or less and which are located on a farm or store motor vehicle fuel which is used only to propel vehicles used primarily for agricultural purposes;

(3) Tanks used for aviation or motor vehicle fuel located within one mile of a farm and such tanks are used by a licensed pest control operator, as defined by Section 11705 of the Food and Agricultural Code of the State, who is primarily involved in agricultural pest control activities; or

(4) Structures such as sumps, separators, storm drains, catch basins, oil field gathering lines, refinery pipelines, lagoons, evaporation ponds, well cellars, separation pumps, lined and unlined pits, and sumps and lagoons. Sumps which are a part of the monitoring system required by Sections 6-11.03 and 6-11.04 of this chapter shall not be exempted by this section.

(m) "Special inspector" shall mean a professional engineer, registered pursuant to Chapter 7 (commencing with Section 6700) of Division 3 of the Business and Professions Code of the State, who is qualified to attest, at a minimum, to structural soundness, seismic safety, and the compatibility of construction materials with contents, cathodic protection, and the mechanical compatibility of the structural elements.

(n) "Owner" shall mean the owner of an underground storage tank.

(o) "Operator" shall mean the operator of an underground storage tank.

(p) "Pipe" shall mean any pipeline or system of pipelines which is used in connection with the storage of hazardous substances and which is not intended to transport hazardous substances in interstate or intrastate commerce or to transfer hazardous materials in bulk to or from a marine vessel. (§ 1, Ord. 970, eff. January 12, 1984, as amended by §§ 1, 2, and 3, Ord. 1036, eff. July 10, 1986, and § 6, Ord. 1099, eff. October 19, 1989)

**Sec. 6-11.03. Design standards and monitoring systems for new facilities.**

A permit to operate shall not be issued for any underground storage tank or facility installed after January 1, 1984, unless the underground storage tank or facility meets all of the requirements of Section 25291 of the Health and Safety Code of the State and Article 3 (commencing with Section 2630) of Subchapter 16 of Chapter 3 of Title 23 of the California Administrative Code as the statute and regulations from time to time may be amended. Notwithstanding the foregoing, in the case of a facility open to rainfall, the volume of additional secondary containment shall be measured by a 100-year storm history, and no statute or regulation which prevents this chapter from continuing to meet the requirements of Section 25284 of the Health and Safety Code of the State, as it read on January 1, 1984, shall be operative in the County. (§ 1, Ord. 970, eff. January 12, 1984, as amended by § 4, Ord. 1036, eff. July 10, 1986)

**Sec. 6-11.04. Monitoring systems for existing facilities.**

No permit to operate shall be issued for any underground storage tank or facility installed on or before January 1, 1984, and used for the storage of hazardous substances, unless the following actions are taken:

(a) On or before September 1, 1986, the owner shall initiate a monitoring system at the facility capable of detecting unauthorized releases of any hazardous substance stored in the facility, and thereafter the operator shall monitor each facility, based on materials stored and the type of monitoring permitted; and

(b) Provide a means for the visual inspection of the tank whenever practical for the purpose of the monitoring required by subsection (a) of this section. Alternative methods of monitoring the tank on a monthly, or more frequent, basis may be required by the Permitting Authority, consistent with Section 25292 of the Health and Safety Code of the State and Article 4 (commencing with Section 2640) of Subchapter 16 of Chapter 3 of Title 23 of the California Administrative Code as the statute and regulations from time to time may be amended;

provided, however, no statute or regulation which prevents this chapter from continuing to meet the requirements of Section 25284.1 of the Health and Safety Code of the State, as it read on January 1, 1984, shall be operative in the County. (§ 1, Ord. 970, eff. January 12, 1984, as amended by § 5, Ord. 1036, eff. July 10, 1986)

**Sec. 6-11.05. Abandonment.**

See Section 6-11.12.8 of this chapter. (§ 1, Ord. 970, eff. January 12, 1984; impliedly repealed by § 6, Ord. 1036, eff. July 10, 1986)

**Sec. 6-11.05.1. Permits: Required.**

No person shall operate a facility for the underground storage of any hazardous substance within the unincorporated area of the County unless by authority of a valid, unexpired, and unrevoked permit to operate issued to the owner pursuant to the provisions of this chapter.

A person shall be deemed to operate a facility and violate this section if the person, without a required permit to operate in effect, supervises, inspects, directs, organizes, manages, or controls or is in any way responsible for or in charge of the facility for which the permit is required.

This section does not obviate the requirement for a valid building permit pursuant to Title 7 of this Code. (§ 1, Ord. 970, eff. January 12, 1984)

**Sec. 6-11.06. Permits: Applications: Filing.**

All applications for a permit to operate shall be filed in the office of the Public Health Director. (§ 1, Ord. 970, eff. January 12, 1984)

**Sec. 6-11.07. Permits: Applications: Contents.**

The application for a permit to operate shall be filed on a form and contain such information as is prescribed by the Permitting Authority, including the following:

- (a) A description of the construction of the underground storage tank or tanks;
- (b) A list of all the hazardous substances which are or will be stored in the underground storage tank or tanks, specifying the hazardous substances for each underground storage tank;
- (c) A description of the monitoring program for the underground storage tank or tanks;
- (d) The name and address of the person, firm, or corporation which owns the underground storage tank or tanks and, if different, the name and address of the person who operates the underground storage tank or tanks;
- (e) The address of the facility at which the underground storage tank or tanks are located;
- (f) The name of the person making the application;

(g) The name and twenty-four (24) hour telephone number of the contact person in the event of an emergency involving the facility;

(h) If the owner or operator of the underground storage tank is a public agency, the application shall include the name of the supervisor of the division, section, or office which operates the tank; and

(i) All the information required by Section 2711 of Title 23 of the California Administrative Code as it may be amended from time to time. (§ 1, Ord. 970, eff. January 12, 1984, as amended by § 7, Ord. 1036, eff. July 10, 1986)

**Sec. 6-11.08. Permits: Issuance.**

The Permitting Authority shall act upon the application not later than thirty (30) days after the date it is accepted as complete, unless the applicant has filed with the Permitting Authority written notice of a request, and received written approval, for an extension of the time within which action is taken on the grounds that additional time is required to prepare or present plans or other information, obtain zoning variances or other permits, or make other corrections remedying inconsistencies with the provisions of this chapter. (§ 1, Ord. 970, eff. January 12, 1984)

**Sec. 6-11.09. Permits: Term.**

The term of the permit to operate shall be one year. Within thirty (30) days prior to the expiration of the permit, the permittee shall make an application for a renewal permit in the same manner as for an initial permit to operate. (§ 1, Ord. 970, eff. January 12, 1984, as amended by § 8, Ord. 1036, eff. July 10, 1986)

**Sec. 6-11.10. Permits: Contents.**

(a) The permit to operate shall contain a complete description of the enterprise for which it is issued, the date of issuance and date of expiration, and a description of any and all conditions upon which the permit was issued. A copy of the permit shall be kept on the premises and shall be made available to the Permitting Authority upon demand.

(b) As a condition of any permit to operate an underground storage tank, the permittee shall complete an annual report form prepared by the Permitting Authority which will detail any changes in the usage of any underground storage tanks, including the storage of new hazardous substances, changes in monitoring procedures, and unauthorized release occurrences.

(c) The permit shall contain each of the permit conditions set forth in Section 2712 of Title 23 of the California Administrative Code. (§ 1, Ord. 970, eff. January 12, 1984, as amended by § 9, Ord. 1036, eff. July 10, 1986)

**Sec. 6-11.11. Permits, appeals, variances, and enforcement: Fees.**

The Board, by resolution or ordinance from time to time, may prescribe fees for the issuance of the permits required by this chapter, for the filing of appeals or variances authorized by this chapter, or for the enforcement of activities authorized by this chapter. (§ 1, Ord. 970, eff. January 12, 1984, as amended by § 10, Ord. 1036, eff. July 10, 1986)

**Sec. 6-11.12. Permits: Transferability.**

(a) Except as provided in subsection (b) of this section, no person shall operate an underground storage tank unless a permit for its operation has been issued. Any person who is to assume the ownership of an underground storage tank from the previous owner shall complete the form accepting the obligations of the permit and subject the completed form to the Permitting Authority at least thirty (30) days after the ownership of the underground storage tank is to be transferred. The Permitting Authority may review and modify or terminate the transfer of the permit to operate the underground storage tank upon receiving the completed form.

(b) Any person assuming the ownership of an underground storage tank used for the storage of hazardous substances for which a valid operating permit has been issued shall have thirty (30) days after the date of the assumption of ownership to apply for a permit to operate or, if accepting a transferred permit, shall submit to the Permitting Authority the completed form accepting the obligation of the transferred permit as specified in subsection (a) of this section. During the period from the date of the application until the permit is issued or reissued, the person shall not be held to be in violation of this section. (§ 1, Ord. 970, eff. January 12, 1984)

**Sec. 6-11.12.1. Violations: Penalties.**

See Section 6-11.15 of this chapter. (§ 1, Ord. 970, eff. January 12, 1984; impliedly repealed by § 12, Ord. 1036, eff. July 10, 1986)

**Sec. 6-11.12.2. Permits: Amendments and modifications.**

(a) If a permittee stores in an underground storage tank or tanks a hazardous substance which is not listed in the application required by this chapter, the permittee shall apply for a new or amended permit within thirty (30) days after commencing the storage of such hazardous substance.

(b) If a permittee desires to modify any tank or tanks or any aspect thereof regulated by this chapter or seeks to modify any monitoring procedure authorized pursuant to this chapter, a permittee shall first make an application for a review or amended permit to do so, and no such

action shall be taken without the issuance of such new or amended permit. (§ 11, Ord. 1036, eff. July 10, 1986)

**Sec. 6-11.12.8. Abandonment.**

(a) No person shall abandon an underground storage tank or close or temporarily cease operating an underground storage tank without a permit to do so and without satisfying the standards at the time the permit is issued and continuing thereafter as set forth in Section 25298 of the Health and Safety Code of the State and in Article 7 (commencing with Section 2670) of Subchapter 16 of Chapter 3 of Title 23 of the California Administrative Code as the statute and regulations from time to time may be amended.

(b) Any person seeking a permit for abandonment shall file with the Permitting Authority an application identifying the facility at which the underground storage tank or tanks are located and such additional information as may be reasonably required by the Permitting Authority to inspect the facility and to determine any conditions to be specified by the permit.

(c) Thereafter, the Permitting Authority shall inspect the facility and, when the applicant has provided sufficient information to enable him to do so, shall issue a permit setting forth the terms and conditions for closure and the time for compliance with each. (§6, Ord. 1036, eff. July 10, 1986)

**Sec. 6-11.13. Inspections.**

(a) The Permitting Authority shall inspect every underground storage tank or facility at least once every year. The purpose of the inspection shall be to determine whether the tank or facility complies with the design and construction standards of this chapter, whether the operator has monitored and tested the tank as required by the permit, and whether the tank is in a safe operating condition. After an inspection, the Permitting Authority shall prepare a compliance report detailing the inspection and shall send a copy of such report to the permit holder.

(b) In addition to, or instead of, the inspections specified in subsection (a) of this section, the Permitting Authority may require the permit holder to employ, periodically, special inspectors to conduct an audit or assessment of the permit holder's facility to determine whether the facility complies with the actors specified in said subsection (a) and to prepare a special inspection report with recommendations concerning the safe storage of hazardous materials at the facility. The report shall contain recommendations consistent with the provisions of this chapter where appropriate. A copy of the report shall be filed with the Permitting Authority at the same time the inspector submits the report to the permit holder. Within thirty (30) days after receiving such report, the permit holder shall file

with the Permitting Authority a plan to implement all recommendations contained in the report or shall demonstrate, to the satisfaction of the Permitting Authority, why such recommendations should not be implemented.

(c) In order to carry out the purposes of this chapter, any duly authorized representative of the Permitting Authority shall have the authority to inspect any place where underground storage tanks are located or to inspect real property which is within 2,000 feet of any place where underground storage tanks are located. (§ 1, Ord. 970, eff. January 12, 1984, as amended by § 13, Ord. 1036, eff. July 10, 1986)

**Sec. 6-11.14. Unauthorized releases.**

(a) Any unauthorized release from the primary containment which the operator is able to clean up within eight (8) hours after the release was detected or should reasonably have been detected and which does not escape from the secondary containment, does not increase the hazard of fire or explosion, and does not cause any deterioration of the secondary containment of the underground storage tank shall be recorded on the operator's monitoring reports. Recording shall comply with the provisions of Article 5 (commencing with Section 2650) of Subchapter 16 of Chapter 3 of Title 23 of the California Administrative Code as it from time to time may be amended, and the Permitting Authority shall exercise all the authority of a local agency as set forth in said Article 5.

(b) Any unauthorized release which escapes from the secondary containment, or from the primary containment if no secondary containment exists, increases the hazard of fire or explosion, or causes any deterioration of the secondary containment of the underground tank shall be reported by the operator to the Permitting Authority within twenty-four (24) hours after the release has been detected or should have been detected. A full written report shall be transmitted by the owner or operator of the underground storage tanks within five (5) working days after the occurrence of the release. Recording shall comply with the provisions of Article 5 (commencing with Section 2650) of Subchapter 16 of Chapter 3 of Title 23 of the California Administrative Code as it from time to time may be amended.

The Permitting Authority shall review the permit whenever there has been an unauthorized release or when he determines that the underground storage tank is unsafe, In determining whether to modify or terminate the permit, the Permitting Authority shall consider the age of the tank, the methods of containment, the methods of monitoring, the feasibility of any required repairs, the concentration of the hazardous substances stored in the tank, the severity of potential unauthorized releases, and

the suitability of any other long-term preventive measures which would meet the requirements of this chapter. The Permitting Authority shall exercise all the authority of a local agency as set forth in said Article 5 as it from time to time may be amended. (§ 1, Ord. 970, eff. January 12, 1984, as amended by § 14, Ord. 1036, eff. July 10, 1986)

**Sec. 6-11.14.4. Unauthorized releases: Repair requirements.**

If there has been any unauthorized release from an underground storage tank containing motor vehicle fuel not under pressure, the permit holder may repair the tank once in accordance with the requirements of Section 25296 of the Health and Safety Code of the State and Article 6 (commencing with Section 2660) of Subchapter 16 of Chapter 3 of Title 23 of the California Administrative Code as it from time to time may be amended. The Permitting Authority shall exercise all the authority of a local agency as set forth in said Article 6. No such repairs shall be undertaken unless the permittee shall apply for a new or amended permit to operate. (§ 15, Ord. 1036, eff. July 10, 1986)

**Sec. 6-11.15. Violations: Penalties.**

(a) Any operator of an underground storage tank shall be liable for a civil penalty or not less than Five Hundred and no/100ths (\$500.00) Dollars or more than Five Thousand and no/100ths (\$5,000.00) Dollars per day for any of the following:

- (1) Operating an underground storage tank which has not been issued a permit;
- (2) Failure to monitor the underground storage tank as required by the permit;
- (3) Failure to maintain records as required by this chapter;
- (4) Failure to report an unauthorized release as required by Section 6-11.14 of this chapter; or
- (5) Failure to properly close an underground storage tank as required by Section 6-11.12.8 of this chapter.

(b) Any owner of an underground storage tank shall be liable for a civil penalty of not less than Five Hundred and no/100ths (\$500.00) Dollars or more than Five Thousand and no/100ths (\$5,000.00) Dollars per day for any of the following:

- (1) Failure to obtain a permit as specified by this chapter;
- (2) Failure to repair an underground tank in accordance with the provisions of this chapter;
- (3) The abandonment or improper closure of any underground tank subject to the provisions of this chapter; or
- (4) Knowingly fails to take reasonable and necessary steps to assure compliance with this chapter by the operator of an underground tank.

(c) Any person who falsifies any monitoring records required by this chapter, or knowingly fails to report an unauthorized release, upon conviction, shall be punished by a fine of not less than Five Thousand and no/100ths (\$5,000.00) Dollars or more than Ten Thousand and no/100ths (\$10,000.00) Dollars, or by imprisonment in the County Jail for not to exceed one year, or by both such fine and imprisonment.

(d) In determining both the civil and criminal penalties imposed pursuant to this section, the court shall consider all relevant circumstances, including, but not limited to, the extent of harm or potential harm caused by the violation, the nature of the violation and the period of time over which it occurred, the frequency of past violations, and the corrective action, if any, taken by the person who holds the permit.

(e) The penalties under this section shall be in addition to, and shall not supersede or limit, any and all other legal remedies and penalties, civil or criminal, which may be applicable under other laws. (§ 12, Ord. 1036, eff. July 10, 1986)

**Sec. 6-11.16. Hearing Authority.**

Whenever the term "Hearing Authority" is used in this chapter, it shall be deemed to refer to one or more persons assigned by the County Administrative Officer the responsibility of conducting a hearing. The County Administrative Officer shall be authorized to assign hearing responsibility from time to time to either:

(a) County management personnel who the County Administrative Officer finds are qualified by training and experience to conduct such hearings;

(b) Any persons, qualified by training or experience, who the County Administrative Officer may employ or who are retained by contract to conduct such hearings; or

(c) Administrative Law Judges assigned by the State Office of Administrative Hearings.

The County Administrative Officer is hereby authorized to contract in the name of the County for the retention of hearing services at rates which do not exceed the financial limitations established by the County's annual budget. (§ 1, Ord. 970, eff. January 12, 1984)

**Sec. 6-11.17. Appeals.**

Any decision of the Permitting Authority may be appealed to the Hearing Authority.

Any such appeal shall be in writing, shall state the specific reasons therefor and grounds asserted for relief, and shall be filed with the Public Health Director not later than fifteen (15) days after the date of service. If an appeal is not filed within the time or in the manner prescribed in this section, the right to a review of the action against which the complaint is made shall be deemed to have been waived. (§ 1, Ord. 970, eff. January 12, 1984)

**Sec. 6-11.18. Appeals: Hearings.**

Not later than fifteen (15) days following the date of filing an appeal within the time and in the manner prescribed by Section 6-11.17 of this chapter, the Hearing Authority shall conduct a hearing for the purpose of determining whether the appeal should be granted. Written notice of the time, date, and place of the hearing shall be served upon the appellant not later than ten (10) days preceding the date of the hearing.

During the hearing, the burden of proof shall rest with the appeal. The provisions of the Administration Procedure Act (commencing with Section 11500 of the Government Code of the State) shall not be applicable to such hearing; nor shall formal rules of evidence in civil or criminal judicial proceedings be so applicable. At the conclusion of the hearing, the Hearing Authority shall prepare a written decision which either grants or denies the appeal and contains findings of facts and conclusions. Notice of the written decision, including a copy thereof, shall be filed with the Public Health Director and served upon the appellant not later than seven (7) days following the date on which the hearing is closed. (§ 1, Ord. 970, eff. January 12, 1984)

**Sec. 6-11.19. Appeals: Finality of determinations.**

The decision of the Hearing Authority shall become final upon the date of filing and service. (§ 1, Ord. 970, eff. January 12, 1984)

**Sec. 6-11.20. Permits: Revocation: Grounds.**

Any permit to operate issued pursuant to this chapter may be revoked during its term upon one or more of the following grounds:

(a) That an unauthorized release has occurred pursuant to Sections 6-11.14 and 6-11.14.4 of this chapter;

(b) That modifications have been made to the underground storage tank or facility in violation of the permit to operate; or

(c) That the holder of the permit has violated one or more conditions upon which the permit was issued. (§ 1, Ord. 970, eff. January 12, 1984, as amended by § 16, Ord. 1036, eff. July 10, 1986)

**Sec. 6-11.21. Permits: Revocation: Method.**

The Permitting Authority may revoke a permit to operate by issuing a written notice of revocation, stating the reasons therefor, and serving such notice, together with a copy of the provisions of this chapter, upon the holder of the permit. The revocation shall become effective fifteen (15) days after the date of service, unless the holder of the license files an appeal within the time and in accordance with the provisions of Section 6-11.17 of this chapter. If such an appeal

is filed, the revocation shall not become effective until a final decision on the appeal is issued. (§ 1, Ord. 970, eff. January 12, 1984)

**Sec. 6-11.22. Trade secrets.**

(a) As used in this chapter, "trade secret" shall have the meaning given to it by Section 6254.7 of the Government Code of the State and Section 1060 of the Evidence Code of the State and shall include, but not be limited to, any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information which is not patented, which is known only to certain individuals within a commercial concern who are using it to fabricate, produce, or compound an article of trade or a service having commercial value, and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it.

(b) Any person providing information in an application for a permit or variance pursuant to this chapter, at the time of its submission, shall identify all information which the person believes is a trade secret and submit a legal justification for the request for confidentiality. The information which shall be submitted shall include:

- (1) Which portions of the information submitted are believed to be trade secrets;
- (2) How long such information should be treated as confidential;
- (3) Measures which have been taken to protect such information as confidential; and
- (4) A discussion of why such information is a trade secret, including references to statutory and case law as appropriate.

(c) If the Permitting Authority determines that the request for confidentiality is clearly frivolous, he will send a letter to the applicant stating that the information will not be regarded as a trade secret unless the Permitting Authority is instructed otherwise by a court within ten (10) days after the date of the letter.

(d) Unless the Permitting Authority makes the determination and sends the letter as set forth in subsection (c) of this section, the Permitting Authority shall treat the information asserted to be a trade secret in the manner accorded trade secrets by the provisions of Section 12-2.306 of Article 3 of Chapter 2 of Title 12 of this Code, and the Permitting Authority shall have all the powers and duties of the Emergency Services Coordinator set forth in said Section 12-2.306. (§ 17, Ord. 1036, eff. July 10, 1986)

**Sec. 6-11.23. Site specific variances.**

(a) A site specific variance shall allow an alternative method of construction or monitoring which would be applicable at one or more sites within the County. An application for a site specific variance shall be made by the permittee

to the Permitting Authority on a form provided by the Permitting Authority.

(b) At least sixty (60) days prior to applying to the Permitting Authority, the permittee shall submit a complete construction and monitoring plan to the Permitting Authority. The proposed alternative construction or monitoring methods which may require a variance shall be clearly identified. If the Permitting Authority decides that a variance would be necessary to approve the specific methods, or if the Permitting Authority does not act within sixty (60) days after the receipt of the permittee's complete construction and monitoring plan, the permittee may proceed with a variance application.

(c) Applications for site specific variances shall include, but shall not be limited to:

- (1) A description of the provision from which the variance is requested;
- (2) A detailed description of the complete construction and monitoring methods to be used. The proposed alternative program, method, device, or process shall be clearly identified;
- (3) Any special circumstances on which the applicant would rely to justify findings necessary for the variance;
- (4) That the proposed alternative will adequately protect the soil and beneficial uses of waters of the County from an unauthorized release;

(5) Any documents necessary to satisfy the California Environmental Quality Act (Division 13, commencing with Section 21000 of the Public Resources Code of the State); and

(6) A fee as specified by the Board.

(d) The Permitting Authority shall review all applications submitted and shall notify the applicant in writing within thirty (30) days after the receipt of the application as to whether or not the application is complete.

(e) Within sixty (60) days after receiving a complete variance application, the Permitting Authority shall grant or deny the variance.

(f) The Permitting Authority shall grant the variance only if he finds, after an investigation, that the applicant has demonstrated by clear and convincing evidence either of the following:

(1) Because of the facilities' special circumstances, not generally applicable to other facilities' property, including size, shape, design, topography, location, or surroundings, the strict application of the provisions of this chapter is unnecessary to protect the soil and beneficial uses of the waters of the County from an unauthorized release; or

(2) That the strict application of the standards of this chapter would create practical difficulties not generally applicable to other facilities or property, and that the proposed alternative will adequately protect the soil and beneficial uses of the waters of the County from an unauthorized release.

(g) Any site specific variance shall prescribe appropriate additional conditions and shall prescribe the specific alternative system for which the variance is being sought.

(h) The Permitting Authority shall notify the applicant of the action taken on the application. He shall notify the Regional Water Quality Control Board of an action granting a variance. If the Permitting Authority determines that the variance granted does not meet the minimum requirements set forth in Sections 25284 and 25284.1 of the Health and Safety Code of the State as they read on January 1, 1984, prior to being amended and renumbered, or if, within thirty (30) days following notice, the Regional Water Quality Control Board makes such a determination, the action of the Permitting Authority shall be deemed to be a recommendation of the local agency made pursuant to the site specific variance provisions of Section 25299.4 of the Health and Safety Code of the State and Section 2682 of Title 23 of the California Administrative Code. Absent such a determination, if the variance request is approved, it shall constitute a permit to the applicant which includes the conditions set forth therein. Absent such a determination, the denial of a variance shall be subject to the appeal provisions of this chapter; otherwise, the decision of the Permitting Authority shall be final.

(i) The Permitting Authority shall modify or revoke a variance upon a finding:

(1) That the proposed alternative does not adequately protect the soil and the beneficial use of the waters of the County;

(2) That an unauthorized release has occurred pursuant to Section 6-11.14 or Section 6-11.14.4 of this chapter;

(3) That modifications have been made to the underground storage tank or facility in violation of the variance; or

(4) That the holder of the variance has violated one or more conditions upon which the variance was issued. The Permitting Authority may revoke a variance by issuing a written notice of revocation, stating the reasons therefor, and serving the notice, together with a copy of the provisions of this chapter, upon the holder of the permit. The revocation shall become effective fifteen (15) days after the date of service, unless the holder of the variance files an appeal within the same time and in accordance with the provisions of Section 6-11.17 of this chapter. If such an appeal is filed, the revocation shall not become effective until a final decision on the appeal is issued. (§ 18, Ord. 1036, eff. July 10, 1986)

## Chapter 12

### REGULATION OF BIOSOLIDS

#### Sections:

6-12.01	Purpose and intent.
6-12.02	Definitions.
6-12.03	General requirements and restrictions on biosolids application.
6-12.04	Permits for the use and application of biosolids.
6-12.05	Revocation of permits.
6-12.06	Fees.
6-12.07	Delinquency dates and penalties.
6-12.08	Insurance.
6-12.09	Bonds.
6-12.10	Technical standards.
6-12.11	Sampling, testing and monitoring.
6-12.12	Reporting.
6-12.13	Right of entry.
6-12.14	Enforcement.
6-12.15	Violation/penalties.
6-12.16	Public nuisance declaration.

#### Sec. 6-12.01. Purpose and intent.

The Yolo County Board of Supervisors finds and determines that human, household and other waste products that are processed at municipal wastewater (sewage) treatment plants and from septic systems, which material is collectively referred to herein as "biosolids," poses a potential threat to the public health, safety and welfare of the citizens, residents and businesses of Yolo County, when used as a soil additive or fertilizer. Further the Board of Supervisors finds that biosolids can contain heavy metals, pathogenic organisms and chemical pollutants, which can pose a threat to human health, agriculture and to water quality. When biosolids are applied to lands in agricultural areas, the mere fear of contamination to agricultural crops produced on such land and/or on neighboring properties can result in a loss of value for the agricultural products and to the land itself. Accordingly, the Board of Supervisors finds that in order to protect the public health, safety and general welfare and to safeguard water quality and the viability of agriculture within the County, it is necessary to regulate the manner and conditions under which biosolids may be used and applied to land within the unincorporated area of the County.

It is the purpose and intent of this chapter to regulate the land application of biosolids on unincorporated areas of Yolo County in a manner that is consistent with agronomic rates, which protects public health, ground and surface waters, agricultural markets, sensitive wetland and habitat areas. To protect critical ground water basins and food production areas, this

chapter provides local control and establishes minimum standards for the safe use of biosolids. The provisions of this chapter shall be effective only within the unincorporated territory of the County. (§ 1, Ord. 1204, eff. January 16, 1997)

#### Sec. 6-12.02. Definitions.

Whenever in the chapter the following terms are used, they shall have the meanings respectively ascribed to them in this section.

(a) "Agronomic rate" means a rate at which biosolids applications do not exceed nitrogen or other nutrient fertilizer rates or element additions for the crop to be grown and do not result in phytotoxicity or the excess accumulation of heavy metals and/or nutrients adverse to normal crop growth or quality, or which threatens to impact groundwater or wetlands.

(b) "Applicator" means any person, company, organization, or other legal entity who uses and/or places biosolids on any land within the County for any purpose, including but not limited to enhancing the growth of plants.

(c) "Biosolids" also referred to as "sewage sludge," means any material taken or derived from the processing of municipal wastewater and/or from septic systems and shall include, but not be limited to, solid or semisolid material that contains suspended solids.

(d) "Class A biosolids" means biosolids meeting the Class A pathogen reduction requirements listed in 40 Code of Federal Regulations, Part 503, Section 503.32 or its revisions.

(e) "Class B biosolids" means biosolids meeting the Class B pathogen reduction requirements listed in 40 Code of Federal Regulations, Part 503, Section 503.32 or its revisions.

(f) "County" means the County of Yolo, State of California.

(g) "Department" means the Department of Public Health, Division of Environmental Health of the County of Yolo.

(h) "Field" means a discrete, discernable, and identifiable individual piece of land used or capable of being used for crop production under the provisions of the Yolo County zoning ordinances.

(i) "Feed crops" means crops produced for consumption by animals.

(j) "Fiber crops" means crops such as flax and cotton.

(k) "Food crops" means those crops consumed by humans.

(l) "Grower" means the operator of the site involved in production of agricultural crops.

(m) "Irrigation tail water" means the water applied to a field that does not infiltrate the soil, but collects or runs off at the lower end of a field.

(n) "Land application" means the spraying or spreading of biosolids onto the land surface; the

injection of biosolids below the surface; or the incorporation of biosolids into the soil so that the biosolids can either condition the soil or fertilize crops or vegetation grown in the soil.

(o) "Person" means any person, firm, business, city, district, special district, water district, or other governmental agency, including but not limited to a sole proprietorship, partnership, joint venture, trust, association, or corporation whether for profit or non-profit.

(p) "Septage" means liquid or solid material removed from septic tanks, cesspools, portable toilets, type III marine sanitation devices or any similar device or receptacle. Septage does not include pits or grease removed from grease pits or traps.

(q) "Site" means a single parcel or contiguous parcels of land under the same ownership for which the use of biosolids is either requested or approved under the provisions of this Chapter.

(r) "Sludge" means any solid, semisolid or liquid waste containing human fecal matter and/or high concentrations of putrescible organic material generated from a municipal, community or industrial sewage treatment plant or containing septage.

(s) "Biosolids staging area" means the location on a site, where biosolids is deposited on the ground for loading onto a vehicle, for application, on the same or nearby sites in connection with an approved biosolids permit.

(t) "Treatment" means a process which alters, modifies, or changes the biological, physical or chemical characteristics of sludge or biosolids.

(u) "Units" means the pounds per acre of applied nutrients or elements (pounds per acre x 1.12 = kilograms per hectare (kg/hectare) and kilograms per hectare x .893= pounds per acre (lbs/A)).

(v) "Wastewater treatment plant" means a facility designed and constructed to receive, treat, or store sewage and operating under a permit from the State. (§ 1, Ord. 1204, eff. January 16, 1997)

**Sec. 6-12.03. General requirements and restrictions on biosolids application.**

(a) Biosolids shall not be applied to any land within the unincorporated territory of the County without the prior issuance of a permit from the County Public Health Department, Environmental Health Division, nor shall biosolids be applied or used on land except in strict compliance with the provisions of this chapter and all applicable laws and regulations pertaining thereto.

(b) Biosolids shall not be applied to any land between November 15 and April 15.

(c) Biosolids shall not be applied to any land that is within the Delta Primary Zone.

(d) All water coming into contact with the land which has received any biosolid material, shall, for a period of thirty (30) days from the date of any application of biosolid material, be captured and disposed of on the site of the biosolid application and the water shall not be allowed to leave the site. It shall be the responsibility of any party applying biosolids to land to construct such berms or other temporary measures as may reasonably be necessary to capture storm or irrigation runoff from the site receiving the biosolids application.

(e) Biosolids shall not be applied to any land within any designated floodway or flowage easements designated by the Reclamation Board of the State of California, or on land within floodways as shown on maps published by the Federal Emergency Management Agency, or on any land designated as a special flood hazard area by the County's Flood Ordinance.

(f) The wastewater treatment plant generating the biosolids to be applied to land in Yolo County must have a current waste discharge permit from a Regional Water Quality Control Board or the equivalent permit meeting Federal and State requirements applicable in the jurisdiction of the wastewater treatment plan. Each truck load of biosolids must be from an identified wastewater treatment plant and no mixed loads of biosolids (where the biosolid material is from more than a single plant) will be allowed to be applied to land within Yolo County. Biosolids to be applied within the County must meet the following standards:

(1) Class A or Class B pathogen requirements in 40 Code of Federal Regulations, Part 503.

(2) One of the vector attraction reduction requirements identified in 40 Code of Federal Regulations, Part 503.

(3) The pollutant limits in 40 Code of Federal Regulations, Part 503, Section 503.13 and State standards established by the Regional Water Quality Control Board.

(g) Biosolids application rates shall not exceed agronomic rates, or any rates which cause specific constituents to exceed single, annual, or lifetime application limits, based on all of the following:

(1) 40 Code of Federal Regulations 503, Criteria for Standards for the Use or Disposal of Sewage Biosolids or its revisions.

(2) Regional Water Quality Control Board laws and regulations.

(3) Nitrogen demand of the crop.

(h) Biosolids shall be landspread within forty-eight (48) hours of arrival at the site and shall be incorporated into the soil by disc or other acceptable method within twenty-four (24) hours after spreading; provided however, biosolids may be applied to land without incorporation if plant residue levels exceed 1000 pounds per acre with

twenty (20%) percent having a vertical height no less than four (4") inches. Total nitrogen additions shall not exceed seventy (70) pounds per acre, unless approved by the Department.

(i) If biosolids are applied on ground surfaces having an Erodibility Index (EI) of eight (8) or above as classified by USDA Natural Resources Conservation Service (NRCS), a report and plan for application shall be prepared by a Certified Agronomist, Soil Scientist, or Certified Professional Erosion and Sediment control Specialist (CPESC). The application shall not exceed erosion levels as specified in any existing NRCS plans and achieve erosion reduction levels that do not exceed the soil loss level specified in the plan.

(1) Biosolids applied to any land classified as Highly Erodible Land (HEL) by NRCS shall comply with all aspects of the NRCS Conservation Compliance Plans for erosion control.

(2) There shall be no incorporation of biosolids on HEL land.

(j) Staging areas and biosolids application shall be at least:

(1) Twenty-five (25') feet from property lines; and

(2) 500 feet from domestic or public water supply wells (wellhead protection area); occupied dwellings; schools; hospitals or similar facilities unless approved by Department; and

(3) 200 feet from nondomestic water supply wells; and

(4) Fifty (50') feet from public roads; and

(5) 100 feet from surface waters, including, but not limited to creeks, ponds, lakes, vernal pools, marshes, wetlands or floodways; and

(6) Ten (10') feet from any agricultural structures.

Notwithstanding the foregoing, the Department shall have the authority to decrease any required setback where the Department finds that the reduction will not compromise the public health and safety nor the purposes of this chapter; and the Department shall also have the authority to increase any setback required as a condition to the issuance of a permit, where the Department finds that such action is appropriate to protect the public health and safety and/or to further the purposes of this chapter.

(k) Unless approved by the Department, biosolids shall not be applied to soils where depth to groundwater is less than five (5') feet at historic seasonal high from the soil surface.

(l) Biosolids shall not be applied or incorporated into the soil or to water-saturated ground, during periods of rainfall or, in order to prevent the biosolids material and/or soil from creating dust during the application and/or incorporation process, when wind speeds at the site exceed five (5) m.p.h. The five (5) m.p.h. windspeed requirement for application and

incorporation may be waived by the Department if the biosolids or soil has a moisture content of not less than twenty-five (25%) percent. In addition, the application and incorporation of biosolids shall comply with the local air district regulations including, but not limited to, PM-10 and fugitive dust rules, if applicable.

(m) Neither the distribution nor application of biosolids shall cause a nuisance.

(n) The applicator and/or generator shall comply with the Monitoring and Reporting Program (Sections 6-12.11 and 6-12.12).

(o) The applicator must comply with all requirements of the California Regional Water Quality Control Board and any other regulations adopted by any agency of the State or Federal government.

(p) The applicator shall obtain, and submit to the Department, a written statement showing that the grower and landowner are desirous of, and consent to receiving biosolids.

(q) The applicator shall notify the Department in writing, by facsimile transmission of its proposed delivery schedule of biosolids to the site at least two (2) working days in advance.

(r) The areas at the site to receive biosolids application, shall be clearly marked with stakes or other prominent markers before the biosolids application.

(s) *Maintenance yard in Yolo County.*

(1) Biosolids transportation vehicle parking or parking/service yards in Yolo County shall be maintained in a clean and safe condition.

(2) Vehicle washing facilities in Yolo County shall drain to an approved drainage system. The entire area shall be adequately sloped for drainage control.

(t) Biosolids staging areas shall be restricted to sites approved for biosolids application. Staging areas may not be located in buffer zones. All biosolids within a staging area must be land applied within forty-eight (48) hours from the time of delivery to the staging area. The staging area shall be sufficiently cleaned of biosolids so that application rate within the staging area is equivalent to the approved application rate for the site.

(u) After the application of Class B biosolids in each field, the applicator shall ensure the following:

(1) For at least thirty (30) days:

(i) Public access to the application sites is prohibited.

(ii) Feed and fiber crops are not harvested.

(iii) Animals do not graze on land.

(2) For at least twelve (12) months: Any turf that is harvested may not be used on land that will be used by the public.

(3) For at least fourteen (14) months: Food crops with harvested parts that touch the biosolids/soil mixture, and are totally above the land surface are not harvested.

(4) For at least thirty-eight (38) months: Food crops with harvested parts below the surface are not harvested. (§ 1, Ord. 1204, eff. January 16, 1997)

**Sec. 6-12.04. Permits for the use and application of biosolids.**

Unless otherwise required pursuant to the provisions of this chapter, a permit for the use and/or application of biosolids to any land within Yolo County (referred to herein as a "biosolids permit" or "permit") may be issued by the County Department of Public Health, Environmental Health Division, in accordance with the following permit procedures. Any permit issued under the provisions of this chapter shall be conditioned on and shall require strict compliance with the provisions of this chapter and any applicable laws or regulations, otherwise the permit shall be deemed to be null and void. In the processing and review of any permit application, the Department shall be authorized to call upon and to receive assistance from such other County Departments or Officials as the Department may deem appropriate.

Any permit issued under the provisions of this chapter shall be deemed to be issued jointly to the property owner, any lessee thereof, and the applicator and each of these parties shall jointly be responsible for compliance with the terms and conditions of the permit and compliance with this chapter. Upon issuance of a permit, the permit shall be recorded in the official records maintained by the County Recorder.

*(a) Ministerial permits.*

A ministerial permit may be issued only to the property owner together with any lessee and to the applicator where it is demonstrated to the satisfaction of the Department, compliance with all of the following:

(1) No part of the site has a slope in excess of three (3%) percent; and

(2) The site has previously been intensively cultivated (leveled, tilled and irrigated) or grazed. (It is the purpose of this provision to require a detailed evaluation (through the discretionary permit review process) of a proposal to apply biosolids to land that has not previously been intensively cultivated or grazed); and

(3) The site is not designated for future residential use or development under the County's General Plan; and

(4) The applicants have submitted a plan for application demonstrating to the satisfaction of the Department that the application complies with all of the regulatory provisions of this chapter.

A lessee of property shall not be issued a permit since the application of biosolids may affect the property beyond the lease. A lessee and property owner may jointly be granted a ministerial permit or a discretionary permit as provided for herein.

Notwithstanding compliance with the foregoing, a ministerial permit shall not be issued where the applicator and/or the property owner or lessee has failed to comply with the provisions of any other biosolids permit issued in Yolo County or in any other jurisdiction or has generally demonstrated a failure to comply with any local, State or Federal laws or regulations pertaining to the use and development of property or the use of biosolids or any other regulated material. Any party who is denied a ministerial permit under this provision shall have a right to appeal same by seeking the issuance of a discretionary permit in accordance with the procedures and provisions below. In addition to any other matter that is to be determined by the Department with regard to such discretionary permit, the Department shall hear such evidence as the County staff, the applicator and/or the property owner and any other interested party may reasonably provide regarding the issue of the compliance or noncompliance by the applicator and/or property owner with the law.

*(b) Discretionary permits.* A permit may be issued to the property owner together with any lessee and to the applicator in accordance with the following procedures and compliance with the provisions of this chapter. The County reserves the right to exercise its judgement and discretion in determining whether to issue a permit under the provisions of this subsection, and nothing contained herein shall be deemed to create a right in any person or entity to obtain a permit for which the exercise of discretion is hereby reserved.

Any application for issuance of a discretionary permit shall require that an appropriate environmental analysis be prepared and certified by the County in accordance with the provisions of the California Environmental Quality Act ("CEQA"). The applicant for the permit shall be responsible for the payment of all fees and costs associated with the preparation and review of the environmental document. The application and the preparation of the environmental document shall be prepared by or with the concurrence of the Yolo County Community Development Agency, consistent with the procedures followed for other discretionary land use applications and shall include a right of appeal to the Board of Supervisors on the part of the applicant and any interested person. Any such appeal shall be conducted in the same manner as provided for appeals of land use permits under the jurisdiction of the County Planning Agency.

Upon preparation of the environmental document, the Director of the Department or his or her designated subordinate (collectively referred to as the "Director") shall conduct at least one public hearing which shall be noticed in the same manner as required for other

discretionary land use applications. The Director shall, based upon the information contained in the application (or the lack thereof), the environmental document and such other information as may be provided at the hearing and from any interested party or agency, determine whether the use of biosolids in accordance with the application poses any threat to the public health, safety, and general welfare of the community (including but not limited to impacts on human health, ground or surface water, wildlife, wildlife habitat or sensitive plants) or to any specific property owner or interested party. In making this determination the Director shall be guided by the purpose and intent of this chapter.

It shall be sufficient for the purpose of denying any application for a discretionary permit for the Director to find that there is insufficient information upon which to make an affirmative finding that the use of biosolids as proposed will not create a threat to the public health, safety, and general welfare of the community or to any specific property owner or interested party. The party or parties seeking approval of the use of biosolids shall have an affirmative obligation to provide such conclusive information as the Director may require to reach his or her decision.

(c) *Permit application procedure.* The application for a biosolid permit shall be submitted to the County Department of Public Health, Environmental Health Division. The application shall be signed by the property owner and any lessees, and the party actually proposing to apply the biosolid material to the land. The application shall be accompanied by such fees as the Board of Supervisors may from time to time establish pursuant to resolution or other official action and shall include the following information and/or documents:

(1) Name, address and phone number for each of the following: the applicant, landowner, any lessee, and applicator and a local emergency contact person.

(2) Type of organization such as sole proprietorship, partnership, joint venture, corporation, business, or trust, including names of all officers.

(3) Identification of the local manager and responsible office personnel.

(4) A complete listing of the crops or other plants that are being grown or will be grown on the property including the numbers of acres that are devoted to each type of crop.

(5) A list of the predominant soils on the site.

(6) An analysis of representative soil samples for each of the significant soil types that exist on the site, prepared in accordance with the provisions of Section 6-12.11. Representative soil samples shall be collected and analyzed by an independent laboratory, from a list approved by the Department, with the results submitted at the

time of the application. Testing shall be performed no longer than thirty (30) days prior to the date of the application.

(7) A complete list for each of the following:

(i) Adjoining properties containing the names and address of the owners thereof;

(ii) All contracts for the purchase of the crops or agricultural products to be grown on the property including a statement of the processor where known;

(iii) All lenders holding any mortgages or deeds of trust on the property.

(8) A statement of information regarding the site, including net acreage to be used for the biosolids application, total acreage of the site, depth to groundwater at the historic shallowest known location, annual application rate, lifetime application rate (pursuant to 40 Code of Federal Regulations 503), and buffer zones for occupied dwellings, property line, roads, watercourses, wetlands and wells.

(9) A detailed site plan acceptable to the Department depicting current topography and ground slope, site boundaries, location of any previous biosolid application within the previous five (5) years and proposed biosolid application, drainage courses, homes and other buildings, wetlands, wells (whether in use or not), irrigation structures and dikes within 500 feet of the site.

(10) A statement by a professional certified by the American Registry of Certified Professionals in Agronomy, Crops and Soils (ARCPACS) indicating the recommended agronomic rates for biosolids application to the site. Such recommendation must be based on soil conditions in the area and be applicable to the crops grown or to be grown on the site.

(11) A statement regarding the applicant's experience and capability in the collection and transportation and application of biosolids.

(12) A statement of the biosolids characteristics prepared in accordance with the provisions of Section 6-12.11.

(i) Describing the characteristics of the biosolids proposed to be applied, including a certification that the biosolids have been treated to Class A or Class B pathogen requirements as set forth in 40 Code of Federal Regulations 503 et seq.

(ii) Source of biosolids (including names of each wastewater treatment plant from which the biosolids will originate).

(13) A statement describing the proposed application rates in dry tons per acre.

(14) A detailed plan of operation which shall include:

(i) Identification of the site, including Assessors Parcel Number;

(ii) Generalized description of biosolids application including location, dimension and area description of land that can be identified in the field;

- (iii) Description of equipment to be used;
- (iv) Special procedures for equipment breakdown;
- (v) Spill prevention and response plans;
- (vi) Soil incorporation methods;
- (vii) Inclement weather plan;
- (viii) Description of soil and plant testing methodology;
- (ix) Dust control plans;
- (x) Transportation plans including:
  - (aa) Source and owner of vehicle,
  - (bb) Proposed delivery truck route(s) to site,
  - (cc) Proposed frequency and hours of delivery,
  - (dd) Local traffic conditions,
  - (ee) Proposed measures to prevent tracking of biosolids on to roadways,
  - (ff) Nuisance avoidance measures.

(15) Evidence of notification from applicant to the water delivery and/or drainage agency in whose jurisdiction the biosolids is applied.

(16) Evidence of notification to any lenders holding a mortgage or deed of trust on the property and to any food processors or other parties who have contracted to purchase the crops or other agricultural products grown on the property, of the submission of an application to use biosolids on the property.

(17) The permit application shall be accompanied by a site application disclosure statement signed by the property owner and any lessees, acknowledging that the use of the property may be impacted by the application of biosolids.

(18) In addition to the foregoing, the applicant shall be required to provide any other relevant information requested by the Department.

To facilitate the submission of an application for a biosolids permit, any prospective applicant may request a preapplication conference with the Department. The Department shall require the payment of fees for all preapplication conferences consistent with the latest fee schedules as approved by the Board of Supervisors.

(d) *Application review procedures and action.*

(1) The Department shall notify all appropriate agencies and individuals, including but not limited to adjoining property owners, of the receipt of any application filed for a biosolids permit.

(2) Applicants shall be notified of incomplete or inaccurate applications within thirty (30) working days after the date of the filing of the application. The applicant may make the necessary corrections and additions and resubmit the application within thirty (30) days of notification.

(3) Upon receipt of an application for a biosolids permit which the Department finds to be

complete, the Department shall either approve or deny same in days of the date of the mailing of written decision a timely fashion. Written notice of the approval or denial of an application for a biosolids permit shall be given by mail to the applicant at the address shown on the application.

(e) *Term of permits.* Biosolids permits shall remain valid for the calendar year in which the permit is issued. (§ 1, Ord. 1204, eff. January 16, 1997)

**Sec. 6-12.05. Revocation of permits.**

(a) A biosolids permit may be summarily suspended or revoked by the Department when unforeseen adverse conditions make the use of biosolids inconsistent with the purpose and intent of this chapter or when the applicator has violated any provision(s) of this chapter, including its fee requirements, any Federal/State laws or regulations, or violated a provision(s) of the waste discharge permit of the Regional Water Quality Control Board. This remedy shall be available to the Department in addition to that set forth elsewhere in this chapter or in County ordinance. If the Department suspends or revokes the permit, a written notice to this effect shall be delivered in person or by certified mail to the business address of the name appearing on the application. The written notice shall state the grounds for the revocation.

(b) The applicator may appeal any revocation to the Board of Supervisors by filing a written request for a hearing before the Board of Supervisors with the Clerk of the Board not more than ten (10) calendar days after notice of the revocation has been delivered. Unless the Department finds the grounds for the revocation to constitute an immediate threat to public health and safety, any revocation by the Department shall be stayed during the pendency of an appeal therefrom which has been properly and timely filed. Upon receipt of a written request for a hearing, the Clerk of the Board shall set the matter for public hearing on a date not more than sixty (60) calendar days following receipt of such written request, and shall give the applicant and the Board of Supervisors at least thirty (30) calendar days written notice of the time, date, and place of the hearing. After the Hearing, the Board of Supervisors shall issue its written decision and findings on the appeal within thirty (30) calendar days after the close of the hearing. Such decision will be final.

(c) Any legal action seeking to set aside the decision of the Board of Supervisors with regard to any biosolids permit shall be filed within thirty (30) days of the date of the mailing of written decision and findings of the Board of Supervisors. Any such action shall be brought pursuant to the provisions of California Code of Civil Procedure,

Section 1094.5 et seq. (§ 1, Ord. 1204, eff. January 16, 1997)

**Sec. 6-12.06. Fees.**

(a) Fees shall be paid to the County, in an amount set by Resolution adopted by the Board of Supervisors for the following activities: Any application for a biosolids permit; any preapplication conferences; any appeals filed under the provisions of this chapter; any other activities relating to the processing of an application for a biosolids permit; the monitoring and/or enforcement of any permit; and/or the use of biosolids within the County. It is the intent of this chapter that such fees shall be in an amount necessary to fully fund the actual costs incurred by the County in administering this chapter, with no costs of administrating or enforcement of this chapter passed on to Yolo County residents. Application fees shall be due upon submittal of application.

(b) All costs of laboratory analysis of biosolids, soil, water and vegetation samples collected by the Department shall be the responsibility of and shall be paid by the applicant. (§ 1, Ord. 1204, eff. January 16, 1997)

**Sec. 6-12.07. Delinquency dates and penalties.**

(a) Any fee required by or any cost incurred by the County in accordance with this shall be paid by the permittee within thirty (30) days following the billing date.

(b) If any fee or cost specified is not paid within thirty (30) days from the date of mailing of any billing, the permittee shall pay a penalty. A penalty fee of ten (10%) percent of the initial billing will be imposed upon its delinquency. If the permit fee is not paid within sixty (60) days of the initial billing the penalty fee will be increased to fifteen (15%) percent and the permit may be suspended until the fees and/or costs and penalties are paid, or the permit may be revoked. (§ 1, Ord. 1204, eff. January 16, 1997)

**Sec. 6-12.08. Insurance.**

(a) Prior to the issuance of a biosolids permit and the application of biosolids to any land within the County, the applicator shall obtain insurance for the amounts and types of coverage as provided herein. The applicator shall at all times during the term of its biosolids permit maintain in full force and effect a policy of Workers' Compensation insurance; a policy of General Liability insurance in a minimum of One Million and no/100ths (\$1,000,000.00) Dollars; a policy of auto liability covering personal injury and property damage in a minimum of One Million and no/100ths (\$1,000,000.00) Dollars; and a policy of pollution insurance, covering personal injury, property damage and clean up liability in a

minimum of Two Million and no/100ths (\$2,000,000.00) Dollars.

All insurance shall be by insurers acceptable to the County. Evidence of insurance in the form of certificates of insurance or in such other form as may be required by the Department and/or County Counsel shall be provided prior to the issuance of a biosolids permit and before commencement of the application of any biosolids to any real property within the County. The certificates shall include the following express obligation:

"This is to certify that the policies of insurance described herein have been issued to the insured for whom this certificate is executed and are in force at this time. In the event of cancellation or material change in a policy affecting the certificate, 30 days notice will be given the certificate holder."

The County shall not be liable for the payment of premiums or assessments on the policy.

(b) In the event applicator's insurance coverage fails or lapses, the permit approval issued hereunder shall terminate immediately, and applicator shall be deemed in default.

(c) All insurance policies shall state that they shall not be canceled without thirty (30) days prior written notice to the County.

(d) The pollution insurance policy shall contain the following special endorsement:

"The County of Yolo, its officers, employees, and agents are hereby declared to be additional insured under the terms of this policy both as to the activities of applicator and as to the activities of the County, its officers, employees, and agents related to this activity described herein."

(e) The general liability and pollution liability insurance policies shall be written on an "occurrence basis," provided however, that "claims made policies" shall be accepted by the County where the policy expressly provides that it shall provide coverage for any claim made or filed for a period of thirty-eight (38) months from the termination of the biosolids permit for which the insurance policy provides coverage.

(f) The Department, County Counsel and County Risk Manager shall review all insurance policies to assure compliance with the provisions of this section. (§ 1, Ord. 1204, eff. January 16, 1997)

**Sec. 6-12.09. Bonds.**

(a) *Security bond.* Prior to the issuance of a biosolids permit and the application of biosolids to any land within the County, the applicator shall furnish a corporate surety bond as security for performance under the biosolids permit and any

enforcement, monitoring or clean up that the County may undertake or require. The purpose of the bond is to provide financial resources to Yolo County in the event of noncompliance with this chapter. The amount of the bond shall be determined by the Department based on the quantity, size and scope of biosolids application as set forth in the application and permit. Yolo County shall be named as the obligee.

(b) *Premium.* The premium for the above-described bond(s) shall be paid by the applicator. A certificate from the surety showing that bond premiums have been paid, in full, shall accompany the bond.

(c) *Authorized company.* The surety on the bond shall be a company acceptable to the County and shall be a corporate surety company authorized to do business in the State.

(d) The Department, County Counsel and County Risk Manager shall review the bond to assure compliance to this chapter. (§ 1, Ord. 1204, eff. January 16, 1997)

**Sec. 6-12.10. Technical standards.**

Technical standards governing biosolids application rates, cumulative soil metals, etc. shall be as established by the Regional Water Quality Control Board and 40 Code of Federal Regulations, Part 503 or its revisions. (§ 1, Ord. 1204, eff. January 16, 1997)

**Sec. 6-12.11. Sampling, testing and monitoring.**

Whenever any provision of this chapter requires soil sampling, testing, analysis and/or monitoring, it shall be performed in a manner as set forth below and consistent with generally accepted principles and standards.

(a) Under the supervision of certified professional personnel, all samples for the purpose of testing, analysis or monitoring shall be collected and handled in accordance with established methods and standards (i.e., agronomist, geologist, chemist, environmental health specialist, certified laboratory personnel, etc.).

(b) Biosolids testing shall be performed consistent with the following:

(1) Representative samples shall be collected on a daily basis from each wastewater treatment plant producing biosolids proposed for or actually applied to land in Yolo County and shall be composited to form a monthly composite sample which shall be analyzed for land application parameters as follows:

Total Kjeldahl-Nitrogen, Ammonium-Nitrogen, Nitrate Nitrogen, Organic-Nitrogen, Total Potassium, Total Phosphorus, Total Copper, Total Lead, Total Cadmium, Total Zinc, Total Nickel, pH (1:1), Total Solids, Total Boron, Total Arsenic, Total Chromium, Total

Molybdenum, Total Sodium, Total Selenium and Total Mercury.

(2) *Biannual biosolids monitoring.* Representative samples from each wastewater treatment plant which generates biosolids to be applied to land in Yolo County, shall be composited and analyzed a minimum of twice per year, unless otherwise indicated, for the following, unless the biosolids has been stockpiled longer than five (5) years, in which case additional testing may be required. The Department may require additional testing for specific constituents (e.g., radioactivity) if it determines that wastewater treatment plants may be processing waste containing those contaminants.

Constituent	Units <sup>1</sup>
Chlorinated Pesticides and PCBs* (EPA Method #8080)	
Base/Neutral Extractable Organic Priority Pollutants* (EPA Method #8270)	
Fecal Coliform	MPN/gram dry weight

\* The Department may require testing at a frequency no greater than required by the generator's current permits issued through the Regional Water Quality Control Board. The applicator may be required to perform these tests in instances where the generator is exempted from testing by the RWQCB. These may be required by the Department at a frequency rate of no more than once per year, unless significant concentrations are detected or if other factors indicate in the judgement of the County that additional testing is required or reasonably beneficial to serving the purposes of this chapter.

<sup>1</sup> To be reported as dry weight corrected for percent moisture.

(3) *Class A/Class B pathogen requirements.* Applicator shall provide documentation to verify Class A/Class B certification. Records and biosolids analyses results shall be made available to the Department upon request for the purpose of verifying Class A/Class B pathogen compliance.

(c) *Soil testing.* Soils on application sites will be sampled and analyzed by the applicator for metals and cation exchange capacity prior to initial application of biosolids.

(1) *Sampling procedures.* The surface soil will be sampled at a depth of zero (0") to eight (8") inches. The sample will consist of a minimum of twenty (20) individual cores taken from a location in the field. Surface litter will be removed before collecting a core, to ensure only mineral soil is sampled. Obvious anomalies such as wet

spots, turn rows and minor soil textural inclusions will not be sampled. The number of soil samples will be determined by the Department prior to sampling and will depend on the field size, and soil types. Samples will be taken on a grid at random locations as approved by the County.

(2) *Analysis.*

Soils will be analyzed for the following parameters: Olson's extractant for Phosphorus, Ammonium Acetate for Potassium, saturated paste pH, saturated paste extract, Calcium, Magnesium, and Sodium, Total Zinc, Total Copper, Total Cadmium, Total Chromium, Total Lead, Total Mercury, Total Nickel, Total Nitrogen, Total Sulfur, Total Selenium and Total Boron.

(d) *Forage vegetation.* Additional sampling may be required by the Department for nutrients and/or elements contained in forage vegetation being fed to animals.

(e) *Laboratory testing.* All biosolids, water, soil and vegetation analyses must be conducted by a California State Department of Health Services accredited laboratory, pursuant to Health and Safety Code Section 1010, with all costs associated with sampling paid by the applicant. Laboratory test methods shall be those approved by EPA and/or the Regional Water Quality Control Board.

(f) *Ground water testing.* The Department shall have the authority to require an applicator to conduct ground water testing where the Department deems such information to be desirable in the administration and implementation of this chapter. (§ 1, Ord. 1204, eff. January 16, 1997)

**Sec. 6-12.12. Reporting.**

(a) *Application records.* Application records shall be prepared and maintained by the applicant for five (5) years.

A record shall be maintained of each load of biosolids stating, the load size, the time, date and specific location where each load of biosolids was delivered in Yolo County and stating the source of the biosolids, and the application method.

(b) *Site reporting (post-application).* Site reports shall be prepared and maintained for five (5) years for each field that received biosolids. The site report shall state:

- (1) Location of field;
- (2) Tons of wet biosolids per acre and tons of dry biosolids per acre applied;
- (3) Soil cation exchange capacity;
- (4) Number of acres;
- (5) Types of crops grown on land which biosolids is applied;
- (6) Amount applied to date for the year;
- (7) Lifetime amount of biosolids applied;
- (8) The following constituents applied current year to date, total pounds per acre (lbs/acre) applied and lifetime limit where applicable

pursuant to 40 CFR, Part 503 or Regional Water Quality Control Board standards:

Nitrogen, Lead, Copper, Nickel, Mercury, Cadmium, Zinc, Arsenic, Chromium, Molybdenum, Boron, Selenium, and Sodium.

(c) *Report submission.*

(1) Monthly reports shall be submitted indicating the total amount of dry and wet tons of biosolids applied in the County, by location.

(2) Site Reports shall be submitted within sixty (60) days of the last biosolids application for the calendar year for ongoing application operations.

(3) Annual reports shall be submitted by March 1 for the preceding calendar year. The report shall include: a summary of the quantity (tons), the source of the biosolids, and location of application for each field on which biosolids were applied during the preceding calendar year; the date(s) of the Site Report(s) applicable to each application; and a statement concerning compliance with land use restrictions identified in this chapter.

(4) In reporting the monitoring data, the applicator shall arrange the data in tabular form so that the date, the constituents, and the concentrations are readily discernible. The data shall be summarized in such a manner to clearly indicate compliance to this chapter. The results of any monitoring conducted more frequently than required shall be reported to the Department.

Results of analyses performed in accordance with the monitoring requirements of Section 6-12.11 shall also be submitted to the County on electronic media (computer diskette) in a format amendable to data analysis by the County (common database format). (§ 1, Ord. 1204, eff. January 16, 1997)

**Sec. 6-12.13. Right of entry.**

As a requirement of the issuance of a permit under this chapter, the applicator, farm operator, landowner or lessee shall agree to allow the Department or other regulatory agencies at reasonable times and upon presentation of credentials to:

(a) Have access to and copy any records required to be kept under the terms and conditions of this chapter or application permit;

(b) Inspect any monitoring equipment or observe any monitoring method required in this chapter or application permit;

(c) Inspect any collection, transport vehicles, treatment, pollution management, or control facilities required under this chapter or application permit;

(d) Enter any site where biosolids is proposed to be used or has been used or stored and sample any ground or surface waters, soils, vegetation, biosolids or other materials on the site;

(e) Obtain any photographic documentation or evidence;

(f) Generally inspect, observe, and monitor the biosolids application operation. (§ 1, Ord. 1204, eff. January 16, 1997)

**Sec. 6-12.14. Enforcement.**

The Department is authorized to enforce the provisions of this chapter. The Department shall issue a report to the Board of Supervisors relating to the implementation of the biosolids program when deemed necessary. (§ 1, Ord. 1204, eff. January 16, 1997)

**Sec. 6-12.15. Violation/penalties.**

Any person violating any of the provisions of or failing to comply with any of the mandatory requirements of this chapter is guilty of a misdemeanor and is subject to the penalties set forth in Chapter 2 of Title 1 of the Yolo County Code. (§ 1, Ord. 1204, eff. January 16, 1997)

**Sec. 6-12.16. Public nuisance declaration.**

In addition, any violation of this chapter may be deemed by the Department to be a public nuisance, and may be abated, or enjoined by the Department, irrespective of any other remedy herein provided. (§ 1, Ord. 1204, eff. January 16, 1997)

Chapter 13

**CAMPING WITHIN THE UNINCORPORATED  
AREA OF YOLO COUNTY\***

**Sections:**

- 6-13.01 Authority and purpose.**
- 6-13.02 Definitions.**
- 6-13.03 Camping on public property.**
- 6-13.04 Camping on private property.**
- 6-13.05 Campfires.**

\* Chapter 12, added by Ordinance No. 1189, was renumbered to Chapter 13 by codifier as Chapter 12 is already in use.

**Sec. 6-13.01. Authority and purpose.**

The purpose of this chapter is to protect public and private property within the unincorporated area of the County from the destruction that accompanies camping. It is also enacted to ensure that proper health and safety accommodations are provided to those who do camp. It is enacted to prevent degradation of public and private lands and assure that such lands can be utilized for their intended purpose. The Board of Supervisors enacts this chapter in accordance with the authority granted to counties by Article XI, Section 7 of the California Constitution. (§ 1, Ord. 1189, eff. August 22, 1996)

**Sec. 6-13.02. Definitions.**

For purposes of this chapter, camping is defined as residing in or using any public or private property for one or more nights for living accommodation purposes, such as sleeping activities or making preparations to sleep (including the laying down of bedding for the purpose of sleeping), or storing personal belongings (including, but not limited to clothing, sleeping bags, bed rolls, blankets, sheets, luggage, backpacks, kitchen utensils, cookware, and similar material), or making any fire or using any tents, regularly cooking meals, or living in a parked vehicle. These activities constitute camping when it reasonably appears, in light of all the circumstances, that a person(s) is using public or private property as a living accommodation for one or more nights, with intent to camp. (§ 1, Ord. 1189, eff. August 22, 1996)

**Sec. 6-13.03. Camping on public property.**

Except as may be permitted within parks by the Park and Recreation Director, it is unlawful to camp or squat upon any public property owned or maintained by the County, including, without limitation, streets, easements, parks, dump sites, creek beds, electric utility substations, parking lots, or corporation yards. No person shall set up tents, shacks, house trailers, motor homes,

campers, or any other temporary or permanent shelter for the purpose of overnight camping or squatting, nor shall any person leave in any such place any movable structure or special vehicle to be used or that could be used for such a purpose, such as a house trailer, tent, automobile, or the like. Violation of this section shall be charged as a misdemeanor. (§ 1, Ord. 1189, eff. August 22, 1996)

**Sec. 6-13.04. Camping on private property.**

Except as otherwise provided in this section, it is unlawful to camp or squat upon private property within the unincorporated area of the County. No person shall set up tents, shacks, campers, or any other temporary or permanent shelter for the purpose of overnight camping or squatting, nor shall any person leave upon any private property any movable structure or special vehicle to be used or that could be used for such a purpose, such as a tent or automobile, or the like. Violation of this section shall be charged as a misdemeanor.

*Exceptions.* This section shall not apply to persons camping upon their own land or camping with the owner of the land, or to persons camping with the written consent of the owner of the land, provided that such written consent is in their possession at the time and is shown upon demand of any peace officer, and provided that all local zoning ordinances of the County are met and all Health Code sections of the State are complied with. This section shall not apply to persons lawfully camping within campgrounds or trailer parks specifically designated or approved for such use pursuant to the Zoning Ordinance of the County. (§ 1, Ord. 1189, eff. August 22, 1996)

**Sec. 6-13.05. Campfires.**

No person shall kindle or maintain an open campfire or bonfire, except on park property as designated by the Parks and Recreation Director.

Nothing in this chapter shall be construed to permit fires otherwise prohibited by law or to negate the requirement for burning permits otherwise required by law. (§ 1, Ord. 1189, eff. August 22, 1996)

## Chapter 14

### LIMITATIONS TO ACCESS TO TOBACCO PRODUCTS

<b>Sec. 6-14.01</b>	<b>Purpose.</b>
<b>Sec. 6-14.02</b>	<b>Findings.</b>
<b>Sec. 6-14.03</b>	<b>Definitions.</b>
<b>Sec. 6-14.04</b>	<b>Identification required.</b>
<b>Sec. 6-14.05</b>	<b>Vendor-Assisted sales.</b>
<b>Sec. 6-14.06</b>	<b>Out-of-Package sales.</b>
<b>Sec. 6-14.07</b>	<b>Posting of signs.</b>
<b>Sec. 6-14.08</b>	<b>Severability.</b>
<b>Sec. 6-14.09</b>	<b>Enforcement.</b>
<b>Sec. 6-14.10</b>	<b>Violations: infractions.</b>
<b>Sec. 6-14.11</b>	<b>Public education.</b>

#### **Sec. 6-14.01. Purpose.**

The purpose of this ordinance is to reduce the ability of minors to purchase cigarettes by eliminating self service displays in the unincorporated areas of Yolo County.

#### **Sec. 6-14.02. Findings.**

(a) Each year 400,000 Americans die prematurely from tobacco related illnesses. Tobacco use has been linked to cancer, emphysema, heart disease and a variety of other life threatening health problems.

(b) These health problems create a burden for local communities, and more specifically Yolo County. In addition to the health care cost for these diseases, there is the lost human and economic contributions to each individual who suffers from the preventable effects of tobacco use.

(c) The 1994 National Household Survey on Drug Abuse showed that 90% of tobacco users start well before the age of eighteen, the average child smoker started at age 13 while the average age for smokeless tobacco initiation is 9 years. According to the California State Department of Health Services Tobacco Control System, while adult tobacco use has been declining, youth use has been rising.

(d) All fifty states, and the District of Columbia, prohibit the sale of tobacco products to minors. California Penal Code Sections 308(a) and 308(b) prohibit the sale of tobacco products and paraphernalia to minors and possession of tobacco by a minor. Yet, over 29 million packs of cigarettes are sold to California children annually.

(e) The Synar Amendment to the 1992 Alcohol, Drug Abuse and Mental Health Reorganization Act requires that states reduce sales of cigarettes to minors to below 20% by the year 2000 or lose federal Drug and alcohol funding.

(f) California's sales rate sales of cigarettes to minors is still 21%. Studies show that over 40% of grade school students who smoked daily have shoplifted cigarettes, at some time, from

self service displays and that sales to minors drops by between 40% and 80% after enactment of ordinances requiring vendor assisted sales of tobacco products.

(g) Similar legislation in other counties and cities in California have reduced youth access to tobacco products without negatively affecting businesses.

#### **Sec. 6-14.03. Definitions.**

For the purposes of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as follows:

(a) *Business*. "Business" shall mean a fixed location, whether indoors or outdoors, at which merchandise is offered for sale at retail.

(b) *Minor*. "Minor" shall mean any person under 18 years of age.

(c) *Self-Service Displays*. "Self-Service Displays" shall mean open displays of tobacco products and point-of-sale tobacco promotional products that the public has access to without the intervention of a store employee.

(d) *Tobacco Product*. "Tobacco Product" shall mean any tobacco cigarette, cigar, pipe tobacco, smokeless tobacco or any other form of tobacco or tobacco product which may be used for smoking, chewing, inhalation or other means of ingestion.

(e) *Vendor-Assisted*. "Vendor-Assisted" shall mean only a store owner or employee shall have access to the tobacco product and assists the customer by supplying the product. The customer may not take possession of the product until after it is purchased.

#### **Sec. 6-14.04. Identification Required.**

No retailer or vendor shall sell or permit to be sold cigarettes or other tobacco products to an individual without requesting and examining photographic identification establishing the purchaser's age as eighteen years or greater, unless the vendor or employee has a reasonable basis in fact to know the buyer is over the age of eighteen.

#### **Sec. 6-14.05. Vendor-Assisted Sales.**

(a) It shall be unlawful for any person, business or tobacco retailer to sell, permit to be sold, offer for sale or display for sale any tobacco product by means of self-service display rack or shelf that allows self-service sales or any means other than vendor-assisted sales.

(b) All tobacco products shall be displayed and offered for sale exclusively by means of vendor/employee assistance, with tobacco products in a location which requires vendor or employee assistance to retrieve the tobacco product.

#### **Sec. 6-14.06. Out-of-Package Sales.**

No person, business, tobacco retailer, or other establishment in the unincorporated areas shall sell or offer for sale cigarettes or other tobacco products not in the original packaging provided by the manufacturer and with all required health warnings.

**Sec. 6-14.07. Posting of Signs.**

Any person, business, tobacco retailer, or other establishment in the unincorporated area which sells tobacco products shall post plainly visible signs at the point of purchase of tobacco products which comply with California State Business and Professions Code Section 22952 (STAKE Act). All letters of said sign shall be at least one half inch high or larger.

**Sec. 6-14.08. Severability.**

If any portion of this chapter or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect the other provisions or applications of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

**Sec. 6-14.09. Enforcement.**

(a) Enforcement of this chapter shall be the responsibility of the County Administrative Officer. The County Administrative Officer shall not undertake further enforcement against a person without giving one warning and/or offering an education session with a staff person designated by the Director of the County Health Department.

(b) Notice of this chapter shall be given to all applicants for a business license or renewal thereof.

(c) Any citizen who wishes to register a complaint under this chapter may initiate enforcement by bringing the matter to the attention of the staff person designated by the Director of the County Health Department.

**Sec. 6-14.10. Violations: Infractions.**

(a) It shall be unlawful for any person who owns, manages, operates or otherwise controls the use of any premises subject to this regulation of this Chapter to refuse to comply with any of its provisions.

(b) Any person, business, tobacco retailer, owner, manager or operator of any establishment subject to this chapter who violates any provision of this chapter shall be deemed guilty of an infraction punishable by:

(1) A fine not exceeding One Hundred Dollars (\$100.00) for the first violation;

(2) A fine not exceeding Two Hundred and no/100ths (\$200.00) Dollars for a second violation within one year; and

(3) A fine not exceeding Five Hundred and no/100ths (\$500.00) Dollars for a third

violation for each additional violation of this chapter within one year.

(c) A person who violates any provision of this chapter shall be deemed guilty of a separate offense for each day, or portion thereof, during which the violation continues.

**Sec. 6-14.11. Public Education.**

The County Health Department shall engage in a continuing program to explain and clarify the purpose and requirements of this chapter to citizens effected and business effected by it, and to guide owners, operators and managers in their compliance with it. Such program may include publication of a brochure for affected businesses and individuals explaining the provisions of this chapter. (§1, Ord. 1226, eff. October 1, 1998)

## Chapter 15

### TOBACCO RETAILER PERMIT

<b>Sec. 6-15.01</b>	<b>Purpose.</b>
<b>Sec. 6-15.02</b>	<b>Definitions.</b>
<b>Sec. 6-15.03</b>	<b>Tobacco Retailer Permit Required.</b>
<b>Sec. 6-15.04</b>	<b>Limits on Tobacco Retailer Permits.</b>
<b>Sec. 6-15.05</b>	<b>Application Procedure.</b>
<b>Sec. 6-15.06</b>	<b>Fees.</b>
<b>Sec. 6-15.07</b>	<b>Issuance; Denial; Effect.</b>
<b>Sec. 6-15.08</b>	<b>Permit Nontransferable.</b>
<b>Sec. 6-15.09</b>	<b>Permit Term, Renewal and Expiration.</b>
<b>Sec. 6-15.10</b>	<b>Other Tobacco Retailing Requirements and Prohibitions.</b>
<b>Sec. 6-15.11</b>	<b>Compliance Monitoring.</b>
<b>Sec. 6-15.12</b>	<b>Revocation of Permit.</b>
<b>Sec. 6-15.13</b>	<b>Appeal; Judicial Review.</b>
<b>Sec. 6-15.14</b>	<b>Enforcement: Tobacco Retailing Without a Permit; Tobacco Retailing in Violation of Chapter.</b>
<b>Sec. 6-15.15</b>	<b>Additional Enforcement.</b>
<b>Sec. 6-15.16</b>	<b>Severability</b>

#### **Section 6-15.01. Purpose.**

The purpose of this Chapter is to discourage violations of tobacco-related laws, particularly those which prohibit or discourage the sale or distribution of tobacco products to minors, by requiring a tobacco retailing permit in the unincorporated areas of the County of Yolo as set forth in this Chapter. (§2, Ord. 1350, eff. June 15, 2006)

#### **Section 6-15.02. Definitions.**

As used herein:

(a) "Arm's Length Transaction" means a sale in good faith and for valuable consideration that reflects the fair market value in the open market between two informed and willing parties, neither of which is under any compulsion to participate in the transaction. A sale between relatives, related companies or partners, or a sale for which a significant purpose is avoiding the effect of the violations of this Chapter, is not an Arm's Length Transaction.

(b) "Department" means the Yolo County Health Department.

(c) "Director" shall mean the Director of the Yolo County Health Department or her/his written designee.

(d) "Person" means any natural person, partnership, cooperative association, corporation, personal representative, receiver, trustee, assignee, or any other legal entity.

(e) "Proprietor" means a Person with an ownership or managerial interest in a business.

An ownership interest shall be deemed to exist when a Person has a ten percent (10%) or greater interest in the stock, assets, or income of a business other than the sole interest of security for debt. A managerial interest shall be deemed to exist when a Person can or does have or share ultimate control over the day-to-day operations of a business.

(f) "Self-Service Display" means the open display of Tobacco Products or Tobacco Paraphernalia in a manner that is accessible to the general public without the assistance of the retailer or employee of the retailer. A Vending Machine is a form of Self-Service Display.

(g) "Significant Tobacco Retailer" means any Tobacco Retailer whose principal or core business is selling Tobacco Products, Tobacco Paraphernalia, or both, as evidenced by any of the following: (i) twenty percent (20%) or more of floor area and display area is devoted to the sale or exchange of Tobacco products, Tobacco Paraphernalia, or both; (ii) fifty percent (50%) or more of completed sales transactions include a Tobacco Product or Tobacco Paraphernalia; or (iii) Sixty-seven percent (67%) or more of gross sales receipts are derived from the sale or exchange of Tobacco Products, Tobacco Paraphernalia, or both.

(h) "Smoking" means possessing a lighted Tobacco Product, lighted Tobacco Paraphernalia, or any other lighted weed or plant (including a lighted pipe, cigar, hookah pipe, or cigarette of any kind), or the lighting of a Tobacco Product, Tobacco Paraphernalia, or any other weed or plant (including a pipe, cigar, hookah pipe, or cigarette of any kind).

(i) "Tobacco Paraphernalia" means cigarette papers or wrappers, pipes, holders of smoking materials of all types, cigarette-rolling machines, and any other item designed for the smoking, preparation, storing, consumption or ingestion of Tobacco Products.

(j) "Tobacco Product" means: (1) any substance containing tobacco leaf, including but not limited to cigarettes, cigars, pipe tobacco, hookah tobacco, snuff, chewing tobacco, dipping tobacco, bidis, or any other preparation of tobacco; and (2) any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human body, but does not include any product specifically approved by the United States Food and Drug Administration for use in treating nicotine or tobacco product dependence.

(k) "Tobacco Retailer" means any Person who sells, offers for sale, or does or offers to exchange for any form of consideration, tobacco, Tobacco Products, or Tobacco Paraphernalia, or who distributes free or low cost samples of Tobacco Products or Tobacco Paraphernalia,

without regard to the quantity of tobacco, Tobacco Products, or Tobacco Paraphernalia sold or offered for sale, exchanged or offered for exchange, or distributed or offered for distribution. "Tobacco Retailing" means the doing of any of these things.

(l) "Tobacco Retailing Permit Hearing Authority" or "Hearing Authority" means one or more persons assigned by the County Administrative Officer the responsibility of conducting a hearing pursuant to this Chapter, and may hereafter be referred to as the Hearing Authority. The County Administrative Officer shall assign hearing responsibility to any of the following: (1) County management personnel whom the County Administrative Officer finds to be qualified by training and experience to conduct such hearings; (2) Any person(s) qualified by training or experience whom the County Administrative Officer may employ or who are retained by contract to conduct such hearings; or (3) Administrative Law Judges assigned by the State Office of Administrative Hearings. The County Administrative Officer is hereby authorized to contract in the name of the County for the retention of hearing services at rates that do not exceed the financial limitations established by the County's annual budget and contracting rules, regulations and policies.

(m) "Vending Machine" means a machine, appliance, or other mechanical device operated by currency, token, debit card, credit card, or any other form of payment that is designed or used for vending purposes, including, but not limited to, machines or devices that use remote control locking mechanisms. (§2, Ord. 1350, eff. June 15, 2006)

#### **Section 6-15.03. Tobacco Retailer Permit Required.**

(a) It shall be unlawful for any Person to act as a Tobacco Retailer without first obtaining and maintaining a valid Tobacco Retailer's Permit pursuant to this Chapter for each location at which that activity is to occur. A Tobacco Retailer Permit is invalid unless the appropriate fee has been paid in full and the term of the Permit has not expired.

(b) A Tobacco Retailer or Proprietor without a valid Tobacco Retailer Permit, including but not limited to a person whose Permit has been revoked:

(1) Shall keep all Tobacco Products and Tobacco Paraphernalia out of public view.

(2) Shall not display any advertisement relating to Tobacco Products or Tobacco Paraphernalia that promotes the sale or distribution of such products from the Tobacco Retailer's location or that could lead a reasonable consumer to believe that such products can be obtained at that location. (§2, Ord. 1350, eff. June 15, 2006)

#### **Section 6-15.04. Limits on Tobacco Retailer Permits.**

(a) No permit may issue to authorize Tobacco Retailing at other than a single, fixed location.

(b) No permit may issue to authorize Tobacco Retailing at any location that is permitted by State law to serve alcoholic beverages for consumption on the premises (e.g., an "on-sale" permit issued by the California Department of Alcoholic Beverage Control).

(c) No permit may issue to authorize Tobacco Retailing by a Significant Tobacco Retailer; provided however that a Significant Tobacco Retailer operating legally on the date that the ordinance enacting this Chapter was first introduced, and that would otherwise have been entitled to receive a permit pursuant to this Chapter, may receive a permit and may continue to operate so long as (1) the permit is renewed continually without lapse; (2) the Significant Tobacco Retailer is not closed for business for more than sixty (60) consecutive days; (3) the Significant Tobacco Retailer does not substantially change the business premises or business operation; and (4) the Significant Tobacco Retailer's maintains the right to operate under the terms of all other applicable laws. (§2, Ord. 1350, eff. June 15, 2006)

#### **Section 6-15.05. Application Procedure.**

(a) An application for a Tobacco Retailer's Permit shall be submitted in the name of each Proprietor proposing to conduct retail tobacco sales and shall be signed by each Proprietor or an authorized agent thereof. It is the responsibility of each Proprietor to be informed regarding all laws applicable to Tobacco Retailing, including those laws affecting the issuance of a Tobacco Retailer's Permit.

(b) All applications shall be submitted on a form supplied by the Department, shall be accompanied by the application and permit fee established pursuant to this Chapter, and shall contain the following information:

(1) The name, address, and telephone number of each Proprietor of the business that is seeking the Permit.

(2) The business name, address, and telephone number of the single fixed location for which the Permit is sought.

(3) The name and mailing address authorized by each Proprietor to receive all permit-related communications and notices (the Authorized Address). If an Authorized Address is not supplied, each Proprietor shall be understood and deemed to consent to the provision of notice at the business address specified in subparagraph (2) above.

(4) Proof that the location for which a Tobacco Retailer's Permit is sought has been issued a valid State tobacco retailer's license by the California Board of Equalization.

(5) Whether or not any Proprietor has admitted violating, or has been found to have violated, this Chapter, or whose proprietorship has admitted violating, or has been found to have violated, this Chapter, and, if so, the dates and locations of all such violations within the previous six years.

(6) Such other information as the Department deems necessary for the administration or enforcement of this Chapter.

(c) Each Tobacco Retailer who has been issued a Permit shall update with the Department all information required to be submitted in order to apply for the Permit whenever the information changes. A Tobacco Retailer shall provide the Department with all such updates within ten (10) business days of a change.

(d) The information specified in subparagraphs (b)(1), (2) and (3) shall be available to the public. (§2, Ord. 1350, eff. June 15, 2006)

#### **Section 6-15.06. Fees.**

The fee to apply for and obtain or renew a Tobacco Retailer's Permit shall be established by resolution of the Board of Supervisors. The fee shall be calculated so as to recover no more than the total cost of permit administration and enforcement, including but not limited to receiving, reviewing and processing the application and the information contained therein, issuing the permit, administering the permit program, retailer education, retailer inspection and compliance checks, documentation of violations, and sanction and prosecution of violators, but shall not exceed the cost of the regulatory program authorized by this Chapter. All fees shall be used exclusively to fund the regulatory program authorized by this Chapter. Fees are nonrefundable except as may otherwise be required by law. (§2, Ord. 1350, eff. June 15, 2006)

#### **Section 6-15.07. Issuance; Denial; Effect.**

(a) Upon the receipt of an application for a Tobacco Retailer's Permit and the application and permit fee, the Department shall issue a permit unless substantial evidence in the record demonstrates one or more of the following bases for denial:

(1) The application is incomplete or inaccurate.

(2) The application seeks authorization for Tobacco Retailing by a Proprietor or other

Person to whom this Chapter prohibits a Permit to be issued.

(3) The application seeks authorization for Tobacco Retailing at a location for which this Chapter prohibits a Permit to be issued.

(4) The application seeks authorization for Tobacco Retailing by a Proprietor or other Person for whom, or at a location for which, a Permit revocation is in effect pursuant to this Chapter.

(5) The application seeks authorization for Tobacco Retailing that is prohibited pursuant to this Chapter (e.g., mobile vending), that is unlawful pursuant to this Code (e.g., the zoning code), or that is unlawful pursuant to any other law.

(b) If the Department denies a Permit application, the Department shall notify the applicant in writing of the denial. A notice of denial shall be personally served on, or sent by certified mail to, the Permit holder. The notice shall state the basis of the Department's determination(s) and denial, and shall include an advisement of the right to appeal as set forth in Section 6-15.13.

(c) Nothing in this Chapter shall be construed to grant any Person obtaining and maintaining a Tobacco Retailer's Permit any status or right other than the right to act as a Tobacco Retailer at the location in the County identified on the face of the Permit. For example, nothing in this Chapter shall be construed to render inapplicable, supercede, or apply in lieu of, any other provision of applicable law, including but not limited to County zoning ordinances, building codes, and business Permit requirements, and any condition or limitation on smoking in enclosed places of employment made applicable to business establishments by California Labor Code Section 6404.5 or any other law or regulation. Obtaining a Tobacco Retailer Permit also does not make the Retailer a "retail or wholesale tobacco shop" for the purposes of California Labor Code Section 6404.5.

(d) The issuance of a Permit does not constitute a determination by the County that the Tobacco Retailer or Proprietor has complied with all laws applicable to Tobacco Retailing. Nothing in this Chapter shall be construed to vest in any Person obtaining and maintaining a Permit any status or right to act as a Tobacco Retailer in contravention of any provision of law.

(e) A Permit issued in error, contrary to this Chapter, contrary to any other law, or on the basis of false or misleading information supplied by a Proprietor may be revoked pursuant to Section 6-15.12. (§2, Ord. 1350, eff. June 15, 2006)

#### **Section 6-15.08. Permit Nontransferable.**

(a) A Tobacco Retailer's Permit may not be transferred from one Person to another or from

one location to another. Whenever a Tobacco Retailing location has a change in Proprietors, a new Tobacco Retailer's Permit is required.

(b) Notwithstanding any other provision of this Chapter, prior violations at a location shall continue to be counted against a location and Permit ineligibility periods shall continue to apply to a location unless:

(1) The location has been fully transferred to a new Proprietor or entirely new Proprietors; and,

(2) The new Proprietor(s) provide the Department with clear and convincing evidence that the new Proprietor(s) have acquired or is acquiring the location in an Arm's Length Transaction. (§2, Ord. 1350, eff. June 15, 2006)

**Section 6-15.09. Permit Term, Renewal and Expiration.**

(a) The term of a Tobacco Retailer Permit is one (1) year.

(b) Each Tobacco Retailer shall apply for the renewal of his or her Tobacco Retailer's Permit and submit the Permit fee no later than thirty (30) days prior to expiration of the term.

(c) A Tobacco Retailer's Permit that is not timely renewed as set forth above shall expire at the end of its term.

(d) To reinstate a Permit that has expired, or to renew a Permit not timely renewed as set forth above, the Proprietor(s) must:

(1) Submit the Permit fee plus a reinstatement fee of ten percent (10%) of the Permit fee.

(2) Submit a signed affidavit affirming that the Proprietor:

(A) Has not sold and will not sell any Tobacco Product or Tobacco Paraphernalia after the Permit expiration date and before the Permit is renewed; or

(B) Has waited the appropriate ineligibility period established for Tobacco Retailing without a Permit, as set forth in Section 6-15.14(a) of this Chapter, before seeking renewal of the Permit. (§2, Ord. 1350, eff. June 15, 2006)

**Section 6-15.10. Other Tobacco Retailing Requirements and Prohibitions.**

(a) Each Proprietor shall prominently display each Permit at the location where Tobacco-Retailing is permitted by the Permit.

(b) In the course of Tobacco Retailing or in the operation of the business or maintenance of the location for which a Permit issued, it shall be a violation of this Chapter for a Proprietor or Tobacco Retailer, or any of the Proprietor's or Tobacco Retailer's agents or employees, to:

(1) Violate any Federal, State or local law applicable to Tobacco Products, Tobacco Paraphernalia, or Tobacco Retailing.

(2) Violate any Federal, State or local law regulating exterior, storefront, window, or door signage.

(c) No Person who is younger than the minimum age established by State law for the purchase or possession of Tobacco Products shall engage in Tobacco Retailing.

(d) No Tobacco Retailer shall display Tobacco Products or Tobacco Paraphernalia by means of a Self-Service Display or engage in Tobacco Retailing by means of a Self-Service Display. (§2, Ord. 1350, eff. June 15, 2006)

**Section 6-15.11. Compliance Monitoring.**

(a) Compliance with this Chapter shall be monitored by the Yolo County District Attorney.

(b) The District Attorney shall check the compliance of each Tobacco Retailer an average of at least three (3) times per twelve (12) month period. The District Attorney may check the compliance of Tobacco Retailers previously found to be in compliance with the laws regulating access to Tobacco and Tobacco Paraphernalia of persons under the age of eighteen (18) years of age a fewer number of times, so that they may check the compliance of Tobacco Retailers previously found in violation of this Chapter a greater number of times. Nothing in this SubSection shall create a right of action in any Tobacco Retailer, Permittee or other Person against the County or its agents if the number of compliance checks varies from the foregoing.

(c) Compliance checks shall determine, at a minimum, if the Tobacco Retailer is conducting business in a manner that complies with Federal, State and local laws regulating access to Tobacco and Tobacco Paraphernalia of persons under the age of eighteen (18) years of age. When deemed appropriate by the District Attorney, the compliance checks shall determine compliance with other laws applicable to Tobacco Retailing.

(d) The County shall not enforce any law establishing a minimum age for tobacco purchases or possession against a Person who otherwise might be in violation of such law because of the Person's age (hereinafter "Youth Decoy") if the potential violation occurs when either of the following conditions exist:

(1) The Youth Decoy is participating in a compliance check supervised by a peace officer or a code enforcement official of the County; or

(2) The Youth Decoy is participating in a compliance check funded in part, either directly or indirectly through subcontracting, by the Yolo County Health Department or the California Department of Health Services. (§2, Ord. 1350, eff. June 15, 2006)

**Section 6-15.12. Revocation of Permit.**

(a) In addition to any other penalty authorized by law, a Tobacco Retailer's Permit

shall be revoked if any court of competent jurisdiction determines, or if the Director finds after the Tobacco Retailer or Permittee is afforded notice and an opportunity to be heard, that the Tobacco Retailer or Permittee, or any of the Tobacco Retailer's or Permittee's officers, agents or employees, has violated any of the requirements, conditions, or prohibitions of this Chapter or, in a different legal proceeding, has pleaded guilty, "no contest" or its equivalent, or admitted to, a violation of any law designated in Section 6-15.10.

(b) A Tobacco Retailer's Permit shall be revoked if the Department finds, after the Permittee is afforded reasonable notice and an opportunity to be heard, that one or more of the bases for denial of a Permit under Section 6-15.07 existed at the time the Permit application was submitted or at any time thereafter and before the Permit issued. The revocation shall be without prejudice to the filing of a new Permit application.

(c) A decision to revoke a Permit is appealable to the Tobacco Retailing Permit Hearing Authority pursuant to Section 6-15.13. If such an appeal is made within the time provided in that Section, it shall stay enforcement of the appealed action.

(d) A notice of revocation shall be personally served on, or sent by certified mail to, the Permit holder. The notice shall state the basis of the Department's determination(s) and the revocation, and shall include an advisement of the right to appeal as set forth in Section 6-15.13.

(e) During the period that any permit is revoked, the Proprietor shall prominently display a notice advising the public of the revocation, in the form and in the manner designated by the Department.

(f) After revocation pursuant to subsection (a) above, a new permit may be issued only in accordance with the following:

(1) After revocation for a first violation of this Chapter at any location within any sixty- (60) month period, no new Permit may issue for that location, or that Proprietor or other Person, until not less than ten (10) days have passed from the date of revocation.

(2) After revocation for a second violation of this Chapter at any location within any sixty- (60) month period, no new Permit may issue for that location, or that Proprietor or other Person, until not less than ninety (90) days have passed from the date of revocation.

(3) After revocation for a third violation of this Chapter at any location within any sixty- (60) month period, no new Permit may issue for that location, or that Proprietor or other Person, until not less than one (1) year has passed from the date of revocation.

(4) After revocation for four or more violations of this Chapter at any location within

any sixty- (60) month period, no new Permit may issue for that location, or that Proprietor or other Person, until not less than five (5) years have passed from the date of revocation. (§2, Ord. 1350, eff. June 15, 2006)

### **Section 6-15.13. Appeal; Judicial Review.**

(a) Except as otherwise provided by law, any decision made appealable to the Hearing Authority pursuant to this Chapter shall be subject to the following requirements and procedures.

(b) Any appeal must be in writing, shall state the specific reasons therefore and the grounds asserted for relief and the specific relief requested, and shall be filed with the County Administrative Officer within ten (10) calendar days of personal service of the notice of the action being appealed, or within fifteen (15) calendar days of mailing if the notice is only served by mail. If any Person to whom the notice of violation was given does not file a written appeal within the time and in the manner set forth above, the right to review of the Department's determination shall be deemed to have been waived, and the Department's decision shall be final.

If a written appeal is filed within the time and in the manner set forth above, the matter shall be heard by the Hearing Authority.

(c) Not later than fifteen (15) days after receipt of the appeal, the County Administrative Officer shall provide written notice to the parties of the date, time, and place of the hearing, in the manner specified above for a notice of revocation.

(d) The provisions of the Administration Procedure Act (commencing with Section 11500 of the Government Code of the State) shall not be applicable to such hearing, nor shall formal rules of evidence in civil or criminal judicial proceedings be so applicable.

A record of the hearing shall be made by any means, including electronic recording, so long as a reasonably accurate and complete written transcription of the proceedings can be made. Technical rules of evidence shall not apply to the hearing, but relevant evidence may be admitted and given probative effect only if it is the kind of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs.

A decision of the Hearing Authority shall be supported by substantial evidence. The Hearing Authority shall sustain the Department's decision if the Hearing Authority finds that any lawful basis for the Department's action exists.

(e) Following the conclusion of the hearing, the Hearing Authority shall prepare a written decision that either grants or denies the appeal, contains findings of facts and conclusions of law,

and includes notification that the time limit within which a judicial review shall be sought is governed by Code of Civil Procedure Section 1094.6. Notice of the written decision, including a copy thereof, shall be filed with the County Administrative Officer and served upon all parties not later than seven (7) days following the date on which the hearing is closed.

The Hearing Authority's written decision shall be the final decision of the County, and shall become final upon the date that notice thereof is mailed to the appellant by certified mail.

(f) Any determination of the Hearing Authority shall be subject to judicial review pursuant to Code of Civil Procedure Section 1094.5. (§2, Ord. 1350, eff. June 15, 2006)

**Section 6-15.14. Enforcement: Tobacco Retailing Without a Permit; Tobacco Retailing in Violation of Chapter.**

(a) In addition to any other penalty authorized by law, if the Department finds or any court of competent jurisdiction determines, after notice and an opportunity to be heard, that any Person has engaged in Tobacco Retailing at a location without a valid Tobacco Retailer's license, either directly or through the Person's agents or employees, the Person shall be ineligible to apply for or be issued a Tobacco Retailing license for that location as follows:

(1) After a first violation of this Chapter at a location within any sixty- (60) month period, no license may issue for the Person at the location until not less than thirty (30) days have passed from the date of the violation.

(2) After a second violation of this Chapter at a location within any sixty- (60) month period, no license may issue for the Person at the location until not less than ninety (90) days have passed from the date of the violation.

(3) After a third or subsequent violation of this Chapter at a location within any sixty- (60) month period, no license may issue for the Person at the location until not less than five (5) years have passed from the date of the violation.

(b) Tobacco Products and Tobacco Paraphernalia offered for sale or exchange in violation of this Chapter are subject to seizure by the Department or any peace officer, and shall be forfeited after the licensee and any other owner of the Tobacco Products and Tobacco Paraphernalia seized is given reasonable notice by the Department and an opportunity to demonstrate that the Tobacco Products and Tobacco Paraphernalia were not offered for sale or exchange in violation of this Chapter. The decision by the Department may be appealed pursuant to the procedures set forth in Section 6-15.13. Forfeited Tobacco Products and Tobacco Paraphernalia shall be destroyed.

(c) Each day after the effective date of this Chapter on which Tobacco Products or Tobacco

Paraphernalia are offered for sale in violation of this Chapter shall constitute a violation of this Chapter separate and apart from any other violation of this Chapter.

(d) For a first or second alleged violation of this Chapter within any sixty- (60) month period, the Director may engage in settlement negotiations and, with the County Counsel's concurrence, may enter into a settlement agreement with a Tobacco Retailer alleged to have violated this Chapter without approval from the Board of Supervisors. Notice of any settlement shall be provided to the Board, and no hearing shall be held. Settlements shall not be confidential and shall contain the following minimum terms:

(1) After a first alleged violation of this Chapter at a location within any sixty- (60) month period:

(A) An admission that the violation occurred and a stipulation that the violation will be counted when considering what penalty will be assessed for any future violations;

(B) An agreement to stop acting as a Tobacco Retailer for at least one (1) day; and;

(C) A settlement payment to the County of at least one thousand dollars (\$1,000).

(2) After a second alleged violation of this Chapter at a location within any sixty- (60) month period:

(A) An admission that the violation occurred and a stipulation that the violation will be counted when considering what penalty will be assessed for any future violations;

(B) An agreement to stop acting as a Tobacco Retailer for at least ten (10) days; and,

(C) A settlement payment to the County of at least five thousand dollars (\$5,000). (§2, Ord. 1350, eff. June 15, 2006)

**Section 6-15.15. Additional Enforcement.**

(a) Causing, permitting, aiding, abetting, or concealing a violation of any provision of this Chapter shall also constitute a violation of this Chapter.

(b) Violations of this Chapter may, in the discretion of the District Attorney, be prosecuted as criminal infractions or misdemeanors.

(c) Violations of this Chapter are subject to a civil action brought by the District Attorney, punishable as follows:

(1) A fine not less than two hundred fifty dollars (\$250) and not exceeding one thousand dollars (\$1,000) for a first violation in any sixty- (60) month period;

(2) A fine not less than one thousand dollars (\$1,000) and not exceeding two thousand five hundred dollars (\$2,500) for a second violation in any sixty- (60) month period; or

(3) A fine not less than two thousand five hundred dollars (\$2,500) and not exceeding five thousand dollars (\$5,000) for a third or

subsequent violation in any sixty- (60) month period.

(d) Any violation of this Chapter is hereby declared to be a public nuisance as well as a private nuisance that is presumed to at least nominally damage each and every resident of the community in which the business operates.

(e) In addition to other remedies provided by this Chapter or by other law, any violation of this Chapter may be remedied by a civil action brought by the District Attorney, including but not limited to, administrative or judicial nuisance abatement proceedings, civil or criminal code enforcement proceedings, and suits for injunctive relief.

(f) Any Person, including the County of Yolo, acting for the interests of itself, its members, or the general public (hereinafter "the Private Enforcer") may bring a civil action to enforce this Chapter.

(1) Upon proof of a violation, a court shall award to the Private Enforcer the following:

(A) Damages in the amount of either:

(i) Upon proof, actual damages; or,

(ii) With insufficient or no proof of the amount of actual damages, five hundred dollars (\$500) for each violation of this Chapter (hereinafter "Statutory Damages"). Unless otherwise specified in this Chapter, each day of a continuing violation shall constitute a separate violation. Notwithstanding any other provision of this Chapter, no Private Enforcer suing on behalf of the general public shall recover Statutory Damages based upon a violation of this Chapter if a previous claim brought on behalf of the general public for Statutory Damages and based upon the same violation has been adjudicated, whether or not the Private Enforcer was a party to that adjudication.

(B) Exemplary damages, where it is proven by clear and convincing evidence that the defendant is guilty of oppression, fraud, malice, or a conscious disregard for the public health.

(C) Injunctive Relief.

(i) Notwithstanding any legal or equitable bar against a Private Enforcer seeking relief on his/her/its own behalf, a Private Enforcer may bring an action to enforce this Chapter solely on behalf of the general public. When a Private Enforcer brings an action solely on behalf of the general public, nothing about such an action shall act to preclude or bar the Private Enforcer from bringing a subsequent action based upon the same facts but seeking relief on the Private Enforcer's own behalf.

(ii) Nothing in this Chapter shall prohibit the Private Enforcer from bringing an action in small claims court to enforce this Chapter, so long as the amount in demand and the type of relief sought are within the jurisdictional requirements of small claims court as set forth in California Code of Civil Procedure section 116.220.

(g) Whenever evidence of a violation of this Chapter is obtained in any part through the participation of a Person under the age of eighteen (18) years old, such a Person shall not be required (but shall be permitted) to appear or give testimony in any civil or administrative process brought to enforce this Chapter and the alleged violation shall be adjudicated based upon the sufficiency and persuasiveness of the evidence presented.

(h) The remedies provided by this Chapter are cumulative and in addition to any other remedies available at law or in equity.

(i) Any peace officer may enforce the penal provisions of this Chapter. (§2, Ord. 1350, eff. June 15, 2006)

#### **Section 6-15.16. Severability.**

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Chapter, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Chapter, or its application to any other person or circumstance. The Board of Supervisors of the County of Yolo hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable. (§2, Ord. 1350, eff. June 15, 2006).

Chapter 16

RECYCLING AND DIVERSION OF DEBRIS FROM CONSTRUCTION AND DEMOLITION

Sec. 6-16.01 Title.  
Sec. 6-16.02 Definitions.  
Sec. 6-16.03 Applicable Projects.  
Sec. 6-16.04 Exemptions.  
Sec. 6-16.05 Diversion Requirements.  
Sec. 6-16.06 Reporting Requirements.  
Sec. 6-16.07 Administrative Fees.  
Sec. 6-16.08 Deposits, Refunds and Penalties.  
Sec. 6-16.09 Appeal.  
Sec. 6-16.10 Severability.

Section 6-16.01. Title.

This Chapter shall be known as the "CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING AND DIVERSION ORDINANCE" of Yolo County, and may be so cited. (§3, Ord. 1375, eff. Aug 23, 2008)

Section 6-16.02. Definitions.

For purposes of this chapter, the following definitions apply:

(a) Administrative Fee shall mean a non-refundable fee submitted by the applicant to the County as described in Section 6-16.07. Portions of this fee shall be deposited into the County's Division of Integrated Waste Management (DIWM) Recycling Fund and the remaining portions shall be transferred to the Building Division's and Auditor's Office Funds as allocated in the fee section of this Ordinance to cover costs associated with this Chapter.

(b) Applicant shall mean any individual, firm, contractor, limited liability company, association, partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever that applies to the County for the applicable permits to undertake any construction or demolition project within the County.

(c) Construction shall mean the building of any facility or structure or any portion thereof including any tenant improvements to an existing facility or structure.

(d) Construction and Demolition Debris shall mean:

(1) Discarded materials generally not considered water soluble and non-hazardous in nature, including but not limited to steel, copper, aluminum, glass, brick, concrete, asphalt material, pipe, gypsum, wallboard, roofing materials and lumber from the construction or demolition of a structure as part of a construction or demolition project or from the renovation of a structure and/or landscaping, including rocks, soils, tree remains, trees, and other vegetative

matter that normally results from land clearing, landscaping and development operations for a construction project;

(2) Remnants of new materials, including but not limited to: cardboard, paper, plastic, wood, and metal scraps from any construction and/or landscape project;

(3) Other non-hazardous wastes that are generated at construction or demolition projects provided such amounts are consistent with best management practices of the industry.

(e) Contractor shall mean any person or entity holding, or required to hold, a contractor's license of any type under the laws of the State of California, or who performs (whether as contractor, subcontractor, owner-builder, or otherwise) any construction, demolition, remodeling, renovation, or landscaping service relating to buildings or accessory structures in the unincorporated area of Yolo County.

(f) Demolition shall mean the decimating, razing, tearing down or wrecking of any facility, structure, pavement or building, whether in whole or in part, whether interior or exterior.

(g) Deposit shall mean a cash dollar amount provided to the DIWM at the time of submitting the Diversion Plan for those applicants where prior projects have been determined as Good Faith Effort or Non-Compliance status. Refunds of the deposits (without interest) are dependent on the level of compliance with this Chapter as described in Section 6-16.08. Forfeited deposits shall be deposited in the County's DIWM Recycling Fund and will be used to implement the Division's recycling programs.

(h) Designated Recyclable and Reusable Materials shall mean and includes but not limited to:

- (1) Corrugated Cardboard (OCC);
- (2) Inert materials generally used in construction including but not limited to, asphalt, concrete, rock, stone, mortar and brick;
- (3) Metals, including all metal scrap such as, but not limited to, pipes, siding, window frames, door frames and fences;
- (4) Roofing materials including wood shingles and shakes as well as asphalt, stone and slate based roofing material;
- (5) Salvageable materials and structures, including, but not limited to doors, windows, fixtures, hardwood flooring, sinks, bathtubs and appliances;
- (6) Vegetative materials, including trees, tree parts, shrubs, stumps, logs, brush or any other type of plants that are cleared from a site for construction or other use;
- (7) Wallboard materials including gypsum and drywall;
- (8) Wood materials, including any and all dimensional lumber, fencing or construction wood that is not chemically treated, creosoted, CCA pressure treated, contaminated or painted; and

(9) Any other materials that the County determines can be diverted due to the identification of a recycling facility, reuse facility, or market accessible from the County.

(i) Diversion shall mean the use of material for any purpose other than disposal to include but not be limited to reuse and recycling.

(j) Diversion Plan shall mean a completed County-provided form submitted before the issuance of a building and/or demolition permit, approved by the Waste Reduction Manager for the purpose of compliance with this Chapter.

(k) Diversion Report shall mean a completed County provided form submitted quarterly and after demolition or construction, as a precedent to final inspection and issuance of any certificate of occupancy, approved by the Compliance Officer for the purpose of compliance with this Chapter.

(l) Good Faith Effort shall mean and be applicable to projects where the availability of markets for construction and demolition debris were a determining factor in not meeting full compliance and where sufficient evidence of the project through documented efforts, such as weight receipts, demonstrate the applicant attempted to divert construction and demolition debris but did not meet full compliance.

(m) Project shall have the meaning set forth in Section 6-16.03 of this Chapter.

(n) Recycling shall mean the process of collecting, sorting, cleansing, treating and reconstituting materials that would otherwise become solid waste and returning them to the economic mainstream in the form of a raw material for new, reused or reconstituted products which meet the quality standards necessary to be used in the marketplace.

(o) Renovation shall mean any change, addition or modification in an existing structure.

(p) Reuse shall mean further or repeated use of construction or demolition debris.

(q) Waste Reduction Manager shall mean the person(s) designated by the Director of the Planning and Public Works Department authorized and responsible for implementing this Chapter. (§3, Ord. 1375, eff. Aug 23, 2008)

### **Section 6-16.03. Applicable Projects.**

Projects subject to the requirements of this Chapter include any project which consists of one or more of the following:

(a) Construction of a new agricultural, commercial, industrial or institutional building or structure that is equal to or greater than 5,000 square feet;

(b) Construction of multifamily dwellings, such as duplexes, where two or more units are under construction at a given time or apartment complexes, where three or more units are under construction at a given time;

(c) Construction of new residential dwellings, each dwelling equal to or greater than 2,000 square feet, in a subdivision housing tract where a homebuilder has a construction phase that includes multiple residential lots (two or more) under construction at a given time;

(d) Demolition of a building or structure, or a portion thereof, that is equal to or greater than 1,500 square feet (agricultural, residential, multi-family, commercial, industrial or institutional); and

(e) Renovation, addition or alteration of any agricultural, commercial, industrial, institutional or multifamily building or structure that is equal to or greater than 1,000 square feet. (§3, Ord. 1375, eff. Aug 23, 2008)

### **Section 6-16.04. Exemptions.**

The following projects shall not be subject to the provisions of this Chapter:

(a) A project contaminated by hazardous substances or hazardous waste as defined by the state or federal law;

(b) Construction or renovation of one residential dwelling, or two or more residential dwellings where each dwelling in less than 2,000 square feet;

(c) Demolition of a building or structure, or a portion, thereof, that is less than 1,500 square feet;

(d) Emergency work (addition, alteration, construction, demolition, renovation performed in conjunction with an emergency (i.e. fire, earthquake, flood) or a building or structure deemed substandard by the California Building Code through the Chief Building Official); and

(e) Renovation, addition or alteration of any agricultural, commercial, industrial, institutional or multifamily building structure that is less than 1,000 square feet. (§3, Ord. 1375, eff. Aug 23, 2008)

### **Section 6-16.05. Diversion Requirements.**

Fifty percent (50%) of construction and demolition debris generated from every applicable construction, renovation, or demolition project shall be diverted from going to landfills by using recycling, reuse and diversion programs. Reports will be required for verification of such activities. Acceptable diversion methods are:

(a) Taking all mixed or segregated construction and demolition debris to the Mixed Construction and Demolition Debris Recycling Facility located at the Yolo County Central Landfill (YCCL), 44090 County Road 28H, Woodland, California 95776, which is an approved facility, meets the diversion requirements of this Ordinance on every load accepted. Other such mixed facilities may be utilized as long as they are County-approved; or

(b) Source separating designated materials, such as cardboard, wood, metals,

green waste, wallboard, tile, concrete, and other easily recycled materials, and directing them to recycling facilities, approved by the DIWM, and taking the remainder (but no more than 50% by weight or yardage) to YCCL for disposal. (§3, Ord. 1375, eff. Aug 23, 2008)

**Section 6-16.06. Reporting Requirements.**

(a) The following plan will need to be submitted and approved prior to issuance of a permit:

(1) Every contractor shall submit a properly completed Diversion Plan on a form prescribed by the County, as a requirement of the construction and demolition permit process. The plan can cover multiple building permits for lots where construction activity is occurring at the same time by the same applicant. Separate plans must be submitted for each batch of building permits requested. The Diversion Plan shall identify the materials to be recycled or reused and/or disposed of and shall list facilities and providers to be used. An administrative fee for each requested permit and the corresponding deposit must be submitted with the Diversion Plan.

(2) Notwithstanding any other provisions of this Chapter, no construction or demolition permit shall be issued for any project as defined in Section 6-16.03 of this Ordinance unless and until the Waste Reduction Manager has approved the Diversion Plan. The Waste Reduction Manager shall only approve a Diversion Plan if he or she determines that it contains all of the information set forth in subsection (a) above. If the Waste Reduction Manager determines that all of the above conditions have been met, he or she shall mark the Diversion Plan "Approved", return a copy of the plan to the applicant, and notify the Building Division that it has been approved.

(3) If the Waste Reduction Manager determines that the Diversion Plan is incomplete he or she shall return it to the applicant marked "Denied" or "Further Explanation Required". The applicant must then submit additional information before the Diversion Plan can be reviewed again and the construction or demolition permit issued. The applicant may resubmit the Diversion Plan within 60 calendar days without forfeiting the administrative fee.

(b) The following reports will need to be submitted and approved prior to issuance of Certificate of Occupancy:

(1) Quarterly reports, due no later than April 30<sup>th</sup>, July 30<sup>th</sup>, October 30<sup>th</sup> and January 30<sup>th</sup>, will be required as well as a final report due no later than thirty (30) days following the completion of a construction or demolition project, the contractor shall, as a condition of final approval and for issuance of any certificate of occupancy, submit a final Diversion Report to the DIWM that

demonstrates compliance with the requirements of this chapter.

(2) The documentation shall consist of photocopies of receipts and weight tags or other records of measurement or equivalent documentation from recycling companies, deconstruction contractors, and landfill and disposal companies. If the Mixed Construction and Demolition Debris Recycling Facility, located at the YCCL, was utilized, corresponding attached receipts will be reflective of automatically meeting the diversion requirements of such load(s).

The contractor's approved Diversion Report shall be completed by recording and confirming the type of debris diverted and the facilities to which it was taken. Receipts from vendors or facilities shall clearly state the project title and date. If the receipt provides information for multiple projects, the project titles and the amounts of materials for each project must be clearly identified. The contractor shall sign the completed Diversion Report to certify its accuracy as part of the documentation of compliance.

(3) All documentation submitted pursuant to this section is subject to verification by the DIWM.

(4) It is unlawful for any person to submit documentation to the DIWM under this section which that person knows to contain any false statements, including but not limited to false statements regarding tonnage of materials recycled or diverted, or to submit any false or fraudulent receipt or weight tag or other record of measurement. (§3, Ord. 1375, eff. Aug 23, 2008)

**Section 6-16.07. Administrative Fees.**

A non-refundable administrative fee of \$300.00, as established by resolution of the County Board of Supervisors, will be charged for each building or demolition permit to cover the costs for all County expenses incurred in administering this Chapter. This fee shall be split between the Division of Integrated Waste Management (\$158.00) and the Building Division (\$142.00).

If a Diversion Plan is re-submitted after 60 calendar days, the original administrative fee is forfeited and an additional administrative fee of \$100.00 per permit will be required prior to review of the Diversion Plan and issuance of the construction or demolition permit. This additional fee shall also be split between the Division of Integrated Waste Management (\$25.00) and the Building Division (\$75.00). (§3, Ord. 1375, eff. Aug 23, 2008)

**Section 6-16.08. Deposits, Refunds and Penalties.**

(a) Deposits

(1) No deposit is required for first time applicants or for applicants that are in good

standing having met Full Compliance on an immediate past project.

(2) A deposit of \$2,500 will be required if the previous project received a determination of Good Faith Effort, based upon quarterly Diversion Reports or if the applicant did not submitted required reports. This \$2,500 deposit will apply following a Good Faith Effort determination. Upon the Waste Reduction Manager's determination that the applicant has complied with this Chapter for one consecutive project, the applicant shall not pay a deposit on future plans so long as applicant stays in compliance.

(3) A deposit of \$5,000 will be required if the previous project received a final determination of Non-Compliance. This \$5,000 deposit will apply for two subsequent projects following the Non-Compliance determination. Upon the Waste Reduction Manager's determination that the applicant has complied with this Chapter for two consecutive projects, the applicant shall not pay a deposit on future plans so long as applicant stays in compliance.

(b) Refunds

(1) Section 6-16.08(b) is applicable when projects are subject to either the \$2,500 or \$5,000 Deposit.

(2) Full Compliance: the Waste Reduction Manager will notify both the applicant and Building Division when he or she determines that the diversion requirements have been met. The cash deposit shall be returned in full, without interest, within 30 calendar days of the compliance determination.

(3) Good Faith Effort: If the Waste Reduction Manager determines that the diversion requirement has not been achieved, he or she shall determine on a case-by-case basis whether the applicant has made a good faith effort to comply with this Chapter. In making this determination, the Waste Reduction Manager, shall consider the availability of markets for construction and demolition debris, the size of the project and the documented efforts of the applicant to divert construction and demolition debris. The applicant and Building Division shall be notified once this determination has been made. A partial (50%) refund of the deposit will be issued to applicant within 30 calendar days of the compliance determination. An applicant that receives a Good Faith Effort determination will be required to post a deposit for future projects in the amount of \$2,500 as described in Section 6-16.08(a)(2) above.

(4) Non-Compliance: If the Waste Reduction Manager determines that the applicant has not made a good faith effort to comply with this Chapter, no refund will be issued. The deposit shall be forfeited entirely for failure to comply with the requirements of this Chapter. Any deposit that is forfeited shall be deposited

into the DIWM's Recycling Fund and will be used to implement and promote the Division's recycling programs. An applicant that receives a Non-Compliance determination will be required to post a deposit for future projects in the amount of \$5,000 as described in Section 6-16.08(a)(3) above.

(c) Penalties

(1) For Projects not originally subject to a deposit, upon determination of Non-Compliance by the Waste Reduction Manager, a penalty of \$2,500 will be assessed to all construction projects and a penalty of \$5,000 will be assessed to all demolition projects. Final approvals and a Certificate of Occupancy will not be issued until the appropriate penalty has been paid in full as described in this Section and all penalties shall be non-refundable. (§3, Ord. 1375, eff. Aug 23, 2008)

**Section 6-16.09. Appeal.**

(a) Any person wishing to appeal a decision made under this Chapter must submit a written appeal to the Director of Planning and Public Works. Such written appeal must be hand-delivered or placed in the U.S. mail, properly addressed with postage pre-paid, within ten (10) calendar days of the date the written decision is mailed to the applicant.

(b) The appeal shall provide a description of the complaint and decision complained of, the reason(s) alleging that the action or decision should be altered or overruled, and shall be signed by the applicant or their authorized agent.

(c) The Director of Planning and Public Works shall set the appeal for hearing before the Waste Advisory Committee (W.A.C.) within 45 days after the appeal is filed. Upon hearing the matter, the W.A.C. may grant, conditionally grant, or deny the appeal. The decision on the appeal shall be announced at the close of the hearing and shall become final at that time. (§3, Ord. 1375, eff. Aug 23, 2008)

**Section 6-16.10. Severability.**

If any section, subsection, sentence, clause or phrase of this Chapter is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Chapter. The County Board of Supervisors declares that it would have adopted this Chapter, including every section, subsection, sentence, clause and phrase, irrespective of whether one or more section, subsection, sentences, clauses or phrases is held invalid. (§3, Ord. 1375, eff. Aug 23, 2008)

## Chapter 17

### WASTE AND RECYCLABLES

#### Article 1. Title and Purpose

**Sec. 6-17.101 Title.**

**Sec. 6-17.102 Enforcement.**

#### Article 2. Definitions

**Sec. 6-17.201 Definitions.**

#### Article 3. Waste Collection in Densely Populated Areas.

**Sec. 6-17.301 Mandatory Service in Densely Populated Area; Exemptions.**

**Sec. 6-17.302 Containers - Requirement and Use in Densely Populated Areas.**

**Sec. 6-17.303 Containers – Size and Number in Densely Populated Areas.**

**Sec. 6-17.304 Containers – Placement for Collection in Densely Populated Areas.**

#### Article 4. Waste Transportation and Disposal Requirements, Generally.

**Sec. 6-17.401 Transportation, Generally.**

**Sec. 6-17.402 Responsibility for Discarded Materials, Generally.**

**Sec. 6-17.403 Containers – Deposit of Excluded Waste Prohibited, Generally.**

**Sec. 6-17.404 Containers – Interfering With, Generally.**

#### Article 5. Franchises.

**Sec. 6-17.501 Franchise Required; Exceptions.**

**Sec. 6-17.502 Franchises – Exclusivity and non-Exclusivity.**

**Sec. 6-17.503 Franchise Application Process.**

**Sec. 6-17.504 Franchise Agreements – Required Terms.**

**Sec. 6-17.505 Rates for Services.**

**Sec. 6-17.506 Billing Procedures and Practices.**

**Sec. 6-17.507 Delinquent Accounts; Liens.**

#### Article 1. Title and Purpose.

##### Section 6-17.101. Title and Purpose.

This Chapter shall be known as the "Waste and Recyclables Regulations." Its purpose is to regulate the Collection and Disposal of Solid Waste, Recyclables, and other materials from Residential and Commercial Premises in the unincorporated area, to provide for the issuance

of exclusive and non-exclusive franchises for the removal of Solid Waste and Recyclables, and to establish other regulatory requirements in connection with these purposes. (§2, Ord. 1378, eff. Sept. 4, 2008)

##### Section 6.17.102. Enforcement.

The Director of the Planning and Public Works Department or designee shall be the primary enforcement officer for the enforcement of the provisions of this Chapter. (§2, Ord. 1378, eff. Sept. 4, 2008)

#### Article 2. Definitions.

##### Section 6-17.201 Definitions.

As used in this Chapter, the following words and phrases shall be defined as follows:

(a) "Bin" means a Container with capacity of approximately one to six cubic yards, with a hinged lid, and with wheels where appropriate, that is serviced by a front end-loading Collection vehicle.

(b) "Cart" means a plastic Container with a hinged lid and wheels that is serviced by an automated or semi-automated Collection vehicle. A Cart has capacity of 64 or 95 gallons (or similar volumes).

(c) "Collection" means the act of collecting Solid Waste, Recyclable Materials, Yard Trimmings, and C&D and other material at the place of generation in the County.

(d) "Commercial" shall mean of, from or pertaining to non-Residential Premises where business activity is conducted, including, but not limited to, retail sales, services, wholesale operations, manufacturing and industrial operations, but excluding businesses conducted upon Residential property which are permitted under applicable zoning regulations and are not the primary use of the property.

(e) "Compactor" means a mechanical apparatus that compresses materials together with the Container that holds the compressed materials or the Container that holds the compressed materials if it is detached from the mechanical compaction apparatus. Compactors include two to four cubic yard Bin Compactors serviced by front-end loader Collection vehicles and 10 to 50 cubic yard Drop Box Compactors serviced by roll-off Collection vehicles.

(f) "Construction and Demolition Debris, or C&D Debris" includes discarded building materials, packaging, debris, and rubble resulting from construction, alteration, remodeling, repair or demolition operations on any pavements, excavation projects, houses, Commercial buildings, or other structures, excluding Excluded Waste.

(g) "Containers" mean Bins, Carts, Compactors, and Drop Boxes.

(h) "Curb (or Curbside)" means the location of a Container for pick-up, where such Container is placed on the street or alley against the face of the Curb, or where no Curb exists, the Container is placed not more than five feet from the outside edge of the street or alley nearest the property's entrance.

(i) "Customer" means the Person whom Contactor submits billing invoice to and collects payment from for Collection services provided to a Premises. The Customer may be either the Occupant or Owner of the Premises.

(j) "Densely Populated Area(s)" means the highly populated unincorporated areas of the County, as established by the Board of Supervisors, where this Chapter requires weekly removal of Discarded Materials in accordance with requirements of this Chapter (unless the frequency of removal is otherwise specified, as for Recyclables). A Densely Populated Area is an area that, under this Chapter, includes an Exclusive Single-Family Collection Area.

(k) "Designated Waste" means non-Hazardous Waste which may pose special Disposal problems because of its potential to contaminate the environment and which may be Disposed of only in Class II Disposal Sites or Class III Disposal Sites pursuant to a variance issued by the California Department of Health Services. Designated Waste consists of those substances classified as Designated Waste by the State of California, in California Code of Regulations Title 23, Section 2522 as may be amended from time to time.

(l) "Discarded Materials" means Solid Waste, Recyclable Materials, Yard Trimmings, and C&D placed by a Generator in a Container or other receptacle and/or at a location for the purposes of Collection, excluding Excluded Waste.

(m) "Disposal or Dispose (or variation thereof)" means the final disposition of Solid Waste at a Disposal Site. Disposal does not include the use of Yard Trimmings as Alternative Daily Cover so long as County and State regulations consider Alternative Daily Cover (ADC) use of Yard Trimmings as Diversion under the Act.

(n) "Disposal Site" means a facility for ultimate Disposal of Solid Waste.

(o) "Drop Box" means an open-top Container with a capacity of 10 to 50 cubic yards that is serviced by a roll-off Collection vehicle.

(p) "Excluded Waste" means Hazardous Substance, Hazardous Waste, Infectious Waste, Designated Waste, volatile, corrosive, biomedical, infectious, biohazardous, and toxic substances or material. It also includes waste that a Franchisee or other authorized Collection enterprise reasonably believes would, as a result of or upon Disposal, be a violation of local, state or federal law, regulation or ordinance, including

land use restrictions or conditions, waste that cannot be Disposed of in Class III landfills, waste that in the opinion of the Franchisee or other authorized Collection enterprise would present a significant risk to human health or the environment, cause a nuisance or otherwise create or expose such enterprise or County to potential liability. It does not, however, include de minimis volumes or concentrations of waste of a type and amount normally found in Residential Solid Waste after implementation of programs for the safe Collection, recycling, treatment and Disposal of batteries and paint in compliance with Sections 41500 and 41802 of the California Public Resources Code.

(q) "Exclusive Single-Family Collection Area" is the geographic region(s) designated by the Board of Supervisors, which are shown on maps maintained by the Yolo County Planning and Public Works Department. Such region(s) may be expanded into contiguous or adjacent areas upon direction of the Board of Supervisors. The Exclusive Single-Family Collection Area is within area(s) the County has established as the Densely Populated Area(s).

(r) "Franchise(es)" mean the party or parties that have entered into a franchise agreement with the County that remains in effect for Discarded Materials, Recyclable Materials, Yard Trimmings, or C&D Debris Collection services in the unincorporated area of the County.

(s) "Generator" means any "Person" as defined by the Public Resources Code, whose act or process produces Solid Waste, Recyclable Materials, Yard Trimmings, or C&D Debris as defined herein, or whose act first causes any such material to become subject to regulation.

(t) "Hazardous Substance" means any of the following: (a) any substances defined, regulated or listed (directly or by reference) as "Hazardous Substances", "hazardous materials", "Hazardous Wastes", "toxic waste", "pollutant" or "toxic substances" or similarly identified as hazardous to human health or the environment, in or pursuant to (i) the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) of 1980, 42 USC §9601 *et seq.* (CERCLA); (ii) the Hazardous Materials Transportation Act, 49 USC §1802, *et seq.*; (iii) the Resource Conservation and Recovery Act, 42 USC §6901 *et seq.*; (iv) the Clean Water Act, 33 USC §1251 *et seq.*; (v) California Health and Safety Code §§25115-25117, 25249.8, 25281, and 25316; (vi) the Clean Air Act, 42 USC §7901 *et seq.*; and (vii) California Water Code §13050; (b) any amendments, rules or regulations promulgated there under to such enumerated statutes or acts currently existing or hereafter enacted; and (c) any other hazardous or toxic substance, material, chemical, waste or pollutant identified as hazardous or toxic or regulated

under any other applicable law currently existing or hereinafter enacted, including, without limitation, friable asbestos, polychlorinated biphenyl's ("PCBs"), petroleum, natural gas and synthetic fuel products, and by-products.

(u) "Hazardous Waste" means all substances defined as Hazardous Waste, acutely Hazardous Waste, or extremely Hazardous Waste by the State of California in Health and Safety Code Sections 25110.02, 25115, and 25117 or in the future amendments to or recodifications of such statutes or identified and listed as Hazardous Waste by the U.S. Environmental Protection Agency (EPA), pursuant to the Federal Resource Conservation and Recovery Act (42 USC §6901 *et seq.*), all future amendments thereto, and all rules and regulations promulgated thereunder.

(v) "Household Hazardous Waste" means Hazardous Waste generated at Residential Premises within the County.

(w) "Infectious Waste" means biomedical waste generated at hospitals, public or private medical clinics, dental offices, research laboratories, pharmaceutical industries, blood banks, mortuaries, veterinary facilities and other similar establishments that are identified in Health and Safety Code Section 25117.5 as may be amended from time to time.

(x) "Multi-Family" means any Residential Premises, other than a Single-Family Premises, with four or more dwelling units used for Residential purposes (regardless of whether residence therein is temporary or permanent) and which receive centralized Collection service for all units on the Premises with billing to one Customer at one address.

(y) "Non-Exclusive Collection Area" means all unincorporated areas of the County excluding Single-Family Customers in the Densely Populated Area.

(z) "Occupant" means the Person who occupies a Premises.

(aa) "Owner" means the Person(s) holding legal title to real property and/or any improvements thereon, and shall include the Person(s) listed on the latest equalized assessment roll of the County Assessor.

(bb) "Person(s)" means any individual, firm, association, organization, partnership, corporation, trust, joint venture, or public entity.

(cc) "Premises" means any land or building in the County where Solid Waste, Recyclable Materials, Yard Trimmings, or C&D are generated or accumulated.

(dd) "Processing" means to prepare, treat, or convert through some special method.

(ee) "Recyclable Materials or Recyclables" means those Discarded Materials that the Generators set out in Recyclables Containers for Collection for the purpose of Recycling; that are at least ninety percent (90%) Recyclable; and

that exclude Excluded Waste. No Discarded Materials shall be considered Recyclable Materials unless such material it is separated from Solid Waste Yard Trimmings, and C&D. Recyclable Materials shall include, but not be limited to: newspaper (including inserts, coupons, and store advertisements); mixed paper (including office paper, computer paper, magazines, junk mail, catalogs, brown paper bags, brown paper, paperboard, paper egg cartons, telephone books, grocery bags, colored paper, construction paper, envelopes, legal pad backings, shoe boxes, cereal and other similar food boxes yet excluding paper tissues, paper towels, paper with plastic coating, paper contaminated with food, wax paper, foil-line paper, Tyvex non-tearing paper envelopes); chipboard; corrugated cardboard; glass containers of any color (including brown, clear, and green glass bottles and jars); aluminum (including beverage containers, small pieces of scrap metal); steel, tin or bi-metal cans; mixed plastics such as plastic containers (no. 1 to 7) and bottles including containers made of HDPE, LDPE, or PET.

(ff) "Recycle or Recycling" means the process of sorting, cleansing, treating and reconstituting at a Recyclable Materials Processing Site materials that would otherwise be Disposed of at a landfill for the purpose of returning such materials to the economy in the form of raw materials for new, reused, or reconstituted products.

(gg) "Residential" shall mean of, from, or pertaining to a Single-Family Premises or Multi-Family Premises including single-family homes, apartments, condominiums, townhouse complexes, mobile home parks, cooperative apartments, and yacht harbors and marinas where residents live aboard boats.

(hh) "Single-Family" means, notwithstanding any contrary definition in the County Code, any detached or attached house or residence designed or used for occupancy by one family, provided that Collection service feasibly can be provided to such Premises as an independent unit, and the Owner or Occupant of such independent unit is billed directly for the Collection service. Single-Family also includes Residential units of a duplex or tri-plex Residential structure.

(ii) "Solid Waste" means Solid Waste as defined in California Public Resources Code Section 40191 and regulations promulgated thereunder. Excluded from the definition of Solid Waste are Excluded Waste, C&D Debris, source separated (i.e., separated by the Generator) Recyclable Materials, source separated Yard Trimmings, and radioactive waste. Notwithstanding any provision to the contrary, "Solid Waste" may include de minimis volumes or concentrations of waste of a type and amount

normally found in Residential Solid Waste after implementation of programs for the safe Collection, recycling, treatment and Disposal of Household Hazardous Waste in compliance with Sections 41500 and 41802 of the California Public Resources Code as may be amended from time to time.

(jj) "Transportation" means the act of transporting or state of being transported.

(kk) "Yard Trimmings" means those Discarded Materials that will decompose and/or putrefy, including but not limited to, green trimmings, grass, weeds, leaves, prunings, branches, dead plants, brush, tree trimmings, dead trees, and small pieces of unpainted and untreated wood (limbs, branches, trees and small pieces of wood material are limited to 3 inches in diameter and 36 inches in length), excluding Excluded Waste. (§2, Ord. 1378, eff. Sept. 4, 2008)

### **Article 3. Waste Collection in Densely Populated Areas.**

#### **Section 6-17.301. Mandatory Service in Densely Populated Area; Exemptions.**

(a) Unless exempted pursuant to this Section, the Owners or Occupants of all Single-Family, Multi-Family and Commercial Premises in a Densely Populated area shall subscribe to weekly Discarded Materials Collection services provided by an authorized County Franchisee. In addition, unless exempted pursuant to this Section, all Owners or Occupants of Single-Family Premises in a Densely Populated Area shall subscribe to bi-weekly Recyclables Collection services provided by an authorized County Franchisee. If no County Franchisee with exclusive rights exists in a Densely Populated Area, the Owners and Occupants subject to this subsection (a) may subscribe to Collection services provided by an enterprise that is eligible to provide such services under Section 6-17.501.

(b) All Owners and Occupants of Single-Family Premises in a Densely Populated Area are considered subscribers, without the need for a signed contract or similar arrangement with an authorized County Franchisee. The Owners and Occupants of Multi-Family or Commercial Premises are considered subscribers only if they enter into a contract for Discarded Materials Collection services with a County Franchisee or such other, similar arrangement with a County Franchisee for Collection services as may be mutually satisfactory.

(c) The Owner, or by special arrangement approved by the Department, the Occupant, of any Single-Family, Multi-Family, or Commercial Premises within a Densely Populated Area may apply to the Department to be exempt from the mandatory service requirement set forth in subsection (a) above. Such application shall be

made on a form supplied by the Department, and shall be granted provided the Owner or Occupant can demonstrate one or more of the following:

(1) The Owner or Occupant will personally haul away all Discarded Materials at least as frequently once per week to an approved facility. The method of collecting and hauling away such materials must be consistent with the intent of this Chapter and any conditions imposed by the Department, including the requirement that such activities occur in a manner that will not create unsanitary conditions, potential public health threat, environmental contamination or nuisance;

(2) The Premises are presently undeveloped, such that no Discarded Materials are generated thereon; or

(3) The Premises are vacant for a period in excess of two months such that no Discarded Materials will be generated thereon.

(d) The mandatory service requirement set forth in subsection (a), above, also shall not apply to any Premises owned by a school district, city or county, or by the State of California or the federal government.

(e) The Department may for good cause permit additional exemptions provided that such exemptions will not create an unsanitary condition, potential public health threat, environmental contamination or nuisance. Any Owner or Occupant that is granted an exemption under subsections (c) or (e) shall, at such intervals as are reasonably established by the Department, provide proof to the Department of compliance with the requirements set forth herein and any additional requirements or conditions imposed by the Department.

(f) An exemption may be revoked by the Director of the Planning and Public Works Department or designee upon a finding that there is a violation of any of the requirements of this Section or the exemption, or that an unsanitary condition, potential public health threat, environmental contamination or nuisance condition is being created.

(g) Any exemption issued shall be valid for a period of one year and is non-transferable. The exemption may be renewed at the end of one year upon reapplication and demonstration that the terms and condition of the exemption(s) still exists. (§2, Ord. 1378, eff. Sept. 4, 2008)

#### **Section 6-17.302. Containers—Requirement and Use in Densely Populated Areas.**

Within Densely Populated Areas, all Discarded Materials shall be placed in acceptable Containers, with the exception of Yard Trimmings that will be Disposed of by the Generator or collected by a Franchisee that has not provided a Container for Yard Trimmings. The following Containers are acceptable for the deposit of such materials:

(a) Containers supplied by a County Franchisee or other enterprise eligible to provide Collection services under this Chapter, generally referred to as "Carts." The Owner or Occupant shall maintain such Carts in a reasonably clean condition. Upon the Owner or Occupant's request, such Carts may either be steam cleaned or replaced by the Franchisee, and the Franchisee will remove any graffiti. There will generally be no charge for such services unless, in the case of steam cleaning, such cleaning is requested by an Owner or Occupant more frequently than reasonably necessary to maintain a clean appearance.

(b) Other Bin-type Containers, adequate in capacity and, if Owner or Occupant receives Collection services provided for in this Chapter, structurally designed so as to be compatible with the Collection equipment used by County Franchisees or other enterprise eligible to provide Collection services under this Chapter.

Carts or Bins shall be kept continuously closed, except when Discarded Materials are being placed therein or removed therefrom, and shall at all times be closed against the access of flies, rodents and other animals. Such Carts or Bins shall be of a size approved by the Department as being adequate for the particular use or occupancy of the Premises using the Carts or Bins. The Owner or Occupant of the Premises shall keep all Carts or Bins closed or covered at all times, sanitary, and emptied on a regular schedule as required by this Chapter in Densely Populated Areas. (§2, Ord. 1378, eff. Sept. 4, 2008)

**Section 6-17.303. Containers—Size and Number in Densely Populated Areas.**

The Owner or Occupant of any Single-Family, Multi-Family, or Commercial Premises within a Densely Populated Area shall maintain a sufficient number of acceptable Containers for receiving and holding, with the Cart or Container lid fully closed, all Discarded Materials produced, created, deposited, or accumulated upon their Premises, and all such Discarded Materials shall be deposited in such Containers with the exception of Yard Trimmings that will be Disposed of by the Generator or collected by a Franchisee that has not provided a Container for Yard Trimmings. In determining the sufficiency of the number of Containers required, the following minimum standards shall apply:

(a) *Single-Family Residential Units.* A minimum of one 64-gallon Container for Discarded Materials and one 96-gallon Cart for Recyclables. Unless otherwise requested by an Owner or Occupant, a County Franchisee will provide separate Containers for Discarded Materials and Recyclables.

(b) *Multi-Family Residential Units, Motels, Hotels, and Trailer or Mobile Home Parks.* A minimum of one 64-gallon Container per dwelling unit, unless a lesser number or alternative arrangement, such as the use of Bins or Drop Boxes, is negotiated with a County Franchisee providing such services. Premises receiving Collection service from a County Franchisee will receive 64-gallon Containers for each unit.

(c) *Commercial Premises.* No minimum standards other than those set forth in the introduction to this section. Commercial Premises are to make appropriate Container, Bin, Drop Box, or Compactor arrangements with County Franchisees to enable compliance with the provisions of this Chapter requiring the weekly removal and Disposal of Discarded Materials. (§2, Ord. 1378, eff. Sept. 4, 2008)

**Section 6-17.304. Containers—Placement for Collection in Densely Populated Areas.**

(a) *Single Family Residences.* Discarded Materials Containers shall be placed at the Curb for Collection unless a County Franchisee agrees to collect such Containers from an alternative location due to the disability of a Customer. Curb placement shall occur no earlier than 5:00 p.m. on the day prior to Collection, and emptied Containers shall be removed from the Curb by 7:00 a.m. on the day after Collection. Except for Containers placed at the Curb for Collection, Discarded Materials Containers, including any Recyclables Containers, shall not be placed or allowed to remain in or on any street or alley right-of-way unless authorized by the Department.

(b) *All Other Premises.* Carts, Bins, Containers, Drop Boxes or Compactors, as applicable, shall be placed in a location that is easily accessible for Collection, to be decided between the Owner or Occupant and an authorized County Franchisee. (§2, Ord. 1378, eff. Sept. 4, 2008)

**Article 4. Waste Transportation and Disposal Requirements, Generally.**

**Section 6-17.401. Transportation, Generally.**

No Person shall Transport Discarded Materials, of any type, upon or across any public property, public rights-of-way, watercourses, or bank of any watercourse, or upon the Premises of any other Person, except at a Solid Waste or Recycling facility approved by the Department, without covering or enclosing the Discarded Materials and taking effective measures to prevent any Discarded Materials from blowing, leaking, or dropping from the vehicle during Transport. Adequacy of load covers and control

measures shall be determined by the Department. (§2, Ord. 1378, eff. Sept. 4, 2008)

**Section 6-17.402. Responsibility for Discarded Materials, Generally.**

All Discarded Materials shall be the property and responsibility of the Person that produced them. In the event the Generator of Discarded Materials is unknown, such materials shall be the property and responsibility of the Owner of the parcel upon which they have been deposited. Once legally deposited in a Container that is placed and at the Collection location, with the exception of Excluded Waste, all Discarded Materials shall become the responsibility of the authorized County Franchisee or other entity that is responsible for their Collection. If such County Franchisee or other entity can identify the Person or business that produced Excluded Waste inadvertently collected by that enterprise, responsibility for Excluded Waste shall remain with said Person. If such Person cannot be identified, the County Franchisee or other entity shall be responsible for proper Disposal of the Excluded Waste and shall assume responsibility for its Disposal and related costs. (§2, Ord. 1378, eff. Sept. 4, 2008)

**Section 6-17.403. Containers—Deposit of Excluded Waste Prohibited, Generally.**

No Person shall deposit any Excluded Waste in a Discarded Materials Container. The storage and Disposal of Excluded Waste shall be subject to all applicable local, state, and federal laws. (§2, Ord. 1378, eff. Sept. 4, 2008)

**Section 6-17.404. Containers – Interfering With, Generally.**

No Person, except for the Owner or Occupant of the Premises, shall Dispose of, place or deposit Discarded Materials in Containers stored on public or private property without the express written permission of the Owner or Occupant. In addition, except in connection with the Collection and related activities authorized in this Chapter, no Person shall tamper with or interfere in any manner with any Discarded Materials Container or the contents thereof. Further, no Person shall by any means hinder, obstruct or interfere with the Collection or Transportation of Discarded Materials by an authorized County Franchisee or other enterprise eligible to provide Collection services under this Chapter. (§2, Ord. 1378, eff. Sept. 4, 2008)

**Article 5. Franchises.**

**Section 6-17.501. Franchise Required; Exceptions.**

(a) *Requirement.* No Person shall collect, handle, transfer, store, process, Transport or use

Discarded Materials (including Recyclable Materials and C&D) in the unincorporated area of the County without first receiving a franchise to engage in such activity from the County.

(b) *Exceptions.* The provisions of this Section shall not apply to any of the following:

(i) To any Solid Waste enterprise that the County has authorized, by franchise, contract, license, or permit, to provide Solid Waste handling services, so long as those services have been lawfully provided for more than three previous years. If the exception set forth in this subsection (i) is applicable, the qualifying enterprise shall comply with all of the requirements of this Chapter, including but not limited to those provisions relating to the frequency and quality of Collection service, as they may be amended from time to time. Any such enterprise shall have no right to expand its services to include, or to contract to expand its services to include, additional Single Family, Multi-Family, or Commercial Premises following receipt of the notice provided for in Public Resources Code Section 49520 unless otherwise stated therein. This exception shall expire upon the date set forth in any such notice, which shall be no sooner than as provided in Public Resources Code Section 49520.

(ii) Any Persons Transporting Discarded Materials from their Premises in a manner that is exempt from this Chapter, as provided by Section 6-17.301.

(iii) Any Person Transporting Discarded Materials, but not including garbage, from his own Premises to the County Landfill or other appropriate Disposal area on an occasional basis. By way of example, this may include occasional trips to Dispose of Yard Trimmings or other bulky household items too large to be placed in a Discarded Materials Container for Collection.

(iv) The removal of Discarded Materials (including C&D Debris) by a contractor whose removal thereof is incidental to other services being performed for the Owner or Occupant, provided such removal is performed for no additional or separate fee using equipment belonging to the contractor.

(v) The removal of any materials generated by public schools, cities, the County, or federal facilities (with the exception of those facilities subject to 42 U.S.C. section 6961(a)). (§2, Ord. 1378, eff. Sept. 4, 2008)

**Section 6-17.502. Franchises – Exclusivity and Non-Exclusivity.**

(a) *Generally.* Within the Densely Populated Area, all Single-Family residences are included in an exclusive franchise area that is referred to at times in the Chapter as the Exclusive Single Family Collection Area. Within

an Exclusive Single-Family Collection Area, only a Franchisee with exclusive rights or, if none exists, other enterprise that is authorized to provide Collection services under Section 6-17.501 may provide Discarded Materials Collection services to Single-Family residences. The County will not grant exclusive franchise rights to serve any other Residential (i.e., Multi-Family) and Commercial Premises in the unincorporated area, regardless of whether such Residential or Commercial Premises are located in a Densely Populated Area. Accordingly, all areas other than the Exclusive Single-Family Collection Area are considered Non-Exclusive franchise Areas, which may be served by any entity with a County franchise or other enterprise that is eligible to provide Collection services under this Chapter.

(b) *Maps.* The Department of Planning and Public Works shall maintain a map or maps of the unincorporated area that reflect the boundaries of the Densely Populated Area and all Exclusive Single Family Collection Areas. Such map or maps shall be provided to any Person for review upon request, and may be posted on the internet other otherwise made readily available for public review.

(c) *Alterations.* The Board of Supervisors reserves the right to adjust the boundaries of the Densely Populated Area(s) and the Exclusive Single-Family Collection Area(s) from time to time, in its sole discretion. (§2, Ord. 1378, eff. Sept. 4, 2008)

### **Section 6-17.503. Franchise Application Process.**

Franchises shall be granted by the Board of Supervisors in the following manner. These requirements may be waived or modified by the Board of Supervisors in appropriate circumstances, in its sole discretion:

(a) The Department of Planning and Public Works shall prepare a request for proposals and submit it to the Board of Supervisors for approval. The request for proposals shall include, at a minimum:

(i) A detailed specification of the scope of services to be provided;

(ii) A detailed cost proposal form;

(iii) A request for background and qualifications relevant to the type of services to be provided;

(iv) A request for detailed criminal history of (a) each Person, firm or entity that submits a response to the request for proposals; and (b) where the responding party is a firm or entity, of each Person who owns 10 percent or more of the shares of stock, assets, or other interest in the entity. If requested by the County, the applicant shall also submit such additional information,

including consent to a background check and agreement of the applicant to pay all related costs, as may be necessary to fully investigate the potential criminal history of those Persons and entities subject to this subsection;

(v) Requirements for compliance with all relevant County policies, including but not limited to policies relating to non-discrimination;

(vi) A list of all permits or franchise authorizing similar Collection and Disposal services in other jurisdictions, together with a detailed description of the nature of the applicant's business activities and such other information as the applicant deems relevant for consideration

(vii) A copy of a draft franchise agreement, as approved by the County Counsel, with the terms stated in Section 6-17.504 below, and such additional terms and provisions as may be appropriate;

(viii) The time, date, and place for the opening of sealed proposals;

(ix) The criteria that will be used to evaluate proposals; and

(x) Any other relevant information, including but not limited to a request for a plan of operations.

(b) Once approved by the Board of Supervisors, the request for proposals shall be published one a week for two successive weeks in a newspaper of general circulation in the County. The first such publication shall be at least four weeks prior to the date given for the opening of sealed proposals. In addition, the Department may take any other reasonable steps to advertise the availability of the request for proposals, including internet postings, publication of notice in trade journals and publications, and similar methods.

(c) Proposals shall be opened by the Director of Planning and Public Works or designee, in public, at the time and place designated in the notice to proposers. Proposals received after the time so specified shall not be accepted and shall be returned unopened to the Person, firm or entity submitting such late proposal.

(d) In evaluating proposals, the Department shall convene a panel of evaluators, which shall at a minimum include the Director or designee. Utilizing criteria specified in the request for proposals, the panel shall evaluate and score the proposals, and shall upon completion of the evaluation process provide a written recommendation to the Board of Supervisors as to the responsible and qualified proposer whose proposal provides Collection service at the lowest cost. A written notice of the panel's recommendation shall be provided to all proposers. Except as provided otherwise in this section, the Board of Supervisors shall, within the

time specified in the request for proposals, select as the Franchisee the responsible and qualified proposer whose proposal provides Collection service at the lowest cost.

(e) The Board of Supervisors may reject all proposals, and may thereafter instruct the Director to take such further action as the Board may direct, including but not limited to engaging in negotiations with one or more firms, Persons or entities, or issuing a revised request for proposals in accordance with the procedures specified in this article. The Board of Supervisors may also, in its discretion, waive any minor irregularities contained in a proposal.

(f) Notwithstanding any other provision of this section, the Board of Supervisors may, upon finding that it is in the best interests of the county and upon a vote of two-thirds of the Board, waive the competitive process required by this Section and may instruct the Director to take such further action as the Board may direct, including but not limited to engaging in negotiations with one or more firms, Persons or entities, or engaging in such other process as the Board may specify. (§2, Ord. 1378, eff. Sept. 4, 2008)

#### **Section 6-17.504. Franchise Agreements – Required Terms.**

All franchise agreements shall include the following terms, which are the basic terms on which the County is willing to enter into a franchise agreement under this Chapter:

(a) *Grant and Acceptance of Franchise.* Each franchise agreement shall contain provisions that set forth the offer a franchise for Discarded Materials, Recyclables, C&D, or similar services, and the acceptance thereof by the Franchisee, together with all geographic and other limitations on the exercise of franchise rights.

(b) *Term.* The duration of each franchise agreement shall be stated.

(c) *Scope of Agreement.* Each franchise agreement shall identify the scope of the services to be provided by the Franchisee, including whether such services are to be provided on an exclusive or non-exclusive basis, the materials covered by such services (i.e., Discarded Materials, Recyclables, C&D, and other materials), the Collection area or areas of the franchisee, appropriate Disposal locations, and other similar matters relating to the Collection, Transportation, and Disposal services to be provided by the Franchisee.

(d) *Public Education and Billing.* At a minimum, each franchise agreement shall provide for the Franchisee to prepare and distributed information to its Customers describing how to prepare material covered by the franchise for Collection, materials that are excluded from Collection, and related matters.

(e) *Performance Standards.* Each franchise agreement shall specify the hours of Collection, the manner in which Containers, Carts, binds, Drop Boxes, or Compactors will be serviced, employee training, Franchisee responsibility for vehicle appearance, leaks, and related matters, and Hazardous Waste inspection and handling.

(f) *Record Keeping and Reporting.* Each franchise agreement shall require the Franchisee to maintain accurate accounting, statistical, and other records relating to services provided under the franchise, report submittal requirements, and related matters.

(g) *Franchise Fees and Administrative Charges.* Each franchise agreement shall state the amount of the franchise fee to be paid by the Franchisee as consideration for the contractual right to provide the services covered by the franchise agreement in the unincorporated area. In addition, each franchise agreement shall state the amount of the administrative fee to be paid by the Franchisee to compensate the County for its costs and expenses relating to the administration of the franchise. All franchise agreements shall also contain procedures for the adjustment of these fees from time to time.

(h) *Indemnity, Insurance, and Bonding Requirements.* Each franchise agreement shall contain appropriate indemnity and defense provisions, insurance requirements, and performance bond requirements.

(i) *Default.* Each franchise agreement shall identify the events that constitute a default thereunder, as well as the remedies available to the non-defaulting party. (§2, Ord. 1378, eff. Sept. 4, 2008)

#### **Section 6-17.505. Rates for Services.**

Rates and charges for Discarded Materials, Recyclables, and other services performed pursuant to this Chapter shall be as prescribed in the contracts between the County and authorized Franchisees for services provided in Exclusive Single-Family Collection Areas. In all other areas, authorized Franchisees may charge any reasonable amount for services provided to subscribers, so long as such rates and charges do not exceed maximum rates established by the Board of Supervisors. (§2, Ord. 1378, eff. Sept. 4, 2008)

#### **Section 6-17.506. Billing Procedures and Practices.**

All subscribers of services provided by a County Franchisee will be billed directly by that Franchisee. Such bills may be paid by check, cash, or credit card. For periods of vacancy when a subscriber will not require any services from a County Franchisee, the subscriber may request a temporary discontinuation of service and related charges. Any such discontinuation

will take effect after an initial vacancy period of 30 days and, unless the Franchisee agrees otherwise, will be for a minimum period of 30 days. (§2, Ord. 1378, eff. Sept. 4, 2008)

**Section 6-17.507. Delinquent Accounts;  
Liens.**

Any account with unpaid charges for one year or longer shall be considered a delinquent account. At the request of a County Franchisee, and upon the submission to the County of appropriate information demonstrating that an account is delinquent, the County will send a letter to the Owner of the property with the delinquent account and request payment within 30 days. If complete payment is not received by the County within 30 days, the County shall place a lien on the property in accordance with Government Code Section 25828, and proceed to collect any unpaid amounts in the manner set forth therein. All amounts collected by the County pursuant to this Section shall be remitted in full to the Franchisee, less any offset for amounts due the County from that Franchisee. (§2, Ord. 1378, eff. Sept. 4, 2008)