

ORDINANCE NO. 2803

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE AMENDING TITLE 6 OF THE GARDEN GROVE MUNICIPAL CODE TO REMOVE OBSOLETE REFERENCES, TO CONFORM REFERENCES TO CURRENT CITY ORGANIZATION AND PRACTICES, TO MAKE CONSISTENT WITH RECENT CHANGES IN STATE AND FEDERAL LAWS, AND TO MAKE OTHER NON-SUBSTANTIVE CHANGES

City Attorney's Summary

This Ordinance amends Title 6 of the Garden Grove Municipal Code to remove obsolete references, to conform references to current City organization and practices, to make consistent with recent changes in state and federal laws, and to make other non-substantive changes.

THE CITY COUNCIL OF THE CITY OF GARDEN GROVE HEREBY FINDS AND DETERMINES AS FOLLOWS:

WHEREAS, the City of Garden Grove proposes amendments to Title 6 of the Garden Grove Municipal Code to remove obsolete references, to conform references to current City organization and practices, to make consistent with recent changes in state and federal law, and to make other non-substantive changes;

WHEREAS, pursuant to a legal notice, a Public Hearing was scheduled on October 25, 2011, conducted by the City Council and all interested persons were given an opportunity to be heard; and

WHEREAS, the City Council gave due and careful consideration to the matter.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Code Amendment. Title 6 of the Garden Grove Municipal Code is hereby amended as shown in Exhibit "A" (new text in color/underline; deleted text in color/strikeout).

Section 2. Severability. If any section, subsection, subdivision, sentence, clause, phrase, word, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, word, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, words or portions thereof be declared invalid or unconstitutional.

Section 3. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect thirty (30) days after adoption.

The foregoing Ordinance was passed by the City Council of the City of Garden Grove on the ____ day of _____.

ATTEST:

MAYOR

CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS:
CITY OF GARDEN GROVE)

I, KATHLEEN BAILOR, City Clerk of the City of Garden Grove, do hereby certify that the foregoing Ordinance was introduced and presented on October 25, 2011, with a vote as follows:

AYES: COUNCIL MEMBERS: (5) BEARD, BROADWATER, JONES, NGUYEN, DALTON
NOES: COUNCIL MEMBERS: (0) NONE
ABSENT: COUNCIL MEMBERS: (0) NONE

EXHIBIT "A"

TITLE 6 OF THE GARDEN GROVE MUNICIPAL CODE

ATTACHED ON FOLLOWING PAGES

TITLE 6:— HEALTH AND SANITATION*

* For the statutory provisions authorizing cities to take such measures as are necessary to preserve and protect the public health, see California Health and Safety Code § 500101450 et seq.; as to the authority of the ~~health officer~~Health Officer to take preventive measures during disasters and extreme emergencies, see Health and Safety Code § 505.101475.

CHAPTER 04: ANIMAL REGULATIONS*

* For provisions relating to animals and fowl generally, see Title 7.
Prior history: Prior Code 5110-A, Ords. 964, 1795, 1813, 1860, 2020, and 2195.

SECTION 6.04.010: County ordinances adoptedOrdinances Adopted

Title 4, Division 1, entitled Animal Control, Welfare, and License Requirements; Title 5, entitled Business and Special Licenses Regulations; and the Animal Facility Rules and Regulations and Fee Schedule adopted by the ~~county~~County of Orange ~~board~~Board of supervisorsSupervisors are adopted by reference by the ~~city~~City. In addition, other regulations and amendments adopted by the ~~county~~County of Orange ~~board~~Board of supervisorsSupervisors concerning animal control, including those which ~~relate~~relating to fees, are adopted by reference by the ~~city~~City. (Ordinance 2229 § 1 (part), 1992).

SECTION 6.04.020: Keeping of certain animals prohibitedCertain Animals Prohibited

It shall be unlawful for any person to keep or maintain animals, within the corporate city limits, not permitted by this ~~chapter~~Chapter. (Ordinance 2229 § 1 (part), 1992).

SECTION 6.04.030: Roosters and livestock animals prohibitedLivestock Animals Prohibited

It shall be unlawful for any person to keep or maintain roosters and livestock animals, including, but not limited to, any bull, steer, cows, calves, cattle, sheep, swine, equine, and bovine, etc., within the corporate city limits. (Ordinance 2229 § 1 (part), 1992).

SECTION 6.04.040: Beehives

-(A) Existing occupied beehives shall be permitted on residential properties within the corporate city limits subject to the following conditions:

- (1) Occupied beehives shall maintain a minimum setback of one hundred fifty (150) feet from all streets or highways;
- (2) Occupied beehives shall maintain a minimum setback of four hundred (400) feet from all adjacent dwelling units;

- (3) Occupied beehives shall maintain a minimum setback of fifty (50) feet from all property lines.

(B) Newly occupied beehives shall be prohibited within the corporate city limits. (Ordinance 2229 § 1 (part), 1992).

SECTION 6.04.050: Unsanitary conditions

(A) No person shall keep or maintain any animals in an odious, offensive, obnoxious, filthy, or unsanitary condition.

(B) No person shall keep or maintain any animals that are detrimental to the public health, safety, and welfare.

(Ordinance 2229 § 1 (part), 1992).

SECTION 6.04.060: Limitations

The following animals may be permitted on properties zoned for residential use:

- (1) A maximum of four (4) of the following or four (4) of any combination of the following shall be permitted:

- (a) A maximum of four (4) dogs, four (4) months of age or older, shall be permitted on any premises within the corporate city limits;

- (b) A maximum of four (4) roaming cats, four (4) months of age or older, shall be permitted on any premises within the corporate city limits;

- (c) A maximum of four (4) fowl, rabbits, birds, or household pets, or any combination thereof shall be permitted on any premises within the corporate city limits subject to the following condition:

- (1) Fowl, rabbits, birds, or household pets (excluding dogs and cats) shall be kept at all times in a fully enclosed pen, coop, cage, or similar appropriate enclosure and shall maintain a minimum setback of twenty five (25) feet from all adjacent dwelling units and all property lines.

- (2) Five (5) or more cats, kept at all times in enclosed catteries, shall be permitted on any premises within the corporate city limits and shall comply with all regulations adopted by the ~~county~~County of Orange ~~board~~Board of ~~supervisors~~Supervisors.

- (3) A maximum of ten (10) parakeets shall be permitted on any premises within the corporate city limits subject to the following condition:

- (a) Parakeets shall be kept at all times in a fully enclosed pen, coop, cage, or similar appropriate enclosure and shall maintain a minimum

setback of twenty five (25) feet from all adjacent dwelling units and property lines.

- (4) A maximum of ten (10) racing pigeons shall be permitted on any premises within the corporate city limits subject to the following condition:
 - (a) Racing pigeons shall be kept at all times in a fully enclosed pen, coop, cage, or similar appropriate enclosure and shall maintain a minimum setback of twenty five (25) feet from all adjacent dwelling units and all property lines.
- (5) A maximum of one hundred (100) pigeons, kept at all times in a fully enclosed pen, coop, cage, or similar appropriate enclosure which that maintains a minimum setback of twenty five (25) feet from all adjacent dwelling units and all property lines, may be permitted on any premises within the corporate city limits subject to a conditional-use permit Conditional Use Permit, as set forth in Title 9 of this code. Code.

(Ordinance 2229 § 1 (part), 1992).

SECTION 6.04.070: ~~No new uses established~~ New Uses Established

- (A) This chapter Chapter shall not be construed as permitting the establishment of any new use which that may be contrary to Title 9 of this code. Code.
- (B) Any dairy or poultry ranch, kennel, or other commercial animal establishment which that vacates or ceases business for a period of ninety (90) consecutive days shall not be permitted to continue or reestablish the same or similar operation.

(Ordinance 2229 § 1 (part), 1992).

CHAPTER 05: BARKING DOGS

SECTION 6.05.010: Applicability

Notwithstanding Orange County Codified Ordinances ("~~OCCO~~"-section) Section 4-1-48, this chapter Chapter makes any violation for keeping, maintaining, or permitting a barking dog as defined in section Section 6.05.020 subject to civil fine. This chapter Chapter establishes the administrative procedures for the imposition, enforcement, collection, and administrative review of civil fines for barking dog violations pursuant to Government Code section Section 53069.4 and the City's plenary police power. The issuance of a civil citation under this chapter Chapter is solely at the City's discretion, and is one option the City has to address barking dog violations. By adopting this chapter Chapter, the City does not intend to limit its discretion to utilize any other remedy, civil or criminal, including available public nuisance remedies. The purpose of issuing civil citations pursuant to this chapter Chapter is to encourage voluntary and complete compliance with the provisions of this code Code and to eliminate nuisances for the protection and benefit of the entire community.

(Ordinance 2707 § 1 (part), 2007)

SECTION 6.05.020: Definitions

- (A) "Animal Care Services" means the department within the Orange County Health Care Agency authorized to perform the functions described in OCCO sections Sections 4-1-1 through 4-1-180 and any other ordinance, law, or agreement that delegates such authority to the Animal Care Services department Department or its director Director.
- (B) "Barking dog" means a dog that barks, bays, cries, howls, or makes any noise for an extended period of time to the disturbance of any person at any time of day or night, regardless of whether the dog is physically situated in or upon private property. Such extended period of time shall consist of incessant barking for thirty (30) minutes or more in any twenty-four (24-) hour period, or intermittent barking for sixty (60) minutes or more during any twenty-four (24-) hour period. A dog shall not be deemed a "barking dog" for purposes of this chapter Chapter if, at any time the dog is barking, a person is trespassing or threatening to trespass upon private property in or upon which the dog is situated, or when the dog is being teased or provoked.
- (C) "City" means the City of Garden Grove.
- (D) "Civil citation" means a notice, issued pursuant to this chapter Chapter, that there has been a violation of this chapter Chapter.
- (E) "County" means the County of Orange.
- (F) "Day or days" as used in this chapter Chapter shall mean calendar day or calendar days, respectively, unless otherwise expressly provided. The time in which any act provided by law is to be done is computed by excluding the first day and including the last, unless the last day is a holiday, and then it is also excluded.
- (G) "Director" means the Health Care Agency Animal Care Services Director of the County, or his or her designee."
- (H) "Enforcement Officer" means any Animal Care Services employee or agent designated in writing by the Director.
- "(I) "Hearing Officer" means a person appointed by the County Executive Officer or designee to serve as a Hearing Officer for administrative hearings.
- (J) "Issued" means giving a civil citation to a violator. Issuance occurs on the date when a barking dog civil citation is personally served on the violator, or the date it is mailed to the property where the barking dog is located or where the barking dog violation occurred, or the date the citation is posted in a conspicuous place either on the property where the barking dog is located or

where the barking dog violation occurred. When service is made by posting, the barking dog citation shall also be mailed within twenty-four (24) hours of posting to any address known for the violator.

- (K) "~~Notice of decision~~"Decision" means a form used by a Hearing Officer to inform a violator and/or complainant of an administrative hearing decision regarding provisions of this ~~chapter~~Chapter.
- (L) "Owner" means any person who possesses, has title to or an interest in, harbors or has control, custody, or possession of a dog, and the verb forms of "to own" shall include all those shades of meaning.
- (M) "Responsible Person" ~~or "violator"~~ or "Violator" means any of the following:
- (1)- A person who allows a barking dog violation to exist, whether through willful action, failure to act, or failure to exercise proper control over a barking dog;
 - (2)- A person whose agent, employee, or independent contractor allows a barking dog violation to exist, whether through willful action, failure to act, or failure to exercise proper control over a barking dog; or
 - (3)- A person who is the owner of, and a person who is a lessee or sublessee with the current right of possession of, real property in or upon which a barking dog violation occurs. For purposes of this ~~chapter~~Chapter, "person" includes a natural person or legal entity, and the owners, majority stockholders, corporate officers, trustees, and general partners of a legal entity. There may be more than one Responsible Person for a barking dog violation, and a minor at least fourteen (14) years of age may be a Responsible Person subject to the provisions of this ~~chapter~~Chapter.

(Ordinance 2707 § 1 (part), 2007)

SECTION 6.05.030: Barking Dog Citation— -- General

- (A) Any Enforcement Officer has the authority to issue a civil citation to any Responsible Person for a barking dog violation that the Enforcement Officer did not see or hear occur based on a complaint, signed under penalty of perjury, lodged by a member of the community who has been disturbed by the barking dog. A Responsible Person to whom a civil citation is issued shall be liable for and shall pay to the City the fine or fines described in the barking dog citation when due. Where the Responsible Person is a minor under the age of eighteen (18) years, the minor's parents, or legal guardian shall be liable for, and held responsible for, payment of their minor child's citation fines and/or late penalties. In any case, the Responsible Person (by his/her parents when the Responsible Person is under the age of eighteen) (18) years shall have the right to appeal the issuance of the citation pursuant to the provisions of this ~~chapter~~Chapter.

- (B) Prior to issuing a civil citation for a barking dog, the Responsible Person shall be given a ten (10-) day period within which to correct the problem. Each day a barking dog violation exists beyond the initial ten (10-) day period allowed for correction shall be a separate violation, and shall be subject to a separate citation and fine. A barking dog civil citation may include a violation for one (1) or more days on which a violation exists, and for violation of one (1) or more ~~code sections~~ Code Sections.

(Ordinance 2707 § 1 (part), 2007)

SECTION 6.05.040: Barking Dog Citation Contents

Each barking dog citation shall contain the following information:

- (1) Date on which a complaint or personal inspection established the barking dog violation(s). ~~to~~
- (2) Name of the Responsible Person for the barking dog violation(s) (if known).
- (3) Address where the barking dog violation(s) occurred. ~~to~~
- (4) The ~~code section~~ Code Section(s) violated.
- (5) Whether the violation(s) was established by inspection or by complainant.
- (6) Amount of the fine for the violation(s) and procedure to pay the fine to avoid a late payment penalty.
- (7) Designation of prior civil citations issued for the same code violation(s), if known by the Enforcement Officer.
- (8) Notification of an assigned administrative hearing date, time, and location where the civil fine may be contested.
- (9) Description of the procedure for requesting a continuance of the assigned administrative hearing.
- (10) A notice that a barking dog violation is a nuisance, and that collection of unpaid fines and/or penalties can result in additional fines, penalties, and/or imprisonment in the County jail.
- (11) Signature of the Enforcement Officer who issued the barking dog citation and/or civil fine. ~~to~~
- (12) Date upon which the barking dog citation and/or civil fine was issued.
- (13) Proof of service to be completed by the Enforcement Officer indicating whether the citation was issued by personal service, by mail, or by

posting in a conspicuous place on the property where the barking dog violation occurred.

(14) A self-addressed envelope in which the violator can mail the civil fine to the County if the citation is not contested.

(15) Any other information deemed necessary by the Enforcement Officer for enforcement or collection purposes.

(Ordinance 2707 § 1 (part), 2007)

SECTION 6.05.050: Service of Barking Dog Citation

A barking dog citation may be served as follows:

(1) An Enforcement Officer may personally serve the barking dog citation on the Responsible Person. The Responsible Person shall be requested to sign a copy of the citation showing his ~~or her~~ receipt of the citation and notice of the Responsible Person's right to an administrative hearing. Signing the citation shall not constitute an admission of guilt.

(2) An Enforcement Officer may mail the civil citation by ~~certified~~ Certified Mail, return receipt requested, if the property owner and/or occupier's name is known, but the violator is not present when personal service is attempted. The citation shall be mailed to the address where the barking dog violation occurred.

(3) An Enforcement Officer may post a copy of the barking dog citation in a conspicuous place on the property where the barking dog violation occurred if the property owner and/or occupier's name is unknown. In this event, the citation shall also be mailed, addressed to the owner of the property where the barking dog violation occurred as reflected on the County's property tax rolls. A copy of the citation shall also be mailed within twenty-four (24) hours of posting the citation addressed to "Resident" at the address where the barking dog violation occurred.

(Ordinance 2707 § 1 (part), 2007)

SECTION 6.05.060: Barking Dog Civil Fines

(A) Fines for violating the provisions of this ~~chapter~~Chapter shall be as follows:

(1) Fine for ~~First~~first Barking Dog Violation Citation Issued (~~Per~~issued (per Citation): \$250.00

(2) Fine for ~~Second~~second Barking Dog Citation issued within ~~Same~~same twelve (12-~~Month~~Period (~~Per~~) month period (per Citation): \$275.00-~~e~~.

(3) Fine for ~~Third~~third Barking Dog Citation issued within ~~Same~~same twelve (12-~~Month~~Period (~~Per~~) month period (per Citation): \$303.00-~~d~~.

- (4) Fine for ~~Fourth~~fourth Barking Dog Citation issued within ~~Same~~same twelve (12-Month-Period-~~Per~~) month period (per Citation): \$333.00-~~e.~~
 - (5) Fine for ~~Fifth~~fifth Barking Dog Citation issued within ~~Same~~same twelve (12-Month-Period-~~Per~~) month period (per Citation): \$366.00
 - (6) Fine for ~~Sixth~~sixth and ~~Subsequent~~subsequent Barking Dog Citations Issued~~issued~~ within ~~Same~~same twelve (12-Month-Period-~~Per~~) month period (per Citation): \$403.00
- (B) Any fine not paid within fifteen (15) days of due date shall be calculated as follows: ~~The~~the amount of the appropriate fine listed above added to a late penalty in the same amount as the fine such that the total amount due is double the unpaid fine amount.
- (Ordinance 2707 § 1 (part), 2007)

SECTION 6.05.070: Payment of Barking Dog Civil Fines

- (A) After receiving a barking dog violation citation, a violator may respond by either of the following methods:
- (1) The violator may choose to correct the barking dog violation and pay the barking dog citation fine without contesting the fine in an administrative hearing. In that event, payment of the citation fine must be received by the Director prior to the date assigned for administrative hearing as noted in the citation. Payment shall be made by enclosing the fine amount by check or money order in the self-addressed envelope attached to the civil citation and mailing the envelope to the Director by U.S. ~~first-class-mail~~ First Class Mail, postage prepaid. The Director may authorize payment to be made in accordance with any other method, at any location within the County, or to any address.
 - (2) A violator may choose to appear at an administrative hearing on the assigned administrative hearing date contained in the citation. In that event, the fine is due and payable to the Hearing Officer at the conclusion of the hearing if the Hearing Officer upholds the barking dog citation. The Hearing Officer may allow the violator an additional period of time within which to pay the fine if, in the Hearing Officer's sole discretion, such additional time for payment is necessary.
- (B) To avoid a late penalty, fines for barking dog violations must be received by the Director within fifteen (15) days of the date they are due as specified in ~~subparagraph (a)~~Subparagraph (A)(1) or (aA)(2) above.
- (C) Payment of a fine shall not excuse the violator from correcting the barking dog violation. The issuance of a barking dog citation and/or payment of a fine shall not bar the City from taking any other enforcement action regarding a barking dog violation that is not corrected, including issuing additional barking dog citations and/or criminal complaints.

- (D) In the event that a fine imposed under the authority granted by this ~~chapter~~Chapter remains unpaid for fifteen (15) days after it is due and payable pursuant to ~~subparagraph (a)~~Subparagraph (A)(1) or ~~(aA)~~(2) above, an amount equal to the fine shall be added as a late penalty and the late penalty and fine shall become due immediately. If a Hearing Officer upholds the issuance of a citation in an administrative hearing, the late penalty will be assessed if the fine is not paid as required at the conclusion of the hearing, or other time for payment determined by the Hearing Officer.
(Ordinance 2707 § 1 (part), 2007)

SECTION 6.05.080: Administrative Hearing

- (A) Any person who receives a barking dog citation may contest it by appearing at the assigned administrative hearing date, time, and location noted on the barking dog citation. A violator may contest the barking dog citation by denying that a violation occurred, by denying that it was not corrected within the original ten (10-) day correction period, if applicable, or by denying that the violator is a Responsible Person for the violation.
- (B) If the citation fine is not paid prior to the assigned date and time of the administrative hearing noted on the barking dog citation, the violator must personally attend the administrative hearing on the date, time, and place specified. A failure to personally appear at the administrative hearing shall constitute an abandonment of any defense the violator may have to the barking dog citation.
(Ordinance 2707 § 1 (part), 2007)

SECTION 6.05.090: Hearing Procedures

- (A) Hearings shall be conducted by a Hearing Officer either: ~~(i)~~ ~~on~~
- (1) On the date, time, and place specified in the barking dog citation, or ~~(ii)~~
~~on~~
 - (2) On the date assigned when a continuance pursuant to ~~section~~Section 6.05.090(~~f~~G) below has been granted.
- (B) The violator and complainant shall be notified of the assigned hearing date, time, and location by the Director or his/~~her~~ designee.
- (C) The Director or his/~~her~~ designee will provide all pertinent documents and records in the possession of Animal Care Services related to the barking dog citation to the Hearing Officer.
- (D) The violator and complainant shall be given the opportunity to testify and to present evidence relevant to the barking dog citation. A parent or legal guardian of a violator, who is a juvenile, under eighteen (18) years of age, must accompany the juvenile to the hearing or the administrative hearing will be deemed abandoned by the violator. Such abandonment shall also

constitute a failure to exhaust administrative remedies concerning the violation set forth in the barking dog citation.

- (E) The citation itself and accompanying complainant's affidavit, signed under penalty of perjury attesting to the barking dog violation provided to the Hearing Officer, shall be accepted by the Hearing Officer as prima facie evidence of the violation and the facts stated in such documents.e.
- (F) Neither the Enforcement Officer nor any other representative of the County or City shall be required to attend the hearing. However, any such appearance and/or additional submission may be made at the discretion of the Enforcement Officer or any other Animal Care Services employee.
- (G) The Director may continue a hearing once if a request for continuance is made showing good cause by a violator, a complainant, or a representative of the County or City. A Hearing Officer may also continue a hearing upon his or her own motion. All continuance requests shall either: ~~(i) be~~
 - (1) Be made in person at the hearing; or ~~(ii) be~~
 - (2) Be made by a written request received by the Director via e-mail, facsimile, or letter at least one week (7 days) prior to the hearing date. If a continuance is granted, the parties will be notified, and a new hearing date shall be scheduled that is within fourteen (14) days of the date on which the continued hearing was first scheduled to take place. If the request for continuance is denied, the parties will be notified, and the hearing shall proceed as originally scheduled. If the violator or complainant is not present on an assigned hearing date and no continuance of the hearing has been granted, the hearing shall be deemed abandoned or dismissed in accordance with ~~subsection~~ ~~(i)~~Subsection (K) below.
- (H) The hearing shall be conducted informally and the legal rules of evidence need not be followed.
- (I) The Hearing Officer does not have the authority to issue a subpoena or subpoena duces tecum.
- (J) The failure of the violator to appear at the hearing, unless the hearing was continued per ~~subsection~~ ~~(f)~~Subsection (G) above, shall constitute an abandonment of the administrative hearing, and a failure to exhaust administrative remedies concerning the violation set forth in the barking dog citation. The violator's failure to appear shall be noted on the notice of decision completed by the Hearing Officer and mailed to the violator and complainant. The failure of the complainant to appear at the hearing, unless the hearing was continued per ~~subsection~~ ~~(f)~~Subsection (G) above, shall constitute an abandonment of the complaint and shall be grounds for a dismissal of the barking dog citation. The complainant's failure to appear shall

be noted on the notice of decision completed by the Hearing Officer and mailed to the violator and complainant.
(Ordinance 2707 § 1 (part), 2007)

SECTION 6.05.100: Administrative Hearing Decision

- (A) After considering all the evidence and testimony submitted at an administrative hearing, the Hearing Officer shall issue a written decision to the violator and complainant to uphold or to dismiss the barking dog citation based upon a conclusion of whether or not a violation occurred for which the violator was a Responsible Person. The Hearing Officer's decision is final. The Hearing Officer has no discretion or authority to reduce the amount of a fine.
- (B) If the Hearing Officer's decision is to uphold the barking dog citation, the civil fine imposed for the violation shall be due at the conclusion of the administrative hearing, or at some other time as directed by the Hearing Officer. If the decision is to dismiss the barking dog citation, the civil fine shall no longer be due and payable.
- (C) The Hearing Officer's continued employment, performance evaluation, compensation, and benefits shall not directly or indirectly be linked to the amount of citations upheld or dismissed, or the amount of fines upheld, by the Hearing Officer.

(Ordinance 2707 § 1 (part), 2007)

SECTION 6.05.110: Right to Judicial Review

- (A) Responsible Person may seek judicial review of the administrative hearing decision by filing an appeal with the Orange County Superior Court within twenty (20) calendar days after the Responsible Person receives a copy of the notice of decision at the conclusion of the hearing, in accordance with the provisions of California Government Code Section 53069.4. The appeal filed with the court must also contain a proof of service showing that a copy of the appeal was served upon "Clerk of the Board of Supervisors, County of Orange, Robert E. Thomas Hall of Administration Building, 10 Civic Center Plaza, Room 465, Santa Ana, California 92702-". The Responsible Person must pay the appropriate Superior Court filing fee when the appeal is filed.
- (B) No judicial appeal is permitted where a violator has failed to appear at an assigned administrative hearing, or is deemed to have abandoned the contest of the barking dog citation by an unexcused nonappearance at the hearing, or where a citation has been dismissed by a Hearing Officer because a complainant has failed to appear at an assigned administrative hearing.

(Ordinance 2707 § 1 (part), 2007)

SECTION 6.05.120: Collection of Unpaid Fines

- (A) The City, at its discretion, may pursue any and all legal and equitable remedies for the collection of unpaid fines and late penalties. Pursuit of one remedy does not preclude the pursuit of any other remedies until the total fines and late penalties owed by a violator under this ~~chapter~~ Chapter have been

collected.

- (B) Failure to timely remit payment of a citation fine and/or late penalty authorized under ~~section 6.~~Section 6.05.070(d)D) above will result in criminal liability, and a warrant may be issued for a violator's arrest. Nonpayment of such fine and/or late penalty shall be a misdemeanor pursuant to Garden Grove Municipal Code ~~section~~, Section 1.04.010, punishable by a fine of not more than one thousand dollars (\$1,000) or by imprisonment in the County jail for a period of not more than six (6) months or by both such fine and imprisonment.

(Ordinance 2707 § 1 (part), 2007)

CHAPTER 08: EMERGENCY SERVICES

SECTION 6.08.010: Chapter ~~purposes~~Purposes

The declared purposes of this ~~chapter~~Chapter are to provide for the preparation and carrying out of plans for the protection of persons and property within the city in the event of an emergency; the direction of the emergency organization; and the coordination of the emergency functions of the ~~city~~City with all other public agencies, corporations, organizations, and affected private persons.

(Ordinance 1211 § 1 (part), 1971~~;~~; prior code § 3400).

SECTION 6.08.020: Emergency ~~defined~~Defined

As used in this ~~chapter~~Chapter, "emergency" means the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within the city caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, or earthquake, or other conditions, including conditions resulting from war or imminent threat of war, but other than conditions resulting from a labor controversy, which conditions are, or are likely to be, beyond the control of the services, personnel, equipment, and facilities of the ~~city~~City, requiring the combined forces of other political subdivisions to combat.

(Ord~~-~~inance 1211 § 1 (part), 1971~~;~~; prior code § 3401).

SECTION 6.08.030: Disaster ~~council membership~~Council Membership

The Garden Grove ~~disaster council~~Disaster Council is hereby created and shall consist of the following:

- (1) The ~~mayor~~Mayor, who shall be ~~chairman~~Chair;
~~The director of emergency services, who shall be vice chairman;~~
~~The assistant director of emergency services;~~
- (2) The Director of Emergency Services, who shall be Vice Chair;
- (3) The Assistant Director of Emergency Services;

- (4) Such ~~chiefs~~Chiefs of emergency ~~services~~Emergency Services as are provided for in a current emergency ~~plan of the city~~Emergency Plan of the City, adopted pursuant to this ~~chapter~~Chapter; and
- (5) Such representatives of civic, business, labor, veterans, professional, or other organizations having an official emergency responsibility, as may be appointed by the ~~director~~Director with the advice and consent of the ~~city council~~City Council.

(Ordinance 1211 § 1 (part), 1971; prior code § 3402).

SECTION 6.08.040: Disaster ~~council powers and duties~~Council Powers and Duties

It shall be the duty of the ~~city disaster council~~Disaster Council and it is empowered, to develop and recommend for adoption by the ~~city council~~City Council emergency and mutual aid plans and agreements and such ~~ordinances and resolutions~~Ordinances and Resolutions and rules and regulations as are necessary to implement such plans and agreements. The ~~disaster council~~Disaster Council shall meet upon call of the ~~chairman~~Chair or, in his absence from the ~~city~~City or inability to call such meeting, upon call of the ~~vice chairman~~Vice Chair. Such meetings shall be noticed where required by law.

(Ordinance 1211 § 1 (part), 1971; prior code § 3403).

SECTION 6.08.050: Director of ~~emergency services~~Emergency Services

There is hereby created the ~~office of director~~Office of Director of emergency services. The ~~city manager shall be the director of emergency services~~Emergency Services. The City Manager shall be the Director of Emergency Services.

(Ordinance 1211 § 1 (part), 1971; prior code § 3404(A)).

SECTION 6.08.060: Assistant ~~director~~Director of emergency servicesEmergency Services

There is hereby created the ~~office~~Office of assistant ~~director~~Assistant Director of emergency ~~services~~Emergency Services, who shall be appointed by the ~~director~~Director.

(Ordinance 1211 § 1 (part), 1971; prior code § 3404(B)).

SECTION 6.08.070: Director -- Powers and ~~duties~~Duties

(A) The ~~director~~Director is empowered to:

- (1) Request the ~~city council~~City Council to proclaim the existence or threatened existence of a "local emergency" if the ~~city council~~City Council is in session, or to issue such proclamation if the ~~city council~~City Council is not in session. Whenever a local emergency is proclaimed by the ~~director~~Director, the ~~city council~~City Council shall take action to ratify the proclamation within seven (7) days thereafter or the proclamation shall have no further force or effect;.

- (2) Request the Governor to proclaim a "state of emergency" when, in the opinion of the ~~director,~~ Director the locally available resources are inadequate to cope with the emergency.
 - (3) Control and direct the effort of the ~~emergency organization~~ Emergency Organization of the ~~city~~ City for the accomplishment of the purposes of this ~~chapter,~~ Chapter.
 - (4) Direct cooperation between the coordination of services and staff of the emergency organization of the ~~city~~ City; and resolve questions of authority and responsibility that may arise between them.
 - (5) Represent the ~~city~~ City in all dealings with public or private agencies on matters pertaining to emergencies as defined herein.
- (B) In the event of the proclamation of a "local emergency" as herein provided, the proclamation of a "state of emergency" by the Governor or the Director of the State Office of Emergency Services, or the existence of a "state of war emergency," the ~~director~~ Director is hereby empowered:
- ~~to~~ (1) To make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the ~~city council,~~ City Council.
 - ~~to~~ (2) To obtain vital supplies, equipment, and such other properties found lacking and needed for the protection of life and property and to bind the ~~city~~ City for the fair value thereof and, if required immediately, commandeer the same for public use.
 - ~~to~~ (3) To require emergency services of any ~~city officer~~ City Officer or employee and to command the aid of as many citizens of this community as he deems necessary in the execution of his duties. Such person shall be entitled to all privileges, benefits and immunities as are provided by state law for ~~registered disaster service workers~~ Registered Disaster Service Workers.
 - ~~to~~ (4) To requisition necessary personnel or material of any ~~city department~~ City Department or ~~agency,~~ and Agency.
 - ~~to~~ (5) To execute all of his ordinary power as ~~city manager~~ City Manager, all of the special powers conferred upon him by this ~~chapter~~ Chapter or by ~~resolution~~ Resolution or ~~emergency plan~~ Emergency Plan pursuant hereto adopted by the ~~city council~~ City Council, all powers conferred upon him by any statute, by any agreement approved by the ~~city council~~ City Council, and by any other lawful authority.

(C) The ~~director~~Director of emergency ~~services~~Emergency Services shall designate the order of succession to that office, to take effect in the event the ~~director~~Director is unavailable to attend meetings and otherwise perform his duties during an emergency. Such order of succession shall be approved by the ~~city council~~City Council.

(Ordinance 1448 § 1, 1975; Ordinance 1211 § 1 (part), 1971; prior code § 3405(A)(B)).

SECTION 6.08.080: Assistant ~~director~~Director -- Powers and dutiesDuties

The ~~assistant director~~Assistant Director shall, under the supervision of the ~~director~~Director and with the assistance of emergency ~~service chiefs~~Emergency Service Chiefs, develop emergency plans and manage the emergency programs of the ~~city~~City; and shall have such other powers and duties as may be assigned by the ~~director~~Director.

(Ordinance 1211 § 1 (part), 1971; prior code § 3405(C)).

SECTION 6.08.090: Emergency ~~organization~~Organization

All officers and employees of the ~~city~~City, together with those volunteer forces enrolled to aid them during the emergency, and all groups, organizations, and persons who may by agreement or operation of law, including persons impressed into service under the provisions of Section 6.08.070(a)(6)(C), ~~be~~B(3), charged with duties incident to the protection of life and property in the city during such emergency, shall constitute the ~~emergency organization~~Emergency Organization of the ~~city~~City.

(Ordinance 1211 § 1 (part), 1971; prior code § 3406).

SECTION 6.08.100: Emergency ~~plan~~Plan

The ~~city disaster council~~Disaster Council shall be responsible for the development of the ~~city emergency plan~~City Emergency Plan. The ~~plan~~Plan shall provide for the effective mobilization of all of the resources of the ~~city~~City, both public and private, to meet any condition constituting a local emergency, state of emergency, or state of war emergency; and shall provide for the organization, powers, and duties, services and staff of the ~~emergency organization~~Emergency Organization. Such ~~plan~~Plan shall take effect upon adoption by ~~resolution of the city council~~City Council Resolution.

(Ordinance 1211 § 1 (part), 1971; prior code § 3407).

SECTION 6.08.110: Expenditures

Any expenditures made in connection with emergency activities, including mutual aid activities, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of the ~~city~~City.

(Ordinance 1211 § 1(part), 1971; prior code § 3408).

SECTION 6.08.120: Punishment of ~~violations~~Violations

No person shall, during an emergency, as provided in this ~~chapter~~Chapter:
~~Wilfully obstructed~~

- (1) Willfully obstruct, hinder, or delay any member of the emergency organizationEmergency Organization in the enforcement of any lawful rule or regulation issued pursuant to this chapterChapter, or in the performance of any duty imposed upon him by virtue of this chapter;Chapter;
- (2) Do any act forbidden by any lawful rule or regulation issued pursuant to this chapterChapter, if such act is of such a nature as to give or be likely to give assistance to the enemy or to imperil the lives or property of inhabitants of the city, or to prevent, hinder or delay the defense or protection thereof; or
- (3) Wear, carry, or display, without authority, any means of identification specified by the emergency agency of the state.Emergency Agency of the State.

(Ordinance 1211 § 1 (part), 1971; prior code § 3409).

CHAPTER 12: FLY CONTROL

SECTION 6.12.010: Breeding places deemed nuisancePlaces Deemed Nuisance

Any breeding place of flies within the city which—that exists by reason of any condition or use made of land, organic plant waste, animal material, or any other substance whatsoever, or the deposit or storage thereof, is declared to be a public nuisance.

(Ordinance 573 § 1 (part), 1962; Ordinance 573A § 1 (part), 1962; prior code § 5110).

SECTION 6.12.020: Right of entryEntry

For the purposes of routine inspection, or whenever the health officerHealth Officer is informed or has reasonable cause to believe that there is a breeding place of flies, as set forth in Section 6.12.010, on any premises within the city, it shall be his duty to, and he or his authorized deputies or inspectors may, enter upon such premises in the daytime after displaying proper identification and after demanding entry thereon, and determine whether there is an existing breeding place of flies thereon. Any record owner or any person occupying or otherwise in control or possession of such premises who, after such display and demand, refuses or wilfully willfully delays to permit such officer or officers to enter or inspect such premises is guilty of a misdemeanor.

(Ordinance 573 § 1 (part), 1962; Ordinance 573A § 1 (part), 1962; prior code § 5111).

SECTION 6.12.030: Abatement

(A) The nuisance set forth in Section 6.12.010 may be abated in any action or proceeding, or by any remedy, provided by law.

(B) Any remedy provided in this chapterChapter for the abatement of a nuisance

is in addition to any other remedy provided by law.
(Ordinance 573 § 1 (part), 1962; Ordinance 573A § 1 (part), 1962; prior code § 5112).

SECTION 6.12.040: Notice to ~~abate~~ Abate

Whenever the nuisance specified in Section 6.12.010 exists upon any premises within the city, the ~~health officer~~ Health Officer shall notify, in writing, the record owner or person occupying or otherwise in control or possession of such premises of the existence of the nuisance. The notice shall direct the person or persons to whom the notice is directed to, within a specified time, abate the nuisance and perform all work necessary to prevent the recurrence of such nuisance on the premises specified in the notice. The notice shall be served upon the owner or the person occupying or otherwise in control or possession of the premises upon which the nuisance exists, or upon the agent of either. Such notice may be served by any person authorized by the ~~health officer~~ Health Officer in the same manner as a summons in a civil action.

(Ordinance 573 § 1 (part), 1962; Ordinance 573A § 1 (part), 1962; prior code § 5113).

SECTION 6.12.050: Refusal to ~~abate~~ Abate -- City ~~removal~~ Removal

(A) If any record owner or any person occupying or otherwise in control or possession of any premises upon which there exists a breeding place of flies does not abate such nuisance within five (5) days after the service of the notice as prescribed in Section 6.12.040, the ~~city council~~ City Council shall order such nuisance abated.

(B) The cost of abating the nuisance shall be ascertained and the ~~city clerk~~ City Clerk shall demand in writing from the owner, lessee, or occupant of such property, that the same be paid. Such demand shall be made by depositing the same in the post office, postage paid, addressed to the owner liable for such work.

(Ordinance 573 § 1(a), 1962; Ordinance 573A § 1(a), 1962; prior code § 5114).

SECTION 6.12.060: Failure to ~~pay~~ Pay

(A) If the cost of abating the nuisance is not paid before the twenty-fifth (25th) day of July, or the latest business day preceding this date, a report shall be presented to the ~~city council~~ City Council, and if the ~~city council~~ City Council finds the same accurate, it shall become a lien upon such real property, and must be collected in the same manner and at the same time as municipal taxes are collected.

(B) Before the report is submitted to the ~~city council~~ City Council, a copy of it shall be posted for at least three (3) days on or near the ~~chamber~~ Chamber door of the ~~city council chambers~~ City Council Chamber with a notice of the time when the report will be submitted to the ~~city council~~ City Council for confirmation.

(Ordinance 573 § 1(b), 1962; Ordinance 573A § 1(b), 1962; prior code § 5115).

CHAPTER 16: FOOD HANDLING*

* Prior ordinance Ordinance history: Ords. Ordinances 1381, 1706.

SECTION 6.16.010: Definitions

The following terms used in this chapter Chapter shall have the meanings indicated below; provided, however, the definitions shall also include any amendments or changes made to referenced sections Sections of the California Health and Safety Code after January 1, 1991:

- (1) "Certified farmers' market" is defined in Section 27512113745113742 of the California Health and Safety Code. "
- (2) "Commissary" is defined in Section 27513113750113751 of the California Health and Safety Code.
- ~~(3) "Food establishment" is defined in Section 113780 of the California Health and Safety Code.~~
"Food establishment" is defined in Section 27520 of the California Health and Safety Code. "
- (43) "Food facility" is defined in Section 27521113785113789 of the California Health and Safety Code.
- (54) "Food processing establishment" is defined in Section 28280.1109947 of the California Health and Safety Code. Code.
- (65) "Health department Department" or "department Department" means the Orange County Health Care Agency. "Health officer" means the county health officer or his or her deputy.
- (76) "Health Officer" means the County Health Officer or his deputy.
- (87) "Inspector" means an environmental health specialist a Registered Environmental Health Specialist, as defined in California Health and Safety Code Section 517106615, employed by the health department Health Department, or health officer Health Officer, or any deputy health officer Deputy Health Officer authorized to inspect premises or equipment for the enforcement of this chapter Chapter.
- (89) "Mobile food preparation unit facility" is defined in Section 27526113815113831 of the California Health and Safety Code.
- (109) "Open-air barbecue facility" is defined in Section 27528.5113830113843 of the California Health and Safety Code. "
- (1110) "Person" is defined in Section 27530113840 113855 of the California Health and Safety Code.

~~(1211)~~ "Premises" means and includes land, buildings, vehicles, and ships and other vessels wherein food is handled, stored, distributed, prepared, processed, served, or sold, and also equipment installed or used in food establishments or food facilities or on such premises.

~~(1312)~~ "Produce stand" is defined in Section ~~27533.5113855113879~~ of the California Health and Safety Code.

~~(1413)~~ "Restricted food service transient occupancy establishment facility" is defined in Section ~~27535.5113870113893~~ of the California Health and Safety Code. California Health and Safety Code.

~~(15)~~ "Satellite food distribution facility" is defined in Section ~~27536.5113880~~ of the California Health and Safety Code.

~~(1614)~~ "Temporary food facility" is defined in Section ~~27538.113895-113930~~ of the California Health and Safety Code. "Vehicle

~~(17)~~ "Mobile Food Facility" is defined in Section ~~27540.113900~~ of the California Health and Safety Code.

~~(1815)~~ "Vending machine" is defined in Section ~~27541.113903113938~~ of the California Health and Safety Code.

~~(1916)~~ "Vending machine business" means the business of selling food or beverages by means of vending machines, regardless of the number of locations at which the vending machines are located.

(Ordinance 2241 § 1 (part), 1992).

SECTION 6.16.020: Permit required — Required -- Conditions and terms

(A) It is unlawful for any person to operate any food facility, vending machine business, food processing establishment, or any other food handling business governed by this chapter, Chapter without first applying for and receiving a food vending permit issued by the health department Health Department under the provisions of this chapter. Chapter.

(B) Every applicant for a food vending permit shall file with the health department Health Department a written application which that shall state the name and address of the applicant, the character and location of the activity for which a permit is required under this chapter Chapter, and such other information as the health department Health Department may require. Applicants for a permit to operate a mobile food preparation unit shall, in addition, provide a list of three (3) service stops, which that shall include the address of exact location and time of each stop.

- (C) A permit may be issued when investigation has determined that the proposed facility and its method of operation will conform to all applicable laws and regulations. A permit, once issued, is nontransferable. A permit shall be valid only for the person, location, type of food sales, or distribution activity approved and, unless suspended or revoked, for the time period indicated.
- (D) Any permit may be suspended or revoked for a violation of any applicable provisions of law or regulation. Any food facility, vending machine business, food processing establishment, or any other food handling business governed by this ~~chapter~~Chapter, for which the permit has been suspended or revoked, shall close and remain closed until the permit has been reinstated or until a new permit has been issued.
- (E) Permits may be granted at any time during the year. A permit shall be posted in a conspicuous place on the premises or vehicles for which it is issued. (Ordinance 2241 § 1 (part), 1992).

SECTION 6.16.030: Construction, ~~conversion~~Conversion, and alterationAlteration

A person proposing to build or remodel a food facility, vending machine business, food processing establishment, or any other food handling business governed by this ~~chapter~~Chapter, shall submit three (3) copies of the complete plans and specifications to the ~~department~~Department for review and approval pursuant to the applicable requirements of the California Health and Safety Code. The ~~health officer~~Health Officer may issue a certificate ~~therefor~~therefore stating what modifications, if any, are required for compliance with applicable laws and ~~ordinances~~Ordinances. (Ordinance 2241 § 1 (part), 1992).

SECTION 6.16.040: Suspension of ~~permits~~Permits

A permit issued under this ~~chapter~~Chapter or its predecessor may be suspended or revoked under the procedure set forth in this ~~chapter~~Chapter for any of the following reasons:

- (1) Violation of state law;
- (2) Violation of this ~~chapter~~Chapter;
- (3) Violation of the rules and regulations adopted pursuant to this ~~chapter~~Chapter; or
- (4) Upon recommendation by the ~~health officer~~Health Officer.

(Ordinance 2241 § 1 (part), 1992).

SECTION 6.16.050: Notice of ~~violation~~Violation

When any laws, this ~~chapter~~Chapter, or rules and regulations have been violated,

an inspector may serve written notice thereof entitled "Notice of Violation," specifying:

- (1) The acts or omissions with which the permittee is charged;
- (2) The provision or provisions violated thereby;
- (3) The corrective steps required;
- (4) The date by which all such corrections must be completed, allowing a reasonable period therefor;e;
- (5) That the permittee has a right to a hearing upon written request or that a mandatory hearing has been scheduled; and
- (6) That if no hearing is requested or the permittee fails to appear at the scheduled hearing and if the ~~health department~~Health Department does not receive notice that all such corrections have been made before nine nine a.m. (9:00 a.m.) of the date specified under ~~subsection (4)~~Subsection (4) of this ~~section~~Section, the permit will be subject to suspension or revocation from that time until all violations have been corrected.

(Ordinance 2241 § 1 (part), 1992).

SECTION 6.16.060: Hearing

~~The hearing shall be held by the health officer or his or her duly authorized representative who is a qualified environmental health specialist as defined in Section 517 of the health and safety code and registered as provided in Section 529 of the health and safety code, but shall not be the inspector who reported the violations or who inspected any corrective measure taken.~~

- (A) The permit holder shall have the right to a hearing, if requested, on all violations listed in the notice. A written request for a hearing shall be made by the permittee within fifteen (15) calendar days after receipt of the notice. A failure to request a hearing within fifteen (15) calendar days after receipt of the notice shall be deemed a waiver of the right to a hearing. When circumstances warrant, the ~~hearing officer~~Hearing Officer may order a hearing at any reasonable time within this fifteen- (15) day period to expedite the permit suspension or revocation process.
- (B) The hearing shall be held within fifteen (15) calendar days of the receipt of a request for a hearing. Upon written request of the permittee, the ~~hearing officer~~Hearing Officer may postpone any hearing date, if circumstances warrant such action.
- (C) The hearing shall be held by the Health Officer, or his duly authorized representative who is a Registered Environmental Health Specialist as defined in Section 106615 of the Health and Safety Code and registered as provided in

Section 106630 of the Health and Safety Code, but shall not be the Inspector who reported the violations or who inspected any corrective measure taken.

- (D) At the conclusion of the hearing, the ~~hearing officer~~Hearing Officer shall issue a written notice of decision to the permittee within five (5) working days following the hearing. In the event of a suspension or revocation, the notice shall specify the acts or omissions with which the permittee is charged, and shall state the terms of the suspension, or that the permit has been revoked.
- (E) The ~~health officer~~Health Officer may, after providing opportunity for a hearing, modify, suspend, or revoke a permit for serious or repeated violations of any of the requirements of the applicable laws, rules, and regulations. (Ordinance 2241 § 1 (part), 1992).

SECTION 6.16.070: Mobile food preparation unitsFood Preparation UnitsFacilities -- Generally

In addition to all other applicable provisions of the ~~health and safety code~~Health and Safety Code and of this ~~chapter~~Chapter, mobile food preparation unitsfacilities shall comply with the following safety requirements:

- (1) Compressors, auxiliary engines, generators, batteries, battery chargers, gas-fueled water heaters, and similar equipment shall be installed so as to be accessible only from the outside of the unit.
- (2) All equipment installed in any part of the unit shall be secured so as to prevent movement during transit and to prevent detachment in the event of a collision or overturn.
- (3) All equipment installed within the interior of the unit, including the interiors of cabinets or compartments, shall be construed so as to be free of sharp or jagged edges.
- (4) All utensils shall be stored so as to prevent their being hurled about in the event of a sudden stop, collision, or overturn. A safety knife holder shall be provided to avoid loose storage of knives in cabinets, boxes, or slots along counter aisles. Knife holders shall be designed to be easily cleaned and be manufactured of materials approved by the ~~health officer~~Health Officer.
- (5) Ceiling light fixtures shall be recessed or flush-mounted and sealed, and shall be equipped with safety covers approved by the ~~health officer~~Health Officer. The minimum clearance from the floor to the light fixture shall be at least one hundred eighty-eight (88) centimeters (seventy-six (76) inches) or the fixture shall be installed out of the traffic aisle or work area.
- (6) High voltage (110v-120-v) electrical wiring shall be properly installed in electrical conduit with all splices or connections being made within junction, outlet, or switch as to prevent the use of extension cords

exceeding one hundred eighty-three (183) centimeters (six (6) feet). Outside electrical connection receptacles shall be of weatherproof design with cover.

- (7) Attached, firmly anchored seats with backrests, equipped with seat belts, shall be provided for all occupants. If a jump seat in the aisleway is utilized, it shall fold in a manner that will clear the aisleway when not in use and be held with a self-latching mechanism. Seats and backrests shall be at least thirty-five and five-tenths (35-5/10) centimeters by thirty-five and five-tenths (35 5/10) centimeters (fourteen (14) inches by fourteen (14) inches) in size. All occupants shall be seated, shall wear seat belts, and shall not cook or prepare food while the unit is in motion. Signs setting forth the latter three requirements shall be posted in both English and Spanish.
- (8) A first-aid kit approved by the ~~health officer~~Health Officer shall be provided and located in a convenient area in an enclosed case.
- (9) All pressure cylinders shall be securely fastened to a rigid structure of the unit. All liquefied petroleum gas (LPG) equipment shall be installed as follows:
 - (a) The LP gas tanks and relief valves shall be American Society of Mechanical Engineers (ASME)-approved for intended use;
 - (b) Tanks shall be securely fastened and located where they will normally not be subject to damage. They may be in a body compartment or underneath the body. The tank or fittings must not protrude beyond the body;
 - (c) Tanks and regulators shall be separated from any open flame by a vapor-tight partition;
 - (d) When tanks are installed in a body compartment, the partitions shall be sealed off from the rest of the body with no openings to the interior except for the tubing. The following additional requirements shall be met:
 - (1) All tank valves and fittings shall be readily accessible from outside the unit.
 - (2) The tank safety relief valve shall be vented to the outside and directed downward.
 - (3) The filling shall be done through an outside door to the compartment.

- (4) The compartment shall be vented to the exterior of the unit so as to prevent accumulation of gas.
 - (e) Tubing that passes through partitions shall be protected by grommets made of rubber or other approved materials.
 - (f) Tubing exposed to friction shall be protected against chafing.
 - (g) Expansion and contraction bends shall be made in the tubing between the tank and appliance.
 - (h) ASME-approved LP gas tubing or standard weight pipe shall be used throughout.
 - (i) Protective thread caps shall be installed on fill-line check valves.
 - (j) Every appliance fueled by LP gas shall be equipped with a pilot light attachment and provided with an ASME-approved device which that will automatically shut off all gas to the appliance if the pilot light should be extinguished.
- (10) A minimum five B.C.-rated portable fire extinguisher UL (Underwriters Laboratories) or State Fire Marshal approved design) shall be installed in plain sight and within easy reach, immediately inside the front driver's door. The extinguisher shall be replaced or recharged after each use.
(Ordinance 2241 § 1 (part), 1992).

SECTION 6.16.080: Additional requirements-Requirements for mobile food preparation units-operating Mobile Food Preparation Units Facilities Operating in multiMulti-locations in any dayAny Day

In addition to the requirements specified in Section 6.16.070, mobile food preparation units facilities which that operate at more than one location in any calendar day shall comply with the following additional requirements:

- (1) Coffee urns shall be installed in a compartment that will prevent excessive spillage of coffee in the interior of the unit in the event of a sudden stop, collision, or overturn, or, as an alternative to this requirement, coffee urns shall be equipped with positive closing lids as well as perforated metal protective sleeves on the glass liquid level sight gauges.
- (2) Deep fryers are prohibited, unless equipped with positive closing lids to contain the fat and to prevent splashing or excessive spillage in transit or in the event of a sudden stop, collision, or overturn of the unit. Such lids shall be designed and constructed so as to prevent pressure buildup which that could result in an explosion. All lids shall be kept positively closed while the unit is in motion. Signs setting forth the latter requirements shall be posted in both English and Spanish.

- (3) Water bath or steam food insert tables shall be provided with baffles to prevent surging in transit. All such tables, as well as dry heat units, ~~their~~ with insert food containers ~~and~~-or similar equipment that contains hot liquids or hot foods, shall have positive closing lids to contain all such liquids or food and to prevent splashing or spillage in transit or in the event of a sudden stop, collision, or overturn of the unit. Such lids shall be designed and constructed so as to prevent pressure buildup ~~which~~that could result in an explosion. All lids shall be positively closed while the unit is in motion. Signs setting forth the latter requirement shall be posted in both English and Spanish.
- (4) An alternative means of exit in the side opposite the main exit door, or the roof, or the rear of the unit, with unobstructed passage of sixty-one (61) centimeters by ninety-two (92) centimeters (twenty-four (24) inches by thirty-six (36) inches) minimum to the outside, shall be provided. The interior latching mechanism shall be labeled "Safety Exit" in contrasting colors with at least two and fifty-four one-hundredths (2-54/100) centimeters ~~(one inch (1")~~ high letters.

(Ordinance 2241 § 1 (part), 1992).

SECTION 6.16.090: Suspension for ~~refusal~~Refusal of ~~entry~~Entry

It shall be a violation of this ~~chapter~~Chapter for any person to deny or hinder entry by any ~~inspector~~Inspector for the purpose of inspection any of the premises described in Section 6.16.020, or any portion thereof; and in such event the ~~inspector~~Inspector may forthwith suspend the food vending permit issued for the premises.

(Ordinance 2241 § 1 (part), 1992).

SECTION 6.16.100: Summary ~~suspension~~Suspension

- (A) If any immediate danger to the public health or safety is found, unless the danger is immediately corrected, an ~~inspector~~Inspector may temporarily suspend the permit and order the premises immediately closed. "Immediate danger to the public health and safety" means any condition, based upon inspection findings or other evidence, that can cause food infection, food intoxication, disease transmission, or hazardous condition, including, but not limited to, unsafe food temperature, sewage contamination, nonpotable water supply, or an employee ~~whose~~-who is a carrier of a communicable disease.
- (B) Whenever a permit is suspended as the result of an immediate danger to the public health or safety, the ~~inspector~~Inspector shall issue to the permittee a notice setting forth the acts or omissions with which the permittee is charged, specifying the pertinent ~~code~~-~~section~~Code Section, and informing the permittee of the right to a hearing.
- (C) At any time within fifteen (15) calendar days after service of a notice pursuant to ~~subsection (2)~~Subsection (B) of this ~~section~~Section, the permittee may request in writing a hearing before a ~~hearing officer~~Hearing Officer to show

cause why the permit suspension is not warranted. The hearing shall be held within fifteen (15) calendar days of the receipt of a request for a hearing. A failure to request a hearing within fifteen (15) calendar days shall be deemed a waiver of the right to such hearing.

(Ordinance 2241 § 1 (part), 1992).

SECTION 6.16.110: Supervision of ~~closing down premises~~Closing Down Premises

When any permit is first suspended hereunder, or when any premises governed hereby shall have been closed for business and left in an unsanitary condition, the ~~health department~~Health Department shall have the power to enter to ensure that the premises are closed down in a manner ~~which~~that will not endanger the public health. If the permittee or his employee in charge cannot be found, or is unwilling or unable to remedy the condition of the premises, the owner of the premises shall be notified of the unsanitary conditions and shall be required to take such remedial action as may be necessary to obviate such condition.

(Ordinance 2241 § 1 (part), 1992).

SECTION 6.16.120: Rules and ~~regulations~~Regulations

The ~~health officer~~Health Officer may adopt and enforce rules and regulations necessary to administer this ~~chapter~~Chapter including, but not limited to, regulations pertaining to:

- (1) Forms for applications, permits, and notices;
- (2) Forms and procedures for hearings upon the granting, denying, suspending, revoking, or reinstating of permits;
- (3) Inspection of premises and reporting thereon. ~~(Ord.~~

(Ordinance 2241 § 1 (part), 1992).

SECTION 6.16.130: Penalty

Any person violating any of the provisions of this ~~chapter~~Chapter shall be guilty of a misdemeanor. ~~(Ord.~~

(Ordinance 2241 § 1 (part), 1992).

SECTION 6.16.140: Preemption

This ~~chapter~~Chapter shall not apply to any matter to which it concerns to the extent that the regulation of such matter is preempted by state law.

(Ordinance 2241 § 1 (part), 1992).

CHAPTER 20: ~~WEED AND RUBBISH ABATEMENT~~

SECTION 6.20.010: Definitions

- (A) "In front of which the nuisance exists," as used in this ~~chapter~~Chapter includes to the rear of, or abutting, the property upon which the nuisance exists.

- (B) "Parkway₇" as used in this ~~chapter~~,Chapter means the area between any sidewalk and curb.
- (C) "Rubbish₇" as used in this ~~chapter~~,Chapter includes, but is not limited to, all of the following material and items existing in an unusable, discarded, or abandoned condition:
- (1) Refuse, waste, offal, garbage, filth, and trash₇.
 - (2) Asphalt, boards, bottles, boxes, cans, cartons, cement, concrete, crates, dirt, glass, gravel, hoses, lumber, metal, paint, paper, pasteboard boxes, plaster, plastic, rubber, sand, stucco, tile, wire, wood, and other similar materials₇.
 - (3) Vehicle bodies, motors, tires, parts, and accessories₇.
 - (4) Trimmings, clippings and cuttings from lawns, shrubs and trees, and all dead or uprooted grass, sod, shrubs, trees and vegetation₇.
 - (5) Rugs, bedding, furniture, utensils, clothing, toys, appliances, and household supplies₇.
 - (6) All material dangerous or injurious to neighboring property₇.
 - (7) All material dangerous or injurious to the health, safety, or welfare of the occupants of the property upon which such material is located, or to any person in the vicinity of such property.
- (D) "Street₇" as used in this ~~chapter~~,Chapter includes public street, drive, right-of-way, avenue, place, alley, land, court, and way.
- (E) "Weeds₇" as used in this ~~chapter~~,Chapter includes, but is not limited to, all of the following:
- (1) Weeds ~~which~~-that bear seeds of a downy or wingy nature₇.
 - (2) Sagebrush, ~~chapparal~~chaparral, and any other brush or weeds ~~which~~-that attain such large growth as to become, when dry, a fire menace to adjacent improved property₇.
 - (3) Weeds ~~which~~-that are otherwise noxious or dangerous₇.
 - (4) Poison oak and poison ivy, when the conditions of growth are such as to constitute a menace to the public health₇.

(5) Dry grass, stubble, brush, litter, or other flammable material which that endanger the public safety by creating a fire hazard.

(6) All rank growths of every kind and description.

(F) "~~Weed abatement official,~~ Abatement Official" as used in this ~~chapter,~~ Chapter means the Garden Grove ~~fire chief~~ Fire Chief or his designated representatives. (Ordinance 1114 § 2 (part), 1970; prior code § 5200).

SECTION 6.20.020: Nuisance

All weeds and rubbish existing on or in front of any real property in the city, in such a condition as to be detrimental to the health, safety, or welfare of the inhabitants of such property, or of any adjoining property, are declared to be a public nuisance. (Ordinance 1114 § 2 (part), 1970; prior code § 5201).

SECTION 6.20.030: Removal ~~duty~~ Duty

No person shall fail to remove all weeds and rubbish from any property under his control in the city and from any street, sidewalk, or parkway abutting such property, whenever such weeds and rubbish are declared a public nuisance as provided in this ~~chapter.~~ Chapter. (Ordinance 1114 § 2 (part), 1970; prior code § 5202).

SECTION 6.20.040: Notice and ~~public hearing~~ Public Hearing

Whenever the ~~weed abatement official~~ Weed Abatement Official determines that the presence of weeds or rubbish on any real property in the city constitutes a public nuisance as defined in this ~~chapter,~~ the ~~city clerk~~ Chapter, the City Clerk shall mail written notice of such nuisance and requirement of abatement thereof to each person to whom the property described in such notice is assessed in the last equalized assessment roll. Said notice shall also set a date and time when all property owners having any objections to such declaration or removal of said nuisance may appear before the ~~city council~~ City Council, at which time the ~~city council~~ City Council will hear and consider all evidence offered as to whether or not a nuisance, in fact, exists. Such notice shall be given by personal service or by regular mail, postage prepaid, not less than fifteen (15) days prior to the date of such hearing. (Ordinance 1776 § 1 (part), 1981).

SECTION 6.20.050: Nuisance ~~abatement~~ Abatement

Any nuisance described in any order of the ~~city council~~ City Council for removal thereof, that has not been removed on or before the date specified for such removal in such order shall be forthwith removed at the direction of the ~~weed abatement official.~~ Weed Abatement Official. (Ordinance 1776 § 1 (part), 1981).

SECTION 6.20.060: Right of ~~entry~~ Entry

The ~~weed abatement official~~ Weed Abatement Official or ~~city's~~ City's contractor may use all lawful means to enter upon any property in the city for the purpose of

inspecting the same for the existence, and for the removal, of any nuisance in accordance with the provisions of this ~~chapter~~Chapter. If permission to enter upon any such property for any such purposes is refused, the ~~weed abatement official~~Weed Abatement Official shall apply to a ~~judge~~Judge for a warrant authorizing the entering upon such property to perform any such inspection, or work necessary to abate any such nuisance thereon. (Ordinance 1776 § 2 (part), 1981; Ordinance 1114 § 2 (part), 1970; prior code § 5208).

SECTION 6.20.070: Accounting for ~~costs~~Costs of ~~abatement~~Abatement

The ~~weed abatement official~~Weed Abatement Official shall keep a record of all costs incurred in connection with the removal from each parcel of land of any nuisance as provided in this ~~chapter~~Chapter. He shall periodically submit the same to the ~~city council~~City Council for confirmation. A notice of assessment, with a copy of the schedule showing the costs of the removal of such nuisance for each property, shall be mailed by regular mail, postage prepaid, to each person to whom the property described in the notice of assessment is assessed in the last equalized assessment roll available on the date such notice of assessment is mailed, at the address of such person shown on such assessment roll. Such notice shall state that objections to such assessment may be filed with the ~~city clerk~~City Clerk within fifteen (15) days from such mailing, and that if no such objections are so filed, the property will be assessed without any hearing or further notice, for the amount shown in said schedule of costs. (Ordinance 1776 § 2 (part), 1981; Ordinance 1114 § 2 (part), 1970; prior code § 5209).

SECTION 6.20.080: Council ~~hearing~~Hearing on ~~costs~~Costs of ~~abatement~~Abatement

If, within fifteen (15) days from the mailing of said notice of assessment, any objections are filed to the schedule of costs of abating such nuisances, the ~~council~~City Council shall hear such objections and fix the amount of assessment for the abatement of such nuisance. If no such objections are so filed, the property shall be assessed, without any hearing or further notice, for the amount shown in said schedule of costs. Notice of the hearing of such objections by the ~~council~~City Council shall be given at least fifteen (15) days before such hearing by a written notice served personally upon or sent by regular mail, postage prepaid, to said objector. (Ordinance 1776 § 2 (part), 1981; Ordinance 1114 § 2 (part), 1970; prior code § 5210).

SECTION 6.20.090: Lien

The cost of the ~~city~~City in removing from any parcel of real property any weeds and/or rubbish constituting a nuisance under this ~~chapter~~Chapter, when determined and removed as provided in this ~~chapter~~Chapter, is made a special assessment against, and a lien on, such parcel and shall remain a lien thereon until paid, by the filing of a ~~resolution of the city council~~City Council Resolution certifying the amount thereof and that it has been established pursuant to this ~~chapter~~Chapter.

(Ordinance 1776 § 2 (part), 1981; Ordinance 1114 § 2 (part), 1970; prior code § 5211).

SECTION 6.20.100: Collection ~~procedure~~ Procedure

A certified copy of the ~~city council's resolution~~ City Council's Resolution establishing, confirming, or certifying the cost of the abatement of any nuisance under this ~~chapter~~ Chapter shall be filed with the ~~county auditor~~ County Auditor-Controller. The amount of such assessment shall be collected at the same time and in the same manner as ordinary municipal taxes. If delinquent, the amount of such assessment shall be subject to the same penalties and the same procedure for foreclosure and sale, as are provided for ordinary municipal taxes.

(Ordinance 1776 § 2 (part), 1981; Ordinance 1114 § 2 (part), 1970; prior code § 5212).

CHAPTER 21: HAZARDOUS MATERIAL INCIDENT COST RECOVERY

SECTION 6.21.010: Definitions

- (A) "Cleanup" as used in this ~~chapter~~ Chapter means all phases, steps, or parts of remediation and abatement of a hazardous material incident.
- (B) "Hazardous material" as used in this ~~chapter~~ Chapter means any substance defined by federal, state, or local statutes or authorities to be a hazardous material, hazardous substance, toxic material, or toxic substance. It includes materials determined by the Fire Chief or his designee to be hazardous.
- (C) "Hazardous material incident" as used in this ~~chapter~~ Chapter means any actual or threatened release of a hazardous material.

~~"Public safety official"~~

- (D) "Public Safety Official" as used in this ~~chapter~~ means any ~~public official~~ Chapter means any Public Official or employee of the federal, state, or local government whose job duties include a public safety component.

(Ordinance 2130 (part), 1989).

SECTION 6.21.020: Nuisance

All hazardous materials when released from or unsafely contained in their designated container in such a fashion as to be detrimental to the health, safety, or welfare of any person or to property, are declared to be a public nuisance.

(Ordinance 2130 (part), 1989).

SECTION 6.21.030: Determination of ~~nuisance~~ Nuisance

Whenever any ~~public safety official~~ Public Safety Official determines that hazardous materials are present, a release has occurred, or is imminent, a cleanup shall be initiated. The cleanup can be initiated by the property owner, the ~~city~~ City, or a private firm at the sole discretion of the ~~public safety official~~ Public Safety Official.

(Ordinance 2130 (part), 1989).

SECTION 6.21.040: Accounting for ~~costs of cleanup~~ Costs of Cleanup

A designated ~~public safety official~~Public Safety Official shall keep a record of all costs incurred in connection with response, cleanup, disposal, and directly related administration of cleanup of land or property. This individual shall periodically submit the costs for each hazardous materials incident to the ~~city council~~City Council for confirmation. A notice of assessment with a copy of a breakdown of costs shall be mailed by regular mail to each person shown as property owner in the notice as reflected in the last equalized assessment roll. The notice shall state that objections to the assessment must be filed with the City Clerk within fifteen (15) days from mailing and that if no objections are filed, the property will be assessed for the amount indicated without hearing or further notice. (Ordinance 2130 (part), 1989).

SECTION 6.21.050: City Council hearing~~Hearing on cleanup costs~~**Cleanup Costs**

Within fifteen (15) days from the mailing of the notice of assessment, any objection to the costs incurred shall be heard by ~~council~~City Council. The ~~city council~~City Council shall determine the total amount to be charged. If no objections are filed, the property shall be assessed. (Ordinance 2130 (part), 1989).

SECTION 6.21.060: Collection procedure~~Procedure~~**Procedure**

A certified copy of the ~~city council's resolution~~City Council's Resolution establishing the cost shall be forwarded to the ~~county auditor-controller~~County Auditor-Controller. The amount of the assessment shall be collected at the same time and in the same manner as ordinary municipal taxes. If delinquent, the amount of the assessment shall be subject to the same penalties and the same procedure for foreclosure as are provided for ordinary municipal taxes. (Ordinance 2130 (part), 1989).

SECTION 6.21.070: Emergency services contracts~~Services Contracts~~**Services Contracts**

The ~~fire chief~~Fire Chief, without compliance with formal contract bidding procedures, may enter into standby professional emergency services agreements with qualified, licensed "HazMat" services providers for emergency abatement of hazardous materials incidents. Such providers shall be selected on the basis of quoted services rates, qualifications, and availability. (Ordinance 2130 (part), 1989).

CHAPTER 24: X-RAY UNITS, MOBILE

SECTION 6.24.010: Compliance with state law~~State Law~~**State Law**

All mobile X-ray units shall comply with the requirements of the Radiation Control Law, Division 20, ~~chapter 7.6,~~ 104, Part 9, Chapter 8, California Health and Safety Code, together with regulations enacted pursuant thereto. (Ordinance 1102 § 1 (part), 1970; Ordinance 1075 § 1 (part), 1969; prior code § 5410).

SECTION 6.24.020: Definitions

~~"County health officer"~~(A) "County Health Officer" means Orange County health officerHealth Officer or his deputy or assistant duly authorized to act in his behalf in case of his absence or incapacity. "

(B) "Mobile X-ray operator" means any person, or other entity who owns or legally possesses, or operates, a mobile X-ray unit. "

(C) "Mobile X-ray unit" means any X-ray generator which-that is, or can be, used for the purpose of making medical diagnostic photofluorographic films of persons, and which-that is installed in or upon a motor vehicle or trailer so that it may be transported from place to place.

(Ordinance 1102 § 1 (part), 1970; Ordinance 1075 § 1 (part), 1969; prior code § 5410.1).

**SECTION 6.24.030: Permit application — InvestigationApplication -- -
Investigation**

Any person or entity desiring to operate a mobile X-ray unit within the city, shall make application to the ~~county health officer~~County Health Officer on forms prescribed by him for issuance of a license. The ~~county health officer~~County Health Officer shall cause to be conducted an investigation of said applicant for a license to determine, among other things, the following items of information:

- (1) Whether or not said unit has a valid state registration as provided by Division 20104, Part 9, Chapter 7.68, California Health and Safety Code;
- (2) Whether or not said applicant has complied with applicable laws, ordinances, and regulations, including those relating to the reporting to the ~~health officer~~Health Officer of abnormal X-ray findings pursuant to regulations of the State Department of Public Health;
- (3) Whether the proper public notices, as required by state law, regulations enacted pursuant thereto, and local ordinances, have been posted in or upon the mobile unit;
- (4) The location and mailing address of all film files to be maintained by said mobile unit as hereinafter provided;
- (5) Whether the applicant and his specified personnel are qualified by reason of training and experience to operate a mobile X-ray unit in such a manner as to provide reasonable assurance of protection to health, life, and property;
- (6) Whether the applicant's equipment, facilities, proposed uses and procedures are such as to provide reasonable assurance of protection to health, life and property; and

(7) Such other information as shall be required by the ~~county health officer~~ County Health Officer.

(Ordinance 1102 § 1 (part), 1970; Ordinance 1075 § 1 (part), 1969; prior code § 5410.2).

SECTION 6.24.040: License -- Granting or ~~renewal~~Renewal

No license shall be granted, renewed, or reinstated unless the ~~county health officer~~ County Health Officer determines, upon completing his investigation, that the mobile X-ray unit is, or can be, operated in compliance with applicable laws, ordinances, and administrative regulations, and in a manner not detrimental to the health of the patrons, employees, and the general public and that all operations of mobile X-ray equipment have been certified by the ~~county health officer~~ County Health Officer to operate same.

(Ordinance 1102 § 1 (part), 1970; Ordinance 1075 § 1 (part), 1969; prior code § 5410.3).

SECTION 6.24.050: License -- Duration

Licenses may be granted at any time during the year, but all licenses shall expire at the end of the calendar year.

(Ordinance 1102 § 1 (part), 1970; Ordinance 1075 § 1 (part), 1969; prior code § 5410.4).

SECTION 6.24.060: Operation ~~conditions~~Conditions

All mobile X-ray units shall be operated so as to comply with the conditions in Sections 6.24.070 through 6.24.140.

(Ordinance 1102 § 1 (part), 1970; Ordinance 1075 § 1 (part), 1969; prior code § 5410.5 (part)).

SECTION 6.24.070: X-raying ~~person under fifteen~~Raying Person Under Fifteen

No person under the age of fifteen (15) years is to be X-rayed unless such person has had a positive tuberculin skin test and presents a written statement, signed by a licensed practitioner of the healing arts, showing the method and the date of such positive skin test. A sign shall be posted in a prominent location on the mobile X-ray unit stating that no person under the age of fifteen (15) years is to be X-rayed unless such person has had a positive tuberculin skin test.

(Ordinance 1075 § 1 (part), 1969; prior code § 5410.5(a)).

SECTION 6.24.080: X-raying ~~pregnant women~~Raying Pregnant Women

No pregnant woman shall be X-rayed in a mobile X-ray unit unless so ordered in writing by a licensed practitioner of the healing arts. A sign shall be posted in a prominent location on the mobile X-ray unit stating that no pregnant woman shall be X-rayed.

(Ordinance 1075 § 1 (part), 1969; prior code § 5410.5(b)).

SECTION 6.24.090: Information ~~form~~Form

The mobile X-ray operator shall require all persons, before being X-rayed, to

complete an information form showing the following: name; age; sex; address; telephone number; the person's physician's name and address; if a female, whether pregnant; if under fifteen (15) years of age, whether the person has had a positive tuberculin skin test, and the date of such test.

(Ordinance 1075 § 1 (part), 1969; prior code § 5410.5(c)).

SECTION 6.24.100: Film retention—Availability Retention -- Availability

(A) All X-ray films shall be retained by the operator for at least ten (10) years. Each patient shall receive from the mobile X-ray operator a report of his X-ray findings within thirty (30) days. Every thirty (30) days, the operator shall submit to the ~~health officer~~ Health Officer a report of the total number of X-ray films taken during the preceding calendar month.

(B) The mobile X-ray operator shall make X-ray films available for use by the physician of the person X-rayed, provided said person gives his consent in writing. The operator may make a reasonable charge for such service.

(Ordinance 1075 § 1 (part), 1969; prior code § 5410.5(d)-(e)).

SECTION 6.24.110: Posting examination sign Examination Sign

A sign shall be posted in a prominent location on the mobile X-ray unit stating essentially the following: "A chest X-ray film is a useful aid to the physician in diagnosing chest disease. It is not a complete examination. See your family doctor for an examination at least once a year." The ~~county health officer~~ County Health Officer shall have the right to determine the location, size, and wording of all required signs.

(Ordinance 1075 § 1 (part), 1969; prior code § 5410.5(f)).

SECTION 6.24.120: Disclosure of operator's name and address Operator's Name and Address

The name and address of the mobile X-ray operator shall be plainly printed on each side of the exterior of the vehicle or trailer in letters at least three (3) inches high. The name and address of the mobile X-ray operator shall appear on all forms, letters, pamphlets, or other printed matter used in conjunction with the unit. Neither sign nor printed matter shall contain any statements expressed or implied that the mobile X-ray unit is associated with any health department or other public or private health agency.

(Ordinance 1075 § 1 (part), 1969; prior code § 5410.5(g)).

SECTION 6.24.130: Notice to county health officer County Health Officer

The mobile X-ray operator shall give the ~~county health officer~~ County Health Officer notice at least (14) fourteen calendar days in advance concerning proposed dates, times, and places of use of the unit. All such information will be forwarded by the ~~county health officer to the city~~ County Health Officer to the City.

(Ordinance 1075 § 1 (part), 1969; prior code § 5410.5(h)).

SECTION 6.24.140: Compliance with city regulations City Regulations

The mobile X-ray operation shall comply with all applicable ~~city ordinances and~~

~~resolutions~~City Ordinances and Resolutions while operating within the city.
(Ordinance1075 § 1 (part), 1969; prior code § 5410.5(i)).

SECTION 6.24.150: Operator's ~~license required~~License Required

No mobile X-ray unit shall be operated unless the operator thereof has been licensed as provided in this ~~chapter~~Chapter. No mobile X-ray unit shall be operated by any person other than the applicant or the persons specified in his license.

(Ordinance1102 § 1 (part), 1970; prior code § 5410.6).

CHAPTER 25: X-RAY MACHINE PLAN CHECKS

SECTION 6.25.010: Purpose

The purpose of this ~~chapter~~Chapter is to ensure that proper radiation shielding is provided in the construction, conversion or alteration of a building or enclosure used to house ~~a~~an x-ray machine so as not to jeopardize the health, safety, or welfare of the people in this ~~county~~County.

(Ordinance2190 § 1 (part), 1991).

SECTION 6.25.020: Definitions

The following terms, as used in this ~~chapter~~Chapter shall have the meanings set forth in this ~~section~~Section, unless it is apparent from the context thereof that some other meaning is intended.

- (1) "Health ~~officer~~Officer" means the ~~county health officer~~County Health Officer or his ~~or her~~agents or deputies.
- (2) "Person" means any individual, firm, partnership, corporation, company, society, or association, and every officer, agent, or employee thereof.
- (3) "X-Ray machine" means any radiation machine or device capable of producing ionizing radiation when the associated control devices are operated.

(Ordinance2190 § 1 (part), 1991).

SECTION 6.25.030: Review of ~~plans~~Plans

(A) Any person, prior to the construction, conversion, or alteration of a building or enclosure used to house ~~a~~an X-ray machine, shall submit for review and approval, an application along with two (2) copies of the plans and shielding specifications, and plan checking fees required by this ~~article to the county health care agency, environmental health division~~Code to the County Health Care Agency, Environmental Health Division.

(B) The ~~health officer~~Health Officer shall review the plans and shielding specifications required to be submitted pursuant to this ~~chapter~~Chapter and either approve the plans and shielding specifications or indicate what modifications are required to comply with the requirements of the Radiation

Control Law, Division 20104, Part 9, Chapter 7.68, California Health and Safety Code, together with regulations enacted pursuant thereto.
(Ordinance 2190 § 1 (part), 1991).

SECTION 6.25.040: ~~Plan check fees~~ Check Fees

The ~~county board of supervisors~~ County Board of Supervisors may, from time to time, establish by ~~resolutions~~ Resolution schedules of fees to be paid by each person submitting a plan check application, sufficient to cover the costs incurred in reviewing x-ray machine plans and shielding specifications. Any person who fails to submit a plan check application and fee shall pay a late fee, established by ~~resolution of the county board of supervisors~~ Resolution of the County Board of Supervisors, in addition to required x-ray machine plan check fees.
(Ordinance 2190 § 1 (part), 1991).

SECTION 6.25.050: Penalty

Any person who willfully violates this ~~chapter~~ Chapter shall be guilty of a misdemeanor, punishable by a fine not exceeding one thousand dollars (\$1,000), or by imprisonment not to exceed six (6) months, or by both such fine and imprisonment.
(Ordinance 2190 § 1 (part), 1991).

CHAPTER 28: WIPING RAG BUSINESSES*

* Prior ~~ordinance~~ Ordinance history: Ordinance No. 1568, 1977.

SECTION 6.28.010: Definitions

(A) "Health ~~officer~~ Officer" means the Orange County Health Officer.

(B) "Wiping rags" means cloths and rags used for any or all of the following purposes:

- (1) Wiping and cleaning the surfaces of machinery, machines, tools, locomotives, engines, motor cars, automobiles, cars, carriages, windows, furniture, and surfaces of articles, appliances, and engines in factories, shops, steamships, and steamboats;
- (2) Generally for cleaning in industrial employment; and
- (3) Used by mechanics and workmen for wiping from their hands and bodies soil incident to their employment.

(Ordinance 2189 § 1 (part), 1991).

SECTION 6.28.020: ~~Permit required~~ Required

It is unlawful for any persons to operate any business of laundering, sanitizing, or selling wiping rags in the city unless, in addition to any other permit or license ~~which~~ that may be required, he has a valid permit issued annually by the ~~health officer~~ Health Officer.

(Ordinance 2189 § 1 (part), 1991).

SECTION 6.28.030: Authority of the ~~health officer~~Health Officer

- (A) The ~~health officer~~Health Officer is authorized to administer and enforce the provisions of the Health and Safety Code of the State of California, and any rules and regulations adopted thereunder, pertaining to wiping rags and wiping rag businesses.
- (B) A permit under this ~~chapter~~Chapter shall be issued by the ~~health officer~~Health Officer if the applicant complies with the provisions of Article 4, Chapter 41, Part 15, Division 5104 (Sections ~~3900118450~~ et seq.) of the Health and Safety Code and any regulations adopted thereunder. The period of the permit shall be one (1) year from date of issuance. Any permit issued hereunder may be suspended or revoked in the manner prescribed in Section ~~3951118470~~ of the Health and Safety Code.
(Ordinance2189 § 1 (part), 1991).

SECTION 6.28.040: Permit feesFees

The Orange County ~~board of supervisors~~Board of Supervisors shall establish by ~~resolution~~Resolution a schedule of permit fees which that is sufficient to cover the implementation costs of this ~~chapter~~Chapter. This fee shall be collected annually from any person operating a business which that launders, sanitizes, or sells wiping rags.
(Ordinance2189 § 1 (part), 1991).

SECTION 6.28.050: Violation— -- Penalty

Any person violating any of the provisions of this ~~chapter~~Chapter shall be deemed guilty of a misdemeanor pursuant to Health and Safety Code Section ~~3960118490~~.
(Ordinance2189 § 1 (part), 1991).

CHAPTER 32: HAZARDOUS MATERIALS

SECTION 6.32.010: Definitions

For the purpose of this ~~chapter~~Chapter, the terms listed in this ~~section~~Section shall be defined as follows:

- (1) "Act" means Chapter 6.95 (commencing with Section 25500) of Division 20 of the Health and Safety Code of the ~~state~~State of California.
- (2) "~~Acutely hazardous material~~" or "Hazardous Material (AHM)" means any chemical designated an extremely hazardous substance which that is listed in Appendix A of Part 355 of Subchapter J of Chapter I of Title 40 of the Code of Federal Regulations.
- (3) "Business" means an employer, self-employed individual, trust, firm, joint stock company, corporation, partnership, or association. Business includes a business organized for profit and a nonprofit business. Business also includes every governmental agency.

- (4) "~~Business emergency plan~~Emergency Plan" means a written document in a form developed by the ~~fire department~~Fire Department containing all the information required by the Health and Safety Code and applicable regulations.
- (5) "Carcinogen" refers to a substance ~~which~~that causes cancer. For purposes of this ~~chapter~~Chapter, carcinogens are those substances specified on the list developed by the United States Department of Health and Human Services on its Second Annual Report on Carcinogens.

~~"CAS number~~

- (6) "Chemical Abstracts Services (CAS) Number" means the unique identification name as assigned by the ~~Chemical Abstracts Services~~-to specific chemical substances.
- (7) "Chemical name" means the scientific designation of a substance in accordance with the International Union of Pure and Applied Chemistry or the system developed by the ~~Chemical Abstracts Services~~.CAS.
- (8) "Common name" means a designation of identification such as code name, code number, trade name, or brand name used to identify a substance other than by its chemical name.
- (9) "Disclosure form" means the written request for information prepared pursuant to Section 6.32.030.
- (10) "Extremely Hazardous Substance" means any substance designated an extremely hazardous substance ~~which~~that is listed in Appendix A of Part 355 of Subchapter J of Chapter I of Title 40 of the Code of Federal Regulations, or as such Appendix A may be amended or renumbered.
- (11) "Handle" means to use, generate, process, produce, package, treat, store, emit, discharge, or dispose of a hazardous or acutely hazardous material in any fashion and includes the use or potential for use of a quantity of hazardous or acutely hazardous material by the connection of any marine vessel, tank vehicle, tank car, or container to a system or process for any of the above purposes or activities.
- (12) "Handler" means any business ~~which~~that handles a hazardous material or acutely hazardous material, except where all of the acutely hazardous materials present at the business are handled in accordance with a removal or remedial action taken pursuant to the Carpenter-Presley-Tanner Hazardous Substance Account Act (Chapter 6.8 [commencing with Section 25300] of the Health and Safety Code).
- (13) "Hazardous material" means any substance or hazardous waste as defined in the definitions for "hazardous material" and "hazardous waste"

set forth in this sectionSection, or any material designated pursuant to sectionSection 6.32.020.

(14) "Hazardous material" means any substance or product:

(a) For which the manufacturer or producer is required to prepare a Material Safety Data Sheet (MSDS) for the substance or product pursuant to the Hazardous Substances Information and Training Act (commencing with Section 6360, Chapter 2.5, Part 1 of Division 5 of the California Labor Code) or pursuant to any applicable federal law or regulation;~~or~~

(b) Listed in Section 25316 of the Health and Safety Code;~~or~~
~~Which~~

(c) That is listed as a radioactive material set forth in Chapter 1, Title 10, Appendix B, maintained and updated by the Nuclear Regulatory Commission;~~or~~

~~Which~~

(d) That is listed as a legal carcinogen from the California Administrative CodeCode of Regulations, Title 8, Subchapter 7, Group 16;~~or~~

~~Which~~

(e) That the Director of the Department of Food and Agriculture classify as pesticides; or

~~Which~~

(f) That the Environmental Protection Agency (EPA) classifies as priority organic pollutants.

(15) "Hazardous waste" or extremely hazardous waste means any material that is identified in:

(a) Sections 25115 and 25117 of the California Health and Safety Code and set forth in Sections ~~66680 and 66684~~66261.3 and 66261.110 of Title 22 of the California Administrative CodeCode of Regulations, or as those sectionsSections may be renumbered or amended; or

(b) The Code of Federal Regulations, Title 40, Sections 261.31-261.33, or as it may be renumbered or amended after adoption of this ~~ad~~Chapter.

(16) "Health Official" means the Health Officer of the County of Orange or his designated representative.

(17) "MSDS" means a Material Safety Data Sheet prepared pursuant to Section 6390 of the California Labor Code or pursuant to the regulations of the Occupational Safety and Health Administration of the United States Department of Labor.

- (18) "Person" means an individual, trust, firm, joint stock company, corporation, partnership, association, city, county, district, and the state, or any department or agency thereof.
- (19) "Physician" means any person who holds a valid certificate from the State of California to practice the healing arts.
- (20) "Qualified person" means a person approved by the administering agency who is qualified to attest, at a minimum, to (1) the validity of the hazard and operability studies performed pursuant to Section 25534 of the Act, and (2) the relationship between the corrective steps taken by the handler following the hazard and operability studies and those hazards ~~which~~ that were identified in the studies.
- (21) "~~Risk management and prevention program~~" or "Management and Prevention Program (RMPP)" means all of the administrative and operational programs of a business ~~which~~ that are designed to prevent acutely hazardous materials accident risks, including, but not limited to, programs ~~which~~ that include design safety of new and existing equipment, standard operating procedures, preventive maintenance programs, operator training and accident investigation procedures, risk assessment for unit operations, or operating alternatives, emergency response planning, and internal or external audit procedures to ensure that these programs are being executed as planned.
- (22) "Standard Industrial Classification (SIC ~~code~~) Code" means the identification number assigned ~~by the standard industrial classification code~~ to specific types of businesses.
- (23) "Storage" or "storing" means the containment of substances or materials in such a manner as not to constitute disposal of such substances or materials.
- (24) "Third Party Technical Review" means any review required by the administering agency of determination of deficiencies of either a ~~risk management and prevention program (RMPP)~~ document or of its supporting technical studies, and ~~which~~ that shall be performed by a contractor approved by the administering agency. Any third party technical review required by the administering agency shall be a cost paid by handler.
- (25) "Use" includes the handling, processing, or storage of a hazardous substance.
- (26) "User" means any person who uses a hazardous substance or handles a hazardous waste.
- (Ordinance 2182 § 1, 1991).

SECTION 6.32.020: Designation of a ~~hazardous material~~ Hazardous Material

A material may be added to the list of hazardous materials as defined in Section 6.32.010 upon a finding by the ~~fire chief~~ Fire Chief that the material, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. A material added to the list of hazardous materials pursuant to this ~~section~~ Section shall be designated as either a hazardous material or hazardous waste. The ~~fire chief~~ Fire Chief may use the Uniform Fire Code published by the Western Fire Chiefs to assist him in requiring types and amounts of hazardous materials to be disclosed. (Ordinance 2182 § 2, 1991).

SECTION 6.32.030: Filing of a ~~hazardous material disclosure~~ Hazardous Material Disclosure Packet

- (A) Any person who uses, handles, or stores in excess of fifty-five (55) gallons, five hundred (500) pounds, or two hundred (200) cubic feet of a hazardous material or quantities of acutely hazardous materials as defined in Section 6.32.070, shall annually, by March 1st, submit a completed hazardous materials disclosure packet to the ~~city fire department~~ Fire Department.
- (B) Any person who, during the calendar year, for the first time becomes a user or handler of any hazardous material, must submit a completed disclosure packet to the ~~fire department~~ Fire Department within thirty (30) days of becoming a user or handler. Thereafter, this person shall comply with the provisions of ~~subsection (a)~~ Subsection (A) of this ~~section~~ Section.
- (C) The ~~fire department~~ Fire Department may specify in writing such other times that the submittal of the disclosure packet may be necessary.
- (D) Any person who fails to file a disclosure packet within the time limits set forth pursuant to ~~subsections (a)~~ Subsections (A) through (d) D of this ~~section~~ Section, or upon notice of the ~~fire chief~~ Fire Chief or his authorized representative, shall pay such penalty for said late filing as established pursuant to Section 6.32.090. The penalty shall be submitted with the disclosure packet and shall be in addition to regularly assessed fees, if any.
- (E) Any person filing a hazardous materials disclosure packet ~~which~~ that is determined to require corrections shall be corrected and resubmitted within thirty (30) days.
- (F) Any person who has submitted a hazardous materials disclosure packet pursuant to ~~subsections (a)~~ Subsections (A) through (d) D of this ~~section~~ Section shall submit to the ~~fire department~~ Fire Department a new completed hazardous materials disclosure packet detailing the new use, handling, or other appropriate information required, within fifteen (15) days of any:
 - (1) Significant change in the use or handling of a hazardous material;

- (2) New use or handling of a previously undisclosed hazardous material;
- (3) Change of business address;
- (4) Change of business ownership;
- (5) Change of business name; or
- (6) Closure of business. ~~(Ord.~~
(Ordinance 2182 § 3, 1991).

SECTION 6.32.040: Disclosure of information~~Information~~

- (A) Upon receipt of a disclosure packet, the ~~fire department~~Fire Department shall maintain files of all hazardous materials disclosure packets received. Subject to the provisions of Section 6.32.130 relating to trade secrets, these files shall be open to the public during normal business hours, upon payment of fees established pursuant to Section 6.32.110.
- (B) The ~~fire department~~Fire Department shall keep a record of all persons who request access to the hazardous materials disclosure forms. The record shall include:
 - (1) The person's name, address, and telephone number, as determined by the showing of appropriate identification;
 - (2) Name and address of the person, business, or governmental agency such person represents;
 - (3) Identification of the specific file(s) examined or requested to be copied; and
 - (4) Reason for which the person requests the information. ~~(Ord.~~
(Ordinance 2182 § 4, 1991).

SECTION 6.32.050: Content of ~~business emergency plan~~Business Emergency Plan

- (A) The form for the business emergency plan shall be developed by the ~~fire department~~Fire Department. The information provided in the business emergency plan shall include, but not be limited to, the following:
 - (1) Business information to include fictitious business names (DBA's), business site and mailing addresses, and telephone numbers;
 - (2) The names and telephone numbers of at least two (2) persons representing the use and who may be able to assist emergency personnel in the event of an emergency involving the use during business and non-business hours.

- (3) Occupancy data to include all pertinent permits or certificates issued by regulatory agencies and usage of extremely hazardous substances.
- (4) Specific information on how the user will handle an emergency release or threatened release of a hazardous material including:
 - (a) Immediate notification to the ~~city~~City of Garden Grove Fire Department emergency response personnel as well as the ~~office~~Office of the City of Garden Grove Fire Department;
 - (b) Procedures for the mitigation of a release or threatened release to minimize any potential harm or damage to persons, property, or the environment; and
 - (c) Evacuation plans and procedures, including immediate notice, for the business site.
- (5) Specific information on what actions the user will take in the prevention, mitigation, or abatement of hazards associated with the business.
- (6) Description of the training practices for all new employees and annual training, including refresher courses, for all employees in safety procedures in the event of a release or threatened release of a hazardous material, ~~including, but not limited to~~.
- (7) A hazardous material inventory to include all required information set forth in Section 11022 of Title 42 of the United States Code.
- (8) A site and facility map drawing of the user's premises, including specific information on where the hazardous materials are stored and handled, and the locations of other pertinent information as outlined in the business emergency plan.
- (9) Specific information on how and where hazardous material is handled or used by the user to allow fire and safety personnel to prepare adequate emergency response plans to potential releases of the hazardous materials.

(B) Upon request, all uses must provide information in addition to that required in the business emergency plan as follows:

~~To the fire department~~

- (1) To the Fire Department, any information determined by the ~~fire department~~Fire Department to be necessary to protect the public health, safety, or the environment; and
- (2) To any physician, where the physician determines that such information is necessary to the medical treatment of his ~~or her~~ patient.

(Ordinance 2182 § 5, 1991).

SECTION 6.32.060: Content of the disclosure form

- Disclosure Form**
- (A) The disclosure form showing information required of businesses shall be developed by the ~~fire department~~ Fire Department. The disclosure form shall include, but not be limited to, requests for the following:
- (1) A copy of the material safety data sheets for every hazardous material used by the person completing the disclosure form as required by the ~~fire department~~ Fire Department;
 - (2) A listing of the chemical name, trade name, mixture name, and any common names of every hazardous material used by the business completing the disclosure form;
 - (3) The hazardous substance in product listed by percent weight;
 - (4) ~~CAS number (~~Chemical Abstract Services (CAS) number~~)~~ for each substance in product in ~~subsection~~ Subsection (3) of this ~~section~~ Section;
 - (5) The Superfund Amendment and Reauthorization Act (SARA) hazard class describing the ~~fire~~, sudden release of pressure, reactivity, delayed, or immediate health hazard characteristics;
 - (6) The physical state describing the hazardous materials' physical state (pounds, gallons, cubic feet of gas);
 - (7) The maximum daily amount describing the maximum daily amount on premises at any one time;
 - (8) The average daily amount describing average daily amount on premises at any one time;
 - (9) The days on site describing the number of days this hazardous material is on premises;
 - (10) The container type describing the type container in which hazardous material is stored;
 - (11) The storage code describing the storage pressure and temperature of each hazardous material;
 - (12) The location describing the location of each hazardous material;
 - (13) The state waste number assigned to the business by the State of California Department of Health Services;
 - (14) ~~The DOT, UN, or NA number assigned to each hazardous material~~ (Department of Transportation (DOT), United Nations, (UN), or North America)~~;~~ (NA) Number assigned to each hazardous material;

- (15) The DOT ~~Hazard Class~~ hazard class assigned to each hazardous material;
 - (16) The hazard class describing the hazardous characteristics of each hazardous material disclosed, including, but not limited to, toxicity, flammability, reactivity, and corrosivity as may be required by the ~~fire department~~; Fire Department;
 - (17) The EPA number assigned to the business;
 - (18) The SIC code assigned to the business;
 - (19) The Dunn and Bradstreet numbers assigned to the business.
- (B) Upon request all users must provide information in addition to that required in the disclosure form as follows:
- ~~To the fire department~~
- (1) To the Fire Department, any information determined by the ~~fire department~~ Fire Department to be necessary to protect the public health, safety or the environment; and
 - (2) To any physician, where the physician determines that such information is necessary to the medical treatment of his ~~or her~~ patient.
- (Ordinance 2182 § 6, 1991).

SECTION 6.32.070: Risk management prevention programs~~Management Prevention Programs~~

- (A) Every business ~~which~~ that handles acutely hazardous materials shall be required to submit annually on March 1st, an acutely hazardous material registration form for all acutely hazardous materials or mixtures containing an acutely hazardous material handled in quantities equal to or greater than the threshold planning quantity pursuant to Section 25536 of the Act.
 - (B) Any information requested by the administering agency necessary to make a determination of the likelihood of an acutely hazardous materials accident risk, pursuant to Section 25534 of the Act, shall be submitted within thirty (30) days.
 - (C) The owner shall implement all programs and activities in the RMPP before operations commence, in the case of a new facility, or before any new activities involving acutely hazardous materials are taken, in the case of a modified facility.
- ~~Any risk management and prevention program~~
- (D) Any RMPP requested by the administering agency shall be submitted within twelve (12) months of the request pursuant to Section 25534 of the Act.

- (E) The contractor performing a third party technical review shall have the same right of access to all technical information as granted to the administering agency in Section 25534.5 of the Act.
- (F) Any third party technical review contractor shall not have been involved in the construction of the facility for which the review is performed, in the development of the technical studies serving as a basis for a RMPP document or in the production of the RMPP document itself.
- (G) "~~Threshold planning quantity~~" or "Planning Quantity (TPQ)" means Environmental Protection Agency (EPA) specified acutely hazardous materials quantity as required to be reported pursuant to Section 25536 of the Act.

~~The fire chief~~

- (H) The Fire Chief shall set the administrative fees for the ~~risk management prevention program~~.RMPP. The fees set shall reflect the costs incurred. These fees are not subject to the procedures at Section 6.32.110. (Ordinance 2182 § 7, 1991).

SECTION 6.32.080: Exemptions from ~~disclosure~~Disclosure

The following materials, persons, or entities shall be exempt, as specified, from the disclosure requirements under this ~~chapter~~.Chapter:

- (1) Hazardous materials or substances contained in food, drug, cosmetic, or tobacco products~~;~~.
- (2) Any person using or handling less than fifty-five gallons (55), five hundred (500) pounds, or two hundred (200) cubic feet per year of a hazardous material, unless the ~~fire chief~~Fire Chief has provided notice that the weight or volume limits of this exemption or a specific hazardous material have been lowered in response to public health concerns or to meet the intent and requirements of the Uniform Fire Code. The exemption contained in this ~~subsection~~Subsection shall not apply to the using or handling of carcinogens, except to the extent that such carcinogens are handled or used solely for personal purposes~~;~~.
- (3) Hazardous materials contained solely in consumer products packaged for direct distribution to, and use by, the general public, unless the individual container size is equal to or greater than fifty-five (55) gallons, five hundred pounds (500), or two hundred (200) cubic feet, or unless the product is repackaged or altered in any way; provided, however, the manufacture and distribution of the products are not exempt if such activity is required to be permitted or reported by the Uniform Fire Code~~;~~.
- (4) Oxygen and nitrous oxide, ordinarily maintained by a physician, dentist, podiatrist, veterinarian, or pharmacist, at his ~~or her~~ office or place of business, stored at each office or place of business in quantities of not

more than one thousand (1,000) cubic feet of each material at any one time.

- (5) Any person, while engaged in the transportation of hazardous materials, including storage directly incident thereto, provided that such materials are accompanied by shipping papers prepared in accordance with the provisions of Subchapter C of Chapter I of Title 49 of the Code of Federal Regulations.
- (6) Infectious waste generated by hospitals, medical centers, clinics, and other health care facilities that are regulated under Title 22 of the California Administrative Code of Regulations.

(Ordinance 2182 § 8, 1991).

SECTION 6.32.090: Information regarding hazardous waste~~Regarding Hazardous Waste~~

~~The health official~~The Health Official will make information available to fire departments and emergency response personnel upon request, of hazardous wastes, extremely hazardous wastes, and underground tanks, when the information is currently collected and processed by the ~~health official~~Health Official.
(Ordinance 2182 § 9, 1991).

SECTION 6.32.100: Identification

When required by the ~~fire chief~~Fire Chief, areas containing hazardous materials shall be identified. Such identification may include signs, color coding, posting lists of materials, and MSDS, or other notice as may be deemed necessary.
(Ordinance 2182 § 10, 1991).

SECTION 6.32.110: Fees and penalties~~Penalties~~

The ~~Fire chief~~Chief shall recommend a schedule of fees to be paid by persons using or handling hazardous materials ~~which~~that is sufficient to cover the costs to the ~~city~~City of administering this ~~chapter~~Chapter. Said schedule shall include a schedule of fees ~~which~~that is sufficient to cover the costs, including duplication and administration costs, to the ~~city~~City of responding to a request from the public for access to business emergency plans to be paid for by persons requesting access. Fee schedules shall be reviewed periodically by the ~~fire chief~~Fire Chief to cover the cost of administering this ~~chapter~~Chapter. Changes recommended by the ~~fire chief~~Fire Chief shall be brought before the ~~city council~~City Council for action. (Refer to current hazardous materials disclosure fee schedule ~~resolution~~.)Resolution.)
(Ordinance 2182 § 11, 1991).

SECTION 6.32.120: On-site utilization~~Site Utilization of MSDS and occupancy floor plans~~**Occupancy Floor Plans**

When required by the ~~chief~~Fire Chief, any person submitting a disclosure form may be required to install an approved key box for emergency utilization of MSDS, floor plans, site plans, and access keys. The location of the required key box shall be approved by the ~~fire chief~~.Fire Chief.
(Ordinance 2182 § 12, 1991).

SECTION 6.32.130: Trade ~~secrets~~Secrets

- (A) If a user believes that a request from the public for information on the disclosure form or otherwise pursuant to this ~~chapter~~Chapter involves the release of a trade secret, the user shall so notify the ~~fire department~~Fire Department, in writing. As used herein, trade secret shall have the meaning given to it by Section 6254.7(d) of the Government Code and Section ~~34253426.1~~ of the Civil Code.
- (B) Subject to the provisions of this ~~section, the fire department~~Section, the Fire Department shall protect from disclosure any trade secret coming into its possession when requested to do so in writing by the user.
- (C) Any trade secret information reported to or otherwise obtained by the ~~fire department~~Fire Department, or any of its representatives or employees, whose user has complied with ~~subsections (a) and (b)~~Subsections (A) and (B) of this ~~section~~Section, above, shall not be disclosed to anyone except as provided in ~~subsection (g)~~Subsection (G) of this ~~section~~Section or as follows:
- (1) To an officer or employees of the ~~city~~City, the ~~county~~County, the state State of California, or the United States of America, in connection with the official duties of such officer or employee under any law for the protection of health, or to contractors with the ~~city~~City and their employees if, in the opinion of the ~~fire chief~~Fire Chief, such disclosure is necessary and required for the satisfactory performance of a contract for performance of work; or
 - (2) To any physician, where the physician determines that such information is necessary to the medical treatment of his ~~or her~~ patient.
- (D) For the purpose of this ~~section, fire and emergency response personnel and county health personnel~~Section, Fire and Emergency Response Personnel and County Health Personnel operating within the jurisdiction of the city shall be considered employees of the ~~city~~.City.
- (E) Any officer or employee of the ~~city~~City, or former officer or employee, who by virtue of such employment or official position, has obtained possession of or has access to information, the disclosure of which is prohibited by this Section, and who, knowing that disclosure of the information is prohibited, knowingly and willfully discloses the information in any manner to any person not entitled to receive it, shall be guilty of a misdemeanor. Any contractor with the ~~city~~City and any employee of such contractor, who has been furnished

information as authorized by this ~~section~~Section, shall be considered to be an employee of the ~~city~~City for purposes of this ~~section~~Section alone. Any physician who has been furnished information or who has obtained information pursuant to ~~subsection (c)~~Subsection (C)(2) of this ~~section~~Section and who, knowing that the disclosure of the information is prohibited, knowingly and willfully discloses the information, shall be guilty of a misdemeanor.

- (F) Information certified by appropriate ~~officials~~Officials of the United States, as necessarily kept secret for national defense purposes, shall be accorded the full protections against disclosure as specified by such ~~officials~~Officials in accordance with the laws of the United States.
- (G) Upon receipt of a request for the release of information to the public which that includes information which that the user has notified the ~~fire department~~Fire Department is a trade secret pursuant to Subsection (aA) of this ~~section, the fire department~~Section, the Fire Department shall notify the user in writing of the request by ~~certified mail. The fire department~~Certified Mail. The Fire Department shall release the information thirty (30) days after the day of mailing the notice, unless, prior to the expiration of thirty days, the user institutes an action in an appropriate court for a declaratory judgment that the information is subject to protection under ~~subsection (b)~~Subsection (B) of this ~~section~~Section and/or an injunction prohibiting disclosure of the information to the general public.
- (H) The provisions of this ~~section~~Section shall not permit a user to refuse to disclose information required to be disclosed pursuant to this ~~chapter~~Chapter. (Ordinance 2182 § 13, 1991).

SECTION 6.32.140: Enforcement

Pursuant to Health and Safety Code Section 25502, the ~~fire chief~~Fire Chief of the ~~city~~City shall administer and enforce this ~~chapter~~Chapter and Health and Safety Code Sections 25500, et seq. The enforcement shall be in coordination with the appropriate investigative and prosecuting agencies where required. (Ordinance 2182 § 14, 1991).

SECTION 6.32.150: Violations

Violation of this ~~chapter~~Chapter is a misdemeanor and in addition to the punishments provided for by the Garden Grove Municipal Code, shall be punishable by the penalties provided for in Sections 25514, 25515, and 25517 of the Health and Safety Code, in effect at the time of adoption of the ~~ordinance~~Ordinance codified in this ~~chapter~~Chapter and as amended. (Ordinance 2182 § 15, 1991).

CHAPTER 33: INDUSTRIAL WASTE DISPOSAL

SECTION 6.33.010: Citation

The ordinanceThe Ordinance codified in this chapterChapter shall be known and may be cited as the industrial waste ordinanceIndustrial Waste Ordinance. (Ordinance 2181 § 1, 1991).

SECTION 6.33.020: Enforcement and administrationAdministration

The countyCounty of Orange and all of its officers, employees, and agents are authorized and empowered to enforce and administer the provisions of this chapterChapter within the city. The cityCity is not precluded from enforcing this chapterChapter. (Ordinance 2181 § 2, 1991).

SECTION 6.33.030: Definitions

As used in this chapterChapter, the following terms are defined as follows:

- (1) "Board of supervisorsSupervisors" means the boardBoard of supervisorsSupervisors of the countyCounty of Orange, California."
- (2) "Department" means any department of the city or countyCity or County.
- (3) "Director" means the duly appointed administrator of Orange County Ordinance No. 703, appointed by the board of supervisors of the countyBoard of Supervisors of the County.
- (4) "Industrial waste" means any and all liquid or solid waste substance from any producing, manufacturing, or processing operation of whatever nature. It shall include any such waste placed within containers of whatever nature prior to and for purposes of disposal. It shall also include sewage mixed with industrial waste, but shall not include domestic sewage from residences, business buildings and institutions containing only waste from water closets, wash water, baths, or kitchens.
- (5) "Person" means any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, business trust, receiver, syndicate, municipality, district or other political subdivision, or any group or combination acting as a unit.
- (6) "Pollution of underground or surface waters" means any condition resulting in the depositing or discharging of industrial waste which that impairs or contributes to the impairment of the usefulness of waters for human or animal consumption or domestic, agricultural, industrial, or recreational purposes, or any other useful purpose.
- (7) "Public agency" means and includes the United States or any department or agency thereof, the state or any department or agency thereof, and

any county, city, public corporation, municipal corporation, or public district.

- (8) "Public sewer" means the main line sewer, publicly owned or maintained, commonly constructed in a street, highway, alley, place, or right-of-way dedicated to public use.
- (9) "Sewage" means all waste substances, liquid or solid, associated with human habitation or of human or animal origin, and includes sewage effluent and water contaminated with offal, filth, or feculent matter.
- (10) "Underground or surface water" means any surface or subterranean stream, watercourse, lake, or other body of water, and includes water wells and any underground or surface storage reservoir, whether natural or artificial.

(Ordinance 2181 § 3, 1991).

SECTION 6.33.040: Dumping of ~~waste~~ unlawfulWaste Unlawful

The ~~city~~City declares that dumping or discharging of industrial waste by any person in a manner ~~which~~that will or may cause or result in the pollution of any underground or surface waters is unlawful.

(Ordinance 2181 § 4, 1991).

SECTION 6.33.050: Permit -- Required for ~~disposal of industrial waste~~Disposal of Industrial Waste

No person shall discharge or deposit or cause or suffer to be deposited or discharged any industrial waste into or upon any area in the city, or into any underground or surface waters in the city where such industrial waste is or may be deposited upon or may be carried through or over any area of the city or the county of Orange except in conformity with the provisions of this ~~chapter~~Chapter, and unless he first has secured in the manner hereinafter provided, a permit to do so from the ~~director~~Director; provided, however, a permit shall not be required for the disposal of industrial waste into a public sewer with an ocean outfall.

(Ordinance 2181 § 5, 1991).

SECTION 6.33.060: Permit -- Application

Applications for permits required under this ~~chapter~~Chapter shall be filed with the ~~director~~Director upon printed forms to be prescribed and supplied by him. The ~~director~~Director may require any additional information, including plans and specifications, which he may deem necessary for the proper disposition of the application.

(Ordinance 2181 § 6, 1991).

SECTION 6.33.070: Permit -- Action on ~~application~~Application

Within thirty (30) days after receipt of all of the information requested of an

applicant, the ~~director~~Director shall either grant or deny the permit and immediately shall notify the applicant by ~~first-class-mail~~First-Class Mail of the action taken.
(Ordinance 2181 § 7, 1991).

SECTION 6.33.080: Permit -- Issuance

~~The director~~(A) The Director shall issue a permit for industrial waste disposal if he determines that:

- (1) The material to be discharged or deposited in the manner proposed will not cause or result in the pollution of any underground or surface waters, as herein prohibited; and that,
- (2) Under existing circumstances and conditions, it is reasonable and necessary to dispose of the waste in the manner proposed.

~~The director~~

(B) The Director may incorporate in any permit issued pursuant to this ~~chapter~~Chapter such limitations or conditions as may be reasonably necessary to effectuate the purpose of this ~~chapter~~Chapter and may, from time to time, review the limitations or conditions ~~which~~that have been incorporated in any permit ~~therefor~~therefore issued, giving consideration to changed conditions, and may, whenever in his ~~judgement~~judgment it is advisable or required in order to maintain the waters of the city and county free from pollution, alter, revise, modify, delete, or add further limitations or conditions applicable to any permit ~~therefor~~therefore issued. No such alterations, revision, modification, deletion, or addition of limitations or conditions shall be effective, however, until notice in writing thereof shall have been served upon the permittee in the manner provided by Section 6.33.230.

(Ordinance 2181 § 8, 1991).

SECTION 6.33.090: Permit -- Certain acts not authorizedActs Not Authorized

A permit issued under this ~~chapter~~Chapter does not authorize any act or acts forbidden by any law, rule, regulation, or order of any public agency or department and such fact shall be so stated on the face of all permits issued.

(Ordinance 2181 § 9, 1991).

SECTION 6.33.100: Permit -- Term

A permit for the disposal of industrial waste shall be valid until suspended or revoked in the manner hereinafter provided.

(Ordinance 2181 § 10, 1991).

SECTION 6.33.110: Permit -- Transfer

The ~~director~~Director may transfer a permit to the successor in interest of a permittee upon the filing by the successor in interest of a written application ~~therefore~~, together with such evidence of a transfer of title or interest as the ~~director~~Director may require; provided, however, a permit shall not be transferable

from one location to another. The ~~director~~Director shall immediately notify, by ~~first-class mail~~First-Class Mail, the person requesting a transfer of a permit of the action taken.

(Ordinance 2181 § 11, 1991).

SECTION 6.33.120: Permit -- Request for ~~hearing~~Hearing

A person who is dissatisfied with an action of the ~~director~~Director may request a hearing before the ~~board of supervisors~~Board of Supervisors as hereinafter provided.

(Ordinance 2181 § 12, 1991).

SECTION 6.33.130: Permit -- Suspension

~~The director~~(A) The Director may suspend a permit by giving notice thereof to the permittee:

- (1) When a permittee fails to rectify a violation within a time specified in a notice thereof; or
- (2) When a violation is so aggravated as to require cessation of activities as provided in Section 6.33.220.

(B) A permit suspended by the ~~director~~Director shall be reinstated by him when all of the violations charged in a notice thereof have been corrected.

(Ordinance 2181 § 13, 1991).

SECTION 6.33.140: Permit -- Revocation

The Board of ~~supervisors~~Supervisors may, after notice and hearing as hereinafter provided, revoke a permit on any one or more of the following grounds:

- (1) Fraud or deceit in obtaining a permit;
- (2) Failure of a permittee to correct a violation within the time prescribed in a notice of violation; and/or
- ~~Willful~~
(3) Willful violation of any provisions of this ~~chapter~~Chapter of a condition or limitation of a permit, or of any lawful order of the ~~director~~Director.

(Ordinance 2181 § 14, 1991).

SECTION 6.33.150: Permit -- Proceedings for ~~revocation~~Revocation

Proceedings for the revocation of permit may be initiated:

- (1) By the ~~director~~Director by serving upon the permittee a copy of and filing with the ~~county clerk~~County Clerk a written recommendation of revocation setting forth the grounds ~~therefor~~therefore and requesting a hearing thereon before the ~~board of supervisors~~Board of Supervisors; or
- (2) By the ~~board~~Board of ~~supervisors~~Supervisors, on its own motion or upon the complaint of a third person, by serving or causing to be served upon

the permittee and the ~~director~~Director a notice of intention to revoke, setting forth the grounds ~~therefor and designated~~therefore and designating a time and place for hearing thereon.
(Ordinance 2181 § 15, 1991).

SECTION 6.33.160: Hearings -- When and ~~how requested~~How Requested

Any person who feels himself aggrieved by an action of the ~~director~~Director:

- (1) Denying an application for a permit or incorporating limitations or conditions of a permit;
- (2) Denying an application for the transfer of a permit;
- (3) Ordering the correction of a violation of any provision of this ~~chapter~~Chapter, or of a condition or limitation of a permit issued hereunder;
- (4) Directing the cessation of operations pending the correction of a violation; or
- (5) Suspending or refusing to reinstate a permit suspended by him, may within thirty (30) days after receipt of a notice of the action complained of, serve upon the ~~director~~Director a copy and file with the ~~county clerk~~County Clerk a written request for a hearing before the ~~board of supervisors~~Board of Supervisors. The request shall set forth in concise language the particular action or ~~action~~actions complained of and the reasons why the person or permittee feels himself aggrieved thereby. Failure to file a request for hearing within the time prescribed herein shall constitute a waiver of any objection to the action of the ~~director~~Director and his action shall be final.

(Ordinance 2181 § 16, 1991).

SECTION 6.33.170: Hearings -- Notice

When a request for hearing is filed with the ~~county clerk, the board of supervisors~~County Clerk, the Board of Supervisors shall set the matter for hearing and give notice to the time and place thereof to the person requesting the hearing, the ~~director~~Director, and any other person or public agency requesting notice thereof. The hearing shall be held not more than thirty (30) days after a written request ~~therefor~~therefore has been filed with the ~~county clerk~~County Clerk and not less than ten (10) days after the issuance of the notice thereof.

(Ordinance 2181 § 17, 1991).

SECTION 6.33.180: Hearings -- Appearance

At the time and place set for hearing, the person requesting the hearing, the ~~director~~Director, and any interested person or public agency may appear and be heard either in person or by counsel.

(Ordinance 2181 § 18, 1991).

SECTION 6.33.190: Hearings -- Decision

~~The board of supervisors~~The Board of Supervisors shall, within thirty (30) days after conclusion of the hearing, render its decision. ~~The board~~Board of supervisorsSupervisors may:

- (1) Confirm the action of the ~~director~~Director;
 - (2) Direct the ~~director~~Director to issue a permit with or without such conditions or limitations as the ~~board of supervisors~~Board of Supervisors may deem appropriate;
 - (3) Vacate or modify the suspension of permit;
 - (4) Cancel a notice of violation or modify such notice in such particulars as the ~~board of supervisors~~Board of Supervisors may deem appropriate;
 - (5) Direct the ~~director~~Director to transfer a permit;
 - (6) Revoke a permit on any of the grounds specified in Section 6.33.140; and/or
 - (7) Make such other disposition of the matter heard as may be appropriate and in conformity with this ~~chapter~~Chapter.
- (Ordinance 2181 § 19, 1991).

SECTION 6.33.200: Tests and inspectionsInspections

~~For the purpose of securing compliance with this chapter, the director~~Chapter, the Director shall make periodic tests of samples of industrial waste obtained from the places of discharge or deposit, and such other tests deemed necessary for proper administration thereof. For the purpose of making such tests or inspections, the ~~director~~Director shall be authorized, after permission is granted, to enter any place or premises where industrial waste is being or is proposed to be discharged or deposited, or where there may be a violation of this ~~chapter~~Chapter. If permission to enter for the purpose of inspection or testing is refused, the ~~director~~Director shall proceed to obtain an inspection warrant. After obtaining such a warrant, the ~~director~~Director shall enter upon said premises and carry out any tests and inspections required by this ~~chapter~~Chapter.

(Ordinance 2181 § 20, 1991).

SECTION 6.33.210: Cooperation by other departmentsOther Departments

In carrying out the duties imposed upon him, the ~~director~~Director may request and receive the aid of any other city or county department.

(Ordinance 2181 § 21, 1991).

SECTION 6.33.220: Cessation of activities required when -- Activities Notice

Whenever the ~~director~~Director finds that the continued violation of any provision of

this ~~chapter~~Chapter or of the conditions of any permit issued under this ~~chapter~~Chapter is so aggravated that the prevention of pollution of underground or surface waters requires the immediate cessation of the activities causing the violation, he may so direct in the notice of violation. A person who has been so notified shall immediately cease all such activities and shall not resume them until the ~~director~~Director determines that all of the violations charged in the notice have been corrected.
(Ordinance 2181 § 22, 1991).

SECTION 6.33.230: Notice -- Service

- (A) Unless otherwise expressly provided, any notice under this ~~chapter~~Chapter required to be given by the ~~county~~County or the ~~director~~Director shall be in writing and may be served either in the manner provided in the Code of Civil Procedure for the service of process or by ~~certified mail~~Certified Mail, the notice shall be sent to the last address given to the ~~director~~Director.
- (B) The failure to comply with a notice of violation issued and served pursuant to this ~~chapter~~Chapter shall constitute a ~~wilful~~willful violation of this ~~chapter~~Chapter and each day of ~~wilful~~willful violation shall constitute a separate offense punishable as provided for in this ~~code~~Code.
(Ordinance 2181 § 23, 1991).

SECTION 6.33.240: Enforcement by ~~director~~Director

The ~~director~~Director shall enforce this ~~chapter~~Chapter and shall, upon his own initiative, or may upon the complaint of a third person, investigate any violation of this ~~chapter~~Chapter, or of any permit issued under this ~~chapter~~Chapter. For such purpose, he shall have the powers of a ~~peace officer~~Peace Officer.
(Ordinance 2181 § 24, 1991).

SECTION 6.33.250: Notice of ~~violation~~Violation

Whenever the ~~director~~Director finds that any person is acting in violation of any provision of this ~~chapter~~Chapter or of any permit issued under this ~~chapter~~Chapter, he shall serve upon the person causing or suffering such violation to be committed, including the permittee, if a permit has been issued, a notice of violation. The notice shall state the act or acts constituting the violation and shall direct that the violation be corrected within such time to be specified in the notice as the ~~director~~Director may deem reasonable.
(Ordinance 2181 § 25, 1991).

SECTION 6.33.260: Failure to ~~comply with notice of violation~~Comply with Notice of Violation

The failure to comply with a notice of violation issued and served pursuant to this ~~chapter~~Chapter shall constitute a ~~wilful~~willful violation of this ~~chapter~~Chapter and each day shall constitute a separate offense punishable as provided for herein.
(Ordinance 2181 § 26, 1991).

SECTION 6.33.270: Violation -- Penalty

It is unlawful for any person, firm, or corporation to violate any provision or to fail to comply with any of the requirements of this ~~chapter~~Chapter. Any person, firm, or corporation violating any provision of this ~~chapter~~Chapter or failing to comply with any of its requirements shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding one thousand dollars (\$1,000), or by imprisonment not exceeding six (6) months, or by both such fine and imprisonment. Each such person, firm, or corporation shall be deemed guilty of a separate offense for each day during any portion of which any violation of any of the provisions of this ~~chapter~~Chapter is committed, continued, or permitted by such person, firm or corporation, and shall be punishable ~~therefor~~therefore as provided for in this ~~chapter~~Chapter.
(Ordinance 2181 § 27, 1991).

SECTION 6.33.280: Cost

The ~~city~~City shall bear no cost, charge, or fee for actions by the ~~county~~County under this ~~chapter~~Chapter.
(Ordinance 2181 § 28, 1991).

CHAPTER 34: NONSMOKING AREAS REQUIRED

SECTION 6.34.010: Purpose and findingsFindings

The ~~council~~City Council of the ~~city~~City of Garden Grove finds there is ample evidence that smoking tobacco in any form is a real danger to the general health and an irritation, inconvenience, and discomfort to persons in enclosed areas. In order to serve the public health, safety, and welfare, the declared purpose of this ~~chapter~~Chapter is to promote a policy of nonsmoking and to regulate smoking in any building or establishment frequented by the public or where numerous persons are employed in a manner equally protecting the rights of smokers and nonsmokers.
(Ordinance 2157 § 1 (part), 1990).

SECTION 6.34.020: Definitions

Words and phrases used in this ~~chapter~~Chapter shall have the following meanings, unless from the context, a different meaning is apparent:

- (1) "Employee" means any person who performs a service under any appointment or contract of hire or apprenticeship, express or implied, oral or written, excepting persons excluded by California Labor Code Section 3352.
- (2) "Employer" means any person, partnership, or corporation (including private, nonprofit, and governmental) having not fewer than ten (10) persons performing services and receiving compensation therefor-e.
- (3) "Places of employment" means any building, structure, or portion thereof, under the control of a private or public employer, where employees are present to perform a service, and members of the public may come to be served.

- (4) "Smoking" means and includes inhaling, exhaling, burning, or carrying any lighted smoking equipment for tobacco, or any other noxious weed or plant.

(Ordinance 2157 § 1 (part), 1990).

SECTION 6.34.030: Elevators— -- Smoking prohibitedProhibited

No person shall smoke in any elevator in any building open to the public, including, but not restricted to, elevators in office, hotel, and multi-family buildings.

(Ordinance 2157 § 1 (part), 1990).

SECTION 6.34.040: Hospitals and health care facilitiesHealth Care Facilities -- Smoking prohibitedProhibited

(A) No person shall smoke in any area, except those designated and posted for such purpose, of any hospital and-or health care facility, as defined in California Health and Safety Code Section 1250.

(B) Every publicly or privately owned hospital and-or health care facility shall assign patients rooms or wards according to individual preference, and no nonsmoking patient shall be placed in a room or ward whichthat has been designated for patients who smoke.

(Ordinance 2157 § 1 (part), 1990).

SECTION 6.34.050: Meeting rooms— Smoking prohibitedRooms -- Smoking Prohibited

No person shall smoke in any hearing room, conference room, chamber, or any place where public business is conducted, and to which members of the public are admitted, whether as participants or observers.

(Ordinance 2157 § 1 (part), 1990).

SECTION 6.34.060: Theaters and auditoriums— Smoking prohibitedAuditoriums -- Smoking Prohibited

No person shall smoke inside any publicly or privately owned theater, auditorium, or similar facility, designed and used for motion picture shows and, stage productions (including but not restricted to musicals, concerts, recitals, operas) and), or sporting events, except the lobby, and business or work areas barred to the public. Every person who owns, manages, or has control of a theater, auditorium, or facility used for the purposes stated herein, shall post signs conspicuously in the lobby informing the public that smoking is not permitted inside such theater, auditorium, or facility. In the case of motion picture theaters, such information shall be displayed on the screen for not less than five (5) seconds before the beginning of the feature film.

(Ordinance 2157 § 1 (part), 1990).

SECTION 6.34.070: Public restrooms— Smoking prohibitedRestrooms -- Smoking Prohibited

No person shall smoke in any public restroom. (Ord.

(Ordinance 2157 § 1 (part), 1990).

SECTION 6.34.080: Eating establishments — Smoking in Establishments -- Smoking In

Any person owning, managing, operating, or having control of an eating establishment or restaurant which that has an approved occupant load of more than fifty (50) persons shall provide and maintain a nonsmoking section of not less than twenty-five percent (25%) of the enclosed area for seating patrons, which is not part of a patio or outdoor eating area, or that portion of the premises utilized primarily for the sale of alcoholic beverages. The requirements of this section shall not apply to any room or rooms in a restaurant or eating establishment which that may be reserved for private functions.

(Ordinance 2157 § 1 (part), 1990).

SECTION 6.34.090: Work places Places -- Employer compliance Compliance

As evidence of good faith compliance, an employer with ten (10) or more employees, shall meet the following criteria:

- (1) Within one hundred twenty (120) days after the effective date of this chapter, an employer shall adopt, implement, and maintain a no-smoking policy, containing a definition of "immediate work area," which that insofar as is practicable, shall make reasonable provisions for nonsmokers and smokers. Such policy shall be posted in appropriate locations throughout the work place, and copies thereof furnished to all employees.
- (2) An employee may request, based on the employer's policy, that his or her immediate work area be designated nonsmoking. Nonsmokers may lodge a complaint with the employer with respect to pollution by tobacco smoke of his or her immediate work area. The employer shall, using existing ventilation, walls, temporary separations, and partitions, make every effort to resolve any problem between nonsmoking and smoking employees.
- (3) If an employer finds that the floor plan for a business does not provide sufficient relief for nonsmoking employees, he may, when practicable, reassign such nonsmokers to other locations, enlarge the area in which smoking is prohibited, or take any other reasonable measure to eliminate or reduce the effect of tobacco smoke on nonsmokers.
- (4) An employer shall not prohibit smoking throughout the place of employment if a reasonable accommodation can be made within the enclosed structures for "smoking" areas, using the same standards of reasonableness and practicability applicable to establishing "nonsmoking areas."

(Ordinance 2157 § 1 (part), 1990).

SECTION 6.34.100: Exceptions

The provisions of this ~~chapter~~Chapter shall not apply to any business conducted from a private home, or any private work area occupied exclusively by persons who smoke, except where smoking has been prohibited by the ~~fire marshal~~Fire Marshal pursuant to statute, ~~ordinance~~Ordinance, or other regulation. (Ordinance 2157 § 1 (part), 1990).

SECTION 6.34.110: Sign ~~requirement~~Requirement

Whenever, under the provisions of this ~~chapter~~Chapter, the posting of a sign is required, the owner, manager, or other person in charge or control of a building, room, or other place where smoking is prohibited, shall place or cause to be placed conspicuous "NO SMOKING" signs with capital letters not less than one inch (1") in height on a contrasting background. (Ordinance 2157 § 1 (part), 1990).

SECTION 6.34.120: Structural ~~modification not required~~Modification Not Required

- (A) All employers shall, to the extent possible, provide no smoking areas for nonsmoking personnel and smoking areas for smokers, but shall not be required to incur any expense to make alterations or modifications to an existing structure.
 - (B) No owner, operator, or manager of any theater, hospital, health care facility, business, building, or structure shall be required to incur any expense to alter or modify an existing area or workplace for the benefit of nonsmokers or of smokers.
- (Ordinance 2157 § 1 (part), 1990).

SECTION 6.34.130: Prohibitions

- (A) No employer, owner, operator, manager, or person in charge or control of any place of business, hospital, or health care facility, or theater or place of entertainment shall fail to establish and post a written smoking policy on the premises, or fail to place conspicuous "~~no smoking~~NO SMOKING" signs in appropriate areas, ~~and~~ or insofar as practicable, ~~shall fail to comply with the requirements of this chapter.~~Chapter.
- (B) It is unlawful for any person ~~wilfully~~willfully to destroy or mutilate any sign ~~which~~that prohibits smoking.
- (C) It is unlawful for any person to smoke in any posted nonsmoking area. (~~Ord.~~ Ordinance 2157 § 1 (part), 1990).

SECTION 6.34.140: Violation -- Penalty

Any person who violates or ~~wilfully~~willfully fails to comply with any provision of this ~~chapter~~Chapter shall be guilty of an infraction, and upon conviction thereof shall be subject to the following:

- (1) For the first offense, a fine not to exceed fifty dollars; (\$50);
 - (2) For the second offense, occurring ninety (90) days after the first offense, a fine not to exceed one hundred dollars; and (\$100);
 - (3) For the third offense, occurring ninety (90) days after the second offense, a fine not to exceed one hundred dollars (\$100); and
 - (4) Thereafter, a fine not to exceed two hundred fifty dollars (\$250) shall be paid each day, or portion thereof, during which an offense occurs.
- (Ordinance 2157 § 1 (part), 1990).

SECTION 6.34.150: Public nuisanceNuisance -- Civil remedyRemedy

Any continuing violation of the provisions of this chapterChapter may be declared a public nuisance hereunder, and the city attorneyCity Attorney may proceed to abate the same by filing a civil action in a court of competent jurisdiction.
(Ordinance 2157 § 1 (part), 1990).

CHAPTER 36:— HUMAN WASTE DISPOSAL IN PUBLIC

~~SECTION 6.36.010: Human waste disposal, urinating or defecating in public view or on public property~~**SECTION 6.36.010: Human Waste Disposal, Urinating, or Defecating in Public View or on Public Property**

No person shall urinate or defecate:

- (1) In any common area on private property other than in a toilet receptacle within the structure of a restroom facility of commercial, industrial, or residential structure; or
 - (2) On any public street, sidewalk, alley, park, or other public place, except in a toilet receptacle within the structure of a restroom facility.
- (Ordinance 2111 § 2, 1989).

CHAPTER 37: HEALTH SERVICES FEE

SECTION 6.37.010: Definitions

The following terms used in this chapterChapter shall have the meaning indicated below: "~~Health department or department~~" means the Orange County health care agency.

- (1) "~~Health officer~~Department" or "Department" means the Orange County Health Care Agency.
- (2) "Health Officer" means the county health officerCounty Health Officer or his or her duly authorized representative. "

(3) "Person" means an individual, partnership, corporation, or other legal entity.

(4) "Receipt" means a ~~county public health services~~ County Public Health Services fee receipt. ~~(Ord.~~
(Ordinance 2240 § 1 (part), 1992).

SECTION 6.37.020: Purpose and ~~authority~~ Authority

The purpose of this ~~chapter~~ Chapter is to establish fees sufficient to meet the reasonable expenses of the ~~health officer~~ Health Officer in enforcing state statutes, orders, quarantines, and rules and regulations of state offices and departments relating to public health, which expenses are hereby found not to be met by the fees prescribed by the state. The authority for this ~~chapter~~ Chapter is contained in Section 510101325 of the Health and Safety Code.
(Ordinance 2240 § 1 (part), 1992).

SECTION 6.37.030: Area of ~~application~~ Application

This ~~chapter~~ Chapter shall be enforceable within the territory in which the ~~health officer~~ Health Officer enforces any state statute, order, quarantine, or rule or regulation of any state office or department relating to public health, including incorporated as well as unincorporated territory.
(Ordinance 2240 § 1 (part), 1992).

SECTION 6.37.040: Receipt ~~required~~ -- Violation Required -- Violation

It shall be unlawful for any person to conduct any activity enumerated in this ~~chapter~~ Chapter without a valid receipt.
(Ordinance 2240 § 1 (part), 1992).

SECTION 6.37.050: Receipt -- Separate ~~activities~~ Activities

If a person shall conduct more than one of the activities for which a receipt is required, he must obtain a separate receipt for each activity, except as otherwise provided herein.
(Ordinance 2240 § 1 (part), 1992).

SECTION 6.37.060: Receipt -- Applications

Applications for a receipt shall be filed with the ~~health department~~ Health Department on a form to be provided by that ~~department~~. Department. The applications shall be accompanied by payment of the required fee. An applicant for or recipient of a receipt shall provide the ~~health officer~~ Health Officer with any information.
(Ordinance 2240 § 1 (part), 1992).

SECTION 6.37.070: Rules and ~~regulations~~ Regulations

The ~~health officer~~ The Health Officer shall administer this ~~chapter~~ Chapter and may issue regulations and prepare application and identification forms pertaining thereto.
(Ordinance 2240 § 1 (part), 1992).

SECTION 6.37.080: Fees

The ~~county~~County shall, by annual ~~board resolution~~Board of Supervisors Resolution, adopt health service fees to be paid by the proprietor or operator of the food facility. Such fees are to be paid directly to the ~~county health officer~~Health Officer and retained by the ~~county~~County as reimbursement for said services related to this ~~chapter~~Chapter.

(Ordinance 2240 § 1 (part), 1992).

CHAPTER 38:— TATTOOING ESTABLISHMENT AND OPERATION REGULATIONS

SECTION 6.38.010: Definitions

As used in this ~~chapter~~Chapter, unless the context otherwise requires, the following terms shall have the meanings ascribed to them respectively:

- (1) "Health ~~officer~~Officer" means that person or office designated by order of the ~~city council~~City Council or by contract approved by the said ~~council~~City Council as the person or office having responsibility for the enforcement of the provisions of this ~~chapter~~Chapter.
- (2) "Operator" means any person, whether the proprietor or another person, administering a tattoo to any customer of a tattooing establishment.
- (3) "Proprietor" means the person having general control and management over the conduct of business at a tattooing establishment, whether or not such person is the legal owner of the premises or the business.
- (4) "Tattoo" means an indelible mark or figure fixed upon a body by insertion of pigment under the skin or by production of scars.
- (5) "Tattooing establishment" means premises used for the business of marking or coloring the skin with tattoos, and all furnishings, equipment, instruments, dyes, and inks, and other facilities maintained therein incidental to such use.

(Ordinance 2286 § 2 (part), 1994).

SECTION 6.38.020: Maintenance of ~~premises~~Premises

- (A) All tattooing establishments shall be equipped with running hot and cold water, with adequate toilet facilities and with all such appliances, furnishings, and materials as may be necessary to enable persons employed in and about such establishments to comply with the requirements of this ~~chapter~~Chapter.
- (B) The floors, furnishings, and equipment of tattooing establishments shall be kept clean at all times during business hours. For purposes of this ~~section~~Section, a floor shall not be considered clean if it has not been swept

and mopped within the preceding twenty-four (24) hour period.

- (C) All operating tables in tattooing establishments shall be constructed of metal with white enamel, or porcelain finish, or stainless steel.
- (D) Each tattooing establishment shall have adequate lighting and ventilation. For purposes of this section, lighting or ventilation shall be considered as inadequate if it fails to comply with a standard prescribed by the health officer. Health Officer.
- (E) No tattooing establishment shall be used as a sleeping room or dormitory. (Ordinance 2286 § 2 (part), 1994).

SECTION 6.38.030: Source of ~~dyes~~Dyes and ~~inks~~Inks

- (A) Proprietors of tattooing establishments shall, on request of the health officer. Health Officer, submit in writing to the health officer. Health Officer the source of all dyes or inks retained for use in tattooing operations, and thereafter shall notify the health officer. Health Officer in writing of any dyes or inks obtained for use in tattooing operations from any source other than those previously submitted.
- (B) No dyes or inks from any sources which that have been disapproved by the health officer. Health Officer shall be retained available for use in tattooing operations. (Ordinance 2286 § 2 (part), 1994).

SECTION 6.38.040: Maintenance of ~~pigments, dyes and equipment~~Pigments, Dyes, and Equipment

- (A) No pigments, dyes, or equipment shall be retained available for use in tattooing operations unless cleaned and sterilized as provided in this section. Section. For purposes of the section, "equipment" shall include needles, needle tubes, towels, blade holders, wiping cloths, paper towels and napkins, charcoal, gauze bandages (unless purchased in individual sterile packages), and all similar items.
- (B) All equipment shall be thoroughly cleaned before being sterilized. Instruments shall be cleaned with soap or detergent by use of a brush. The interior of needle barrels shall be brushed. After cleaning, equipment shall be thoroughly rinsed under running fresh tap water.
- (C) All equipment shall be sterilized by autoclaving. Each piece of equipment shall be individually wrapped with paper in an approved method for autoclaving. Metal foil may not be used. Tattooing needles shall be threaded through the metal tube that attaches to the tattooing vibrator and shall be placed in a glass (or autoclavable plastic test tube) with a cotton plug for autoclaving. Wiping tissues shall be sterilized in a single pack to be used for one tattoo and then be discarded. All packs shall be marked with temperature recording tape or labels.

- (D) Dyes or inks shall be used from containers with a cap that completely covers the opening and is attached to the neck of the dye container, sterilized in an autoclave after first being filled with the dye. Dye shall be handled utilizing aseptic techniques and the dye containers filled with dye shall be autoclaved at least once a week or more often if necessary to keep the dye in a sterile condition. The dyes may be placed in Teflon squeeze bottles that will withstand autoclaving.
 - (E) Steam sterilization of the above listed equipment shall be accomplished in an autoclave with at least fifteen (15) pounds per square inch (251F) for at least fifteen minutes. Other means of sterilization may be approved by the health officer. Health Officer.
 - (F) All sterilized dyes, pigments, and equipment shall be stored in a manner which that will insure-ensure sterility at the time of use.
 - (G) Proprietors shall maintain sufficient sterilized equipment available at the beginning of each workday to allow completion of such workday without requiring resterilization of such equipment.
- (Ordinance 2286 § 2 (part), 1994).

SECTION 6.38.050: Maintenance of ~~stencils~~ Stencils

No stencil, whether new or used, shall be retained in a manner available for use in any tattooing operation unless it has been precleaned and disinfected in the following manner.

- (1) Each stencil must be precleaned by being scrubbed with soap and brush to the extent necessary to remove all accumulation of carbon and Vaseline in the etched grooves of the stencil.
- (2) Each stencil, after being precleaned and dried, must be disinfected by being soaked, design-cut side down, in a closed container of seventy (70%) percent alcohol for not less than thirty (30) minutes at room temperature.
- (3) Each stencil, after being disinfected, shall be air dried for not less than thirty (30) minutes by being suspended in a manner exposing both sides to the air, and thereafter shall be stored for next use in a clean envelope.

(Ordinance 2286 § 2 (part), 1994).

SECTION 6.38.060: ~~Tattooing operations~~ -- Skin condition of customers Operations -- Skin Condition of Customers

No tattooing operation shall be performed on skin surface areas containing rash, pimples, boils, or infection, or otherwise manifesting any evidence of unhealthy conditions.

(Ordinance 2286 § 2 (part), 1994).

**SECTION 6.38.070: ~~Tattooing operations~~—~~Potential health risks~~Operations
-- Potential Health Risks**

~~The establishment~~The establishment's owner shall provide written information as required by the ~~health officer~~Health Officer about blood-borne diseases and their transmission to all tattoo operators, and maintain records to verify operator receipt of this information. The tattoo operator shall inform the customer, of any potential health risks involved whenever the skin is violated, as required by the ~~health officer~~Health Officer.

(Ordinance 2286 § 2 (part), 1994).

SECTION 6.38.080: ~~Tattooing operations/health conditions of operator~~Operations -- Health Conditions of Operator

No tattooing operations shall be performed unless the operator is free of communicable diseases and pustular skin lesions.

(Ordinance 2286 § 2 (part), 1994).

SECTION 6.38.090: ~~Tattooing operations~~—~~Smoking~~Operations -- Smoking

No operator shall smoke while performing a tattooing operation. (~~Ord.~~

(Ordinance 2286 § 2 (part), 1994).

SECTION 6.38.100: ~~Tattooing operations~~—~~Operations~~ -- Apparel of operatorOperator

The operator must wear a clean, light-colored, short-sleeved smock while performing the tattooing operation.

(Ordinance 2286 § 2 (part), 1994).

SECTION 6.38.110: ~~Tattooing operations~~—~~Operations~~ -- Cleanliness of operatorOperator

(A) No operator shall perform a ~~tattooing operations~~operation with unclean hands. For purpose of this ~~section~~Section, hands shall not be considered clean unless they have been thoroughly washed with soap from a single service dispenser and warm water, vigorously rubbing all surfaces of lathered hands for at least ten (10) seconds, followed by thorough rinsing under a stream of water. Hands shall be dried using single service towels from a dispenser or hot air blower. If a liquid soap is used, the dispenser shall be cleaned and filled with fresh soap only when empty.

(B) Tattoo operators shall wear protective gloves while handling needles or blades, or doing any procedure that may cause bleeding. Gloves shall be discarded between each customer.

(Ordinance 2286 § 2 (part), 1994).

SECTION 6.38.120: ~~Tattooing operations~~—~~Shaving~~Operations -- Shaving

No tattooing operation involving shaving shall be performed unless the skin is washed with soap prior to the shaving and unless the blade used in shaving is previously unused and unless the blade holder has been autoclaved since its previous use.

(Ordinance 2286 § 2 (part), 1994).

SECTION 6.38.130: ~~Tattooing operations—Skin preparation~~Operations -- ~~Skin Preparation~~ Skin Preparation

No tattooing operation shall be performed unless the skin is adequately prepared prior to the operation. For purposes of this sectionSection, skin shall be considered properly prepared if it is thoroughly washed with soap following shaving and thereafter scrubbed gently three (3) times with seventy percent (70%) isopropyl alcohol, using a separate sterile gauze pad each such time; and no alternate method of skin preparation shall be considered adequate unless approved in writing by the ~~health officer~~Health Officer.

(Ordinance 2286 § 2 (part), 1994).

SECTION 6.38.140: ~~Tattooing operation—Use of stencils~~Operations -- ~~Use of Stencils~~ Use of Stencils

No tattooing operation involving the use of stencils shall be performed unless all of the following requirements have been complied with:

- (1) Each stencil must be precleaned pursuant to Section 6.38.050.
- (2) Each stencil, having been precleaned, must be wiped with sterile gauze soaked in seventy percent (70%) alcohol and air dried immediately prior to its use in the tattooing operation.
- (3) Petroleum jelly used for stencils must be obtained from a collapsible tube ~~which~~that has not previously been used in any tattooing operation and must be applied to the skin with a sterile gauze ~~which~~that has not previously been used.

(Ordinance 2286 § 2 (part), 1994).

SECTION 6.38.150: ~~Tattooing operations—Use of approved dyes~~Operations -- ~~Use of Approved Dyes~~ Use of Approved Dyes

No tattooing operation shall be performed using dyes, or inks of a type that has been disapproved for use by the ~~health officer~~Health Officer pursuant to Section 6.38.030.

(Ordinance 2286 § 2 (part), 1994).

SECTION 6.38.160: ~~Tattooing operations—Use of sterile dyes~~Operations -- ~~Use of Sterile Dyes~~ Use of Sterile Dyes

No tattooing operation shall be performed unless the following requirements have been complied with:

- (1) The dye or ink used for the tattoo must be obtained from presterilized dye or ink-bottles and, prior to the tattooing operation, aseptically transferred from such bottles into sterile paper cups ~~which~~that have not previously been used in any tattooing operation. No refilling of the dye cup is permitted.

(2) No dye or ink shall be used in which needles used on another person have been dipped.
(Ordinance 2286 § 2 (part), 1994).

SECTION 6.38.170: ~~Tattooing operations~~ — ~~Use of sterile equipment~~ Operations -- Use of Sterile Equipment

No tattooing operation shall be performed using equipment that has not been cleaned and sterilized in the manner set forth in Section 6.38.040.
(Ordinance 2268 § 2 (part), 1994).

SECTION 6.38.180: ~~Tattooing operations~~ — Operations -- Discarding of ~~certain equipment~~ Certain Equipment

Operators shall discard the following items immediately after use in any tattooing operation:

- (1) Blades used in shaving;
- (2) Tubes and gauze used in application of petroleum jelly used for stencils; and
- (3) Paper cups used for dye or ink. ~~(Ord.~~
(Ordinance 2286 § 2 (part), 1994).

SECTION 6.38.190: ~~Inspections~~ -- ~~Health services fee schedule~~ Services Fee Schedule

~~The county health officer~~The Health Officer shall periodically make inspections of tattooing establishments located in the city to determine if the proprietor or operator proprietors or operators of such establishments are complying with the provisions of this ~~chapter~~Chapter. The ~~county~~County shall, by annual ~~board resolution~~Board of Supervisors Resolution, adopt health service fees to be paid by the proprietor or operator of the tattoo establishment. Such fees to be paid directly to the ~~county health officer~~Health Officer and retained by the ~~county~~County as reimbursement for said services related to this ~~chapter~~Chapter.
(Ordinance 2286 § 2 (part), 1994).

SECTION 6.38.200: Penalties

Each of the following acts or omissions shall constitute a misdemeanor and upon conviction thereof shall be punishable by a fine not to exceed one thousand dollars: (\$1,000):

- (1) Any performance of a tattooing operation by an operator in violation of any requirement or prohibition imposed by this ~~chapter~~Chapter.
- ~~(2)~~ Any failure by a proprietor to maintain a tattooing establishment in conformity with the requirements of this ~~chapter~~Chapter. For purposes of this ~~subsection~~Subsection, each day upon which such a failure to conform occurs shall constitute a separate violation.

(Ordinance 2268 § 2 (part), 1994).

CHAPTER 40: STORMWATER QUALITY

SECTION 6.40.010: Purpose

- (A) The United States Congress passed the Clean Water Act (33 USC §1251 et seq., as amended, including §402(p) therein) as a mandate, in part, that municipal separate storm sewer systems, such as in Orange County, obtain permits to "effectively prohibit non-storm water discharges into the storm sewers" and "require controls to reduce the discharge of pollutants to the maximum extent practicable ~~...~~." This permitting authority has been delegated by the United States Environmental Protection Agency (EPA) to the ~~state~~ State of California, which has authorized the state Water Resources Control Board and its local regulatory agencies, the Regional Water Quality Control Boards, to control non-point source discharges to California's waterways.
- (B) The Santa Ana and San Diego Regional Water Quality Control Boards have addressed the obligation to implement the Clean Water Act by issuing Waste Discharge Requirements governing stormwater runoff for the ~~county~~ County of Orange, Orange County ~~flood control district and~~ Flood Control District, and the incorporated cities of Orange County. These permits shall be referred to collectively in this ~~chapter~~ Chapter as the National Pollution Discharge Elimination System Permit ~~or~~ (NPDES) permits.
- (C) The ~~city~~ City is participating as a "co-permittee" under the NPDES permits in the development and adoption of an ~~ordinance~~ Ordinance to accomplish the requirements of the Clean Water Act.
- (D) Stormwater runoff is one step in the natural cycle of water. However, human activities, such as agriculture, construction, and the operation and maintenance of an urban infrastructure may result in undesirable discharges of pollutants and certain sediments, which may accumulate in local drainage channels and waterways and eventually may be deposited in the waters of the United States.
- (E) The purpose of the ~~ordinance~~ Ordinance codified in this ~~chapter~~ Chapter is to participate in the improvement of water quality and comply with federal requirements for the control of urban pollutants to stormwater runoff, ~~which~~ that enters the network of storm drains throughout Orange County.
- (Ordinance 2401 § 1 (part), 1997).

SECTION 6.40.020: Finding and ~~intent~~ Intent

- (A) The ~~city~~ City is authorized by Article XI, §5 and §7 of the State Constitution to exercise the police power of the state by adopting regulations promoting the public health, public safety and general prosperity~~;~~.

- (B) The ~~city~~City has determined that a legitimate local purpose is present in complying with the provisions of the NPDES permit~~.~~.
- (C) A reduction in stormwater--borne pollution will promote the public health and protect the general welfare of the locality by reducing the level of artificial and naturally occurring constituents, which may improve the quality of the waters in this region~~.~~.
- (D) The land use authority exercised by the ~~city~~City, pursuant to California Government Code §65300 et seq., requires regional planning and the adoption of policies protecting the environment through the imposition of reasonable conditions on the use of land~~.~~.
- (E) This ~~chapter~~Chapter conforms to the policies and goals of the general ~~plan~~General Plan adopted by the ~~city~~City, pursuant to California Planning and Zoning Law, for the protection of the portions of watersheds located within Orange County by implementing measures to control erosion and prevent the pollution of streams and other waters~~.~~.
- (F) Certain provisions of this ~~chapter~~Chapter may be coordinated with the local coastal program for inclusion in coastal development permits, pursuant to California Public Resources Code §30607, as mitigation for the negative effects of grading, construction, reconstruction, and changes to the intensity of use of land or water resources within the coastal zone~~.~~.
- (G) The Subdivision Map Act, California Government Code §66411~~.~~, authorizes the ~~city~~City to regulate and control the design and improvement of subdivided lands and mitigate the burdens of proposed development by imposing reasonable conditions on map approval~~.~~.
- (H) California Constitution Article XI, §7 and Government Code §38660 authorize the ~~city~~City to establish appropriate conditions for the issuance of building permits, which require the installation of improvements reasonably related to the proposed use of property~~.~~.
- (I) Government Code §38771 authorizes the ~~city~~City to declare as public nuisances undesirable acts ~~which~~that may injure health or cause interference with the comfortable enjoyment of life or property and to provide for the abatement of the same~~.~~.
- (J) The ~~city~~City may commence civil actions, pursuant to Federal Clean Water Act §505(a), against any person or any governmental agency acting in violation of any condition of the NPDES permit~~.~~.
- (K) All industrial dischargers subject to the provisions of the State General Industrial Storm Water Permit and General Construction Activity Storm Water Permit (referred to collectively in this ~~chapter~~Chapter as the "state general

permits") must comply with the lawful requirements of the cityCity, which regulate discharges of stormwater to the storm drain system within its jurisdiction.

- (L) All industrial dischargers subject to the provisions of the state general permits are required to maintain stormwater pollution prevention plans on-site and make them available to the cityCity for inspection.
- (M) All dischargers subject to the provisions of the State General Construction Activity Storm Water Permit may be required by the cityCity, with the concurrence of the Santa Ana Regional Water Board, to amend any stormwater pollution prevention plan.
- (N) All industrial dischargers subject to the provisions of the State General Industrial Storm Water Permit are required to maintain a description of the required monitoring program on-site and make it available to the cityCity for inspection.
- (O) The cityCity has jurisdiction over certain stormwater facilities and other watercourses within the city, and the water discharges into these facilities may be subject to the provisions of the State General Industrial Storm Water Permit; accordingly, the cityCity may certify (but is not required to certify) in writing that regulated dischargers have developed and implemented effective stormwater pollution prevention plans and should not be required to collect and analyze stormwater samples for pollutants.
- (P) The cityCity has jurisdiction over certain stormwater facilities and other watercourses within the City, and these facilities may receive stormwater discharges from properties and activities regulated under the provisions of the state general permits, and the City may request that the regulated dischargers furnish information and records necessary to determine compliance with the state general permits.
- (Q) The City has jurisdiction over certain stormwater facilities and other watercourses within the city, and these facilities may receive stormwater discharges from properties and activities regulated under the provisions of the state general permits, and city may request that the regulated general permits; ~~The city has jurisdiction over certain stormwater facilities and other watercourses within the city, and these facilities may receive stormwater discharges from properties and activities regulated under the provisions of the state general permits, and cityCity may, upon presentation of credentials and other documents required by law, (i) enter:~~
 - (1) Enter upon the discharger's premises where a regulated facility is located or where records must be kept under the conditions of the state general permits, (ii) access;

- (2) Access and copy, at reasonable times, any records that must be kept under the conditions of the state general permits, ~~(iii) inspect;~~
 - (3) Inspect, at reasonable times, any facility or equipment related to or impacting stormwater discharge, ~~and (iv) sample.~~
 - (4) Sample or monitor for the purpose of ensuring compliance with the state general permits.
- (R) The enacting of this ~~chapter~~Chapter is a condition of the NPDES permit, the requirements of which are exempt from the California Environmental Quality Act pursuant to Public Resources Code §~~21100~~21000, et seq. (CEQA); and
- (S) This ~~chapter~~Chapter is subject to CEQA categorical exemption Classes 1 through 4, 6 through 9, 21 and 22, pursuant to the CEQA Guidelines, respectively, Title 14, California Code of Regulations Sections 15301, 15302, 15303, 15304, 15306, 15307, 15308, 15309, 15321, and 15322. (Ordinance 2401 § 1 (part), 1997).

SECTION 6.40.030: Definitions:

For purposes of this ~~chapter~~Chapter:

- (1) "Authorized ~~inspector~~Inspector" means the ~~city manager~~City Manager and persons designated by and under his/ her instruction and supervision, who are assigned to investigate compliance with, detect violations of, and/or take actions pursuant to this ~~chapter~~Chapter.
- (2) "City" means the ~~city~~City of Garden Grove, Orange County, California.
- (3) "Co-permittee" means the ~~county~~County of Orange, the Orange County Flood Control District, and/or any one of the thirty-one (31) municipalities, including the ~~city~~City of Garden Grove, which are responsible for compliance with the terms of the NPDES permit.
- (4) "DAMP" means the Orange County Drainage Area Management Plan, as the same may be amended from time to time.
- (5) "Development ~~project guidance~~Project Guidance" means DAMP Chapter VII and the appendix thereto, entitled Best Management Practices for New Development Including Non-Residential Construction Projects, as the same may be amended from time to time.
- (6) "Discharge" means any release, spill, leak, pump, flow, escape, leaching (including subsurface migration or deposition to groundwater), dumping, or disposal of any liquid, semisolid, or solid substance.

(7) "Discharge exception" means the group of activities not restricted or prohibited by this ~~chapter~~Chapter, including only:

(a) Discharges composed entirely of stormwater; discharges subject to regulation under current EPA or Regional Water Quality Control Board issued NPDES permits, state general permits, or other waivers, permits, or approvals granted by an appropriate government agency; discharges from property for which best management practices set forth in the development project guidance are being implemented and followed; discharges to the stormwater drainage system from potable water line flushing, fire fighting activities, landscape irrigation systems, diverted stream flows, rising groundwater, and de minimis groundwater infiltration to the stormwater drainage system (from leaks in joints or connections or cracks in water drainage pipes or conveyance systems); discharges from potable water sources, passive foundation drains, air conditioning condensation and other building roof runoff; agricultural irrigation water runoff; water from crawl space pumps, passive footing drains, lawn watering, noncommercial vehicle washing; flows from riparian habitats and wetlands; dechlorinated swimming pool discharges; discharges of reclaimed water generated by a lawfully permitted water treatment facility; street wash waters when related to cleaning and maintenance by, or on behalf of, the ~~city~~City; discharges authorized pursuant to a permit issued under Section 6.40.080 hereof; discharges ~~allowable under the domestic sewage exception~~; discharges for which the discharger has reduced to the extent feasible the amount of pollutants in such discharge; and discharges authorized pursuant to federal or state laws or regulations.

(b) In any action taken to enforce this ~~chapter~~Chapter, the burden shall be on the person who is the subject of such action to establish that a discharge was within the scope of this discharge exception.

~~"Domestic sewage exception" means discharges which are exceptions to this chapter and excluded from the definition of prohibited discharge, as defined in this chapter, including only:~~

~~Discharges composed entirely of accidental spills of untreated sanitary wastes (commonly called domestic sewage) and other wastes, but limited solely to wastes that are controlled by and are within publicly owned wastewater treatment system collection facilities immediately prior to the accidental spill.~~

(8) ~~"Enforcing attorney" means the city attorney or district attorney~~Attorney" means the City Attorney or District Attorney acting as counsel to the ~~city~~City of Garden Grove and his/~~her~~ designee, which counsel is authorized to take enforcement action as described in this ~~chapter~~Chapter. For purposes of criminal prosecution, only the ~~district attorney (and/or city attorney~~District Attorney (and/or City Attorney), or his/~~her~~ designee, shall act as the enforcing attorney.

- (9) "EPA" means the Environmental Protection Agency of the United States.
- (10) "~~Hearing officer~~Officer" means the ~~city manager~~City Manager or his/her designee, who shall preside at the administrative hearings authorized by this ~~chapter~~Chapter and issue final decisions on the matters raised therein.
- (11) "Illicit connection" means any man-made conveyance or drainage system, pipeline, conduit, inlet, or outlet through which the discharge of any pollutant to the stormwater drainage system occurs or may occur. The term "illicit connection" shall not include legal nonconforming connections or connections to the stormwater drainage system that are hereinafter authorized by the agency with jurisdiction over the system at the location at which the connection is made.
- (12) "Industrial discharger" means industries whose Standard Industrial Classification (SIC) ~~(standard industrial classification)~~ codes are identified by the State Water Resources Control Board as requiring coverage under the states general industrial NPDES stormwater permit.
- (13) "Invoice for costs" means the actual costs and expenses of the ~~city~~City, including but not limited to administrative overhead, salaries and other expenses recoverable under state law, incurred during any inspection conducted pursuant to Section 6.40.060 or where a notice of noncompliance, administrative compliance order, or other enforcement option under Section 6.40.070 is utilized to obtain compliance with this ~~chapter~~Chapter.
- (14) "Legal nonconforming connection" means connections to the stormwater drainage system existing as of the adoption of this ~~chapter~~Chapter that were in compliance with all federal, state, and local rules, regulations, statutes, and administrative requirements in effect at the time the connection was established, including but not limited to any discharge permitted pursuant to the terms and conditions of an individual discharge permit issued pursuant to the ~~industrial waste ordinance, county~~Industrial Waste Ordinance, County Ordinance No. 703.
- (15) "New development" means all public and private residential (whether single-family, multi-unit, or planned unit development), industrial, commercial, retail, and other nonresidential construction projects, or grading for future construction, for which either a discretionary land use approval, grading permit, building permit, or nonresidential plumbing permit is required.
- (16) "Nonresidential ~~plumbing permit~~Plumbing Permit" means a plumbing permit authorizing the construction and/or installation of facilities for the conveyance of liquids other than stormwater, potable water, reclaimed water, or domestic sewage.

- (17) "NPDES ~~permit~~Permit" means the currently applicable municipal discharge permit issued by the Regional Water Quality Control Board, Santa Ana Region, which permit establishes waste discharge requirements applicable to stormwater runoff in the city;
- (18) "Person" means any natural person as well as any corporation, partnership, government entity or subdivision, trust, estate, cooperative association, joint venture, business entity, or other similar entity, or the agent, employee, or representative of any of the above.
- (19) "Pollutant" means any liquid, solid, or semisolid substances, or combination thereof, including and not limited to:
- (a) Artificial materials (such as floatable plastics, wood products, or metal shavings~~;~~).
 - (b) Household waste (such as trash, paper, and plastics; cleaning chemicals; yard wastes; animal fecal materials; used oil and fluids from vehicles, lawn mowers, and other common household equipment~~;~~).
 - (c) Metals and nonmetals, including compounds of metals and nonmetals (such as cadmium, lead, zinc, copper, silver, nickel, chromium, cyanide, phosphorus, and arsenic), with characteristics ~~which~~that cause an adverse effect on living organisms~~;~~.
 - (d) Petroleum and related hydrocarbons (such as fuels, lubricants, surfactants, waste oils, solvents, coolants, and grease~~;~~).
 - (e) Animal wastes (such as discharge from confinement facilities, kennels, pens, and recreational facilities, including stables, show facilities, or polo fields~~;~~).
 - (f) Substances having a pH less than 6.5 or greater than 8.6, or unusual coloration, turbidity, or odor~~;~~.
 - (g) Waste materials and wastewater generated on construction sites and by construction activities (such as painting and staining; use of sealants and glues; use of lime; use of wood preservatives and solvents; disturbance of asbestos fibers, paint flakes, or stucco fragments; application of oils, lubricants, hydraulic, radiator, or battery fluids; construction equipment washing; concrete pouring and cleanup; use of concrete detergents; steam cleaning or sand blasting; use of chemical degreasing or diluting agents; and use of super chlorinated water for potable water line flushing~~;~~).
 - (h) Materials causing an increase in biochemical oxygen demand, chemical oxygen demand, or total organic carbon~~;~~.

- (i) Materials ~~which~~ that contain base/neutral or acid extractable organic compounds~~;~~.
 - (j) Those pollutants defined in § 1362(6) of the ~~federal~~ Federal Clean Water Act~~;~~ and.
 - (k) Any other constituent or material, including but not limited to pesticides, herbicides, fertilizers, fecal coliform, fecal streptococcus, or enterococcus, or eroded soils, sediment, and particulate materials, in quantities that will interfere with or adversely affect the beneficial uses of the receiving waters, flora, or fauna of the state.
- (20) "Prohibited discharge" means any discharge ~~which~~ that contains any pollutant, from public or private property to ~~(i) the:~~
- (a) The stormwater drainage system~~;~~ ~~(ii) any.~~
 - (b) Any upstream flow~~,~~ ~~which~~ that is tributary to the stormwater drainage system~~;~~ ~~(iii) any.~~
 - (c) Any groundwater, river, stream, creek, wash, or dry weather arroyo, wetlands area, marsh, coastal slough~~,~~ ~~or (iv) any.~~
 - (d) Any coastal harbor, bay, or the Pacific Ocean.
 - (e) The term "prohibited discharge" shall not include discharges allowable under the discharge exception.
- (21) "Significant reconstruction" means the rehabilitation or reconstruction of public or private residential (whether single-family, multi-unit, or planned unit development), industrial, commercial, retail, or other nonresidential structures, for which either a discretionary land use approval, grading permit, building permit, or nonresidential plumbing permit is required.
- ~~"State general permit~~
- (22) "State General Permit" means the State General Industrial Storm Water Permit, the State General Construction Permit, or any other state general permit that has been or will be adopted and the terms and requirements of any such permit. In the event the U.S. Environmental Protection Agency (EPA) revokes the in-lieu permitting authority of the State Water Resources Control Board, then the term ~~"state general permit~~ State General Permit" shall also refer to any EPA administered stormwater control program for industrial and construction activities.
- (23) "Stormwater drainage system" means street gutter, channel, storm drain, constructed drain, lined diversion structure, wash area, inlet, outlet, or other facility~~,~~ ~~which~~ that is a part of or tributary to the county-wide stormwater runoff system and owned, operated, maintained, or controlled

by ~~county~~County of Orange, the Orange County flood control district or Flood Control District, or any co-permittee city, and used for the purpose of collecting, storing, transporting, or disposing of stormwater.

(24) "Stormwater ~~pollution prevention plan~~Pollution Prevention Plan (SWPPP)" means a plan to ~~(1) help:~~

- (a) Help identify the sources of pollution that affect the quality of stormwater discharges and authorized non-stormwater discharges, and ~~(2) to~~
- (b) To describe and ensure the implementation of BMPs to reduce or prevent pollutants in stormwater discharges and authorized non-stormwater discharges.

(25) "Local Implementation Plan" means the ~~city~~City of Garden Grove National Pollutant Discharge Elimination System (NPDES) Stormwater Permit Local Implementation Plan as approved by the ~~city council~~City Council on June 10, 2003, and as may be amended from time to time.

(Ordinance 2603 § 1, 2003; Ordinance 2401 § 1 (part), 1997).

SECTION 6.40.040: Prohibition on ~~illicit connections and prohibited discharges~~Illicit Connections and Prohibited Discharges

No person shall:

- (1) Construct, maintain, operate, and/or utilize any illicit connection;
- (2) Cause, allow, or facilitate any prohibited discharge;
- (3) Act, cause, permit, or suffer any agent, employee or independent contractor, to construct, maintain, operate or utilize any illicit connection, or cause, allow, or facilitate any prohibited discharge.

(Ordinance 2401 § 1 (part), 1997).

SECTION 6.40.050: Controls for ~~water quality management~~Water Quality Management

~~New Development and Significant Reconstruction:~~

(A) NEW DEVELOPMENT AND SIGNIFICANT RECONSTRUCTION.

- (1) All new development and significant reconstruction within the city shall be undertaken in accordance with the DAMP, including but not limited to the development project guidance, the local development plan, and/or administrative rules and practices as may be adopted from time to time by the ~~public works director~~City Manager his or designee.
- (2) Prior to the issuance by the ~~city~~City of a grading permit, building permit, or nonresidential ~~plumbing permit~~ plumbing permit for any new development or

significant reconstruction, the ~~city~~City shall review the project plans and impose terms, conditions and requirements on the project in accordance with Section 6.40.050A~~1~~.(A)(1).

- (3) Compliance with the conditions and requirements of the DAMP shall not exempt any person from the requirement to independently comply with each provision of this ~~chapter~~Chapter.
- (4) The owner of a new development or significant reconstruction project, or upon transfer of the property, its successors and assigns, shall implement and adhere to the terms, conditions, and requirements imposed pursuant to Section 6.40.050A~~1~~.(A)(1) on a new development or significant reconstruction project.
 - (a) Each failure by the owner of the property or its successors or assigns, to implement and adhere to the terms, conditions, and requirements imposed pursuant to Section 6.40.050A~~1~~.(A)(1) on a new development or significant reconstruction project shall constitute a violation of this ~~chapter~~Chapter.

~~Cost Recovery:~~

- (B) COST RECOVERY. The ~~city~~City shall be reimbursed by the project applicant for all costs and expenses incurred by the ~~city~~City in the review of new development or significant development projects for compliance with the DAMP. The ~~city~~City may elect to require a deposit of estimated costs and expenses, and the actual costs and expenses shall be deducted from the deposit, and the balance, if any, refunded to the project applicant.

~~Litter Control:~~

- (C) LITTER CONTROL. No person shall discard any waste material, including but not limited to common household rubbish or garbage of any kind (whether generated or accumulated at a residence, business, or other location), upon any public property, whether occupied, open, or vacant, including but not limited to any street, sidewalk, alley, right-of-way, open area, or point of entry to the stormwater drainage system.
(Ordinance 2603 § 2, 2003; Ordinance 2401 § 1 (part), 1997).

SECTION 6.40.060: Inspections

~~Scope of Inspections:~~

~~Right to Inspect:~~(A) SCOPE OF INSPECTIONS.

- (1) RIGHT TO INSPECT. Prior to commencing any inspection as authorized in this ~~section~~Section, the authorized ~~inspector~~Inspector shall obtain either the consent of the owner or occupant of the property or shall obtain an administrative inspection warrant or criminal search warrant.

~~Entry to Inspect:~~

- (2) ENTRY TO INSPECT. The authorized ~~inspector~~Inspector may enter property to investigate the source of any discharge to any public street, inlet, gutter, storm drain, or the stormwater drainage system located within the jurisdiction of the city.

~~Compliance Assessments:~~

- (3) COMPLIANCE ASSESSMENTS. The authorized ~~inspector~~Inspector may inspect property for the purpose of verifying compliance with this ~~chapter~~Chapter, including but not limited to:

~~(i) identifying:~~

- (a) Identifying products produced, processes conducted, chemicals used, and materials stored on or contained within the property;

~~, (ii) identifying.~~

- (b) Identifying point(s) of discharge of all wastewater, process water systems, and pollutants;

~~, (iii) investigating.~~

- (c) Investigating the natural slope at the location, including drainage patterns and man-made conveyance systems;

~~, (iv) establishing.~~

- (d) Establishing the location of all points of discharge from the property, whether by surface runoff or through a storm drain system;

~~, (v) locating.~~

- (e) Locating any illicit connection or the source of prohibited discharge;

~~, (vi) evaluating.~~

- (f) Evaluating compliance with any permit issued pursuant to Section 6.40.080 hereof; and

~~, and (vii) investigating.~~

- (g) Investigating the condition of any legal nonconforming connection.

~~Portable Equipment:~~

- (4) PORTABLE EQUIPMENT. For purposes of verifying compliance with this ~~chapter~~Chapter, the authorized ~~inspector~~Inspector may inspect any vehicle, truck, trailer, tank truck, or other mobile equipment.

~~Records Review:~~

- (5) RECORDS REVIEW. The authorized ~~inspector~~Inspector may inspect all records of the owner or occupant of property relating to chemicals or processes presently or previously occurring on-site, including material and/or chemical inventories, facilities maps or schematics and diagrams, Material Safety Data Sheets, hazardous waste manifests, business plans, pollution prevention plans, state general permits, stormwater pollution prevention plans, monitoring program plans, and any other record(s) relating to illicit connections, prohibited discharges, a legal nonconforming connection, or any other source of contribution or potential contribution of pollutants to the stormwater drainage system.

~~Sample and Test.~~

- (6) SAMPLE AND TEST. The authorized ~~inspector~~Inspector may inspect, sample, and test any area runoff, soils area (including groundwater testing), process discharge, materials within any waste storage area (including any container contents), and/or treatment system discharge for the purpose of determining the potential for contribution of pollutants to the stormwater drainage system. The authorized ~~inspector~~Inspector may investigate the integrity of all storm drain and sanitary sewer systems, any legal nonconforming connection, or other pipelines on the property using appropriate tests, including but not limited to smoke and dye tests or video surveys. The authorized ~~inspector~~Inspector may take photographs or video-tape, make measurements or drawings, and create any other record reasonably necessary to document conditions on the property.

~~Monitoring.~~

- (7) MONITORING. The authorized ~~inspector~~Inspector may erect and maintain monitoring devices for the purpose of measuring any discharge or potential source of discharge to the stormwater drainage system.

(Ordinance 2401 § 1 (part), 1997).

SECTION 6.40.070: Enforcement

~~Administrative Remedies.~~

~~Notice of Noncompliance.~~(A) ADMINISTRATIVE REMEDIES.

- (1) NOTICE OF NONCOMPLIANCE. The authorized ~~inspector~~Inspector may deliver to the owner or occupant of any property, or to any person responsible for an illicit connection or prohibited discharge a notice of noncompliance. The notice of noncompliance shall be delivered in accordance with Section 6.40.070A5-(A)(5).

~~i-~~(a) The notice of noncompliance shall identify the provision(s) of this ~~chapter~~Chapter or the applicable permit ~~which~~that has been violated. The notice of noncompliance shall state that continued noncompliance may result in additional enforcement actions against the owner, occupant, and/or person.

~~ii~~.(b) The notice of noncompliance shall state a compliance date that must be met by the owner, occupant, and/or person~~s~~, provided, however, that the compliance date may not exceed seven (7) days unless the authorized inspector extends the compliance deadline where good cause exists for the extension.

~~Administrative Compliance Orders.~~

(2) ADMINISTRATIVE COMPLIANCE ORDERS.

~~i~~.(a) The authorized ~~inspector~~Inspector may issue an administrative compliance order. The administrative compliance order shall be delivered in accordance with Section 6.40.070A~~5~~(A)(5). The administrative compliance order may be issued to:

~~a~~.(1) The owner or occupant of any property requiring abatement of conditions on the property that cause or may cause a prohibited discharge or an illicit connection in violation of this ~~chapter~~Chapter.

~~b~~.(2) The owner of property subject to terms, conditions, or requirements imposed on a project in accordance with Section 6.40.070A~~1~~(A)(1) to ensure adherence to those terms, conditions, and requirements~~;~~.

~~c~~.(3) A permittee subject to the requirements of any permit issued pursuant to Section 6.40.080 hereof to ensure compliance with the terms, conditions, and requirements of the permit~~;~~.

~~d~~.(4) Any person responsible for an illicit connection or prohibited discharge.

~~ii~~.(b) The administrative compliance order may include the following terms and requirements:

~~a~~.(1) Specific steps and time schedules for compliance as reasonably necessary to eliminate an existing prohibited discharge or to prevent the imminent threat of a prohibited discharge, including but not limited to a prohibited discharge from any pond, pit, well, surface impoundment, holding, or storage area~~;~~.

~~b~~.(2) Specific steps and time schedules for compliance as reasonably necessary to discontinue any illicit connection~~;~~.

~~c~~.(3) Specific requirements for containment, cleanup, removal, storage, installation of overhead covering, or proper disposal of any pollutant having the potential to contact stormwater runoff~~;~~.

~~d~~:(4) Any other terms or requirements reasonably calculated to prevent the imminent threat of or continuing violations of this ~~chapter~~Chapter, including, but not limited to requirements for compliance with best management practices guidance documents promulgated by any federal, ~~state~~State of California or regional agency.

~~e~~:(5) Any other terms or requirements reasonably calculated to achieve full compliance with the terms, conditions, and requirements of any permit issued pursuant hereto.

~~-Cease and Desist Orders-~~

~~-(3) CEASE AND DESIST ORDERS.~~

~~i~~:(a) The authorized ~~inspector~~Inspector may issue a cease and desist order. A cease and desist order shall be delivered in accordance with Section 6.40.070A5:~~(A)~~(5). A cease and desist order may direct the owner or occupant of any property and/or other person responsible for a violation of this ~~chapter~~Chapter to:

~~a~~:(1) Immediately discontinue any illicit connection or prohibited discharge to the stormwater drainage system.

~~b~~:(2) Immediately contain or divert any flow of water off the property, where the flow is occurring in violation of any provision of this ~~chapter~~Chapter.

~~c~~:(3) Immediately discontinue any other violation of this ~~chapter~~Chapter.

~~d~~:(4) Clean up the area affected by the violation.

~~e~~:(5) The authorized ~~inspector~~Inspector may direct by cease and desist order that ~~(1)~~the owner of any property, or his successor-in-interest, ~~which~~whose property is subject to any conditions or requirements issued pursuant to Section 6.40.050A1:~~(A)~~(1) or ~~(2)~~any permittee under any permit issued pursuant to Section 6.40.080 hereof:

~~a~~:(1) Immediately cease any activity not in compliance with the conditions or requirements issued pursuant to Section 6.40.050A1:~~(A)~~(1), or the terms, conditions, and requirements of the applicable permit.

~~-Recovery of Costs-~~

(4) RECOVERY OF COSTS. The authorized ~~inspector~~Inspector may deliver to the owner or occupant of any property, any permittee, or any other

person who becomes subject to a notice of noncompliance or administrative order, an invoice for costs. An invoice for costs shall be delivered in accordance with Section 6.40.070A5(A)(5). An invoice for costs shall be immediately due and payable to the cityCity for the actual costs incurred by the cityCity in issuing and enforcing any notice or order.

i-(a) If any owner or occupant, permittee, or any other person subject to an invoice for costs fails to either pay the invoice for costs or appeal successfully the invoice for costs in accordance with Section 6.40.070A6(A)(6), then the enforcing attorneyEnforcing Attorney may institute collection proceedings.

~~Delivery of Notice.~~

(5) DELIVERY OF NOTICE. Any notice of noncompliance, administrative compliance order, cease and desist order, or invoice of costs to be delivered pursuant to the requirements of this chapterChapter shall be subject to the following:

i-(a) The notice shall state that the recipient has a right to appeal the matter as set forth in Section 6.40.070A6(A)(6) through 6.40.070A10(A)(10).

ii-(b) Delivery shall be deemed complete upon ~~(a) personal~~:

~~(a)~~(1) Personal service to the recipient; ~~(b) deposit~~

~~(b)~~(2) Deposit in the U.S. mail, postage pre-paid for first-class delivery; or ~~(c) facsimile~~First-Class-Mail; or

~~(c)~~(3) Facsimile service with confirmation of receipt.

iii-(c) Where the recipient of notice is the owner of the property, the address for notice shall be the address from the most recently issued equalized assessment roll for the property or as otherwise appears in the current records of the cityCity.

iv-(d) Where the owner or occupant of any property cannot be located after the reasonable efforts of the authorized inspectorInspector, a notice of noncompliance or cease and desist order shall be deemed delivered after posting on the property for a period of ten (10) business days.

~~Administrative Hearing for Notices of Noncompliance, Administrative Compliance Orders, Invoices for Costs and Adverse Determinations.~~

(6) ADMINISTRATIVE HEARING FOR NOTICES OF NONCOMPLIANCE, ADMINISTRATIVE COMPLIANCE ORDERS, INVOICES FOR COSTS AND ADVERSE DETERMINATIONS. Except as set forth in subsection

~~A~~Subsection (A)(8) of this sectionSection, any person receiving a notice of noncompliance, administrative compliance order, a notice of legal nonconforming connection, an invoice for costs, or any person who is subject to any adverse determination made pursuant to this chapterChapter, may appeal the matter by requesting an administrative hearing. Notwithstanding the foregoing, these administrative appeal procedures shall not apply to criminal proceedings initiated to enforce this chapterChapter.

~~Request for Administrative Hearing.~~

- (7) REQUEST FOR ADMINISTRATIVE HEARING. Any person appealing a notice of noncompliance, — an administrative compliance order, a notice of legal nonconforming connection, an invoice for costs or an adverse determination shall, within thirty (30) days of receipt thereof, file a written request for an administrative hearing, accompanied by an administrative hearing fee as established by separate resolutionCity Council Resolution, with the officeOffice of the city-clerkCity Clerk, with a copy of the request for administrative hearing mailed on the date of filing to the city-managerCity Manager. Thereafter, a hearing on the matter shall be held before the hearing-officerHearing Officer within forty-five (45) business days of the date of filing of the written request unless, in the reasonable discretion of the hearing-officerHearing Officer and pursuant to a written request by the appealing party, a continuance of the hearing is granted.

~~Administrative Hearing for Cease and Desist Orders and Emergency Abatement Actions.~~

- (8) ADMINISTRATIVE HEARING FOR CEASE AND DESIST ORDERS AND EMERGENCY ABATEMENT ACTIONS. An administrative hearing on the issuance of a cease and desist order or following an emergency abatement action shall be held within five (5) business days following the issuance of the order or the action of abatement, unless the hearing (or the time requirement for the hearing) is waived in writing by the party subject to the cease and desist order or the emergency abatement. A request for an administrative hearing shall not be required from the person subject to the cease and desist order or the emergency abatement action.

~~Hearing Proceedings.~~

- (9) HEARING PROCEEDINGS. The authorized inspectorInspector shall appear in support of the notice, order, determination, invoice for costs, or emergency abatement action, and the appealing party shall appear in support of withdrawal of the notice, order, determination, invoice for costs, or in opposition to the emergency abatement action. Except as set forth in Section 6.40.030G(7) (definition of discharge exception), the cityCity shall have the burden of supporting any enforcement or other

action by a preponderance of the evidence. Each party shall have the right to present testimony and other documentary evidence as necessary for explanation of the case.

~~Final Decision and Appeal.~~

(10) FINAL DECISION AND APPEAL. The final decision of the hearing officerHearing Officer shall issue within ten (10) business days of the conclusion of the hearing and shall be delivered by first-class mailFirst-Class Mail, postage prepaid, to the appealing party. The final decision shall include notice that any legal challenge to the final decision shall be made pursuant to the provisions of Code of Civil Procedure §§ 1094.5 and 1094.6 and shall be commenced within ninety (90) days following issuance of the final decision. { The administrative hearing fee paid by a prevailing party in an appeal shall be refunded.}

†(a) Notwithstanding this Section 6.40.10070, the final decision of the hearing officerHearing Officer in any proceedingpreceding determining the validity of a cease and desist order or following an emergency abatement action shall be mailed within five (5) business days following the conclusion of the hearing.

~~City Abatement.~~

(11) CITY ABATEMENT. In the event the owner of property, the operator of a facility, a permittee, or any other person fails to comply with any provision of a compliance schedule issued to such owner, operator, permittee, or person pursuant to this chapterChapter, the authorized inspectorInspector may request the enforcing attorneyEnforcing Attorney to obtain an abatement warrant or other appropriate judicial authorization to enter the property, abate the condition, and restore the area. Any costs incurred by the cityCity in obtaining and carrying out an abatement warrant or other judicial authorization may be recovered pursuant to Section 6.40.070B4:(B)(4).

~~Nuisance.~~

(B) NUISNACE. Any condition in violation of the prohibitions of this chapterChapter, including but not limited to the maintenance or use of any illicit connection or the occurrence of any prohibited discharge, shall constitute a threat to the public health, safety, and welfare, and is declared and deemed a nuisance pursuant to Government Code §38771.

~~Court Order to Enjoin or Abatement.~~

(1) COURT ORDER TO ENJOIN OR ABATE. At the request of the city manager, the enforcing attorneyCity Manager, the Enforcing Attorney may seek a court order to enjoin and/or abate the nuisance.

~~Notice to Owner and Occupant.~~

(2) NOTICE TO OWNER AND OCCUPANT. Prior to seeking any court order to enjoin or abate a nuisance or threatened nuisance, the ~~city manager~~City Manager shall provide notice of the proposed injunction or abatement to the owner and occupant, if any, of the property where the nuisance or threatened nuisance is occurring.

~~Emergency Abatement.~~

(3) EMERGENCY ABATEMENT. In the event the nuisance constitutes an imminent danger to public safety or the environment, the ~~city manager~~City Manager may enter the property from which the nuisance emanates, abate the nuisance, and restore any property affected by the nuisance. To the extent reasonably practicable, informal notice shall be provided to the owner or occupant prior to abatement. If necessary to protect the public safety or the environment, abatement may proceed without prior notice to or consent from the owner or occupant thereof and without judicial warrant.

i.(a) An imminent danger shall include, but is not limited to, exigent circumstances created by the dispersal of pollutants, where the same presents a significant and immediate threat to the public safety or the environment.

ii.(b) Notwithstanding the authority of the ~~city~~City to conduct an emergency abatement— action, an administrative hearing pursuant to Section 6.40.070A8(A)(8) hereinabove shall follow the abatement action.

(4) REIMBURSEMENT OF COSTS. All costs incurred by the City in responding to any nuisance, all administrative expenses, and all other expenses recoverable under state law, shall be recoverable from the person(s) creating, causing, committing, permitting, or maintaining the nuisance.

~~Nuisance Lien.~~

(5) NUISANCE LIEN. All costs shall become a lien against the property from which the nuisance emanated and a personal obligation against the owner thereof in accordance with Government Code §38773.1 and §38773.5. The owner of record of the property subject to any lien shall be given notice of the lien prior to recording as required by Government Code §38773.1.

i.(a) At the direction of the ~~city manager, the enforcing attorney~~City Manager, the Enforcing Attorney is authorized to collect nuisance abatement costs or enforce a nuisance lien in an action brought for a money judgment or by delivery to the ~~county assessor~~County Assessor of a special assessment against the property in accord with the conditions and requirements of Government Code §38773.5.

~~Criminal Sanctions.~~

~~Prosecutor.~~

(C) CRIMINAL SANCTIONS.

- (1) PROSECUTOR. The ~~enforcing attorney~~Enforcing Attorney may act on the request of the ~~city manager~~City Manager to pursue enforcement actions in accordance with the provisions of this ~~chapter~~Chapter.

~~Infractions.~~

- (2) INTRACCTIONS. Any person who may otherwise be charged with a misdemeanor under this ~~chapter~~Chapter may be charged, at the discretion of the ~~enforcing attorney~~Enforcing Attorney, with an infraction punishable by a fine of not more than two hundred fifty dollars (\$250) for a first violation, five hundred dollars (\$500) for a second violation, and a fine not exceeding one thousand dollars (\$1,000) for each additional violation occurring within one year.

~~Misdemeanors.~~

- (3) MISDEMEANORS. Any person who negligently or knowingly violates any provision of this ~~chapter~~Chapter, undertakes to conceal any violation of this ~~chapter~~Chapter, continues any violation of this ~~chapter~~Chapter after notice thereof, or violates the terms, conditions, and requirements of any permit issued pursuant to this ~~chapter~~Chapter, shall be guilty of a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000) or by imprisonment for a period of not more than six (6) months, or both.

~~Consecutive Violations.~~

- (D) CONSECUTIVE VIOLATIONS. Each day in which a violation occurs and each separate failure to comply with either a separate provision of this ~~chapter~~Chapter, an administrative compliance order, a cease and desist order, or a permit issued pursuant to this ~~chapter~~Chapter, shall constitute a separate violation of this ~~chapter~~Chapter punishable by fines or sentences issued in accordance with this ~~chapter~~Chapter.

~~Nonexclusive Remedies.~~

- (E) NONEXCLUSIVE REMEDIES. Each and every remedy available for the enforcement of this ~~chapter~~Chapter shall be nonexclusive and it is within the discretion of the authorized ~~inspector~~Inspector or ~~enforcing attorney~~Enforcing Attorney to seek cumulative remedies, except that multiple monetary fines or penalties shall not be available for any single violation of this ~~chapter~~Chapter.

~~Citations.~~

(F) CITATIONS.

- (1) Pursuant to Penal Code §836.5, the authorized ~~inspector~~Inspector shall have the authority to cause the arrest of any person committing a violation of this ~~chapter~~Chapter. The person shall be released and issued

a citation to appear before a magistrate in accordance with Penal Code §853.5, §853.6, and §853.9, unless the person demands to be taken before a ~~magistrate~~Magistrate. Following issuance of any citation the authorized ~~inspector~~Inspector shall refer the matter to the enforcing attorney.Enforcing Attorney.

- (2) Each citation to appear shall state the name and address of the violator, the provisions of this ~~chapter~~Chapter violated, and the time and place of appearance before the court, which shall be at least ten (10) business days after the date of violation. The person cited shall sign the citation giving his or her written promise to appear as stated therein. If the person cited fails to appear, the enforcing attorneyEnforcing Attorney may request issuance of a warrant for the arrest of the person cited.

~~Violations of Other Laws.~~

- (G) VIOLATIONS OF OTHER LAWS. Any person acting in violation of this ~~chapter~~Chapter also may be acting in violation of the federalFederal Clean Water Act or the stateState Porter-Cologne Act and other laws and also may be subject to sanctions including civil liability. Accordingly, the enforcing attorneyEnforcing Attorney is authorized to file a citizen suit pursuant to federalthe Federal Clean Water Act §505(a), seeking penalties, damages, and orders compelling compliance, and other appropriate relief. The enforcing attorneyEnforcing Attorney may notify EPA Region IX, the Santa Ana Regional Water Quality Control Board, or any other appropriate state or local agency, of any alleged violation of this ~~chapter~~Chapter.

~~Injunctions.~~

- (H) INJUNCTIONS. At the request of the ~~city manager~~, the enforcing attorneyCity Manager, the Enforcing Attorney may cause the filing in a court of competent jurisdiction of a civil action seeking an injunction against any threatened or continuing noncompliance with the provisions of this ~~chapter~~Chapter.

- (1) Order for Reimbursement. Any temporary, preliminary, or permanent injunction issued pursuant hereto may include an order for reimbursement to the ~~city~~City of all costs incurred in enforcing this ~~chapter~~Chapter, including costs of inspection, investigation, and monitoring, the costs of abatement undertaken at the expense of the ~~city (county of Orange, Orange County flood control district)~~City, costs relating to restoration of the environment and all other expenses as authorized by law.

~~Other Civil Remedies.~~

- (I) OTHER CIVIL REMEDIES.

- (1) The ~~city manager~~City Manager may cause the enforcing attorneyEnforcing Attorney to file an action for civil damages in a court of competent jurisdiction seeking recovery of ~~(i) all~~:

- ~~i.~~(a) All costs incurred in enforcement of the ~~chapter~~Chapter, including but not limited to costs relating to investigation, sampling, monitoring, inspection, administrative expenses, all other expenses as authorized by law, and consequential damages; ~~(ii) all~~
 - ~~ii.~~(b) All costs incurred in mitigating harm to the environment or reducing the threat to human health; and ~~(iii) damages~~
 - ~~iii.~~(c) Damages for irreparable harm to the environment.
- (2) The ~~enforcing attorney~~Enforcing Attorney is authorized to file actions for civil damages resulting from any trespass or nuisance occurring on public land or to the stormwater drainage system from any violation of this ~~chapter~~Chapter where the same has caused damage, contamination or harm to the environment, public property, or the stormwater drainage system.
- (3) The remedies available to the ~~city~~City pursuant to the provisions of this ~~chapter~~Chapter shall not limit the right of the ~~city~~City to seek any other remedy that may be available by law.
(Ordinance 2401 § 1 (part), 1997).

SECTION 6.40.080: Permits

~~-Discharge Permit Procedure.~~
~~-Permit.~~(A) DISCHARGE PERMIT PROCEDURE.

- (1) PERMIT. On application of the owner of property or the operator of any facility, which property or facility is not otherwise subject to the requirements of a state general permit or a national pollution discharge elimination system permit regulating stormwater discharges, the ~~city manager~~City Manager may issue a permit authorizing the release of non-stormwater discharges to the stormwater drainage system if:
- ~~i.~~ (a) The discharge of material or constituents is reasonably necessary for the conduct of otherwise legal activities on the property; and
 - ~~ii.~~ (b) The discharge will not cause a nuisance, impair the beneficial uses of receiving waters, or cause any reduction in established water quality standards.

~~Application.~~

- (2) APPLICATION. The applicant shall provide all information requested by the ~~city manager~~City Manager for review and consideration of the application, including but not limited to specific detail as to the activities to be conducted on the property, plans and specifications for facilities located on the property, identification of equipment or processes to be used on-site and other information as may be requested in order to

determine the constituents, and quantities thereof, which may be discharged if permission is granted.

~~Permit Issuance.~~

(3) PERMIT ISSUANCE. The permit shall be granted or denied by the ~~city manager~~City Manager or his or her designated representative, no later than sixty (60) business days following the completion and acceptance of the application as determined by the ~~city manager~~.City Manager.

~~i. (a)~~The applicant shall be notified in person or by ~~first-class mail~~First-Class Mail, postage prepaid, of the action taken.

~~Permit Conditions.~~

(4) PERMIT CONDITIONS. The permit may include terms, conditions, and requirements to ensure compliance with the objectives of this ~~chapter~~Chapter and as necessary to protect the receiving waters, including but not limited to:

~~i. (a)~~Identification of the discharge location on the property and the location at which the discharge will enter the stormwater drainage system;

~~ii. (b)~~ Identification of the constituents and quantities thereof to be discharged into the stormwater drainage system;

~~iii. (c)~~ Specification of pollution prevention techniques and structural or nonstructural control requirements as reasonably necessary to prevent the occurrence of potential discharges in violation of this ~~chapter~~;Chapter;

~~iv. (d)~~ Requirements for self-monitoring of any discharge;

~~v. (e)~~ Requirements for submission of documents or data, such as technical reports, production data, discharge reports, self-monitoring reports, and waste manifests; and

~~vi. (f)~~ Other terms and conditions appropriate to ensure compliance with the provisions of this ~~chapter~~Chapter and the protection of receiving waters, including requirements for compliance with best management practices guidance documents approved by any federal, ~~state~~State of California or regional agency.

General Permit.

(5) GENERAL PERMIT. In the discretion of the ~~city manager~~City Manager, the permit may, in accordance with the conditions identified in Section 6.40.080A4(A)(4), be prepared as a general permit applicable to a specific category of activities. If a general permit is issued, any person intending to discharge within the scope of the authorization provided by

the general permit may do so by filing an application to discharge with the ~~city manager~~. City Manager. No discharge within the scope of the general permit shall occur until such application is so filed.

~~i.~~(a) Notwithstanding the foregoing in Section 6.40.080A5(A)(5), the ~~city manager~~, the City Manager, in his discretion, may eliminate the requirement that an application for a general permit be filed for any specific activity for which a general permit has been issued.

~~Permit Fees:~~

(6) PERMIT FEES. The permission to discharge shall be conditioned upon the applicant's payment of the ~~city's~~City's costs, in accordance with a fee schedule adopted by separate ~~resolution~~Resolution, as follows:

~~i.~~(a) For individually issued permits, the costs of reviewing the permit application, preparing and issuing the permit, and the costs reasonably related to administrating this permit program; and

~~ii.~~(b) For general permits, the costs of reviewing the permit application, that portion of the costs of preparing the general permit which that is reasonably attributable to the permittee's application for the general permit, and the costs reasonably related to administering the general permit program. Notwithstanding the foregoing, no permit fee shall be charged for a general permit issued pursuant to Section 6.40.080A5(~~i~~).(A)(5)(a).

~~Permit Suspension, Revocation or Modification:~~

(B) PERMIT SUSPENSION, REVOCATION, OR MODIFICATION.

(1) The ~~city manager~~City Manager may suspend or revoke any permit when it is determined that:

~~i.~~(a) The permittee has violated any term, condition or requirement of the permit or any applicable provision of this chapter; orChapter;

~~ii.~~(b)The permittee's discharge or the circumstances under which the discharge occurs have changed so that it is no longer appropriate to except the discharge from the prohibitions on prohibited discharge contained within this ~~chapter~~; orChapter; or

~~iii.~~(c). The permittee fails to comply with any schedule for compliance issued pursuant to this ~~chapter~~Chapter; or

~~iv.~~(d) Any regulatory agency, including the EPA or a Regional Water Quality Control Board having jurisdiction over the discharge, notifies the ~~city~~City that the discharge should be terminated.

(2) The ~~city manager~~City Manager may modify any permit when it is determined that:

- ~~i.~~(a) Federal or state law requirements have changed in a manner that necessitates a change in the permit; or
 - ~~ii.~~(b) The permittee's discharge or the circumstances under which the discharge occurs have changed so that it is appropriate to modify the permit's terms, conditions, or requirements; or
 - ~~iii.~~(c) A change to the permit is necessary to ensure compliance with the objectives of this ~~chapter~~Chapter or to protect the quality of receiving waters.
- (3) The permittee, or in the case of a general permit, each person who has filed an application pursuant to Section 6.40.080A5(A)(5), shall be informed of any change in the permit terms and conditions at least sixty (60) days prior to the effective date of the modified permit. In the case of a general permit issued pursuant to Section 6.40.080A5(A)(5)(a), any change in the permit terms and conditions shall be published in newspaper of general circulation within the city at least sixty (60) days prior to the effective date of the modified permit.
- (4) The determination that a permit shall be denied, suspended, revoked, or modified may be appealed by a permittee pursuant to the same procedures applicable to appeal of an administrative compliance order in this ~~chapter~~Chapter. In the absence of a judicial order to the contrary, the permittee may continue to discharge pending issuance of the final administrative decision by the ~~hearing officer~~Hearing Officer.

~~Permit Enforcement:~~

~~Penalties:~~

(C) PERMIT ENFORCEMENT.

- (1) PENALITIES. Any violation of the terms, conditions, and requirements of any permit issued by the ~~city manager~~City Manager shall constitute a violation of this ~~chapter~~Chapter and subject the violator to the administrative, civil, and criminal remedies available under this ~~chapter~~Chapter.
- (D) Compliance with the terms, conditions, and requirements of a permit issued pursuant to this ~~chapter~~Chapter shall not relieve the permittee from compliance with all federal, state, and local laws, regulations and permit requirements, applicable to the activity for which the permit is issued.

~~Limited Permittee Rights:~~

- (1) LIMITED PERMITTEE RIGHTS. Permits issued under this ~~chapter~~Chapter are for the person or entity identified therein as the "permittee" only, and authorize the specific operation at the specific location identified in the permit. The issuance of a permit does not vest the permittee with a continuing right to discharge.

~~Transfer of Permits:~~

(2) TRANSFER OF PERMITS. No permit issued to any person may be transferred to allow:

i-(a) A discharge to the stormwater drainage system at a location other than the location stated in the original permit; or

ii-(b) A discharge by a person other than the person named in the permit, provided however, that the ~~city~~City may approve a transfer if written approval is obtained, in advance, from the ~~city manager~~.City Manager.

(Ordinance 2401 § 1 (part), 1997).

SECTION 6.40.090: Interagency ~~cooperation~~Cooperation

(A) The ~~city~~City intends to cooperate with other agencies with jurisdiction over stormwater discharges to ensure that the regulatory purposes underlying stormwater regulations promulgated pursuant to the Clean Water Act (33 USC §1251 et seq.) are met.

(B) The ~~city~~City may, to the extent authorized by law, elect to contract for the services of any public agency or private enterprise to carry out the planning approvals, inspections, permits, and enforcement authorized by this ~~chapter~~.Chapter.

(Ordinance 2401 § 1 (part), 1997).

SECTION 6.40.100: Miscellaneous

~~Compliance Disclaimer.~~(A) COMPLIANCE DISCLAIMER. Full compliance by any person or entity with the provisions of this ~~chapter~~Chapter shall not preclude the need to comply with other local, state, or federal statutory or regulatory requirements, which may be required for the control of the discharge of pollutants into stormwater and/or the protection of stormwater quality.

~~Severability.~~

(B) SEVERABILITY. If any provision of this ~~chapter~~Chapter or the application of the ~~chapter~~Chapter to any circumstance is held invalid, the remainder of the ~~chapter~~Chapter or the application of the ~~chapter~~Chapter to other persons or circumstances shall not be affected.

(Ordinance 2401 § 1 (part), 1997).

SECTION 6.40.110: Judicial ~~review~~Review

The provisions of §1094.5 and §1094.6 of the Code of Civil Procedure set forth the procedure for judicial review of any act taken pursuant to this ~~chapter~~.Chapter. Parties seeking judicial review of any action taken pursuant to this ~~chapter~~Chapter shall file such action within ninety (90) days of the occurrence of the event for which review is sought.

(Ordinance 2401 § 1 (part), 1997).

CHAPTER 44: REGULATION OF THE SALE OF TOBACCO PRODUCTS

SECTION 6.44.010: Definitions

The following words and phrases, whenever used in this ~~chapter~~Chapter, shall be construed as defined in this ~~section~~Section:

- (1) "Employee" means any person who is employed by any ~~employee~~employer in consideration for direct or indirect wages or profit, and any person who volunteers his or her services for a nonprofit entity.
- (2) "Minor" means any person under the age of eighteen (18) years.
- (3) "Nonprofit entity" means any corporation, unincorporated association, or other entity created for charitable, philanthropic, education character-building, political, social, or other similar purpose, the net proceeds from the operations of which are committed to for the promotion of the objectives or purposes of the entity and not to for private gain. A public agency is not a "nonprofit entity" within the meaning of this ~~section~~Section.
- (4) "Self-service display" means any open display of tobacco products and point-of-sale tobacco- related promotional products that the public has access to without the intervention of an employee.
- (5) "Tobacco product" means any tobacco cigarette, cigar, pipe tobacco, smokeless tobacco, snuff, or any other form of tobacco which that may be utilized for smoking, chewing, inhaling, or other manner of ingestion.
- (6) "Tobacco retailer" means any person or governmental entity that operates a store, stand, booth, concession, or other place at which sales of tobacco products are made to purchasers for consumption or use.
- (7) "Vendor-assisted" means that only a store employee has access to the tobacco product and assists a customer by supplying the tobacco product, and the customer does not take possession of the tobacco product until it is purchased.

(Ordinance 2535 § 1 (part), 2000).

SECTION 6.44.020: Prohibitions

a.(A) No person, business, tobacco retailer, or owner, manager, or employee of a business or tobacco retailer shall be engaged in the sale of tobacco products without first posting a plainly visible sign at the point of purchase of tobacco products ~~which~~that has wording substantially similar to:

THE SALE OF TOBACCO PRODUCTS TO PERSONS UNDER THE AGE OF 18 YEARS IS PROHIBITED BY LAW AND SUBJECT TO PENALTIES. PHOTO IDENTIFICATION IS REQUIRED OF PURCHASERS APPEARING TO BE UNDER 21 YEARS OF AGE.

The letters of the sign shall be at least one-half inch high.

~~b~~-(B) No person, business, tobacco, retailer or owner, manager, or employee of any business or tobacco retailer shall sell, offer to sell or permit to be sold, any tobacco product to any purchaser who appears to be under eighteen (18) years of age, without first verifying by means of photographic identification containing the bearer's date of birth, that the purchaser is not under eighteen (18) years of age, unless the seller has some other reasonable and reliable basis for determining the purchaser's age.

~~c~~-(C) No person, business, tobacco retailer, or owner, manager, or employee of any business or tobacco retailer shall sell, offer to sell, or permit to be sold, any tobacco product not in the original packaging provided by the manufacturer and with all required health warnings.

~~d~~-(D) No person, business or tobacco retailer or owner, manager, or employee of any business or tobacco retailer shall sell, offer for sale, display for sale, or permit to be sold, offered for sale, or displayed for sale, any tobacco product by means of self-service display or by any means other than vendor-assisted sales.

(Ordinance 2535 § 1 (part), 2000).

SECTION 6.44.030: Exceptions

Section 6.44.020~~(a), (b), (c) and (d)~~(A), (B), (C) and (D) shall not apply to any establishment where access to the premises by persons under eighteen (18) years of age is prohibited by law.

(Ordinance 2535 § 1 (part), 2000).