

Title 7

HEALTH AND SAFETY¹

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- 7.27 PROTECTION FROM THE OLIVE FRUIT FLY**
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¹ For statutory provisions regarding county health administration contracts with cities, see Health & Safety Code § 480 et seq.; for provisions regarding the enforcement by the county agricultural commission of the provisions of the Agriculture Code, see Agric. Code § 2281.

Former Section 7.32 Mobile homes and Trailers was repealed by Ord 1089 adopted in 1997. Historical Reference: Ord 610 §§ 1 and 2, 1974; § 3 (part) 1974; Ord 631 §§ 1, 2, 3,4,5, 1975.

Chapter 7.04

FOOD HANDLING ESTABLISHMENTS

Sections:

- 7.04.010** *Food handling establishments defined.*
- 7.04.020** *Permits required.*
- 7.04.030** *Permit to construct or remodel--Application and data--Term.*
- 7.04.040** *Permit to operate--Issuance and renewal.*
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- 7.04.060** *Permit--Suspension or revocation--Notice.*
- 7.04.070** *Permit--Suspension or revocation--Appeal.*
- 7.04.080** *Violation a misdemeanor.*

7.04.010 Food handling establishments defined.

A "food handling establishment" as referred to in this chapter, means any room, building, or place, or portion thereof, maintained, used or operated as a grocery store, meat market, delicatessen, confectionery, food stand, restaurant as defined in Section 28522 of the Health and Safety Code, itinerant restaurant as defined in Section 28523 of the Health and Safety Code, or any other type of establishment which sells, stores, or handles food except wholesale food manufacturing, distributing and storage establishments. (Ord. 483A § 1, 1967.)

7.04.020 Permits required.

It is unlawful for any person to do any of the following unless he has a valid permit issued by the health officer:

- A. Construct a food establishment;
- B. Add to or remodel any building occupied by a food establishment;
- C. Operate, occupy, rent, lease or sublease a food establishment. (Ord. 483A § 2, 1967.)

7.04.030 Permit to construct or remodel--Application and data--Term.

Application for a permit to construct or remodel a food handling establishment shall be submitted to the Glenn County health department and made on a form supplied by the health department, and shall be accompanied by:

- A. Plans and specifications for the proposed construction;
- B. A description of water supply, drainage, and method of sewage disposal. Permits to construct or remodel are in effect for one year following the sale of issue. (Ord. 483A § 3, 1967.)

7.04.040 Permit to operate--Issuance and renewal.

Original permits to operate are issued by the health officer after receipt of an application made on a form supplied by the health department. Permits are effective for one year from the date of issue, and must be renewed annually. Original permits are required when:

- A. A food establishment is first opened;
- B. Ownership is changed;
- C. After extensive remodeling.

Operating permits are renewed annually and automatically by the health officer unless the permit is suspended or revoked. Following suspension or revocation, the operating permit will be reinstated as soon as inspection by the health officer reveals compliance with all pertinent state laws and regulations. (Ord. 483A § 4, 1967.)

7.04.050 Permit--Posting.

Permits for construction or operation shall be posted in a conspicuous place in the establishment. (Ord. 483A § 5, 1967.)

7.04.060 Permit--Suspension or revocation--Notice.

Any permit issued pursuant to this chapter may be suspended or revoked for good cause by the health officer. Good cause, for the purpose of this section, shall be a violation of the provisions of applicable state laws and regulations promulgated thereunder. The notice of suspension or revocation will be in writing and signed by the health officer. It will be served upon the permittee and will set forth in clear and concise language the acts or omissions which constitute the cause for the suspension or revocation. The notice will also inform the permittee of his right to file an appeal with the Glenn County board. (Ord. 483 § 6, 1967.)

7.04.070 Permit--Suspension or revocation--Appeal.

The board shall serve as a board of appeal for administrative action taken by the health officer. If such an appeal has not been filed in writing within ten days after the action has been taken, the right of appeal shall be considered waived. (Ord. 483A § 7, 1967.)

7.04.080 Violation a misdemeanor.

Every person who violates any provision of this chapter is guilty of a misdemeanor. (Ord. 1060 § 30, 1995.)

Chapter 7.06

CHILDREN AND FAMILIES FIRST COMMISSION

Sections:

- 7.06.010 Findings and purpose.*
- 7.06.011 Definitions.*
- 7.06.012 Establishment of commission.*
- 7.06.013 Establishment of trust fund.*
- 7.06.014 Membership.*
- 7.06.015 Terms – Appointment. (Reserved)*
- 7.06.016 Terms – Staggered. (Reserved)*
- 7.06.017 Vacancies and removal.*
- 7.06.018 Chairperson – Rules and regulations.*
- 7.06.019 Commission subject to Ralph M. Brown Act.*
- 7.06.020 Compensation.*
- 7.06.021 Duties.*

7.06.010 Findings and purpose.

The Board of Supervisors of the County of Glenn do find that:

The voters of the State of California passed the California Children and Families First Act of 1998. The act recognizes that there is a compelling need in California to create and implement a comprehensive, collaborative, and integrated system of information and services to promote, support, and optimize early childhood development from the prenatal stage to five (5) years of age.

The act further recognizes that there is a compelling need in California to ensure that early childhood development programs and services are universally and continuously available for children until the beginning of kindergarten. Proper parenting, nurturing, and health care during these early years will provide the means for California’s children to enter school in good health, ready and able to learn, and emotionally well developed.

It is the intent of this ordinance to facilitate the creation and implementation of an integrated, comprehensive, and collaborative system of information and services to enhance optimal early childhood development. This system should function as a network that promotes accessibility to all information and services from any entry point into the system. It is further the intent of this ordinance to emphasize local decision making, to provide for greater local flexibility in designing delivery systems, and to eliminate duplicate administrative systems.

The California Children and Families First Act of 1998 provides for funding through an excise tax on tobacco products in order to implement the goals and objectives which are outlined in the act itself. It is the further intent of this ordinance to create Glenn County's Children and Families First Commission and Glenn County's Children and Families First Trust Fund in order to receive funding through the act and to implement the goals and objectives outlined in the California Children and Families First Act of 1998.
(Ord. 1106 § VI, 1998)

7.06.011 Definitions.

- A. "Act" means the California Children and Families First Act of 1998.
- B. "California Children and Families Commission" means the state commission established in accordance with Health & Safety Code section 120110.
- C. "Commission" means the Children and Families First Commission established pursuant to Health & Safety Code section 130140.
- D. "County Strategic Plan" means the plan adopted by the commission and submitted to the California Children and Families First Commission pursuant to Health & Safety Code section 130140.
- E. "Trust Fund" means the Children and Families First Trust Fund established pursuant to Health & Safety Code section 130150. (Ord. 1106 § VI, 1998)

7.06.012 Establishment of commission.

There is established a commission to be known as the Children and Family First Commission.
(Ord. 1106 § VI, 1998)

7.06.013 Establishment of trust fund.

There is established a trust fund to be known as the Children and Families First Trust Fund.
(Ord. 1106 § VI, 1998)

7.06.014 Membership.

The commission shall be appointed by the Board of Supervisors and shall consist of at least five but not more than nine members:

- A. Two members of the commission shall be from among the county health officer and persons responsible for management of the following county functions: children's services, public health services, behavioral health services, social services, and tobacco and other substance abuse prevention and treatment services;
- B. One member of the commission shall be a member of the Board of Supervisors;
- C. The remaining members of the commission shall be from among the persons described in subpart A of this section and persons from the following categories: recipients of project services included in the county strategic plan; educators specializing in early childhood development; representatives of a local child care resource or referral agency, or a local child care coordinating group; representatives of a local organization for prevention or early intervention for families at risk; representatives of community-based organizations that have the goal of promoting nurturing and early childhood development; representatives of local school districts; and representatives of local medical, pediatric, or obstetric associations of societies;
- D. The Board of Supervisors shall determine the manner of appointment, selection, or removal of members of the commission, the duration and number of terms commission members shall serve, and any other matters that the Board of Supervisors deems necessary or convenient for the conduct of the commission's activities. (Ord. 1106 § VI, 1998)

7.06.015 Terms – Appointment. (Reserved) (Ord. 1106 § VI, 1998)

7.06.016 Terms – Staggered. (Reserved) (Ord. 1106 § VI, 1998)

7.06.017 Vacancies and removal.

- A. A vacancy on the commission shall occur automatically on the happening of any of the following events before the expiration of the term:
 - 1) Removal of the incumbent for any reason;
 - 2) Death or resignation of the incumbent;
 - 3) Ceasing to be a representative from the various categories provided for in section 7.06.014; or
 - 4) If the commission holds only one regular meeting during each calendar month, absence from three (3) consecutive regular or special meetings or his/her absence from four (4) regular or special meetings in any twelve (12) month period, or if the commission holds two (2) or more regular meetings during each calendar month, absence from four (4) consecutive regular or special meetings or absence from six (6) regular or special meetings within a twelve (12) month period.
- B. The secretary of the commission shall certify the happening on any vacating event to the Board of Supervisors. The Board of Supervisors may waive any vacating event for any member of the commission by majority vote of the Board of Supervisors.
- C. The Board of Supervisors shall make interim appointments to fill unexpired terms in the event of vacancies occurring during the term of members of the commission. The Board of Supervisors shall act within sixty (60) days to fill a vacancy. (Ord. 1106 § VI, 1998)

7.06.018 Chairperson – Rules and regulations.

The members of the commission shall annually elect a chairperson who shall serve for a term of one (1) year. The commission shall make such rules and regulations as are necessary to conduct its business. (Ord. 1106 § VI, 1998)

7.06.019 Commission subject to Ralph M. Brown Act.

The commission’s meetings are subject to the opening meeting laws contained in the Ralph M. Brown Act. (Ord. 1106 § VI, 1998)

7.06.020 Compensation.

The members of the commission shall serve without compensation, but may receive actual and necessary expenses as are incurred in carrying out their duties. (Ord. 1106 § VI, 1998)

7.06.021 Duties.

- The Children and Families First Commission is charged with the following duties:
- A. To implement the goals and objectives of the Act;
 - B. To administer the monies in the Glenn County Children and Families First Trust Fund;
 - C. The adoption of an adequate and complete county strategic plan for the support and improvement of early childhood development within the county as outlined in the Act;
 - D. To conduct at least one (1) public hearing on its proposed county strategic plan before the plan is adopted;
 - E. To conduct at least one (1) public hearing on its periodic review of the county strategic plan before any revisions to the plan are adopted;
 - F. To submit its adopted county strategic plan, and any subsequent revisions thereto, to the state commission and the Board of Supervisors;
 - G. To prepare and adopt an annual audit and report pursuant to Health & Safety Code section 130150. The commission shall conduct at least one (1) public hearing prior to adopting any annual audit and report;
 - H. To conduct at least one (1) public hearing on each annual report by the state commission prepared pursuant to Health & Safety Code section 130150, subdivision (b);
 - I. Make copies of its annual audits and reports available to members of the general public on request and at no cost;
 - J. To exercise all powers, duties, and functions as are prescribed by statute, the Board of Supervisors, and the commission. (Ord. 1106 § VI, 1998)

Chapter 7.08

GARBAGE AND REFUSE DISPOSAL²

Sections:

- ARTICLE 1 GENERAL REFUSE REGULATIONS*
- 7.08.010 Chapter purpose.*
- 7.08.020 Definitions.*
- 7.08.030 Garbage containers required.*
- 7.08.040 Rubbish containers required.*
- 7.08.050 Deposit of garbage and rubbish in same container--When permitted.*
- 7.08.060 Weekly removal of garbage, rubbish and refuse required.*
- 7.08.070 Depositing at unapproved disposal area prohibited.*
- 7.08.080 Refuse securely tied, covered during hauling.*
- 7.08.090 Hauling prohibited by container used for burning.*
- 7.08.100 Burning garbage prohibited.*
- 7.08.110 Burning of non-garbage.*
- 7.08.120 Dumping of refuse prohibited*
- 7.08.150 County disposal areas.*
- 7.08.160 Disposal areas--Auto bodies and scrap metal*
- 7.08.170 Disposal areas--Environmental control.*
- 7.08.180 Litter--On occupied private property.*
- 7.08.190 Litter--Owner to maintain premises free of litter.*
- 7.08.200 Litter--On vacant lots.*
- 7.08.210 Litter--Notice to remove.*
- 7.08.220 Litter--Failure to remove--County removal*
- 7.08.230 Litter--County removal--Charge to be collected.*
- 7.08.250 Interference with refuse collector.*
- 7.08.260 Refuse--Ownership.*

² Uncodified Ordinance 1088 adopted July 1, 1997 relates to setting fees for collection of service charges and solid waste gate fees.

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TRANSPORTATION--PERMIT AND LICENSE**

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- 7.08.820** *Environmental impact finding.*

**ARTICLE I
GENERAL REFUSE REGULATIONS**

7.08.010 Chapter purpose.

This is a chapter for the purpose of regulating and licensing the collection and transportation of refuse and providing for charges by the county for disposal. (Ord. 551 (part), 1972.)

7.08.020 Definitions.

For the purpose of this chapter, the following words are defined and shall be construed as having the following meaning:

- A. "Applicant" means one who is desirous of obtaining a permit to transport refuse for hire;
- B. "Board" means the board of supervisors of the county;
- C. "Collection station" means the location at which refuse is placed in containers for collection by the refuse collector;
- D. "County" includes all the unincorporated area within the county of Glenn;
- E. "Farm" or "ranch" means property that is devoted entirely to commercial agricultural purposes, including the feeding and raising of livestock, dairying or poultry raising;
- F. "Garbage" means all putrescible wastes and all animal or vegetable refuse or residue that results from the preparation or care for, or treatment of, food stuffs intended to be used as food, or has resulted from the preparation or handling of food for human consumption, or any decayed or unsound meat, fish, fruit or vegetable;
- G. "Gender." The masculine includes the feminine and the neuter;
- H. "Litter" includes garbage, rubbish, and refuse;
- I. "Permittee" is a person who has been granted a permit by the board to haul refuse for hire;
- J. "Person" means any person, firm, association, organization, partnership, joint venture, corporation, business trust or company and any officer or agent thereof;
- K. "Refuse" is all inclusive and means all types and includes, but is not restricted to putrescible or nonputrescible solid wastes consisting of both combustible and noncombustible wastes such as paper, cardboard, garbage, grass clippings, tree or shrub trimmings, wood, bedding, crockery, rubber tires, construction waste, and similar waste materials, except sewage and industrial wastes;
- L. "Refuse collector" means a person who is engaged in the collection and/or transportation of refuse in any part of the unincorporated area of the county;
- M. "Refuse department" or "department" means and refers to the health department of the county;
- N. "Refuse disposal area" or "disposal area" means any site, location, or tract of land, area, building, structure, transfer station, or premises permitted by law to be used for refuse disposal;
- O. "Rubbish" means nonputrescible wastes such as unusable, unwanted or discarded material and debris resulting from normal community or business activities, or materials which by their presence may injuriously affect the health, safety, and comfort of persons and/or depreciate property values in the vicinity thereof;
- P. "Standard container" means a metallic can with close-fitting cover, side bail handles and of thirty-two gallons or less in capacity;
- Q. "Truck" means any truck, trailer, semi-trailer, conveyance or vehicle used to collect refuse or to haul, or transport refuse upon or along public highways.

(Ord. 551 § 1, 1972.)

7.08.030 Garbage containers required.

No person occupying or maintaining any premises within the County, where garbage is created, produced, or accumulated upon such premises, shall fail or neglect to procure either a standard container or other container with close-fitting cover that is approved by the Permittee serving the premises, for receiving and holding, without leakage or escape of odors, all garbage which is produced, created, or accumulated upon such premises. All such persons shall deposit all such garbage in such a container. All such containers shall at all times be kept in a sanitary condition. Each container shall not exceed eighty (80) pounds weight when filled for removal, except when such container or containers are designed for mechanical emptying pursuant to regulations prescribed by the County. (Ord. 1052 § 1, 1995; Ord. 551 § 2(a), 1992.)

7.08.040 Rubbish containers required.

No person occupying or maintaining any premises within the County, where any rubbish is created, produced or accumulated upon such premises, shall fail or neglect to procure a standard container or other container with close-fitting cover that is approved by the permittee serving the premises, for receiving and holding, without leakage or escape of odors, all rubbish which is produced, created or accumulated upon such premises and all such persons shall deposit all such rubbish in such a container. All such containers shall not exceed eighty (80) pounds in weight when filled for removal, except when such container or containers are designed for mechanical emptying pursuant to regulations prescribed by the County. All such containers shall at all times be kept in a sanitary condition. (Ord. 1052 § 2, 1995; Ord. 551 § 2(b), 1972.)

7.08.050 Deposit of garbage and rubbish in same container--When permitted.

Garbage and rubbish may be deposited in the same container specified for garbage provided that the weight of any such container or containers does not exceed eighty (80) pounds weight when filled for removal, except when such container or containers are designed for mechanical emptying pursuant to regulations prescribed by the County. All such containers shall at all times be kept in a sanitary condition, without leakage or escape of odors therefrom. (Ord. 1052 § 3, 1995; Ord. 551 § 2(c), 1972.)

7.08.060 Weekly removal of garbage, rubbish and refuse required.

Unless special permission is granted by the Director of the Health Department or his duly authorized representative, all garbage, rubbish and refuse created, produced or accumulated in or about dwelling units situated anywhere in the County, shall be disposed of or removed from the premises at least once each week. All garbage, rubbish, and refuse created, produced or accumulated on all other premises shall be disposed of or removed from such premises at least once each week, or more often, if necessary. (Ord. 1052 § 4, 1995; Ord. 551 § 3, 1972.)

7.08.070 Depositing at unapproved disposal area prohibited.

No person shall throw or deposit, or cause to be thrown or deposited, any garbage, rubbish or refuse, or allow any accumulation of same to remain, in or upon any public right-of-way, watercourse, or banks of watercourses, or upon any premises whatsoever except at an approved disposal area. (Ord. 551 § 4(a), 1972.)

7.08.080 Refuse securely tied, covered during hauling.

All refuse hauled by any person, over any road, in the county shall be securely tied and covered during the hauling thereof, so as to prevent leakage, spillage, dropping or blowing. No person shall allow refuse of any kind whatsoever to leak, spill, drop or blow from any vehicle on any road. (Ord. 551 § 4(b), 1972.)

7.08.090 Hauling prohibited by container used for burning.

No person shall transport garbage or refuse in any container that has been used for burning. (Ord. 551 § 4(c), 1972.)

7.08.100 Burning garbage prohibited.

It shall be unlawful to burn refuse, garbage or other combustible waste containing garbage or to burn any other materials of a type that may create a nuisance or may injuriously affect the public health, safety or welfare, at any time. (Ord. 1052 § 5, 1995; Ord. 551 § 5(a), 1972.)

7.08.110 Burning of non-garbage.

The burning of combustible waste, other than garbage, may be done only upon compliance with all appropriate requirements of the California Department of Forestry, any affected fire protection district, and the Glenn County Air Pollution Control District. (Ord. 1052 § 6, 1995; Ord. 551 § 5(b), 1972.)

7.08.120 Dumping of refuse prohibited

No person shall dump or otherwise deposit or allow to accumulate on any private or public property any refuse or rubbish, except as provided by this chapter or by order of the Board of Supervisors. (Ord. 1052 § 7, 1995; Ord. 551 § 6(a), 1972.)

7.08.150 County disposal areas.

- A. The County may provide and operate disposal areas, sites and facilities for the disposal of garbage, rubbish and refuse collected from within the County. The Board, by resolution or ordinance, may establish regulations governing use of these disposal areas, and schedule of fees to be paid for use of the disposal areas, sites and facilities.
 - B. The method of disposal to be used at any permitted disposal area shall be as described in the current Report of Disposal Site Information (RDSI) for that specific disposal area.
- (Ord. 1052 § 10, 1995; Ord. 551 § 6(d), 1972.)

7.08.160 Disposal areas--Auto bodies and scrap metal

Automobile and truck bodies, abandoned motor vehicles, and other large and bulky metal objects such as farm machinery and equipment, shall be deposited in specially designated disposal areas only, or shall be disposed of through commercial scrap metal dealers. (Ord. 551 § 6(e), 1972.)

7.08.170 Disposal areas--Environmental control.

No hazardous, unusual or regulated waste or substance shall be deposited or dumped in disposal areas in violation of any applicable federal, state or local law, statute, or regulation relative to public health and safety, fish and wildlife protection, air pollution, water quality control, or environmental control. (Ord. 1052 § 11, 1995; Ord. 551 § 6(f), 1972.)

7.08.180 Litter--On occupied private property.

No person shall throw or deposit litter on any private property within the County except that the owner or person in control of private property may maintain authorized litter receptacles that prevent litter from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property. (Ord. 1052 § 12, 1995; Ord. 551 § 6(g) (part), 1972.)

7.08.190 Litter--Owner to maintain premises free of litter.

The owner or person in control of any private property shall at all times maintain the premises free of litter. Provided, however, that this section shall not prohibit the storage of litter in authorized private receptacles for collection. (Ord. 551 § 6(g)(1), 1972.)

7.08.200 Litter--On vacant lots.

No person shall throw or deposit litter on any open or vacant private property within the county whether owned by such person or not. (Ord. 551 § 6 (g) (2), 1972.)

7.08.210 Litter--Notice to remove.

The Director of the Health Department or his duly authorized representative is hereby authorized and empowered to notify the owner of any private property within the County or the agent of such owner or occupant to properly dispose of litter located on such owner's property which is dangerous to public health, safety or welfare. Such notice to an owner shall be given by Certified Mail, addressed to the owner at the owners last known address. (Ord. 1052 § 13, 1995; Ord. 551 § 6(g)(3)(a), 1972.)

7.08.220 Litter--Failure to remove--County removal

Upon the failure, neglect or refusal of any owner or agent or occupant so notified, to properly dispose of litter dangerous to the public health, safety or welfare within five days after receipt of written notice provided for in Section 7.08.210, or within seven days after the date of such notice in the event the notice is returned to the health

officer because of inability to make delivery thereof, provided the notice was properly addressed to the last known address of such owner, or agent or occupant, the health officer is authorized and empowered to pay for the disposing of such litter or to order its disposal by the county. (Ord. 551 § 6 (g) (3) (b), 1972.)

7.08.230 Litter--County removal--Charge to be collected.

When the County has effected the removal of such dangerous litter or has paid for its removal, the actual cost thereof, including administrative and reinspection costs, plus accrued interest at the rate of seven per cent (7%) per annum from the date of the completion of the work, if not paid by such owner or occupant prior thereto, shall be charged to the owner and any occupant of such property. The charge shall be due and payable by the owner at the time of presentation and the County may proceed to collect it by appropriate action. (Ord. 1052 § 14, 1995; Ord. 551 § 6(g)(3)(c), 1972.)

7.08.250 Interference with refuse collector.

It is unlawful for any person or persons by any means to interfere with or prevent the removal or transporting of refuse from premises within the permittee's authorized zone to the county disposal areas. (Ord. 551 § 7, 1972.)

7.08.260 Refuse--Ownership.

All garbage, rubbish and refuse, upon being removed from the premises where produced or accumulated shall become and be the property of the refuse collector permittee authorized by the county to remove the same, and upon this material being delivered to the county disposal areas shall forthwith become the property of the county upon dumping the same therein. (Ord. 551 § 8, 1972.)

ARTICLE II
COLLECTION, HAULING, AND TRANSPORTATION
--PERMIT AND LICENSE

7.08.270 Permit and license required.

It is unlawful for any person to collect, haul or transport refuse on any highway within the unincorporated territory of the county without first making application to the health department of the county and receiving a license to engage in such occupation. The provisions of this section shall not apply to persons hauling household refuse or residue from their own residence nor to farming or agricultural operations, nor to municipalities or public agencies, nor industrial, commercial and business establishments or to building contractors or any of these hauling their own refuse or refuse generated by themselves. It is the intent of this section to prohibit any person from hauling refuse for hire without first receiving a permit to engage in the refuse collection business. (Ord. 551 § 9, 1972.)

7.08.280 Permit and license--Application form.

Applicants for a permit and license under this chapter must file with the health department a verified application in writing on a form furnished and approved by the health department which shall have the following information:

- A. Name and description of the applicant;
- B. Permanent home and business address and full local address of the applicant;
- C. Trade and firm name;
- D. If a joint venture or a partnership or a limited partnership, the names of all partners and their percentage of participation and their permanent addresses;
If a corporation, the names and permanent addresses of all the stockholders and the officers and the percentage of participation of each;
- E. That the applicant has arranged for the disposal of all refuse collected or transported by him at a county disposal area where the same may be legally accepted and disposed;
- F. The location of the disposal area;
- G. Facts showing the applicant is qualified to render efficient refuse collection service;
- H. That the applicant owns or has under control, in good mechanical condition, sufficient equipment to adequately conduct the business of refuse collection if granted a permit;
- I. That the vehicles and equipment conform to all applicable provisions of this chapter;
- J. That the applicant show to the satisfaction of the health department that the issuance of a permit is in the public interest and there is a need for a permit to be issued;
- K. A definite description of the area the applicant proposes to serve;
- L. Such other facts or information as the health department may require.

(Ord. 551 § 10, 1972.)

7.08.290 Permit--Application--Approval.

If the health department finds that the statements in the application are true, that the present licensee in the particular area is unable to properly and completely perform all required and necessary collection duties and services, that the applicant is capable of complying with the provisions of this chapter and the rules and regulations of the health department, the department may recommend the issuance of a permit for the collection of the refuse. The issuance will then be approved or denied by the board. (Ord. 551 § 11(a), 1972.)

7.08.300 Permit--Revocation and cancellation--Change of ownership.

The permit issued may be revoked and cancelled at the option of the board in the event there is a change of ownership of any kind or nature of the operating company or by the person to whom a permit is issued unless approval therefor has first been obtained in writing from the board.

The foregoing shall apply to changes in stock ownership in corporations, changes in partnerships or limited partnerships or percentage of participation therein, or transfer from an individual to an individual of any interest in the operating company and shall further apply whether the same be voluntary or involuntary. (Ord. 551 § 11(b)(part), 1972.)

7.08.310 Statement of ownership required.

The permittee shall file a statement of ownership with the board on July 1st of each year and shall verify same as being true and correct under the penalty of perjury. This statement shall be in such form as may be prescribed therefor by the health department. (Ord. 551 § 11(b)(part), 1972.)

7.08.320 Permit--Application--Denial.

The board may deny an application on the grounds of infeasibility. Whenever a new application is filed under the provisions of this chapter, for a permit to serve an area in the county where a permit already exists, the board, after due investigation, may find and determine, as a matter of fact, that there does not exist in the area sufficient potential sources of refuse to justify granting of an additional separate and distinct permit for the area. Predicated on such findings, the board may deny the application for a permit on the grounds that the granting of such new permit is not economically or financially feasible nor in the public interest and welfare. (Ord. 551 § 11 (c), 1972.)

7.08.330 Permit--Renewal.

Permits shall be renewed upon expiration thereof for a similar term provided the health department finds from the facts that the permit holder has, during the period of the expiring permit, operated in conformity with the provisions of this chapter and the rules and regulations of the health department, and that he is capable of continuing operation in conformity with the provisions of this chapter or subsequent refuse ordinances and with the rules and regulations of the department. (Ord. 551 § 12(a), 1972.)

7.08.340 Permit--Cancellation for inactivity.

If the permit is and remains inactive for thirty days, the director may request the board to cancel the permit. (Ord. 551 § 12(b), 1972.)

7.08.350 Permit--Renewal--Maximum term.

The health department, upon written request of any permit holder, shall have the right to renew any permit up to two years prior to the expiration thereof, provided that such renewed permit will not become effective until the expiration of the existing permit, and further provided that the maximum term of each such renewal shall not exceed ten years. (Ord. 551 § 12(c), 1972.)

7.08.360 Permit--Term.

All permits issued under this chapter shall be effective for five years from the date of issue unless a longer term, not to exceed ten years, is approved by the board. (Ord. 556 § 1, 1972; Ord. 551 § 13(a), 1972.)

7.08.370 Permit and service fees.

The Board of Supervisors may establish fees by resolution for permits issued and services rendered by the County under this chapter. (Ord. 1052 § 16, 1995; Ord. 551 § 13(b), 1972.)

7.08.380 Fees--Deposit to general fund.

The health department shall deposit all fees received hereunder to the general fund or to such other fund as the board may designate. (Ord. 551 § 13(c), 1972.)

7.08.390 New applicant--Permit required.

Every new applicant who desires to engage in the occupation of hauling refuse in the unincorporated areas of the county after October 1, 1972, shall obtain a permit hereunder prior to commencing operations or engaging in such operation. (Ord. 551 § 13(d), 1972.)

7.08.400 Performance bonds required.

Before issuing any permit under the provisions of this chapter, the health department shall require the applicant as a condition to the issuance of the permit to post with the health department a cash bond in the sum of two thousand five hundred dollars or a surety in the same amount furnished by a corporate surety authorized to do business in the state, payable to the county. The bond shall be conditioned upon full and faithful performance by the permittee of his obligations under the applicable provisions of this chapter, and shall be kept in full force and effect by the permittee throughout the life of the permit and all renewals thereof; provided, however, that if the applicant

has less than one thousand but more than five hundred customers, he shall post a cash or surety bond in the sum of one thousand dollars; if said applicant has five hundred customers or less, he shall post a cash or surety bond in the sum of five hundred dollars.

The board from time to time may by resolution establish such additional bond requirements as they may deem necessary in the event they determine the foregoing bond requirements constitute insufficient protection to the county. (Ord. 551 § 14(a), 1972.)

7.08.410 County not liable.

As a condition of the county issuing a permit, the applicant agrees to the terms of Sections 7.08.400 through 7.08.430. The permittee shall appear and defend all actions against the county arising out of the exercise of the permit, and shall indemnify and save the county, its officers, employees and agents harmless of and from all claims, demands, actions, or causes of actions of every kind and description resulting directly or indirectly, arising out of, or in any way connected with the exercise of the permit. (Ord. 551 § 14(b), 1972.)

7.08.420 Public liability and bodily injury insurance required.

The permittee shall obtain and keep in force during the term of said permit, public liability and bodily injury insurance in an amount not less than five-hundred-thousand dollars (\$500,000.00) for injuries or death to any one person and not less than one-million dollars (\$1,000,000.00) for injuries or death to more than one person arising out of any one accident or occurrence; property damage liability insurance in an amount not less than one-hundred-thousand dollars (\$100,000.00) and Worker's Compensation insurance covering all employees of the permit holder. Copies of such policies, or certificates evidencing such policies, shall be approved by the County Counsel and filed with the County Clerk. The County shall be named as an additional insured. All policies shall contain a provision requiring a ten-day notice to be given the County prior to cancellation, modification or reduction of limits. The amounts of public liability insurance for bodily injury and property damage shall be subject to review and adjustment by the Board annually at the Board's option. All insurance policy anniversary dates will be July 1 of each year. (Ord. 1052 § 17, 1995; Ord. 551 § 14(c), 1972.)

7.08.430 Trucks--State code compliance required.

Before any permit is issued, the applicant's trucks must comply with the regulations as set forth in the California Motor Vehicle Code and this chapter. (Ord. 551 § 14(d), 1972.)

7.08.440 Territorial provision.

The health department shall specify in all refuse collector's permits or renewal thereof, the territory as specified in the application within which the permittee may collect refuse within the county, and no refuse collector shall, at any time, collect refuse in the county outside the territorial limits fixed in the permit issued to him. The territory so specified in any such permit may be modified by the department only after following the procedures set forth above for licensing a new applicant. In the event the department decides to decrease the area of a permittee, the permittee shall be given a thirty-day written notice thereof before it shall become effective. During such thirty day period, permittee may request a review thereof by the board. (Ord. 551 § 15, 1972.)

7.08.450 Permittee--Compliance with service requests.

A refuse collector must provide refuse pickup service to all residential premises and commercial establishments situated within the area specified in his permit, should the residential occupant or operator of a commercial establishment request such service, provided payment for such service is made and such service can be practically rendered. (Ord. 551 § 16, 1972.)

7.08.460 Size and weight of container.

As a health and safety measure, no collector shall be required to service containers of over thirty-two gallon capacity and shall not exceed eighty pounds weight when filled for removal, except when such container or containers are designed for mechanical emptying pursuant to regulations prescribed by the County. (Ord. 1202 § 2, 2008; Ord. 551 § 17, 1972.)

7.08.470 Trucks--Permit number--Display required.

The refuse collector shall have painted or stencilled in a prominent place on the exterior of each truck used by him collection of refuse the following information in four inch letters:

REFUSE PERMIT NO. _____
COUNTY OF GLENN
(Ord. 551 § 18(a), 1972.)

7.08.480 Trucks--Maintenance and identification.

All trucks of the refuse collector shall be maintained in a clean and sanitary manner. Each truck will bear the insignia assigned to the refuse collector, together with the number of his truck in one-foot numbers on the body, clearly visible both from the front and back of the truck. (Ord. 551 § 18(b), 1972.)

7.08.490 Trucks--Bodies--Materials and cleanliness.

The bodies of trucks used in the collection or transportation of refuse shall have beds of metal or of impervious material which can be cleaned, and said beds must be watertight and leakproof. Said beds shall be cleaned and disinfected at least once a day when in use. The refuse collector must provide adequate means to prevent the refuse from escaping from the truck while collecting or transporting the refuse. (Ord. 551 § 19(a), 1972.)

7.08.500 Trucks--Enclosure and equipment.

Packer-type completely enclosed trucks will be used to the fullest possible extent. Other suitable equipment as required by terrain, type of refuse to be hauled, or other special conditions may be approved by the health department. (Ord. 551 § 19(b), 1972.)

7.08.510 Transporting garbage--Watertight container required.

No person shall transport garbage over any public highway unless such garbage is contained in watertight metal tanks, containers or other receptacle which in all instances shall be equipped with close-fitting metal covers, except as otherwise permitted by the health department, and such covers shall be affixed to the tanks, containers, or other receptacles in such a manner as to prevent the dropping or spilling of any garbage upon the highway. (Ord. 551 § 20(a), 1972.)

7.08.520 Tanks and containers to be clean and disinfected.

All garbage-conveying tanks, containers, and other receptacles shall be cleaned and disinfected, both on the inside and outside thereof, immediately after being used, and at all times shall be kept free from any garbage on the outside thereof. (Ord. 551 § 20(b), 1972.)

7.08.530 Records required.

All operators of refuse collection shall keep and maintain such operating records as the health department may require to ascertain the extent of compliance with this chapter, and shall, if requested by the health department, submit periodic reports of such operations. (Ord. 551 § 21, 1972.)

7.08.540 Health department authority.

The health department is authorized to make all necessary and reasonable rules and regulations, subject to the approval of the board, covering refuse and garbage accumulations, collection and transportation, types of refuse containers and refuse collection vehicles and for the effective and reasonable administration of this chapter. (Ord. 551 § 22, 1972.)

7.08.550 Equipment required.

Each vehicle hauling refuse in the county under permit shall carry a shovel, broom and a fire extinguisher. (Ord. 551 § 23, 1972.)

7.08.560 Truck inspection.

All of the permittee's equipment may be inspected at the disposal area used by the permittee at anytime by the Health Officer or his designated representative to ensure compliance with the requirements of this chapter and applicable state regulations. (Ord. 1052 § 18, 1995; Ord. 551 § 24, 1972.)

7.08.570 Parking loaded trucks at night.

No person shall leave trucks loaded with refuse parked for over a twenty-four hour period. (Ord. 551 § 25, 1972.)

7.08.580 Permittee's employees.

The county reserves the right to request the permittee to dismiss any employee who flagrantly violates any provision of this chapter or who is wanton, negligent or discourteous in the performance of his duties. (Ord. 551 § 26, 1972.)

7.08.590 Hours of collection.

The permittee shall provide a minimum of regular weekly collections to his customers. The hours of collection in the residential areas shall be from six a.m. to six p.m. daily, and no collections on Sundays and holidays, Christmas Day, New Year's Day, Thanksgiving Day, and July 4th are recognized holidays. (Ord. 551 § 27, 1972.)

7.08.600 Refuse from outside the county.

Refuse from outside of the County will not be accepted at county disposal areas and the permittee will not transport any refuse from outside the county to county disposal areas except in certain exceptional and special circumstances as may be permitted by approval of the board. (Ord. 551 § 28 (part), 1972.)

7.08.610 Scavenging prohibited.

Scavenging at county operated disposal site without the express permission in writing from the board, is prohibited. (Ord. 551 § 28 (part), 1972.)

7.08.620 Rate basis.

The permittee's charges shall be based on the number of containers, quantity, type of refuse, number of separate pick-up points at any collection station, placement or distance of carry-out, frequency of service, terrain, distance from disposal sites, and whether commercial or residential refuse. But in all cases an equal price shall be charged for equal service. All rate schedules shall be approved by the board. (Ord. 551 § 29, 1972.)

7.08.630 Questions on rates.

All charges or fees for service by a licensed refuse collector shall be reasonable and the charges or fees shall be uniform for the same services. A current rate schedule will be filed with the health department. Any customer contending that he has been required to pay an unreasonable charge for such service may file a written complaint with the health department, setting forth the facts of such alleged overcharge and the department will notify the refuse collector of such complaint and shall investigate the matter of the complaint and conduct a hearing, if requested to do so, to determine the reasonableness of the charges for such service after the effective date of this chapter. Any refuse collector desiring to change rates shall file a request with the health officer who shall pass on the reasonableness of the request and make recommendations to the board. Upon receipt of all the information desired, the board may at its own discretion deny or grant permission to change his rates. (Ord. 551 § 30, 1972.)

7.08.640 Interruption of service by labor dispute.

In the event the refuse collection of a permittee is interrupted by a labor dispute and scheduled collections are discontinued for more than seventy-two hours, the county shall have the right to forthwith take temporary possession of all facilities and equipment of the permittee for the purpose of continuing the service, which the permittee has agreed to provide and to preserve and protect the public health and safety. The county shall have the right to retain possession of the facilities and equipment and to render the required service, until the permittee can demonstrate to the satisfaction of the county that required services can be resumed by the permittee. Provided, however, that such temporary assumption of the permittee's obligations under this permit shall not be continued by the county for more than one hundred twenty days from the date such operations were undertaken. Should the

permittee fail to demonstrate to the satisfaction of the county that required services can be resumed by the permittee prior to the expiration of one hundred twenty days, the permit granted in this chapter may be forfeited and the rights and privileges granted in the permit may be cancelled and annulled. (Ord. 551 § 31(a), 1972.)

7.08.650 County entitled to gross revenue when obligations temporarily assumed.

During any period in which the county has temporarily assumed the obligations of the permittee under this permit, the county shall be entitled to the gross revenue attributable to operations during such period and shall pay therefrom only those costs and expenses applicable or allocable to said period; the excess, if any, of revenue over applicable or allocable costs and expenses during such period shall be deposited in the treasury of the county to the credit of the general fund. Final adjustment and allocation of gross revenue, costs and expenses to the period during which the county temporarily assumed the obligations of the permittee shall be determined by an audit, by a certified public accountant, and prepared in report form with his unqualified opinion annexed thereto. (Ord. 551 § 31(b), 1972.)

7.08.660 County may hire employees of permittee.

Employees of the permittee may be employed by the county during any period in which the county temporarily assumes the obligations of the permittee under this permit. Provided, however, that the rate of compensation to be paid such employee, or any other employees, shall be the rate or rates in effect at the time the permittee's service was interrupted by the labor dispute. (Ord. 551 § 31(c), 1972.)

7.08.670 Action after termination of permit.

In the event of termination of the permit for breach or default by the permittee as specified in Section 7.08.640, the county shall have the right forthwith to take possession of all trucks and other equipment of the permittee for the purpose of collecting and disposing of the refuse which the permittee agreed to do. The county shall have the right to retain possession of the trucks and equipment until such other suitable trucks and equipment can be purchased or otherwise acquired by the county for said purpose and shall pay the permittee a reasonable rental value of such trucks and equipment during the time the trucks and equipment are used by the county for such purpose. The county shall also have access to the permittee's records for the purpose of billing service accounts during the period the county is providing the refuse collection service and shall retain all fees collected for such service. (Ord. 551 § 32(a), 1972.)

7.08.680 Permit not assignable.

The permit granted hereunder shall not be assignable, either voluntarily or by operation of law. If the permittee at any time during the term of this permit becomes insolvent, or if proceedings in bankruptcy are instituted by or against the permittee, or if the permittee is adjudged bankrupt or insolvent by any court, or if a receiver or trustee in bankruptcy or a receiver of any property of the permittee is appointed in any suit or proceeding brought by or against permittee, or if the permittee makes an assignment for the benefit of creditors, then and in each and every case, the permit and the rights and privileges granted thereby shall immediately cease, determine and be forfeited and cancelled without notice and without suit or other proceedings. (Ord. 551 § 32(b), 1972.)

7.08.690 Permittee--Business office required.

The permittee shall establish and maintain an office where service may be applied for and complaints made. Such office shall be equipped with a listed telephone to which calls from county residents in his permit area may be placed without payment and shall have a responsible person in charge between the hours of eight a.m. and five p.m. of each day except Saturdays, Sundays, and holidays. (Ord. 551 § 33(a), 1972.)

7.08.700 Maps and schedules of collection routes required.

The permittee shall supply the county with current maps and schedules of collection routes and shall upon request supply occupants of premises with printed information cards containing information regarding amounts of refuse which will be collected, complaint procedures, rates, regulations, and days of collection. (Ord. 551 § 33(b), 1972.)

7.08.710 Service rate payment--County not liable.

Neither the county nor any of its officers or employees shall be liable for, or in any way responsible for, the payments of any service rates or charges due the permittee for performing services to the residents of the county. (Ord. 551 § 33(c), 1972.)

7.08.720 Chapter enforcement.

The administration and enforcement of this chapter shall be the responsibility of the director of the health department or his designated representative or representatives. (Ord. 551 § 33(d), 1972.)

7.08.730 Service of notices.

All notices required or given pursuant to this Chapter shall be deemed properly served when deposited, postage prepaid, in the United States Mail, addressed to Permittee at the Permittee's last known address. Notices addressed to the County shall be directed to Glenn County Health Department, 240 North Villa Avenue, Willows, California 95988. (Ord. 1052 § 19, 1995; Ord. 551 § 33(e), 1972.)

7.08.740 Health department--Permit denial authority.

The health department is empowered to deny or withhold a permit to conduct a refuse collection service, if the department finds that the vehicle or vehicles used or to be used in conducting or operating a refuse collection or transportation service is, or are, insufficient, unfit or incapable of being used and maintained to comply with the provisions of this chapter of the applicable rules and regulations of the department. (Ord. 551 § 34(a), 1972.)

7.08.750 Health department--Permit suspension or revocation.

The health department may suspend or revoke any permit authorized by this chapter whenever the permittee fails or refuses to comply with the provisions of this chapter or the applicable rules or regulations of the health department. Such action or revocation or suspension by the health department may be taken only after ten days' notice in writing to the permittee of the violation within said time. (Ord. 551 § 34(b), 1972.)

7.08.760 Appeals.

Any person who is dissatisfied with any decision or ruling of the health department under this chapter may appeal to the board, which board shall hear the matter de novo. The majority decision of the board shall be required to reverse the action of the health department. The appeal shall be taken by filing with the clerk of the board a notice of appeal and the hearing on the appeal shall be only after a notice of the time thereof mailed to appellant and respondent at least ten days before the hearing. (Ord. 551 § 34(c), 1972.)

7.08.770 Permit not required when.

Any municipality, public agency, sanitary district, division of government, industrial, commercial, business establishment, operating its own collection service entirely for the benefit of such establishment under one ownership and for no other establishment and disposing of refuse collected on the premises of such at a disposal site owned and/or operated by the county need not have an operating permit, but shall not create a public or a private nuisance and shall comply with all sanitary requirements for collection and transportation and/or disposal of refuse and garbage. The health department may require the submission of a monthly report giving tonnage or yardage of such refuse and garbage and place or method of disposal. (Ord. 551 § 35, 1972.)

7.08.780 Special haulers.

Building contractors, professional gardeners, scavengers, cleanup men, or others engaged in the hauling of their own refuse or refuse generated by themselves and disposing of the refuse at a disposal area operated and maintained by the county need not have an operating permit, provided that:

- A. A fee is not charged by such special hauler for the hauling of refuse;
- B. A public or private nuisance is not created; and
- C. Hauling shall conform to the requirements of Section 7.08.080 regarding hauling of covered loads.

(Ord. 551 § 36, 1972.)

7.08.790 Household refuse.

This chapter shall not be construed to prevent householders from hauling refuse from their own premises to a disposal site, in conformity with the requirements of Section 7.08.080, in any truck or vehicle having a bed smaller than six feet in width and eight feet in length without a permit and without a dumping charge. (Ord. 551 § 37, 1972.)

**ARTICLE III
FEES FOR USE OF COUNTY FILL SITE**

7.08.800 Fees charged at disposal area.

The Board of Supervisors shall establish by resolution a schedule of fees for dumping garbage, rubbish, and refuse at any disposal area owned or maintained by the County of Glenn. (Ord. 1052 § 20, 1995; Ord. 551 § 38, 1972.)

7.08.810 Annual fees to householder and businesses.

Prior to July 1 of each year, the Board of Supervisors shall establish by resolution a fee to be imposed upon each dwelling unit and commercial/industrial establishment located within the unincorporated area of the County for the purposes of solid waste disposal. The resolution shall also establish the method of collection for these fees. Each incorporated jurisdiction within the County that utilizes any county disposal area shall cause to be established, by similar resolution, prior to July 1 of each year, an identical fee to be imposed upon each dwelling unit and commercial/industrial establishment within that jurisdiction, said fee to be paid to the County for the purposes of solid waste disposal. (Ord. 1052 § 21, 1995; Ord. 551 § 39, 1972.)

**ARTICLE IV
LEGAL EFFECT OF CHAPTER**

7.08.820 Environmental impact finding.

In compliance with Section 21151 of the Public Resources Code, the board specifically finds that while the project accomplished by this chapter may have a significant effect on the environment, it is in accord with the conservation element of "The General Plan of Glenn County" as officially adopted. (Ord. 551 § 40, 1972.)

Chapter 7.10

INDIVIDUAL SEWAGE DISPOSAL SYSTEMS¹

Sections:

<i>7.10.010</i>	<i>Title</i>
<i>7.10.020</i>	<i>Purpose</i>
<i>7.10.030</i>	<i>Authority</i>
<i>7.10.040</i>	<i>Local Enforcement Agency (LEA)</i>
<i>7.10.050</i>	<i>Duties and Powers of the LEA</i>
<i>7.10.060</i>	<i>Higher Requirements Authorized</i>
<i>7.10.070</i>	<i>Applicability</i>
<i>7.10.080</i>	<i>Onsite Wastewater Treatment Systems Regulations</i>
<i>7.10.090</i>	<i>Qualified Professionals</i>
<i>7.10.100</i>	<i>Design Standards and Site Evaluation Requirements</i>
<i>7.10.110</i>	<i>Professional Contractor</i>
<i>7.10.120</i>	<i>Onsite Wastewater Treatment System Requirements</i>
<i>7.10.130</i>	<i>Operation and Maintenance (O&M) Service Provider</i>
<i>7.10.140</i>	<i>Operation and Maintenance</i>
<i>7.10.150</i>	<i>Specific Limitations</i>
<i>7.10.160</i>	<i>Abandonment and Destruction</i>
<i>7.10.170</i>	<i>Connection to Public Sewer System</i>
<i>7.10.180</i>	<i>Areas of Environmental Concern</i>
<i>7.10.190</i>	<i>Fees</i>
<i>7.10.200</i>	<i>Permits.</i>
<i>7.10.210</i>	<i>Violations and Enforcement</i>
<i>7.10.220</i>	<i>Stop Work Order</i>
<i>7.10.230</i>	<i>Emergency Measures</i>

7.10.010 Title.

This chapter shall be known as the "Onsite Wastewater Treatment Systems Code of Glenn County." (Ord. 1265 § 3, 2018)

7.10.020 Purpose

The purpose of this Chapter is to:

- A. Protect public health and the environment by protecting ground and surface water quality.
- B. Establish an administrative framework allowing the adoption of science based regulations for design, construction, installation, operation, maintenance, monitoring, replacement, alteration, enlargement, repair and abandonment of onsite wastewater treatment systems, conveyance, and dispersal systems.
- C. Provide for compliance and enforcement of a comprehensive Onsite Wastewater Treatment Systems (OWTS) Regulatory program.
- D. Ensure compliance with applicable standards, laws, and guidelines as adopted, and/or modified by the State of California, Water Resources Control Board or the Central Valley Regional Water Quality Control Board (RWQCB). The California Water Code requires that all dischargers of waste, including sanitary wastewater from homes, file a report of waste discharge. The RWQCB may waive this requirement for counties that have a program for OWTS that meet the requirements of the State Water Resources Control Board (SWRCB) Water Quality Control Policy for the Siting, Design, Operation and Maintenance of Onsite Wastewater Treatment Systems, dated June 19, 2012. The requirements of this Chapter and the OWTS

¹ Former Section 7.10 "Individual Sewage Disposal Systems" (Ord 960 § 1 (part), 1990) was repealed by Ordinance 1265 adopted April 2018.

Regulations are intended to comply with this policy and constitute a program for OWTS that is adequately protective of public health, water quality and the environment. (Ord. 1265 § 3, 2018)

7.10.030 Authority

The Glenn County Board of Supervisors adopts this chapter pursuant to California Health and Safety Code Section 5415 and the Porter-Cologne Water Quality Control Act, Water Code Section 13000 et seq. (Ord. 1265 § 3, 2018)

7.10.040 Local Enforcement Agency (LEA)

The LEA shall mean the Health and Human Services Agency (HHS), Environmental Health Department, which is designated as such by the Board of Supervisors. (Ord. 1265 § 3, 2018)

7.10.050 Duties and Powers of the LEA

- A. General. The LEA shall enforce all the provisions of this chapter and the OWTS Regulations. No variance from the standards specified in this chapter and the OWTS Regulations shall be permitted unless first approved by the LEA.
- B. Right of Entry. In the discharge of duties, the LEA shall have the authority to enter at any reasonable hour any structure or premises in the jurisdiction to enforce the provisions of this chapter.
- C. Education and Outreach. The LEA shall post OWTS informational material and contact information for local service providers on the county website. This will provide owners with sufficient information to address critical maintenance, repairs, and parts replacements within fort-eight (48) hours of failure.

(Ord. 1265 § 3, 2018)

7.10.060 Higher Requirements Authorized

Nothing contained in this chapter shall be construed to prevent the LEA from requiring compliance with higher requirements than those contained herein where such higher requirements are essential to protect public health, water quality and the environment. (Ord. 1265 § 3, 2018)

7.10.070 Applicability

This chapter shall apply to all territory embraced within the incorporated and unincorporated limits of Glenn County.

This Chapter shall apply to OWTS with a design flow of less than ten-thousand (10,000) gallons per day as follows:

- A. Onsite Wastewater Treatment Systems Applied for After the Effective Date of this Chapter, Excluding System Repair
All provisions specified in this Chapter and in the OWTS Regulations shall apply to OWTS applied for after the effective date of this Chapter, excluding OWTS repairs.
- B. Onsite Wastewater Treatment System Repairs
When OWTS fail, they shall be repaired so as to be brought into compliance with the provisions of this Chapter and the OWTS Regulations to the maximum extent feasible. Repair of failing standard systems with upgraded wastewater systems incorporating supplemental treatment shall not be required, except when specified in the OWTS Regulations or when the LEA has determined that substantial evidence exists indicating that repair of the system without upgrading to supplemental treatment would result in an unacceptable public health or water quality hazard including, but not limited to, continued surfacing of sewage on the ground surface, backup of sewage into the residence, sewage discharge into surface water, or direct sewage discharge into groundwater.
- C. Onsite Wastewater Treatment Systems Constructed or Applied for Prior to the Effective Date of this Chapter
The provisions of this Chapter and the OWTS Regulations pertaining to OWTS siting, design, and construction shall not apply to wastewater treatment systems that have been constructed or for which a complete, valid application has been received by the LEA prior to the effective date of this Chapter. However, all other provisions of this Chapter and the OWTS Regulations shall apply to OWTS applied for prior to the effective date of this Chapter, including but not limited to those pertaining to operation, monitoring, inspections, maintenance, repairs, abandonment and destruction. (Ord. 1265 § 3, 2018)

7.10.080 Onsite Wastewater Treatment Systems Regulations

- A. The Glenn County OWTS Regulations shall govern the siting, design, installation, component quality, operation, monitoring, and maintenance of onsite wastewater treatment systems in Glenn County. Copies will be maintained and made available to the public at the HHSA, Environmental Health Department office.
- B. The Glenn County OWTS Regulations shall be adopted by resolution of the Glenn County Board of Supervisors. The LEA, based on observed need, recommendation or by requirement may propose modification of the Regulations. When changes are proposed to the OWTS Regulations, the changes shall be presented to the Board of Supervisors for adoption by an amending resolution.

(Ord. 1265 § 3, 2018)

7.10.090 Qualified Professionals

Unless pre-empted by State law, statutes, or regulations the following registered and/or licensed professionals are authorized as Qualified Professionals:

- Professional Engineer
- Professional Geologist
- Registered Environmental Health Specialist
- Soil Scientists, certified by the Soil Science Society of America

Professional Engineers, Professional Geologists and Registered Environmental Health Specialists must show proof of registration or licensing in the State of California. Soil Scientists must show proof of certification in any State in the U.S. (Ord. 1265 § 3, 2018)

7.10.100 Design Standards and Site Evaluation Requirements

- A. Unless waived by the LEA, a site evaluation shall be required on every existing or proposed lot or parcel prior to obtaining an OWTS Construction Permit. The site evaluation shall be conducted as described in the OWTS Regulations.
- B. Every onsite wastewater treatment system site evaluation and design shall be performed by a Qualified Professional (Section 090 of this chapter) and shall demonstrate to the LEA that the licensed, registered or certified person has reasonable knowledge and experience with OWTS and site evaluation procedures.
- C. The site evaluation will examine factors affecting OWTS design including, but not limited to, ground slope, soil textural characteristics, effective soil depth, horizontal setbacks, and available area for one-hundred (100%) percent system replacement. Percolation tests may be required under certain circumstances as outlined in the OWTS Regulations.
- D. Prior to completion of the site evaluation, the LEA may require groundwater monitoring as described in the OWTS Regulations prior to completion of the site evaluation.
- E. The LEA may require a new site evaluation or other soils testing if it determines that prior site evaluation approvals were based on testing and/or reporting that was incomplete, insufficient, incompatible with known information about a given area, or for a site where subsequent excavation activities may have altered the suitability of the parcel for accommodating an onsite wastewater treatment system. (Ord. 1265 § 3, 2018)

7.10.110 Professional Contractor

Unless pre-empted by State law, statutes, or regulations the following professionals are authorized as Professional Contractors:

- Licensed General Engineering Contractor (Class A)
- General Building Contractor (Class B)
- Sanitation System Contractor (Specialty Class C-42)
- Plumbing Contractor (Specialty Class C-36)

Licensed General Engineering Contractors, General Building Contractors, Sanitation System Contractors and Plumbing Contractors must show proof of licensing in the State of California. (Ord. 1265 § 3, 2018)

7.10.120 Onsite Wastewater Treatment System Requirements

- A. General. Every person owning, leasing, occupying or using any structure designed or used for human habitation, industrial use or commercial activities shall be required either to provide and maintain a properly functioning OWTS or provide and maintain a connection to public sewer. The LEA may establish additional conditions necessary for the health and safety of the occupants.
- B. Referenced Standards. Where differences occur between the provisions of this chapter and referenced standards, the provisions of this chapter shall apply.
- C. Definitions. Definitions contained in the County Administrative Regulations shall also apply to this chapter.
- D. Professional Contractor. A Professional Contractor (Section 110 of this chapter) shall be required to install, alter or modify all new, repair and replacement onsite wastewater treatment systems in accordance with the California Business and Professions Code and the California Code of Regulations. However, nothing contained herein shall prohibit a property owner from installing, altering or modifying an onsite wastewater treatment system on said owner's property when the requirements of this chapter and the OWTS Regulations are met.
- E. Soil Capacity Restriction on Improved Property. No property shall be improved in excess of its capacity to absorb sewage effluent in the quantities and by the means provided in this code and the OWTS Regulations.
- F. Scope
 - 1. Every OWTS shall be designed, located and constructed to prevent the discharge of sewage or partially treated sewage onto the ground surface, into the structure served, into surface waters, or into the ground water, including zones of seasonal soil saturation.
 - 2. Every OWTS shall be designed, located and constructed so as not to create a nuisance.
 - 3. Every OWTS shall be designed and constructed to adequately dispose of all the liquid waste generated from the structure or facility it is serving.
 - 4. Every OWTS shall be adequately operated and maintained.
- G. Failing OWTS
 - 1. General. A failing or malfunctioning OWTS shall be repaired, replaced or discontinued and destroyed.
 - 2. Failing OWTS. A failing OWTS shall be one which causes or results in any of the following conditions:
 - a. Discharges untreated wastewater directly into the ground in a subsurface pit or perforated vessel (cesspools); or
 - b. Discharges untreated or inadequately treated wastewater or septic tank effluent directly or indirectly onto the ground surface, into a dwelling, or into surface or groundwater; or
 - c. Lacks an unsaturated vertical soil separation between the bottom of the soil absorption system and ground water or restrictive layers; or
 - d. Is not operated in compliance with permit requirements for operation and maintenance as specified in this Chapter and the OWTS Regulations; or
 - e. Has been retrofitted with unapproved components or been modified from the original approved design; or
 - f. Does not meet effluent quality standards as specified in the approved OWTS design.
- H. Existing systems
 - 1. Alterations or Modifications. Alterations or modifications may be made to an existing OWTS provided such work conforms to the requirements of the OWTS Regulations. Alterations or modifications shall not cause an existing system to become unsafe or adversely affect the performance of the OWTS.
 - 2. Repairs, Additions or Replacements. Repair, addition or replacement to a failing OWTS shall conform to the requirements of this chapter and the OWTS Regulations to the maximum extent possible, variations shall be approved by the LEA.
 - 3. Permit Required. Alterations, modifications, additions, replacements, abandonments and repairs shall be done only after obtaining an approved permit from the LEA.
- I. Existing use
 - 1. Continuation. The use of an OWTS existing on the date of adoption of this ordinance, codified in this chapter, may be continued without change, except as may be specifically covered in this chapter or deemed necessary by the LEA to protect public health, water quality and the environment.
 - 2. Change in use. It is unlawful to make any change in the use or occupancy of any structure that may affect the OWTS without approval from the LEA. Any new use shall comply with the provisions of

this chapter and the OWTS Regulations.
(Ord. 1265 § 3, 2018)

7.10.130 Operation and Maintenance (O&M) Service Provider

Unless pre-empted by State law, statutes, or regulations the following are authorized as O&M Service providers:

Any person who completes the California Onsite Water Association (COWA) sponsored National Association of Wastewater Transporters (NAWT) Operations and Maintenance Service Provider Training Program; Part one (1) & two (2).

O&M Service Providers must show proof of certification from NAWT that they have successfully completed the training and are currently certified by NAWT as an O&M Service Provider for OWTS.
(Ord. 1265 § 3, 2018)

7.10.140 Operation and Maintenance

All OWTS and components, both existing and new, shall be maintained in a safe and sanitary condition. The owner shall be responsible for the safe and sanitary maintenance of the OWTS and components. (Ord. 1265 § 3, 2018)

7.10.150 Specific Limitations

- A. Liquid Waste. All liquid waste shall enter the septic tank unless otherwise specifically exempted by the LEA or this chapter.
- B. Clear Water. The discharge of surface, rain or other clear water into an OWTS is prohibited.
- C. Water Softener and Iron Filter Backwash. Water softener, iron filter discharge or swimming pool and spa filter backwash shall not be discharged into the OWTS.
- D. System location. OWTS shall be located so as to be accessible for maintenance and repair. Septic tanks shall be located so as to allow pumping.

(Ord. 1265 § 3, 2018)

7.10.160 Abandonment and Destruction

Any person abandoning/destroying an OWTS or system component shall obtain a permit and do so in accordance with the requirements specified in this chapter and the OWTS Regulations. (Ord. 1265 § 3, 2018)

7.10.170 Connection to Public Sewer System

- A. Other than where an exception is granted by the LEA pursuant to (Subsection B) of this Section, connection to a public sewer system shall be required by the LEA whenever the sewer main is no more than two-hundred (200) feet from the existing or proposed dwelling and all of the following circumstances apply:
 - 1. Application has been made for new development or a failing onsite wastewater treatment system has been identified by the LEA; and
 - 2. The public sewer system has adequate capacity for the connection; and
 - 3. Connection to the public sewer is permitted by the sewer utility.
- B. Exceptions may be granted by the LEA to (Subsection A) of this Section where the sewer main is not adjacent to the property line. Factors that may be considered prior to making a decision to grant or deny an exception include, but are not limited to, the following:
 - 1. Feasibility and cost of connection; and
 - 2. Reasonable expectation for future expansion plans of the sewer utility; and
 - 3. Willingness of the applicant to commit to connect to the public sewer in the future; and
 - 4. Suitability of the parcel for siting an OWTS. (Ord. 1265 § 3, 2018)

7.10.180 Areas of Environmental Concern

There are currently no areas so designated at this time; however these provisions for establishing Areas of Environmental Concern allow more stringent requirements for areas needing enhanced protection.

- A. The Glenn County Board of Supervisors may establish Areas of Environmental Concern, after considering factors affecting OWTS placement and performance, including, but not limited to:
 - 1. Area-wide soil and drainage characteristics;
 - 2. Flooding and seasonal water table;
 - 3. Developmental density;
 - 4. Special status species populations and/or habitat;
 - 5. Riparian habitat, wetlands, and oak woodlands and proximity to surface water; and
 - 6. Habitat preserves identified in any adopted Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP).
- B. Areas of Environmental Concern shall have clear geographical boundaries and be established by Resolution, only after a public hearing before the County Board of Supervisors.
- C. The County Board of Supervisors may establish additional requirements in Areas of Environmental Concern, including but not limited to:
 - 1. Increased setback requirements;
 - 2. Increased permitting requirements, such requiring operating permits for standard systems; and
 - 3. Increased inspection requirements by Certified Operation & Maintenance Providers.

(Ord. 1265 § 3, 2018)

7.10.190 Fees

Any application for permits, services, or certification pursuant to this Chapter and the OWTS Regulations shall pay fees to the LEA as established by the Glenn County Code, at the time of submission of application and in advance of the requested or required service.

(Ord. 1265 § 3, 2018)

7.10.200 Permits

- A. Permit Required. No person, firm, association, organization, partnership, joint venture, business trust, corporation, company or special district formed under the laws of this state shall within the county install, construct, repair, or alter an OWTS without first obtaining a permit from the LEA.

The permit requirement may be waived by the LEA when minor services, replacement parts, or minor repairs are needed. The contractor or owner shall contact and receive approval from the LEA prior to beginning any work. Plans, equipment detail and other pertinent information may be required for submittal.

- B. Action on the Permit Application. The LEA shall review all completed applications for permits. If any part of the application, site evaluation or plans does not conform to the requirements of this chapter, the OWTS Regulation or any pertinent laws or ordinances, such application shall be denied in writing, stating the reasons there for. If the LEA is satisfied that the proposed work conforms to the requirements of this chapter, the OWTS Regulations and all laws and ordinances, a permit shall be approved.
- C. Approved Plans. The LEA shall stamp or endorse in writing all permits and all sets of approved plans. One set of such approved plans and the permit shall be retained by the LEA and another set shall be kept at the construction site, open to inspection by the LEA at all reasonable times. All work shall conform to the approved plans for which the permit has been issued and any approved amendments.
- D. Expiration of Permit. All permits shall expire if the authorized work is not completed within one (1) year after the permit approval date. One (1) extension, for one (1) year, may be granted prior to permit expiration. Current extension fees shall apply.
- E. Order to Revoke or Suspend:
 - 1. A permit issued pursuant to the provisions of this chapter and the OWTS Regulations may be revoked or suspended by the LEA if it is determined that a violation of this chapter and/or the OWTS Regulations exists, that written notice has been directed to the permittee specifying the violation, and that the permittee has failed or neglected to make the necessary adjustments within the time specified, after receiving such notice.
 - 2. A permit may also be revoked or suspended by the LEA upon determination that the permit was obtained by false statement or misrepresentation and that the property owner has been notified in writing of the action. The suspension or revocation shall be effective upon the date of mailing to the property owner.

- F. Appeal from Denial, Revocation, or Suspension:
1. An owner whose application for an OWTS permit has been denied or whose permit once issued has been revoked, or suspended, may file an appeal in writing with the county board of supervisors. The appeal shall be accompanied by the filing fee established by resolution of the county board of supervisors.
 2. The appeal shall be made in writing and shall demonstrate that all of the following circumstances apply:
 - a. The property clearly meets all the requirements of this chapter and the OWTS Regulations;
 - b. The use of an OWTS on the property is consistent with the intent of the general plan and with all applicable zoning provisions;
 - c. The use of an OWTS on the property does not pose any danger to public health, safety, water quality and the environment.

(Ord. 1265 § 3, 2018)

7.10.210 Violations and Enforcement

- A. All violations of this Chapter and the OWTS Regulations are determined to be unlawful and declared to be detrimental to public health, safety, water quality and the environment.
- B. A violation or failure to comply with any of the requirements of this Chapter or the OWTS Regulations shall be subject to enforcement actions pursuant to County Code.
- C. No person or company shall install, operate, maintain, extend, alter, repair or abandon any onsite wastewater treatment system that does not conform to the requirements of this chapter, the OWTS Regulations or any additional requirements promulgated by the LEA.
- D. The LEA shall serve a notice of violation or order on the person or company responsible for work in violation of the provisions of this chapter and/or the OWTS Regulations. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.
- E. The LEA may condemn, according to law, any residence or other establishment that is accumulating or disposing of wastewater in a manner contrary to the requirements of this Chapter and the OWTS Regulations.
- F. No person or company shall obstruct, impede or interfere with the LEA or authorized representative of the LEA in the performance of code enforcement and nuisance abatement duties pursuant to this Chapter and the OWTS Regulations.
- G. When it is necessary to make an inspection to enforce the provisions of this Chapter or the OWTS Regulations, or when the LEA has reasonable cause to believe that there exists in a building or upon a site a condition which is contrary to or in violation of the sections of this Chapter or the OWTS Regulations, the official may enter the building or site at reasonable times to inspect or to perform duties imposed by this Chapter or OWTS Regulations provided that if such building or site is occupied at the time of inspection, proper credentials shall be presented to the occupant and entry shall be requested. If such building or site is unoccupied, the official shall first make a reasonable effort to locate the owner or other person having charge or control of the building or site and shall request entry to the building or site. If entry is refused, the official shall have recourse to the remedies provided by law to secure entry/access. (Ord. 1265 § 3, 2018)

7.10.220 Stop Work Order

Upon notice from the LEA that work on the OWTS is being conducted in violation of this Chapter, the OWTS Regulations or in an unsafe and dangerous manner, such work shall be immediately stopped. The stop work order shall be in writing and shall be issued to the owner of the property involved or to the person or company doing the work. It shall state the conditions under which work may be resumed. (Ord. 1265 § 3, 2018)

7.10.230 Emergency Measures

- A. Order to Abate an Emergency Sewage Condition. The LEA shall determine whether or not any condition investigated constitutes an emergency sewage condition. If the LEA determines that any such condition constitutes an emergency sewage condition, a written order may be issued to the owner and occupant requiring that the conditions which produced the emergency sewage condition be abated forthwith.
- B. Service of Notice and Orders. Each notice or order given or made under this Chapter or the OWTS Regulations shall be served upon the person occupying the premises upon which the sewage nuisance or

violation exists. The order shall be posted upon the premises in a conspicuous place. In addition, a copy of the notice or order shall be mailed to the property owners as their names and addresses appear upon the current assessment roll. (Ord. 1265 § 3, 2018)

Chapter 7.16

SEWAGE RECEPTACLE CLEANERS²

Sections:

7.16.010	<i>Permit Required</i>
7.16.020	<i>Permit Application</i>
7.16.030	<i>Permit Issuance and Renewal</i>
7.16.040	<i>Permit Nontransferable</i>
7.16.050	<i>Reporting</i>
7.16.060	<i>False Weight or Measure Prohibited</i>
7.16.070	<i>Disposal Sites.</i>

7.16.010 Permit Required

It is unlawful for any person, firm or corporation to engage in the business of cleaning, evacuating or removing sludge or sewage from septic tanks, cesspools, pit privies or other privately owned sewage disposal receptacles, all called "sewage receptacles" in the county without first obtaining a permit as provided in this chapter. A permit shall be deemed by the Local Enforcement Agency (LEA) as compliance with the registration requirements specified in the California Health and Safety Code, Section 117400-117450. (Ord. 1265 § 3, 2018; Ord. 421 § 2, 1963.)

7.16.020 Permit Application

- A. Applications for permits shall be made to the LEA in writing, in such form as may be require.
- B. Applicants shall file and maintain a current mailing address with the LEA and shall agree that correspondence and notices may be sent to said address.
- C. Permits shall be renewed annually. (Ord. 1265 § 3, 2018; Ord. 421 § 3, 1963.)

7.16.030 Permit Issuance and Renewal

The applicant shall demonstrate to the LEA that the tank, compartment or other container used to pump and transport septage meets the following requirements:

- A. That such tank, compartment or other container is in good non-leaking condition and is equipped with proper non-leaking valves and tight fitting covers sufficient to prevent the leaking or spilling of such sewage or sludge and be constructed in a manner to facilitate cleaning;
 - B. That such tank, compartment or other container is correctly calibrated for total capacity in cubic feet or gallons which calibration shall be plainly and conspicuously shown or marked on both sides and the end of such tank, compartment or other container, in English words or Arabic numerals, which letters or numerals shall be at least three (3) inches in height and at least one-half (½) inch in width, and of a color that will clearly contrast with the background upon which the letters or numerals are painted or otherwise affixed;
 - C. That all outer contact surfaces and fittings shall be kept in a clean and sanitary condition while stored or in transit, and all premises served and equipment used shall be left in a clean and sanitary condition; and
 - D. That the dumping valve controls are operable only from the ground at the rear of the truck.
- (Ord. 1265 § 3, 2018; Ord. 421 § 4, 1963.)

7.16.040 Permit Nontransferable

No permit issued under this chapter shall be assignable or transferable, nor shall it authorize any person,

² Former Section 7.16 "Sewage Receptacle Cleaners" (Ord 421 § 1, 1963) was repealed by Ordinance 1265 adopted April 2018.

firm or corporation other than the one named in the permit to engage in the business mentioned in Section 7.16.010. (Ord. 1265 § 3, 2018; Ord. 421 § 7, 1963.)

7.16.050 Reporting

Each person, firm, or corporation permitted to clean sewage receptacles shall complete a septage pumper report, at the time the service is provided, using a reporting format prescribed by the LEA. Septage pumper reports shall be submitted to the LEA by the tenth (10th) of each month. The report shall include but not be limited to the following information for each pumping job done during the previous month: Name and address of owner or tenant; amount pumped in gallons; place of disposal; date of removal; date of disposal. (Ord. 1265 § 3, 2018; Ord. 421 § 8, 1963.)

7.16.060 False Weight or Measure Prohibited

It is unlawful for any person, firm or corporation to charge for the service of cleaning, evacuating or removing sludge from sewage receptacles in the county upon a false weight or measure. (Ord. 1265 § 3, 2018; Ord. 421 § 5, 1963.)

7.16.070 Disposal Sites

It is unlawful for any person, firm or corporation to dispose of sludge or sewage except at a place or places designated by the LEA. The LEA shall assess the capacity of existing and proposed disposal locations, and their adequacy. (Ord. 1265 § 3, 2018; Ord. 421 § 6, 1963.)

Chapter 7.20

GRAPE PHYLLOXERA CONTROL

Sections:

- 7.20.010** *Title.*
- 7.20.020** *Definitions.*
- 7.20.030** *Movement or shipment--Conditions.*
- 7.20.040** *Movement or shipment--Certification requirements.*
- 7.20.050** *Equipment controls.*
- 7.20.060** *Certificates.*
- 7.20.070** *Fees.*
- 7.20.080** *Enforcement.*
- 7.20.090** *Abatement, return or treatment.*

7.20.010 Title.

This chapter shall be known and may be referred to in all proceedings as the Glenn County grape phylloxera control ordinance. (Ord. 561 § 1, 1973.)

7.20.020 Definitions.

As used in this chapter:

- A. "Grape phylloxera" means the insect designated as *Phylloxera Vitifoliae*;
 - B. "Infested with grape phylloxera" means that evidence shows that grape phylloxera is present.
- (Ord. 561 § 2, 1973.)

7.20.030 Movement or shipment--Conditions.

Unless accompanied by a certificate, grapevines or cuttings rooted or otherwise cannot be shipped or moved:

- A. From another county;
 - B. From one area within the county to another area in the county.
- (Ord. 561 § 3(1), 1973.)

7.20.040 Movement or shipment--Certification requirements.

- A. Grapevines and cuttings, rooted or otherwise, must be certified at the point of origin.
- B. Certification may be granted if a "competent annual survey" of the point of origin has been made by the county agricultural commissioner and a certificate has been issued stating that no grape phylloxera is known to exist in the area where the vines or cuttings were grown.
- C. If no "annual competent survey" has been made, or if a survey has been made and the area is found to be infested with grape phylloxera, then all vines and cuttings originating from that area must be subjected to one of the following methods of treatment, and so certified:
 - 1. Hot Water Treatment. Complete submergence in water at a temperature not less than one hundred twenty-five degrees Fahrenheit nor more than one hundred thirty degrees Fahrenheit for not less than three nor more than five minutes.
 - 2. Nicotine-Oil Dip. Complete submergence in oil and nicotine for a period of not less than ten minutes. The solution shall consist of one and one-half gallons of medium summer oil of viscosity from seventy-two to eighty (unsulphonated residue test of ninety-five or above), to which is added one pint of Blackleaf 40, one pint of sulphonated alcohol liquid spreader, and one hundred gallons of water. Such dip shall be renewed after dipping no more than four lots of vines, and at least once every twenty-four hours, and the solution shall be thoroughly agitated immediately prior to such dipping.
 - 3. Methyl Bromide Fumigation. Atmospheric fumigation in an approved gas tight fumigation chamber, equipped with a heating unit, fan for dispersal of gas and clearing chamber of gas after fumigation, and an interior thermometer (visible from the outside), with a dosage of not less than two pounds of methyl bromide per one thousand cubic feet for a period of at least three hours at a temperature of not less than sixty-five degrees Fahrenheit, the fan to be operated during and for ten minutes after the injection of the gas.

(Ord. 561 § 3(2), 1973.)

7.20.050 Equipment controls.

These rules govern the movement of any farming implements, machinery and field equipment, tractors, grape picking boxes, used grape stakes, or other appliances which have been used or operated in culturing, harvesting, or transporting within the vineyard. No such equipment shall be used until inspected and released by the county agricultural commissioner or his inspector, in the area of origin. All such equipment will be inspected and released if:

- A. Accompanied by a certificate signed by the agricultural commissioner or his inspector at origin stating that such equipment has not previously been used in an infested area; or
- B. Certified by the agricultural commissioner or his inspector at origin as having been thoroughly cleaned and free of all soil and debris immediately prior to leaving that area of infestation. All such equipment found contaminated with soil and debris, and not certified as in Section 7.24.040:
 - 1. May be refused movement from that area.
 - 2. Shall be treated at the owner's expense in an area designated by and under the supervision of the agricultural commissioner or his inspector. The location of the cleaning operation shall be designated by the commissioner.

(Ord. 561 § 4, 1973.)

7.20.060 Certificates.

The agricultural commissioner's office will be responsible for designing the proper certificate or certificates containing the complete information as required under this chapter. (Ord. 561 § 5, 1973.)

7.20.070 Fees.

Fees shall be charged by the agricultural commissioner to administer this chapter in accordance with a schedule prescribed and adopted by resolution of the board. (Ord. 561 § 6, 1973.)

7.20.080 Enforcement.

The county agricultural commissioner shall enforce the provisions of this chapter, and shall have free access by all legal means during business hours to all premises, buildings and growing ground where grapevines or cuttings, rooted or otherwise, may be growing or stored. (Ord. 561 § 7, 1973.)

7.20.090 Abatement, return or treatment.

Unless grapevines and cuttings, rooted or otherwise, are in compliance with Sections 7.20.030 and 7.20.040, or brought into compliance, they may be immediately destroyed or returned to point of shipment by, or under the supervision of the commissioner, at the option and expense of the owner or person in possession. (Ord. 561 § 8, 1973.)

Chapter 7.22

ACARINE MITE CONTROL

Sections:

- 7.22.010 Title.*
- 7.22.020 Findings and purpose.*
- 7.22.030 Duties of agricultural commissioner.*
- 7.22.040 Quarantine.*
- 7.22.050 Certificates for entry.*
- 7.22.060 Fees.*

7.22.010 Title.

This chapter shall be known and may be referred to in all proceedings as the "Glenn County acarine mite quarantine ordinance." (Ord. 858 § 1 (part), 1986.)

7.22.020 Findings and purpose.

The board of supervisors finds that acarine mite is not known to occur in Glenn County and if established would negatively affect the apiary industry. To prevent the entry of the acarine mite into Glenn County the regulations set out in this chapter are enacted. (Ord. 858 § 1 (part), 1986.)

7.22.030 Duties of agricultural commissioner.

Anyone trucking, shipping, hauling or in any way transporting into this county any shipment of honeybees shall notify the agricultural commissioner immediately of such arrival. The shipment then shall be held for inspection by the commissioner, unless accompanied by a certificate as required by Section 7.22.050 (B). The commissioner may sample the shipment using the procedures set forth in Section 7.22.050(B), and if the shipment is found to be infested with acarine mite, the shipment shall be removed from this county within forty-eight hours of written notice to the owner or shipper at his or her expense, or be destroyed under the supervision of the commissioner. (Ord. 858 § 1 (part), 1986.)

7.22.040 Quarantine.

Unless accompanied by a certificate or inspected by the Glenn County agricultural commissioner, shipments of bees from other counties in California are prohibited entry into Glenn County. (Ord. 858 § 1 (part), 1986.)

7.22.050 Certificates for entry.

Shipments of bees from other counties in California may enter Glenn County without an inspection provided they are accompanied by a certificate issued by the origin county agricultural commissioner, verifying that:

- A. The origin county conducts an annual survey for acarine mite at the level of the 1985-1986 California survey for acarine mite, and that based on the latest survey results, acarine mite is not known to occur in the origin county; or
- B. The shipment, within thirty days prior to movement into Glenn County was sampled and found free of acarine mite, by collecting, dissecting and examining at least seventy-five bees from each one hundred colonies. If the shipment consists of less than one hundred colonies, at least seventy-five bees shall have been examined.

(Ord. 858 § 1 (part), 1986.)

7.22.060 Fees.

The board of supervisors may, by resolution, set the fees for any inspection required or permitted by this chapter. (Ord. 858 § 1 (part), 1986.)

Chapter 7.24

CLOVER SEED DISTRICT

Sections:

- 7.24.010** *Definitions.*
- 7.24.020** *District established.*
- 7.24.030** *Dwarf strains--planting and growing prohibited.*
- 7.24.040** *Dwarf strains--Harvesting, threshing and cleaning prohibited.*
- 7.24.050** *Dwarf strains--Possession unlawful.*
- 7.24.060** *Enforcement.*

7.24.010 Definitions.

For the purpose of this chapter, certain words, phrases and terms are defined as follows:

- A. "Person" means and includes an individual, corporation, copartnership, firm or association, and singular includes the plural;
- B. The species "Trifolium repens" means ladino clover and "dwarf strains of Trifolium repens" means and includes, but are not limited to, Dwarf White clover and White Dutch clover.

(Ord. 300 § 1, 1951.)

7.24.020 District established.

The board establishes within the county a pure ladino clover seed district, the district to include all of the county excepting only the areas within the boundaries of the incorporated cities situated therein. (Ord. 300 § 2, 1951.)

7.24.030 Dwarf strains--planting and growing prohibited.

It is unlawful to plant, grow or propagate for commercial seed production any dwarf strains of Trifolium repens within the ladino clover seed district. (Ord. 300 § 3, 1951.)

7.24.040 Dwarf strains--Harvesting, threshing and cleaning prohibited.

It is unlawful to harvest, thresh, or clean for commercial seed purposes any dwarf strains of Trifolium repens within the district. (Ord. 300 § 4, 1951.)

7.24.050 Dwarf strains--Possession unlawful.

It is unlawful for any person to have in possession within the district, for the purpose of planting for commercial seed production, any dwarf strain of Trifolium repens. (Ord. 300 § 5, 1951.)

7.24.060 Enforcement.

The agricultural commissioner of the county is charged with the duty of enforcing the provisions of this chapter. (Ord. 300 § 6, 1951.)

Chapter 7.26

VERTICILLIUM DAHLIAE CONTROL

Sections:

- 7.26.010** *Title.*
- 7.26.020** *Purpose.*
- 7.26.030** *Materials and equipment affected.*
- 7.26.040** *Quarantine-Area defined.*
- 7.26.050** *Cotton production-Conditions.*
- 7.26.060** *Exemption-Feed seed.*
- 7.26.070** *Violation a misdemeanor.*
- 7.26.080** *Quarantine Area-Review of line.*

7.26.010 Title.

This chapter shall be known and may be cited as the Glenn County Verticillium Dahliae Control Ordinance. (Ord. 1046 § 1, 1994)

7.26.020 Purpose.

Verticillium dahliae is a serious olive and pistachio tree pest of limited occurrence in Glenn County. To protect the County's olive and pistachio industries, it is necessary to restrict the growing, ginning, processing, and maintaining of cotton plants and plant parts, including cotton seed, trash and debris, in the County. (Ord. 1046 § 1, 1994)

7.26.030 Materials and equipment affected.

The following articles and commodities are declared as hosts for or possible carriers of verticillium dahliae:

- A. Cotton, in both commercial and non-commercial production.
- B. Cotton seed.
- C. Cotton plant parts, including cotton trash and debris.
- D. Equipment used in cotton production and harvesting.

(Ord. 1046 § 1, 1994)

7.26.040 Quarantine-Area defined.

The following regulations apply outside the area bounded on the South by the Glenn-Colusa County line; on the West by the Tehama-Colusa Canal, from its intersection with the Glenn-Colusa County line to its intersection with State Highway 162; on the North, by State Highway 162, from its intersection with the Tehama-Colusa Canal east to its intersection with State Highway 45, then east along an extension of the centerline of State Highway 162 to the east bank of the Sacramento River, then north to the Glenn-Butte County line; and on the East by the Glenn-Butte County line lying between the northern and southern boundaries described herein:

- A. Cotton shall not be grown, in either commercial or non-commercial production, and shall not be ginned, processed, stored or otherwise maintained for any purpose or in any manner.
- B. Cotton plant parts, including cotton trash and debris, shall not be produced, processed, stored, maintained or be subjected to disposal by any means.
- C. Cotton seed shall not be used, stored or processed in any manner.

(Ord. 1081 §1, 1997; Ord. 1046 § 1, 1994)

7.26.050 Cotton production-Conditions.

Cotton may be grown, ginned, processed, and maintained in that portion of Glenn County not described in Section 7.26.040, provided that:

- A. Cotton trash and debris generated from cleaning and processing operation is handled in a manner approved by Agricultural Commissioner, and sufficient to prevent the spreading of the verticillium dahliae;
- B. Cotton field debris and residue is incorporated into the top six inches of the soil where the cotton is grown within 10 days of harvest; and

- C. Both of the following restrictions on planting are followed:
1. Cotton shall not be grown successively at the same location, unless an examination of stalks conducted by the Agricultural Commissioner determines that the level of mirosclerotia-infested stalks for the current and prior cotton crops produced at the location is less than ten percent (10%). The cost of each survey shall be established by Agricultural Commissioner, based on actual county costs, and shall be paid in advance by the grower or property owner.
 2. Prior to the replanting of cotton in an area previously planted with cotton, a nonsusceptible host as grown over the entire area for at least one cropping season.
- (Ord. 1235 § 2, 2012; 1203 § 2, 2008; Ord. 1046 § 1, 1994)

7.26.060 Exemption-Feed seed.

Whole cotton seed, when reasonably free of debris and used solely for livestock feed, is exempt from the restriction of subsection C of Section 7.26.040. (Ord. 1046 § 1, 1994)

7.26.070 Violation a misdemeanor.

Every person who violates any provision of this chapter is guilty of a misdemeanor. (Ord. 1060 § 37, 1995.)

7.26.080 Quarantine Area-Review of line.

The board of supervisors may from time to time review the location of the quarantine line established by Section 7.26.040 and may reset the line or establish other such lines as the board deems prudent to advance the purposes of this chapter. (Ord. 1081 § 2, 1997; Ord. 1046 § 1, 1994)

Chapter 7.27

PROTECTION FROM THE OLIVE FRUIT FLY

Sections:

- 7.27.010** *Purpose.*
- 7.27.020** *Definitions.*
- 7.27.030** *Findings.*
- 7.27.040** *Restrictions on movement of plants/nursery stock.*
- 7.27.050** *Restrictions on movement of unprocessed olive fruit.*
- 7.27.060** *Abatement of olive fruit fly.*
- 7.27.070** *Movement of host material from infested locations.*

7.27.010 Purpose.

The olive fruit fly, *Bactrocera oleae*, is a serious pest not known to occur in Glenn County. To protect the County's olive industry, it is necessary to restrict movements of host and possible carriers of the olive fruit fly (OLFF) into the County and to abate infestations of the pest if detected. (Ord. 1127 § 2, 2000)

7.27.020 Definitions.

- A. "Agricultural Commissioner" shall mean the Agricultural Commissioner of Glenn County.
- B. "County" shall mean the County of Glenn.
- C. "Host material and Carriers" shall mean shipments of unprocessed olive fruit and all olive (*Olea* sp.) plants/nursery stock, except when in the form of seeds, cuttings, or when barefoot and free of fruit. "Carriers" include used harvesting equipment, except when thoroughly cleaned.
- D. "Shipment" shall mean any article or thing, which is, may be, or has been transported from one place to another.
- E. "Person" shall include firms, corporations, companies or associations.
- F. "Infestation" shall mean the detection of two or more adult OLFF within one life cycle and within a one mile radius, or the detection of multiple life stages indicating a breeding population in a non-regulatory situation.

- G. "Restricted Origin" shall mean one in which one or more OLFF infestations have been detected and confirmed by the CDFA or an origin which is not conducting California Department of Food and Agriculture approved surveys and has not adopted restrictions on the movement of hosts and possible carriers to prevent the artificial spread of OLFF into that area. (Ord. 1127 § 2, 2000)

7.27.030 Findings.

The olive fruit fly, *Bactrocera oleae*, is a serious pest not known to occur in Glenn County. Damage caused by this insect includes premature drop of infested fruit, reduction of the usable pulp of infested fruit, and reduction of oil from infested fruit with the oil having an off-color; thereby, reducing production of olive fruit and fruit quality. Economic losses would be suffered by the County's olive industry if this insect pest were introduced. The State of California has repealed the state interior quarantine against the olive fruit fly. This ordinance provides necessary protection to the County's olive industry from the olive fruit fly. (Ord. 1127 § 2, 2000)

7.27.040 Restrictions on movement of plants/nursery stock.

No person shall move or ship into the County any host plants/nursery stock from a restricted origin, except under the following conditions:

- A. The Shipment is transiting the county to a destination outside of the county without undue delay or diversion; or,
- B. All fruit and debris have been removed from the plants prior to shipment and the shipment except transiting shipments is accompanied by a certificate issued by the agricultural officials at origin affirming that the shipment is in compliance with the requirements of this ordinance. (Ord. 1127 § 2, 2000)

7.27.050 Restrictions on movement of olive fruit.

- A. No restriction is placed by this ordinance on the shipment of processed olive fruit into the county (treated, brined, canned, etc.)
- B. No person shall move or ship unprocessed olive fruit into or through the county unless the shipment is tarped or otherwise covered/enclosed in a manner that prevents in-transit fruit spillage/loss or exposure to olive fruit fly.
 1. Individual bin identification tags are required for all shipments.
 2. No person shall move or ship into the County any unprocessed olive fruit from a restricted origin, except under the following conditions:
 - a. The shipment is transiting the county to a destination outside of the county without undue delay or diversion; or,
 - b. The shipment originates from a non-infested orchard as determined by California Department of Food and Agriculture approved surveys conducted by the agricultural official at origin; or,
 - c. The shipment is being moved from an orchard in which OLFF has been detected, under a protocol (including compliance agreements) approved by the Agricultural Commissioner which requires either treatment or mass trapping at origin and prescribed handling of waste and culls at destination; or,
 - d. The shipment is being moved under a pest mitigation protocol approved by the Agricultural Commissioner under destination county compliance agreements with processing of the olives within four (4) hours after arrival and prescribed handling of waste and culls; and,
 - e. Each shipment, except transiting shipments, shall be accompanied by a certificate issued by the agricultural official at origin affirming that the shipment is in compliance with the requirements of this ordinance are met.
(Ord. 1127 § 2, 2000)

7.27.060 Abatement of olive fruit fly.

Shipments of restricted host materials, arriving without certification or in which a viable OLFF life stage is detected, will be treated or destroyed under the supervision of the Agricultural Commissioner, returned to origin, or shipped to an approved destination within the OLFF infested area. The owner of the shipment is responsible for the costs of the aforementioned options. The Agricultural Commissioner may charge the owner of the shipment for the cost of supervising the treatment or destruction of the shipment.

If an OLFF infestation is detected in any commercial agricultural production area (in commercial or non-commercial plantings) within the County, the pest shall be treated or mass trapped at the cost of the property owner or leaseholder, in a manner approved by and under the supervision of the Agricultural Commissioner, the pest shall be abated as provided in Section 5401 *et seq.* of the Food and Agricultural Code of California. (Ord. 1127 § 2, 2000)

7.27.070 Movement of host material from infested locations.

Host material from a nursery, orchard, or other property in the County in which an OLFF infestation has been detected is prohibited movement from said location unless the host material is treated, handled, or processed under the supervision of the Agricultural Commissioner. The Agricultural Commissioner may charge the owner of the shipment for the cost of supervising said activities. (Ord. 1127 § 2, 2000)

Chapter 7.28

WEED CONTROL³

Sections:

- 7.28.010** *Authority.*
- 7.28.020** *Findings.*
- 7.28.030** *Definitions.*
- 7.28.040** *Concurrent authorities.*
- 7.28.050** *Administration.*
- 7.28.060** *Inspection.*
- 7.28.070** *Abatement notice--Issuance.*
- 7.28.080** *Abatement notice--Forms.*
- 7.28.090** *Right of entry.*
- 7.28.100** *Hearing.*
- 7.28.110** *Conduct of hearing and decision.*
- 7.28.120** *Appeal.*
- 7.28.130** *Costs of abatement.*
- 7.28.140** *Abatement costs -- Recovery*

7.28.010 Authority.

This chapter is enacted pursuant to the authority of Sections 14930 and 14931 of the Health and Safety Code of the state of California, wherein it is provided that the board may enact ordinances to compel the owners, lessees, or occupants of buildings, grounds or lots in the unincorporated areas of the county to cut and remove hazardous weeds, rubbish, refuse and noxious vegetation from such property and adjacent sidewalks. (Ord. 586 § 1, 1974.)

³ For statutory provisions on the abatement of hazardous weeds, etc., by counties, see Health & Saf. Code § 14875 et seq.

7.28.020 Findings.

The board finds and declares that the uncontrolled growth and/or accumulation of dirt, grass, weeds or other obstructions on sidewalks, parkings, streets, or in natural drainage channels, and that the growth and/or accumulation on lands of lots of grass, weeds, rank growths, brush, low hanging tree foliage, rubbish or other materials dangerous or injurious to neighboring property or the health, safety, or welfare of residents of the vicinity is a public nuisance in that it creates conditions tending to reduce the value of private property, promote blight and deterioration, create drainage problems and flooding of county roads and highways, invite plundering, create fire hazards, create traffic hazards, constitute an attractive nuisance creating a hazard to health and safety of minors, create a harborage for rodents and insects, and be injurious to the health, safety and general welfare of residents of the vicinity, and therefore may be abated as such in accordance with the provisions of this chapter. (Ord. 586 § 2, 1974.)

7.28.030 Definitions.

- A. "Noxious vegetation" includes and is synonymous with "weeds."
- B. "Refuse" is all inclusive and means all types of rubbish and garbage and includes, but is not restricted to, putrescible or nonputrescible solid wastes both combustible and noncombustible.
- C. "Rubbish" includes all the following, but is not restricted to nonputrescible wastes, such as paper, cardboard, grass clippings, tree or shrub trimmings, wood, bedding, crockery, rubber tires, construction waste, discarded materials and debris, and similar waste materials.
- D. "Weeds" as used in this chapter, includes any of the following:
 - 1. Weeds which bear seeds of a downy or wingy nature;
 - 2. Sagebrush, manzanita, chaparral, and any other brush or weeds which attain such large growth as to become, when dry, a fire menace to adjacent improved property;
 - 3. Weeds and grasses which are otherwise noxious;
 - 4. Poison oak and poison ivy when the conditions of growth are such as to constitute a menace to the public health;
 - 5. Dry grass, stubble, brush, litter, or other flammable material which endangers the public safety by creating a fire hazard;
 - 6. Weeds, cattails, willows and other foliage and rank growths which tend to clog and obstruct the flow and drainage of water in natural drainage channels and ditches;
 - 7. Trees with low branches, rank growth and heavy foliage near road and highway intersections which obstruct visibility and thereby create vehicular traffic hazards.
- E. "Enforcing officer" as used in this chapter includes any of the following:
 - 1. Public works director and his deputies;
 - 2. Health officer and his deputies;
 - 3. Fire chiefs and other officials of each local fire protection district in the county where board of directors consents to the participation of the district in these abatement procedures;
 - 4. Agricultural commissioner and his deputies. (Ord. 821 § 1, 1984; Ord. 586 § 3, 1974.)

7.28.040 Concurrent authorities.

This chapter is not the exclusive regulation for weeds, rubbish, refuse and noxious vegetation abatement within the unincorporated area of the county. It supplements and is in addition to the other regulatory codes, statutes, and ordinances heretofore and hereafter enacted by the county, the state or any other legal entity or agency having jurisdiction. (Ord. 586 § 4, 1974)

7.28.050 Administration.

The provisions of this chapter shall be administered and enforced by the enforcing officer as defined in subsection E of Section 7.28.030. (Ord. 821 § 2, 1984; Ord. 586 § 5, 1974.)

7.28.060 Inspection.

The enforcing officer may enter upon private or public property whenever he has reasonable cause to believe there exists a condition which is in violation of this chapter; provided, however, that this right to inspection and entry upon the land may not be construed as granting the right to enter into any dwelling or appurtenances thereto which may be located on the land. (Ord. 821 § 3, 1984; Ord. 586 § 6, 1974.)

7.28.070 Abatement notice--Issuance.

Whenever a violation of this chapter occurs, enforcing officer shall mail notice to the owner, as appears on the current assessment roll of the county assessor, to the lessee of the property, or to any occupant of the property to abate the public nuisance by removal of grass, weeds, rubbish, refuse, noxious vegetation, or other materials dangerous or injurious to neighboring property or dangerous and injurious to the health or welfare of residents in the vicinity of the property. In the alternative, the notice to abate the public nuisance may be posted upon the property. The notice shall require removal of offensive weeds, rubbish, refuse and noxious vegetation by the date stated in the notice, that upon failure to comply with this notice the enforcing officer may enter upon the property to remove the offensive weeds, rubbish, refuse and noxious vegetation, and the cost of removal shall be a lien upon the property as provided in Section 7.28.140. Further, the notice shall advise the procedures which may be followed if the owner, lessee or occupant of the land wishes to request a hearing or appear at a hearing, as provided in Section 7.28.100. (Ord. 821 § 4, 1984; Ord. 586 § 7, 1974.)

7.28.080 Abatement notice--Forms.

The notice to abate the public nuisance shall be substantially in the following forms:

- A. Primary Notice.

"NOTICE TO REMOVE GRASS, WEEDS, RUBBISH, REFUSE, NOXIOUS VEGETATION AND OTHER OBSTRUCTIONS

Notice is hereby given to all owners, lessees, or occupants of the land situated at, and commonly known as _____, _____, that presently there exists on the aforementioned land, weeds, rubbish, refuse, noxious vegetation and other obstructions and that the presence of said weeds, rubbish, refuse, noxious vegetation and other obstructions constitutes a public nuisance and you are required to remove said grass, weeds, rubbish, refuse, noxious vegetation and other obstructions by _____, or within _____ days of the date of this notice. More particularly the grass, weeds, rubbish, refuse, noxious vegetation and other obstructions required to be removed are as follows:

Upon failure to remove the aforescribed grass, weeds, rubbish, refuse, noxious vegetation and other obstructions as herein required, said grass, weeds, rubbish, refuse, noxious vegetation and other obstructions will be removed under authority of the County of Glenn, and the costs of such removal shall be made a legal charge against the owner of the land upon which the public nuisance exists and will constitute a lien on said property in favor of the County of Glenn, which lien will be enforced by appropriate proceedings.

Further be notified that a public hearing will be held on _____ at _____, at which time you may present any evidence or testimony you may have of why the grass, weeds, rubbish, refuse, noxious vegetation and other obstructions should not be removed from the subject land.

Dated this _____ day of _____, 19__."

- B. Alternative Notice.

"NOTICE TO REMOVE GRASS, WEEDS, RUBBISH, REFUSE, NOXIOUS VEGETATION AND OTHER OBSTRUCTION

Notice is hereby given to all owners, lessees or occupants of the land situated at, and commonly known as _____ that presently there exists on the aforementioned land, grass, weeds, rubbish, refuse, noxious vegetation and other obstructions and that the presence of said grass, weeds, rubbish, refuse, noxious vegetation and other obstructions constitutes a public nuisance, and you are required to remove said grass, weeds, rubbish, refuse, noxious vegetation and other obstructions by _____, or within _____ days of the date of this notice. More particularly the grass, weeds, rubbish, refuse, noxious vegetation and other obstructions required to be removed are as follows:

Upon failure to remove the aforescribed grass, weeds, rubbish, refuse, noxious vegetation and other obstructions as herein required, said grass, weeds, rubbish, refuse, noxious vegetation and other obstructions will be removed under authority of the County of Glenn, and the costs of such removal shall be made a legal charge against

the owner of the land upon which the public nuisance exists and will constitute a lien on said property in favor of the County of Glenn, which lien will be enforced by appropriate proceedings.

Further be notified that you may request a public hearing by the County Hearing Officer at which you may present any evidence or testimony you may have of why the grass, weeds, rubbish, refuse, noxious vegetation and other obstructions should not be removed from the subject land. Request for such a hearing must be made within 10 days of this notice.

Dated this _____ day of _____, 19 ____."

(Ord. 821 § 5, 1984; Ord. 586 § 8, 1974.)

7.28.090 Right of entry.

Any official designated in Section 7.28.060, in the performance of his official duties herein prescribed to remove the weeds, rubbish, refuse and noxious vegetation, may enter upon the land which is the subject of the notice to remove, or in the alternative the official may, pursuant to Section 7.28.130, contract with private parties to cause the removal of the weeds, rubbish, refuse and noxious vegetation, and those private parties shall have the right of entry upon the land to the same extent as the officials designated in Section 7.28.060. (Ord. 586 § 9, 1974.)

7.28.100 Hearing.

Upon the request of the owner, lessee or occupant of the land which is the subject of the notice, a public hearing shall be held on the question of the removal of the weeds, rubbish, refuse and noxious vegetation and the assessment of the administrative costs and the levy of costs fixed pursuant to the provisions of this chapter.

Notice of the date and time of the hearing shall be mailed to the party requesting the hearing, the owner, lessee and occupant of the land. (Ord. 586 § 10, 1974.)

7.28.110 Conduct of hearing and decision.

- A. All hearings under this chapter shall be held before the county hearing officer, who shall hear all facts and testimony he deems pertinent. The county hearing officer shall not be limited by the technical rules of evidence or procedure.
- B. The county hearing officer may impose such conditions and take such other action as he deems appropriate under the circumstances to carry out the purpose of this chapter, including the right to order the removal or partial removal of the weeds, rubbish, refuse and noxious vegetation or to dismiss the notice of removal and the orders therein contained, and shall determine who shall bear the costs, if any, of abatement.
- C. The county hearing officer may consider the matter on submission of the sworn statement by either the enforcing officer, the party or parties who have been noticed to remove the weeds, rubbish, refuse and noxious vegetation or the sworn statement of both parties.
- D. The decision of the county hearing officer shall be in writing and mailed by registered mail to the parties. (Ord. 821 § 6, 1984; Ord. 586 § 11, 1974.)

7.28.120 Appeal.

- A. Any party may appeal the decision of the county hearing officer by the filing of a written notice of appeal with the county clerk and clerk of the board. The written notice of appeal shall be made within five days of the county hearing officer's decision.
- B. The appeal shall be heard by the board, which may affirm, amend or reverse the order of the county hearing officer or take any other action deemed appropriate.
- C. The county clerk shall give written notice of the time and place of the hearing to the appellant and other parties to the original proceeding before the county hearing officer.
- D. In conducting the hearing, the board shall not be limited by the technical rules of evidence. (Ord. 586 § 12 1974.)

7.28.130 Costs of abatement.

The board shall from time to time determine and fix by resolution, an amount to be assessed as administrative costs for proceedings undertaken pursuant to this chapter. The board shall also from time to time, by resolution, determine a formula for determining cost for removal of the weeds, rubbish refuse and noxious vegetation if the county uses its own personnel and equipment to remove the weeds, rubbish, refuse and noxious vegetation.

In the alternative, the enforcing officer may contract with private parties, subject to board approval, to perform the work of removal of weeds, rubbish, refuse and noxious vegetation. In such event, for purposes of this chapter, said private parties shall have the rights of the enforcing officer insofar as they pertain to the actual work required for the physical removal of the weeds, rubbish, refuse and noxious vegetation which are the subject of the notice of removal. (Ord. 821 § 7, 1984; Ord. 586 § 13, 1974.)

7.28.140 Abatement costs -- Recovery

- A. The provisions of Chapter 1.15 may be invoked by an enforcing officer or the board of supervisors in lieu of the provisions of this chapter.
- B. Costs of abatement incurred by the county pursuant to sections 7.28.100, 7.28.110 and 7.28.130 may be recovered pursuant to Chapter 1.15 and shall also constitute a lien enforceable by sale of the property, pursuant to Health and Safety Code 14931.

(Ord. 1060 § 39, 1995.)**Chapter 7.30**

BEEKEEPING AND APIARIES

Sections:

ARTICLE I GENERAL PROVISIONS

- 7.30.010 *Short Title.*
- 7.30.020 *Definitions.*
- 7.30.030 *Right of Entry.*
- 7.30.040 *Interference with Commissioner.*
- 7.30.050 *Identification Sign Required.*
- 7.30.060 *Permission Required.*
- 7.30.070 *Registration of Apiaries.*
- 7.30.080 *Location of Apiaries.*
- 7.30.090 *Availability of Water.*
- 7.30.100 *Transporting Bees.*
- 7.30.110 *Shipping & Arrival.*
- 7.30.120 *Africanized Honey Bee.*
- 7.30.130 *Provisions Supplemental Laws.*

ARTICLE II ENFORCEMENT

- 7.30.140 *Nuisance Declared.*
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- 7.30.160 *Notice to Abate Bee Nuisance.*
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- 7.30.180 *Service of Notice.*
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7.30.280 *Administrative Penalties.*
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**ARTICLE I
GENERAL PROVISIONS**

7.30.010 Short Title.

This chapter shall be known as the Glenn County Beekeeping and Apiaries Ordinance. (Ord. 1201 § 1, 2008.)

7.30.020 Definitions.

For the purpose of this chapter, For the purpose of this chapter, the following words, names and terms, shall be construed, unless the context otherwise requires, as provided in this section. Any word or phrase used in this chapter and not defined in this section shall be given the meaning established for such word or phrase by Chapter 1 (commencing with Section 29000) of Division 13 of the Food and Agricultural Code.

- A. "Africanized Honey Bee" means any bee population that is *Apis Mellifera Scullata*, as determined by DNA testing by California Department of Food & Agriculture Laboratory.
- B. "Commissioner" means the Agricultural Commissioner of Glenn County, or his designated agent.
- C. "Resident Bees" means bees that have not left the Glenn, Butte, Colusa, Shasta, and Tehama County area for more than a twenty four (24) hour period.
- D. "Non-resident bees" means bees that have been located outside the Butte, Colusa, Glenn, Shasta, and Tehama county area for more than a 24 hour period.
- E. "Host" and "possible carriers" mean and include bee colonies, packaged bees and queen bees of the species *Apis Mellifera*, comb, used hives, and any other appliance used in the association with bee colonies, packaged bees and queen bees of the species *Apis Mellifera*.

(Ord. 1201 § 1, 2008.)

7.30.030 Right of Entry.

The Commissioner is hereby empowered to enter upon any premises where an apiary is maintained or upon which he has reason to believe that bees are kept in order to carry into effect the provisions of this chapter. Where required by law or otherwise deemed appropriate by the Commissioner, the Commissioner may apply to a court of competent jurisdiction for a warrant authorizing entry upon the premises. (Ord. 1201 § 1, 2008.)

7.30.040 Interference with Commissioner.

It shall be a violation of this chapter for any person to interfere with the official actions of the commissioner. (Ord. 1201 § 1, 2008.)

7.30.050 Identification Sign Required.

It is unlawful for any person to maintain an apiary on premises other than that of his or her residence without having the apiary identified as follows:

- A. By a sign prominently displayed on the entrance side of the apiary stating in black letters not less than one inch in height on a background of contrasting color either:
 - 1. The name of the owner or person in possession of the apiary, his address and telephone number, or, if he has no telephone, a statement to that effect;
- B. The lettering or number shall be printed or stenciled, or equivalent thereto.

(Ord. 1201 § 1, 2008.)

7.30.060 Permission Required.

No apiary shall be kept or located upon the lands of another without the owner or the person in possession of the apiary first procuring from the owner or person entitled to possession of the lands written permission to place the apiary thereon, and, upon request, satisfactory evidence of such permission shall be furnished to the Commissioner. (Ord. 1201 § 1, 2008.)

7.30.070 Registration of Apiaries.

All apiaries located within Glenn County each January 1, or within 30 days thereafter, shall register each with the Glenn County Agricultural Commissioner. A ten dollar (\$10.00) fee is required to cover the cost of registration which consists of listing the location of each apiary and the number of colonies at each location. Newly acquired apiaries or apiaries brought into Glenn County during any other month of the year that are not registered in another California County shall be required to register and pay the appropriate fee within 30 days of entering the County. (Ord. 1201 § 1, 2008.)

7.30.080 Location of Apiaries.

- A. No person shall place or keep any apiary or cause or allow any apiary to remain closer than three hundred (300) feet to any house or building used as a dwelling other than a house or building owned or possessed by that person. The restrictions of this subsection are subject to the following exceptions:
 - 1. If the residential use is begun after an apiary is in year-round operation, the three hundred (300) foot limitation shall apply only upon a separate determination by the Agricultural Commissioner that there are bees from such apiary which are entering land, other than where such apiary is situated, in an amount such as to endanger public health or safety, or to create unreasonable interference with the use of property of others.
 - 2. The three hundred (300) foot limitation does not apply if adequate flight dispersing barriers (such as a fence, tree or line of trees or building) are constructed and maintained which, in the judgment of the Agricultural Commissioner, serve to prevent the apiary or apiaries from constituting a nuisance to nearby residents or the public.
 - 3. The three hundred (300) foot limitation does not apply if the person placing or keeping the apiary has written permission from the affected resident waiving the distance requirement.
- B. No person shall place or keep any apiary or cause or allow an apiary to remain closer than one hundred (100) feet from the exterior line of the traveled portion of a public road right of way without the prior approval of the Commissioner except for temporary purposes of transporting the same or pollination of an agricultural crop (pollinating apiaries are no longer exempt (30) days after crop bloom is complete). The Commissioner may adopt rules generally permitting placement or keeping of apiaries within one hundred feet from any public right of way, subject to conditions prescribed by the Commissioner, provided that such placement or keeping shall be consistent with generally accepted agricultural practices in Glenn County, as determined by the Commissioner.
- C. No person shall maintain an apiary in any manner that prevents or hinders access to the inside of any hive for inspection by an authorized apiary inspector.
- D. No apiary shall be maintained in any location whenever there are bees from such apiary which are entering land, other than where such apiary is situated, in an amount such as to endanger public health or safety, or to create unreasonable interference with the use of property of others, as determined by the Commissioner.
- E. Any person in possession or control of an apiary shall, within five days after receipt of a written request therefore from the Commissioner, provide to the Commissioner a written list of the number and current locations of all colonies of bees in his or her possession or control within the county.

(Ord. 1201 § 1, 2008.)

7.30.090 Availability of Water.

No person shall place or keep any apiary or beehive, or cause to allow any apiary or beehive to remain in any location unless one of the following conditions exists:

- A. There is a natural water supply in existence within a distance of one (1) mile from the apiary or beehive, but no such natural water supply shall be at a greater distance from the apiary than any artificial water supply maintained by any party who has not consented in writing to the placement of the apiary or hive; or
- B. A plentiful supply of fresh water is maintained by the beekeeper adjacent to the apiary or beehive, which water supply shall not be further than fifty (50) yards from any such apiary or beehive.

(Ord. 1201 § 1, 2008.)

7.30.100 Transporting Bees.

- A. No person shall transport bees on the public highway or roads in such a manner that the bees will become a nuisance to the public or create unreasonable interference with the use of property of others.
- B. No person transporting bees shall maintain the vehicle used to transports such bees in a stationary position for such a length of time as to create a nuisance to the public or create unreasonable interference with the use of property of others.

(Ord. 1201 § 1, 2008.)

7.30.110 Shipment & Arrival.

Anyone bringing in shipments of non-resident bees, hosts and possible carriers into the County shall notify the Agricultural Commissioner within forty eight (48) hours upon arrival with the following exception. EXCEPTION: Resident bees from Butte, Colusa, Tehama, and Shasta Counties shall only have to notify the Commissioner each year upon their first movement of apiaries into Glenn County. (Ord. 1201 § 1, 2008.)

7.30.120 Keeping of Africanized Honey Bees.

No person shall willingly and knowingly keep an apiary of Africanized honey bees until such time as the Commissioner declares that the keeping of apiaries in the County that are free from Africanized Honey Bee is no longer possible. (Ord. 1201 § 1, 2008.)

7.30.130 Provisions Supplement Laws.

This chapter shall in all respects be construed to supplement and harmonize with the provisions of the laws of the State pertaining to bees and the beekeeping industry. (Ord. 1201 § 1, 2008.)

ARTICLE II ENFORCEMENT

7.30.140 Nuisance Declared.

Every violation of this chapter is hereby declared to be a public nuisance and shall be subject to abatement in accordance with the provisions of this article. (Ord. 1201 § 1, 2008.)

7.30.150 Abatement by Beekeeper.

Any person in possession or control of an apiary may abate the nuisance or cause it to be abated at any time prior to commencement of abatement by or at the direction of the Commissioner. Abatement shall consist of relocation or destruction of the apiary as determined by the Commissioner. (Ord. 1201 § 1, 2008.)

7.30.160 Notice to Abate Bee Nuisance.

Whenever the Commissioner determines that a nuisance as described in section 7.30.140 exists in any location within the unincorporated area of Glenn County, he or she is authorized to notify the person(s) in possession or control of the apiary and the owner(s) and/or occupant(s) of the location premises through issuance of a "Notice to Abate Bee Nuisance." (Ord. 1201 § 1, 2008.)

7.30.170 Contents of Notice.

- The Notice set forth in section 7.30.160 shall be in writing and shall:
- A. Identify the person(s) in possession or control of the apiary, if known, or if reasonably identifiable by inspection of the apiary.
 - B. Identify the owner(s) of the property upon which the nuisance exists, as named in the records of the county assessor, and identify the occupant(s), if other than the owner(s), and if known or reasonably identifiable.
 - C. Describe the location of such property by its commonly used street address, giving the name or number of the street, road or highway and the number, if any, of the property.
 - D. Identify such property by reference to the assessor's parcel number.
 - E. Contain a statement that a violation of this chapter exists and that it has been determined by the Commissioner to be a public nuisance described in this chapter.
 - F. Describe the nuisance that exists and the actions required to abate it.
 - G. Contain a statement that the person(s) in possession or control of the apiary is required to abate the nuisance within fourteen (14) calendar days after the date that said Notice was served.
 - H. Contain a statement that the person(s) in possession or control of the apiary, or the owner or occupant of the location premises, may, within ten (10) calendar days after the date that said Notice was served, make a request in writing to the Clerk of the Board of Supervisors for a hearing to appeal the determination of the Commissioner that the conditions existing constitute a public nuisance or to show other cause why those conditions should not be abated in accordance with the provisions of this chapter.
 - I. Contain a statement that unless the person(s) in possession or control of the apiary or the owner or occupant of the location premises abates the nuisance or requests a hearing before the Board of Supervisors within the time prescribed in the Notice, the Commissioner will abate the nuisance. It shall also state that the abatement costs, including administrative costs, may be made a special assessment added to the County assessment roll and become a lien on the real property or be placed on the unsecured tax roll.
- (Ord. 1201 § 1, 2008.)

7.30.180 Service of Notice.

- A. The Notice set forth in section 7.30.160 shall be served by delivering it personally to the person(s) in possession or control of the apiary and the owner(s) and occupant(s) of the location premises or by mailing it by regular United States mail, together with a certificate of mailing, to the person(s) in possession or control of the apiary, if ascertainable from the records of the Commissioner, and to the occupant of the property at the address thereof, and to any non-occupying owner at his or her address as it appears on the last equalized assessment roll, except that:
 1. If the records of the county assessor show that the ownership has changed since the last equalized assessment roll was completed, the Notice shall also be mailed to the new owner at his or her address as it appears in said records.

2. In the event that, after reasonable effort, the Commissioner is unable to serve the Notice as set forth in this section, service shall be accomplished by posting a copy of the Notice on the real property upon which the nuisance exists as follows: Copies of the Notice shall be posted along the frontage of the subject property and at such other locations on the property reasonably likely to provide notice to the owner. In no event shall fewer than two (2) copies of the Order be posted on a property pursuant to this section.
- B. The date of service is deemed to be the date of deposit in the mail, personal delivery, or posting, as applicable.
(Ord. 1201 § 1, 2008.)

7.30.190 Administrative Review.

- A. Any person upon whom a Notice to Abate Bee Nuisance has been served may appeal the determination of the Commissioner that the conditions set forth in the Notice constitute a public nuisance to the Board of Supervisors, or may show cause before the Board of Supervisors why those conditions should not be abated in accordance with the provisions of this Chapter. Any such administrative review shall be commenced by filing a written request for a hearing with the Clerk of the Board of Supervisors within ten (10) calendar days after the date that said Notice was served. The written request shall include a statement of all facts supporting the appeal. The time requirement for filing such a written request shall be deemed jurisdictional and may not be waived. In the absence of a timely filed written request that complies fully with the requirements of this Section, the findings of the Commissioner contained in the Notice shall become final and conclusive on the eleventh day following service of the Notice.
- B. Upon timely receipt of a written request for hearing which complies with the requirements of this Section, the Clerk of the Board of Supervisors shall set a hearing date not less than seven (7) days or more than thirty (30) days from the date the request was filed. The Clerk shall send written notice of the hearing date to the requesting party, to any other parties upon whom the Notice was served, and to the Commissioner.
- C. Any hearing conducted pursuant to this chapter need not be conducted according to technical rules relating to evidence, witnesses and hearsay. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs regardless of the existence of any common law or statutory rule which might make improper the admission of the evidence over objection in civil actions. The Board of Supervisors has discretion to exclude evidence if its probative value is substantially outweighed by the probability that its admission will necessitate undue consumption of time.
- D. The Board of Supervisors may continue the administrative hearing from time to time.
- E. The Board of Supervisors shall consider the matter de novo, and may affirm, reverse, or modify the determinations contained in the Notice to Abate Bee Nuisance. The Board of Supervisors shall issue a written decision in the form of a resolution which shall include findings relating to the existence or nonexistence of the alleged nuisance as well as findings concerning the propriety and means of abatement of the conditions set forth in the Notice. Such decision shall be mailed to or personally served upon the party requesting the hearing, any other parties upon whom the Notice was served, and the Commissioner.
- F. The decision of the Board of Supervisors shall be final and conclusive.
(Ord. 1201 § 1, 2008.)

7.30.200 Summary Abatement.

Notwithstanding any other provision of this chapter, when any nuisance described in Section 7.30.140 constitutes an immediate threat to public health or safety, and when the procedures set forth in Sections 7.30.160 through 7.30.190 would not result in abatement of that nuisance within a short enough time period to avoid that threat, the Commissioner may direct any officer or employee of the County to summarily abate the nuisance. The Commissioner shall make reasonable efforts to notify the persons identified in Section 7.30.160, but the formal notice and hearing procedures set forth in Sections 7.30.170 through 7.30.190 shall not apply. The County may nevertheless recover its costs for abating that nuisance in the manner set forth in this chapter. (Ord. 1201 § 1, 2008.)

7.30.210 Enforcement of Abatement Order.

- A. Whenever the Commissioner becomes aware that an owner or occupant has failed to abate any nuisance within fourteen (14) days of the date of service of the Notice to Abate Bee Nuisance, unless timely appealed, or of the date of the decision of the Board of Supervisors requiring such abatement, the enforcing officer may take one or more of the following actions:
 - 1. Enter upon the property and abate the nuisance by County personnel or by private contractor under the direction of the enforcing officer. The Commissioner may apply to a court of competent jurisdiction for a warrant authorizing entry upon the property for purposes of undertaking the work. If any part of the work is to be accomplished by private contract, that contract shall be submitted to and approved by the Board of Supervisors prior to commencement of work. Nothing herein shall be construed to require that any private contract under this Code be awarded through competitive bidding procedures where such procedures are not required by the general laws of the State of California;
 - 2. Request that the County Counsel commence a civil action to redress, enjoin, and abate the public nuisance; and/or
 - 3. Refer the matter to the District Attorney for misdemeanor prosecution under Section 7.30.320.

(Ord. 1201 § 1, 2008.)

7.30.220 Liability for Costs.

- A. In any abatement action taken by the County pursuant to this chapter, whether by administrative proceedings, judicial proceedings, or summary abatement, each person who causes, permits, suffers, or maintains the nuisance to exist shall be liable for all costs incurred by the County, including, but not limited to, administrative costs, and any and all costs incurred to undertake, or to cause or compel any responsible party to undertake, any abatement action in compliance with the requirements of this chapter, whether those costs are incurred prior to, during, or following enactment of this Chapter.
- B. In any action by the Commissioner to abate a nuisance under this Chapter, whether by administrative proceedings, judicial proceedings, or summary abatement, the prevailing party shall be entitled to a recovery of the reasonable attorney's fees incurred. Recovery of attorney's fees under this subdivision shall be limited to those actions or proceedings in which the County elects, at the initiation of that action or proceeding, to seek recovery of its own attorney's fees. In no action, administrative proceeding, or special proceeding shall an award of attorney's fees to a prevailing party exceed the amount of reasonable attorneys' fees incurred by the County in the action or proceeding.
- C. The costs set forth in this Section shall be a personal obligation of each person who causes, permits, suffers, or maintains the nuisance, jointly and severally with all other such persons, and may also be collected by special assessment and lien, as set forth in Sections 7.30.170 and 7.30.270.

(Ord. 1201 § 1, 2008.)

7.30.230 Accounting.

The Commissioner shall keep an account of the cost of every abatement carried out and shall render a report in writing, itemized by parcel, to the Board of Supervisors showing the cost of abatement and the administrative costs for each parcel. (Ord. 1201 § 1, 2008.)

7.30.240 Notice of Hearing on Accounting; Waiver by Payment.

Upon receipt of the account of the Commissioner, the Clerk of the Board of Supervisors shall deposit a copy of the account pertaining to the property of each owner in the mail addressed to the owner and include therewith a notice informing the owner that, at a date and time not less than five (5) business days after the date of mailing of the notice, the Board of Supervisors will meet to review the account and that the owner may appear at said time and be heard. The owner may waive the hearing on the accounting by paying the cost of abatement and the cost of administration to the enforcing officer prior to the time set for the hearing by the Board of Supervisors. Unless otherwise expressly stated by the owner, payment of the cost of abatement and the cost of administration prior to said hearing shall be deemed a waiver of the right thereto and an admission that said accounting is accurate and reasonable. (Ord. 1201 § 1, 2008.)

7.30.250 Hearing on Accounting.

- A. At the time fixed, the Board of Supervisors shall meet to review the report of the Commissioner. An owner may appear at said time and be heard on the questions whether the accounting, so far as it pertains to the cost of abating a nuisance upon the land of the owner is accurate and the amounts reported reasonable. The cost of administration shall also be reviewed.
- B. The report of the enforcing officer shall be admitted into evidence. The owner shall bear the burden of proving that the accounting is not accurate and reasonable.
- C. The Board of Supervisors shall also determine whether or not the owner consented to the presence of the apiary determined to constitute a nuisance. If it is determined at the hearing that the apiary was placed on the premises without the consent of the owner of such premises and that he has not subsequently acquiesced in its presence, costs for the abatement shall not be assessed against such premises or otherwise attempted to be collected from the owner of such premises.

(Ord. 1201 § 1, 2008.)

7.30.260 Modifications.

The Board of Supervisors shall make such modifications in the accounting as it deems necessary and thereafter shall confirm the report by resolution. (Ord. 1201 § 1, 2008.)

7.30.270 Special Assessment and Lien.

The Board of Supervisors may order that the cost of abating nuisances pursuant to this Chapter and the administrative costs as confirmed by the Board be placed upon the County tax roll by the County Auditor as special assessments against the respective parcels of land, or placed on the unsecured roll, pursuant to section 25845 of the Government Code; provided, however, that the cost of abatement and the cost of administration as finally determined shall not be placed on the tax roll if paid in full prior to entry of said costs on the tax roll. The Board of Supervisors may also cause notices of the abatement lien to be recorded against the respective parcels of real property pursuant to section 25845 of the Government Code. (Ord. 1201 § 1, 2008.)

7.30.280 Administrative Penalties.

- A. In addition to any other remedy or penalty prescribed in this chapter, each violation of this chapter may be subject to an administrative penalty of up to \$100.00 per day for each hive causing or contributing to the violation. The administrative penalty may be imposed via the administrative process set forth in this section, as provided in Government Code section 53069.4, or may be imposed by the court if the violation requires court enforcement without an administrative process.
- B. In the case of a continuing violation, if the violation does not create an immediate danger to health or safety, the Commissioner or the court shall provide for a reasonable period of time, not to exceed three (3) days, for the person responsible for the violation to correct or otherwise remedy the violation prior to the imposition of administrative penalties.
- C. In determining the amount of the administrative penalty, the Commissioner or the court shall take into consideration the nature, circumstances, extent, and gravity of the violation or violations, any prior history of violations, the degree of culpability, economic savings, if any resulting from the violation, and any other matters justice may require.
- D. The Commissioner may commence the administrative process by issuance of a Notice of Proposed Administrative Penalty, which shall state the amount of the proposed administrative penalty and the reasons therefore. The Notice shall inform the recipient of their right to request a hearing before the Board of Supervisors in accordance with this section. If such a hearing is not requested within thirty (30) days after issuance of the Notice, the proposed penalty shall become final and conclusive and the person to whom the Notice was issued shall immediately make payment of the penalty amount to the County.
- E. If the person to whom the Notice is issued requests a hearing before the Board of Supervisors, the person shall be notified by certified mail when the matter has been set for hearing. After the hearing, the Board of Supervisors may impose, modify, or disapprove, in whole or in part, by its own order, the proposed penalty set forth in the Notice. Any order of the Board of Supervisors shall become effective upon issuance thereof and shall be served by certified mail upon the appellant. Payment of an administrative penalty specified in the Board of Supervisors' order shall be made to the County within thirty (30) days of service of the order.
- F. In addition to any other remedy, the County may prosecute a civil action through the Office of the County Counsel to collect any administrative penalty imposed pursuant to this Section. (Ord. 1201 § 1, 2008.)

7.30.290 No Duty to Enforce.

Nothing in this Chapter shall be construed as imposing on the Commissioner or the County of Glenn any duty to issue a Notice to Abate Bee Nuisance, nor to abate any nuisance, nor to take any other action with regard to any nuisance, and neither the Commissioner nor the County of Glenn shall be held liable for failure to issue an order to abate a nuisance, nor for failure to abate any nuisance, nor for failure to take any other action with regard to any nuisance. (Ord. 1201 § 1, 2008.)

7.30.300 Remedies Cumulative.

All remedies provided for herein are cumulative and not exclusive, and are in addition to any other remedy or penalty provided by law. (Ord. 1201 § 1, 2008.)

7.30.310 Severability.

If any section, subsection, sentence, clause, portion, or phrase of this chapter is for any reason held illegal, invalid, or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof. The Board hereby declares that it would have passed this chapter and each section, subsection, sentence, clause, portion, or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared illegal, invalid or unconstitutional. (Ord. 1201 § 1, 2008.)

7.30.320 Violation of Specified Provisions - Punishment.

Any violation of Chapter 7.30 of this title is a misdemeanor punishable as provided by law. (Ord. 1201 § 2, 2008.)

Chapter 7.31

TREES AND SHRUBS RECORDS OF OWNERSHIP OF NUT CROPS

Sections:

- 7.31.010 *Purpose.*
- 7.31.020 *Definitions.*
- 7.31.030 *Proof of Ownership Certificate.*
- 7.31.040 *Same – Inspection, Presentation and Retention.*
- 7.31.050 *Falsification of Proof of Ownership.*
- 7.31.060 *Vehicle Stops.*
- 7.31.070 *Retention of Seized Commodity.*
- 7.31.080 *Investigation to Ascertain Ownership.*
- 7.31.090 *Disposition of Agricultural Commodities.*
- 7.31.100 *Exemptions.*
- 7.31.110 *Violations.*
- 7.31.120 *Civil Penalties.*
- 7.31.130 *Transportation of Sale of Walnuts to Non-processing Buying Operations Outside of the Walnut Buying Period is Prohibited.*

7.31.010 Purpose.

In Chapter 8 of Part 1 of Division 1 of the Food and Agriculture Code, commencing with Section 851, the Legislature established minimal requirements concerning Agriculture Theft Prevention. This article is adopted pursuant to Article XI, Section 7 of the California Constitution, which authorizes the County to exercise the police power of the State by adopting regulations promoting the public health, public safety, and the general welfare of its citizens, and Food and Agriculture Code Section 866. In this article, Glenn County establishes additional requirements regarding the transportation and identification of nut crops, including establishing a walnut buying period. It is the purpose and intent of this article to establish a means of verifying ownership of specified agricultural commodities in order to prevent and deter theft of these commodities and to provide a means for local enforcement of laws and regulations pertaining to the purchase and sale of these commodities. (Ord. 1243 § 1, 2013)

7.31.020 Definitions.

Except where the context otherwise requires, the following definitions shall govern the construction of this chapter:

- A. “Agricultural commissioner” means the agricultural commissioner of Glenn County and designated representatives.
- B. “Agricultural commodities” or “commodity” means any nut crop of any quantity.
- C. “Buyer” means an individual or entity engaged in the purchase of an agricultural commodity, and who is licensed to engage in such business by the state.
- D. “Gleaning” means the process through which nuts remaining on the ground following the grower’s completion of the harvest are gathered with the permission of a grower and with proof of ownership.
- E. “Grower” means the person who has personally, or through the employment of others, grown and harvested an agricultural commodity.
- F. “Non-processing walnut buying operation” means a buyer of walnuts that have not been dried or processed who does not have on-site processing.
- G. “Person” means any individual, firm, partnership, joint venture, corporation or other entity possessing, buying, transporting or selling an agricultural commodity as a principal or as an agent of another.

- H. “Proof of ownership” means:
1. If the possessor of the agricultural commodity is the grower of the commodity, proof that the commodity was grown by that grower. Proof of ownership in this context shall mean documents or information sufficient to verify that the possessor is the grower of the commodity.
 2. If the possessor of the agricultural commodity is other than the grower of the commodity, a completed proof of ownership certificate in a form approved by the agricultural commissioner, or the requisite information set out in any alternative written form acceptable to the agricultural commissioner. Any form utilized for this purpose shall be signed by the possessor of the agricultural commodity and signed by the person who sold the agricultural commodity to the person in possession.
- I. “Seller” means a person who sells or attempts to sell an agricultural commodity to a buyer or other person.
- J. “Walnut Buying Period” means the declared conclusion of harvest of walnuts by the agricultural commissioner, after consultation with a committee of walnut growers, whereupon non-processing walnut buying operations within the boundaries of Glenn County may purchase and receive shipments of walnuts that have not been dried or processed. Such period shall be proclaimed seventy-two (72) hours in advance by press release and shall last until walnut trees bear nuts in the subsequent season.
- (Ord. 1243 § 1, 2013)

7.31.030 Proof of ownership certificate.

The proof of ownership certificate, or any alternative written proof of ownership form found to be acceptable to the agricultural commissioner, shall contain the following information:

- A. Name, address, telephone number, and signature of the seller.
- B. Name, address, telephone number, and signature of the buyer.
- C. The vehicle license plate number of the seller.
- D. The driver’s license number of the seller.
- E. The weight of the agricultural commodity purchased.
- F. The date and time of the transaction.
- G. The variety and condition of the agricultural commodity.
- H. Specific identification of the source of the commodity being sold. This shall mean, if the seller is the grower of the commodity, the address at which the commodity was grown. This shall mean, if the seller is not the grower of the commodity, the name and address and phone number of the person from whom that seller obtained the commodity, and if known, the address where the commodity was grown.

It is the responsibility of a buyer to obtain the requisite information to permit completion of the proof of ownership certificate or alternative form. The proof of ownership certificate or alternative form shall not be valid unless signed by both the person in possession of the commodity and by the person from whom the possessor obtained the commodity. (Ord. 1243 § 1, 2013)

7.31.040 Same – Inspection, presentation and retention.

- A. The proof of ownership certificate or alternative form shall be retained with the agricultural commodity to which it pertains while the commodity is in any person’s possession, while being transported and until sold.
- B. Upon probable cause to believe that any agricultural commodity is in the unlawful possession of any person, any agricultural commissioner, or his or her designee, and any peace officer may inspect the commodity and request that proof of ownership be provided. The possessor of the commodity shall permit inspection of the commodity and of corresponding proof of ownership certificate or alternative form. If the possessor is a grower, the grower shall provide information sufficient to verify that status. Upon reasonable notice, a copy of the proof of ownership certificate or alternative form shall be provided.
- C. To facilitate inspection by the agricultural commissioner, or his or her designee, the buyer shall purchase and keep the commodity at a place of business in compliance with the county building and planning/zoning ordinances, until transported for resale or other handling.
- D. Following any sale of the agricultural commodity by the buyer, the proof of ownership certificate or alternative form shall be retained by the buyer for a period of two (2) years from the date of such sale. Buyers shall also retain any records pertaining to the resale of agricultural commodities to which the proof of ownership certificate or alternative form pertains, for a period of two (2) years.

(Ord. 1243 §1, 2013)

7.31.050 Falsification of proof of ownership.

It is unlawful for any person to knowingly falsify or cause the falsification of, any proof of ownership certificate, or other document presented as evidence of a person's proof of ownership. (Ord. 1243 § 1, 2013)

7.31.060 Vehicle stops.

Any peace officer may, upon having probable cause to believe that a person is in illegal possession of an agricultural commodity, stop and search and inspect the agricultural commodity and request proof of ownership. If an agricultural commissioner, or his or her designee, has probable cause to believe that any agricultural commodity is unlawfully possessed, he or she may request a peace officer to stop a vehicle for inspection. (Ord. 1243 § 1, 2013)

7.31.070 Retention of seized commodity.

Upon reasonable belief that a person is in unlawful possession of an agricultural commodity, the commodity, or any portion of a commodity, which is reasonably determined to be unlawfully possessed, may be seized and held by the agricultural commissioner, his or her designee, or any peace officer. The commodity so seized shall be held at such place and in such manner as is reasonable under the circumstances, and until disposed of as provided in this article. The commissioner or peace officer shall record the date and place of seizure and information pertaining to the person from whom the commodity was seized, and to the extent practical, the quantity, type, condition and other information pertaining to the commodity. (Ord. 1243 § 1, 2013)

7.31.080 Investigation to ascertain ownership.

The agricultural commissioner, his or her designee, or any peace officer may investigate to ascertain the ownership of any commodity that has been held pursuant to this article and if the lawful owner is located, the commodity shall be released to the owner or agent. The commissioner may require reasonable payment, not to exceed the value of the commodity, to cover costs incurred for storage of the commodity. (Ord. 1243 § 1, 2013)

7.31.090 Disposition of agricultural commodities.

- A. If for any reason the commodity cannot be released to the rightful owner within forty-eight (48) hours after coming into the custody of the agricultural commissioner, or for any shorter period of time that the commissioner deems necessary in the case of perishable commodities, the commissioner may sell the commodity by public auction or any private sale at fair market value to a commercial packer of the commodity. Prior to any such sale the commissioner shall determine that the sale of the commodity will not impair the prosecution of any person who is or may be charged with a crime related to the commodity.
 - B. All of the proceeds derived from the sale of the commodity shall be held by the commissioner for a period of not less than six (6) months, during which time the lawful owner of the commodity may submit satisfactory proof of ownership and obtain possession of the proceeds. The commissioner may require the payment by the owner of an amount sufficient to cover the costs incurred for the storage and sale of the commodity, in an amount not to exceed the value of the commodity. If, after retention of the proceeds for a period of at least six (6) months, no demand is made or if proof of ownership is not supplied, the commissioner shall deposit the proceeds of the sale of the commodity in the general fund of the county.
 - C. If any seized commodity remains unsold after being offered for sale pursuant to this section, the commissioner may donate the commodity to a nonprofit organization.
 - D. If the commodity is unfit for human consumption, the commissioner may destroy it.
- (Ord. 1243 § 1, 2013)

7.31.100 Exemptions.

This article shall not apply to the following:

- A. Commodities transported directly by a grower or agent from the farm or ranch where they are grown to a commercial packing plant within this state for processing or packing.
- B. Commodities in possession of any person as a result of gleaning undertaken with the permission of the grower and with proof of ownership.
- C. Commodities transported and accompanied by a valid permit, disposal order, or certificate issued by the agricultural commissioner for any reason other than to comply with this article.

Notwithstanding the exemption provided in subsections (1) and (2) above, the agricultural commissioner, or his or her designee, and any peace officer may inspect any agricultural commodity as provided in this article and may require that information be provided sufficient to permit verification that the exemption applies in the circumstances presented. (Ord. 1243 § 1, 2013)

7.31.110 Violations.

Any person violating any of the provisions of this article shall be guilty of a misdemeanor which shall be punishable as provided in the Code. This punishment is separate and independent from any punishment or penalty provided for under any other law or regulation, including forfeiture. (Ord. 1243 §1, 2013)

7.31.120 Civil penalties.

Pursuant to Food and Agriculture Code Section 885, rather than pursuing a civil prosecution, the agricultural commissioner may levy a civil penalty against any person violating the provisions of this article. The civil penalty for each violation shall be, for a first violation, a fine of not more than five hundred dollars (\$500). For a second or subsequent violation, the fine shall be not less than one hundred dollars (\$100), nor more than one thousand dollars (\$1,000). Before a civil penalty is levied, the person charged with the violation shall receive notice of the nature of the violation and shall be given an opportunity to be heard. This shall include the right to review the evidence and a right to present evidence on his or her own behalf. Subdivision (e) of Food and Agriculture Code Section 43003 shall apply to any fine levied pursuant to this section. (Ord. 1243 § 1, 2013)

7.31.130 Transportation or sale of walnuts to non-processing walnut buying operations outside of the walnut buying period is prohibited.

Walnuts that have not been dried or processed shall not be transported to, sold to, or received by, a non-processing walnut buying operation within the boundaries of Glenn County outside of the Walnut Buying Period, as established by the agricultural commissioner. (Ord. 1243 § 1, 2013)