City Council of Monterey Park
The City Council Acting on Behalf of the Successor Agency of the Former Redevelopment Agency, the Housing Authority, the Monterey Park Financing Authority and the Monterey Park Geologic Hazard Abatement District Agenda

Regular Meeting
Monterey Park City Hall Council Chambers
320 West Newmark Avenue, Monterey Park, CA 91754

Wednesday, July 2, 2025
6:30 PM

Mission Statement
The mission of the City of Monterey Park is to provide excellent service, foster growth and opportunity, and create a joyous and collaborative environment.

Land Acknowledgment
We would like to acknowledge that the land we inhabit today was once known as Tovangaar, the home of the Gabrieleño-Tongva people. We show our respect to the Gabrieleño-Tongva people, as well as all Indigenous people, past, present, and future, and honor their labor as original caretakers of this land. We commit to uplifting the Gabrieleño-Tongva people, invite you to acknowledge the history, and join us in caring for this land.

General Information
Documents related to an Agenda item are available to the public in the City Clerk's Office located at 320 West Newmark Avenue, Monterey Park, CA 91754, during normal business hours and at www.montereypark.ca.gov/agendas.

The public may watch the meeting live on the city's cable channel MPKTV (AT&T U-verse, channel 99 or Charter Communications, channel 182) or by visiting the city's website at http://www.montereypark.ca.gov/133/City-Council-Meeting-Videos. Per the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please call City Hall at (626) 307-1359 for reasonable accommodation at least 24 hours before a meeting. Council Chambers are wheelchair accessible.

Public Participation
You may speak up to 5 minutes on an/each Agenda item. You may combine up to 2 minutes of time with another person's speaking. No person may speak more than a total of 10 minutes. The Mayor and City Council may change the amount of time allowed for speakers. Written Communication will be accepted up to 24 hours before the meeting by completing an online form at www.montereypark.ca.gov/writtencomm.

While all comments are welcome, the Brown Act does not allow the City Council to take action on any item not on the agenda. The Council may briefly respond to comments after Public Communications is

closed. Persons may, in addition to any other matter within the City Council's subject-matter jurisdiction, comment on Agenda Items at this time. If you provide public comment on a specific Agenda item at this time, however, you cannot later provide comments at the time the Agenda Item is considered.

1. Call to Order
Mayor

2. Flag Salute
The Monterey Park Fire Explorers

3. Roll Call
Henry Lo, Vinh Ngo, Jose Sanchez, Thomas Wong, Elizabeth Yang

4. Agenda Additions, Deletions, Changes and Adoptions

5. Public Communications

6. Staff Communications

6.A. Library

6.B. Recreation and Community Services

6.C. Public Works

7. Presentation

7.A. Development Projects Update

7.B. Economic Development Strategic Plan Update

8. Old Business

9. Consent Calendar
All items under the Consent Calendar are considered by the City Council to be routine and will be enacted by one motion. Specific items may be removed from the Consent Calendar at the request of any member of the City Council for separate consideration.

9.A. Monthly Investment Report

It is recommended that the City Council consider:

1. Receiving and filing the monthly investment report; and
2. Taking such additional, related, action that may be desirable.

9.B. Resolution approving the Memorandum of Understanding between the City and the Monterey Park Police Officers' Association for the term of July 1, 2025 to June 20, 2028

It is recommended that the City Council consider:

1. Adopting a Resolution approving a Memorandum of Understanding ("MOU") between the City of Monterey Park and the Monterey Park Police Officers' Association ("MPPOA"). The MPPOA represents the police corporals and police officers in the Monterey Park Police Department; and
2. Taking such additional, related, action that may be desirable.

9.C. Receive and File Housing Element Correspondence with California Department of Housing and Community Development

It is recommended that the City Council consider:

1. Receiving and filing the report; and
2. Taking such additional, related, action that may be desirable.

9.D. Maintenance Agreement with Trojan Technologies Corp.

It is recommended that the City Council consider:

1. Authorizing the City Manager to execute an Agreement with Trojan Technologies Corp., ("Trojan") in a form approved by the City Attorney, for the maintenance of its Advanced-Oxidation Ultraviolet Treatment System at a cost not to exceed $315,000; and
2. Taking such additional, related, action that may be desirable.

CEQA (California Environmental Quality Act):
These actions are exempt from additional review under the California Environmental Quality Act (California Public Resources Code §§ 2100, *et seq*., "CEQA") and CEQA Guidelines (14 California Code of Regulations §§ 15000, *et seq*.) pursuant to CEQA Guidelines § 15061(b)(3), the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment applies to the recommended action. It can be seen with certainty that there is no possibility that the proposed action has a significant effect on the environment.

9.E. A Resolution Declaring the Month of July as "Parks Make Life Better" Month in the City of Monterey Park

It is recommended that the City Council consider:

1. Adopting a Resolution declaring the month of July as "Parks Make Life Better" Month in the City of Monterey Park; and
2. Taking such additional, related, action that may be desirable.

9.F. Consideration to provide Letter of Support for SB 627, the "No Secret Police Act," and SB 805, the "No Vigilantes Act," on behalf of the City

It is recommended that the City Council consider:

1. If desirable, sending a letter of support for California Senate Bills 627, the "No Secret Police Act," and 805, the “No Vigilantes Act,” on behalf of the City;
2. Taking such additional, related, action that may be desirable.

10. Public Hearing

10.A. Adoption of an Ordinance Amending Title 6 of the Monterey Park Municipal Code in its entirety regarding public health services and incorporation of Title 11 of the Los Angeles County Code

It is recommended that the City Council consider:

1. Opening the continued public hearing; taking testimonial and documentary evidence; closing the public hearing;
2. After considering the evidence, adopting an ordinance amending Title 6 of the Monterey Park Municipal Code; and
3. Taking such additional, related, action that may be desirable.

10.B. Adoption of an Ordinance Updating the Fire Hazard Severity Zones ("FHSZ") Pursuant to Government Code section 51178

It is recommended that the City Council consider:

1. Opening the continued public hearing; taking testimonial and documentary evidence; closing the public hearing;
2. After considering the evidence, adopting an ordinance adopting the finalized State Responsibility Area Fire Hazard Severity Zone map; and
3. Taking such additional, related, action that may be desirable.

CEQA (California Environmental Quality Act):
The City reviewed the environmental impacts of the extension under the California Environmental QualityAct (Public Resources Code §§ 21000, et seq. "CEQA") and the regulations promulgated thereunder (14 Cal. Code of Regs. §§ 15000, et. seq., the "CEQA Guidelines"). This activity contemplates administrative actions and will not result in any direct or indirect physical change in the environment. Accordingly, no further review is required.

11. New Business

12. City Communications (City Council) / Future Agenda Items

13. Closed Session (if Required; City Attorney to Announce)

14. Adjourn

City Council Staff Report

Date: July 2, 2025
Agenda Item Number: 9.A.

To: The Honorable Mayor and City Council

From: Amy Lee, City Treasurer

Subject: Monthly Investment Report

Recommendation:
It is recommended that the City Council consider:

1. Receiving and filing the monthly investment report; and
2. Taking such additional, related, action that may be desirable.

Executive Summary:
As of May 31, 2025, invested funds for the City of Monterey Park total $97,864,526.80.

Background:
In accordance with the City's Investment Policy, a monthly investment report is presented to the City Council showing the types of investments, dates and maturities, amounts of deposits, rates of interest, and the current market values for securities with maturity more than 12 months. The attached monthly investment report includes a portfolio summary from Chandler Asset Management.

Strategic Plan Goal:
N/A

Fiscal Impact:
N/A

Attachments:
1. Monthly Investment Report

ATTACHMENT 1
Monthly Investment Report

CITY OF MONTEREY PARK
INVESTMENT REPORT
MAY 31, 2025

INVESTMENTS PORTFOLIO PROFILE:

TOTAL BALANCE AT 5/31/2025				**$ 97,864,526.80**
INVESTMENT COMPOSITION				
(1) **LA COUNTY POOLED INVESTMENT FUND**		ON DEMAND	3.63%	$ 26,378,439.78
(2) **LOCAL AGENCY INVESTMENT FUND**		ON DEMAND	4.272%	$ 37,398,743.43
(3) **CHANDLER ASSET MANAGEMENT**			4.69%	$ 26,209,343.59

	(4) **CERTIFICATES OF DEPOSIT**	Purchase Date	Maturity Date	Interest Rate	
1	UFIRST FEDERAL CREDIT UNION	02/24/23	08/25/25	4.85%	245,000
2	BANK OF AMERICA	07/24/24	07/24/25	4.85%	245,000
3	FLASTAR BANK NA	07/25/24	01/26/26	4.85%	245,000
4	CONNEX CU	08/06/24	08/06/25	4.95%	245,000
5	TRUSTONE FINANCIAL FCU	08/15/24	08/15/25	4.45%	245,000
6	PREFERRED BANK	09/03/24	09/03/25	4.41%	100,000
7	PREFERRED BANK	09/08/24	09/08/25	4.41%	150,000
8	FINANCIAL PARTNERS CREDIT UNION	09/13/24	09/12/25	4.35%	245,000
9	BARCLAYS BANK	09/18/24	09/18/25	4.30%	239,000
10	ROCKLAND FEDERAL CREDIT UNION	09/25/24	09/25/25	4.50%	245,000
11	KEYPOINT CREDIT UNION	10/30/24	10/30/25	4.35%	245,000
12	RIZE FED CREDIT UNION	12/13/24	12/14/26	4.25%	245,000
13	FIRST SEACOAST BANK	01/27/25	01/27/27	4.15%	247,000
14	GOLDMAN SACHES BANK	01/28/25	01/28/27	4.15%	244,000
15	FIRST BUSINESS BANK	01/30/25	01/29/27	4.15%	244,000
16	FIRST KY BANK	01/30/25	02/01/27	4.15%	249,000
17	AUSTIN TELCO FED CREDIT UNION	01/31/25	02/01/27	4.25%	249,000
18	SOUND CREDIT UNION	01/31/25	02/01/27	4.20%	249,000
19	MORGAN STANLEY BANK	02/12/25	02/12/27	4.30%	244,000
20	MORGAN STANLEY PRIVATE BANK	02/12/25	02/12/27	4.30%	244,000
21	OREGON COMMUNITY CREDIT UNION	02/24/25	02/24/27	4.30%	249,000
22	MERRICK BANK	02/28/25	02/26/27	4.30%	249,000
23	FIRST WESTERN TRUST BANK	03/06/25	03/06/26	4.25%	249,000
24	SOUTHERN STATES BANK	03/21/25	03/22/27	4.15%	249,000
25	CORPORATE AMERICA FAMILY CREDIT UI	03/27/25	03/27/26	4.25%	249,000
26	PARKWAY BANK & TRUST	03/27/25	03/27/26	4.20%	239,000
27	INSBANK	03/31/25	03/30/26	4.20%	249,000
28	TOYOTA FINANCIAL SAVINGS BANK	04/10/25	04/12/27	4.00%	245,000
29	UBS BANK	04/23/25	04/23/27	3.95%	249,000
30	AMERICAN EXPRESS NATIONAL BANK	04/30/25	04/30/27	4.05%	245,000
31	STATE BANK INDIA	05/05/25	05/05/27	4.10%	244,000
32	TRANSPORTATION ALLIANCE BANK	05/12/25	05/12/27	4.00%	249,000
33	FINWISE BANK	05/21/25	05/21/27	4.00%	249,000
	Total CDs (33)			4.301%	***$ 7,878,000.00***

OTHER INFORMATION:

BANK BALANCE: [1]	$29,027,911.69
AVERAGE MATURITY DAYS	199
AVERAGE INTEREST RATE FOR THE MONTH	4.213%

THE CITY'S INVESTMENT HAS SUFFICIENT LIQUIDITY TO MEET THE CITY'S EXPENDITURE REQUIREMENTS FOR THE NEXT 180 DAYS. THE 180-DAY LIQUIDITY DISCLOSURE IS REQUIRED PER GOVERNMENT CODE 53646.

THERE HAVE BEEN NO VARIANCES TO THE INVESTMENT POLICY.

(1) Bank balance is maintained to cover outstanding warrants, payroll checks and on-going operating costs.

PORTFOLIO SUMMARY

City of Monterey Park | Account #11189 | As of May 31, 2025

Portfolio Characteristics

Average Modified Duration	1.81
Average Coupon	4.31%
Average Purchase YTM	4.69%
Average Market YTM	4.21%
Average Credit Quality*	AA+
Average Final Maturity	2.24
Average Life	1.86

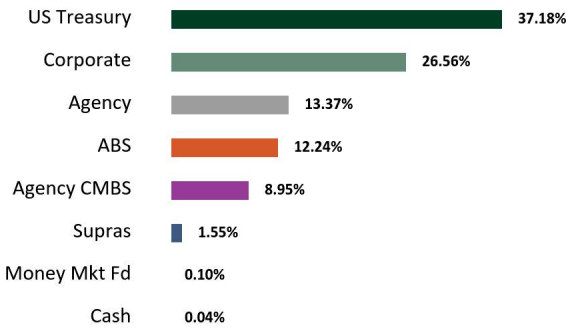
Account Summary

	End Values as of 04/30/2025	End Values as of 05/31/2025
Market Value	26,456,518.67	26,418,824.02
Accrued Interest	207,994.45	220,936.33
Total Market Value	**26,664,513.11**	**26,639,760.35**
Income Earned	105,887.43	92,691.30
Cont/WD	0.00	0.00
Par	26,296,914.94	26,378,793.11
Book Value	26,121,713.44	26,209,343.59
Cost Value	26,028,727.41	26,111,440.59

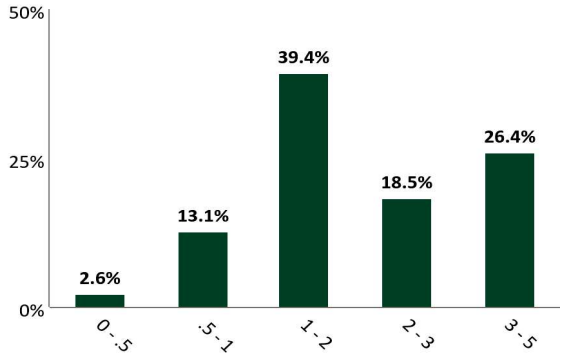
Top Issuers

Government of The United States	37.18%
FHLMC	8.95%
Farm Credit System	6.86%
Federal Home Loan Banks	6.51%
International Bank for Recon and Dev	1.55%
Bank of America Credit Card Trust	1.43%
John Deere Owner Trust	1.43%
Honda Auto Receivables Owner Trust	1.39%

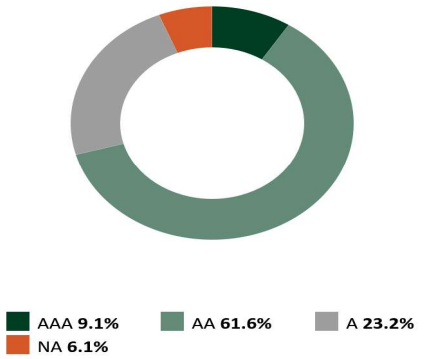
Sector Allocation



Maturity Distribution



Credit Quality (S&P)



Performance Review

Total Rate of Return**	1M	3M	YTD	1YR	2YRS	3YRS	5YRS	10YRS	Since Inception (03/12/24)
City of Monterey Park	(0.08%)	1.13%	2.39%	5.89%	--	--	--	--	5.62%
Benchmark Return	(0.21%)	1.04%	2.17%	5.64%	--	--	--	--	4.93%

*The average credit quality is a weighted average calculation of the highest of S&P, Moody's and Fitch.
**Periods over 1 year are annualized.
Benchmark: ICE BofA 1-3 Year US Treasury & Agency Index Secondary Benchmark:

City Council Staff Report

Date: July 2, 2025
Agenda Item Number: 9.B.

To: The Honorable Mayor and City Council

From: Christine Tomikawa, Human Resources/Risk Management Director

Subject: Resolution approving the Memorandum of Understanding between the City and the Monterey Park Police Officers' Association for the term of July 1, 2025 to June 20, 2028

Recommendation:
It is recommended that the City Council consider:

1. Adopting a Resolution approving a Memorandum of Understanding ("MOU") between the City of Monterey Park and the Monterey Park Police Officers' Association ("MPPOA"). The MPPOA represents the police corporals and police officers in the Monterey Park Police Department; and
2. Taking such additional, related, action that may be desirable.

Executive Summary:
The City of Monterey Park representatives ("City") and MPPOA representatives met and onferred in good faith to negotiate the terms and conditions of a new MOU. The parties reached an agreement to be approved by the City Council for a term effective July 1, 2025 to June 30, 2028.

Background:
MPPOA's current MOU will expire on June 30, 2025. The MPPOA membership ratified the July 1, 2025 to June 30, 2028 MOU terms and conditions on June 26, 2025. The City and MPPOA have agreed to the following:

- Term - three-year agreement - July 1, 2025 to June 30, 2028
- Equity base salary adjustment - 2.9% effective the first full pay period after July 1, 2025 for both classifications.
- Base salary increase - 3.1% cost of living adjustment effective the first full pay period after July 1, 2025; 3% cost of living adjustment to base salary effective the first full pay period after July 1, 2026; and 3% cost of living adjustment to base salary effective the first full pay period after July 1, 2027.
- Article 21 Health Insurance - Cafeteria plan increase effective the first full pay period

after July 1, 2025 to $1,995/month.
- Article 28 Salary and Wages - increase longevity pay starting at 5 years of service and modifying language to include years of sworn officer service from other public agencies.
- Special Assignment - increase monthly incentive pay to $400/month and include Fleet Management assignment.
- MOU language modification.

Strategic Plan Goal:
This action supports the City Council's Strategic Plan Goal of maintaining the stability of the City's Human Resources by strengthening workforce recruitment and retention.

Fiscal Impact:
The total cost of the MOU is estimated at $559,734 for Fiscal Year 2025-2026; $279,147 estimated amount for Fiscal Year 2026-2027; and $235,827 estimated amount for Fiscal Year 2027-2028 will be budgeted appropriately. This amount will be paid by the City's General Fund.

Attachments:
1. 2025-07-02 - POA_MOUResolution

RESOLUTION NO. ____

A RESOLUTION APPROVING THE MEMORANDUM OF UNDERSTANDING FOR CONTRACT YEAR 2025-2028 BETWEEN THE CITY OF MONTEREY PARK AND THE MONTEREY PARK POLICE OFFICERS' ASSOCIATION.

THE CITY COUNCIL RESOLVES AS FOLLOWS:

SECTION 1: City representatives, approved by the City Council, and representatives from the Monterey Park Police Officers' Association ("POA") met and conferred regarding wages, retirement funding, hours and the terms and conditions of employment for contract year 2025-2028.

SECTION 2: Following such negotiations, the representatives drafted a Memorandum of Understanding ("MOU") for fiscal years 2025-2028. A copy of that MOU is attached as Exhibit "A," and is incorporated by reference.

SECTION 3: Following a vote of its membership, the POA informed the City that it accepted the MOU.

SECTION 4: After reviewing the MOU, the City Council finds that it is in the public interest to approve it retroactively effective July 1, 2025. Accordingly, the City Manager is authorized to execute the MOU in a form approved by the City Attorney.

SECTION 5: *Electronic Signatures*. This Resolution may be executed with electronic signatures in accordance with Government Code §16.5. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

SECTION 6: *Construction*. This Resolution must be broadly construed to achieve the purposes stated in this Resolution. It is the City Council's intent that the provisions of this Resolution be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Resolution.

SECTION 7: *Effective Date*. This Resolution will become effective immediately upon adoption.

PASSED AND ADOPTED this ____ day of _____, 2025.

_____
Vinh T. Ngo, Mayor

ATTEST:

_____
Maychelle Yee, City Clerk

APPROVED AS TO FORM:
Karl H. Berger, City Attorney
By:_____
Justin A. Tamayo, Assistant City Attorney

City Council Staff Report

Date: July 2, 2025
Agenda Item Number: 9.C.

To: The Honorable Mayor and City Council

From: Philip Lanzafame, Interim Director of Community Development

Subject: Receive and File Housing Element Correspondence with California Department of Housing and Community Development

Recommendation:
It is recommended that the City Council consider:

1. Receiving and filing the report; and
2. Taking such additional, related, action that may be desirable.

Executive Summary:
The City Council continues to take actions to implement the City's certified Housing Element and the Land Use Element (Measure JJ). Most recently, the City Council adopted ordinances adding an overlay zone to portions of the City and ensuring consistency between the General Plan/Land Use Element and the zoning code to continue meeting the deadlines in the Housing Element. An inquiry from the Department of Housing and Community Development ("HCD") regarding the City Council's actions and changes to the Housing Element's site inventory lists prompted the attached exchange with HCD. No action is required. The item is for informational purposes only.

Background:
On April 16, 2025, the City Council adopted Ordinance No. 2261, which adds the Residential Incentive Zone to the MPMC. A full explanation regarding such action was provided at the time of introduction and at adoption. On June 18, 2025, the City Council adopted Ordinance No. 2263 to ensure consistency between our General Plan/Land Use Element and the zoning code. On June 19, 2025, the City received correspondence from HCD regarding the two items and inquired into a claim of improper substitution of sites on the City's Housing Element site inventory list. Staff responded, to the apparent satisfaction of the Department, that no such substitution had taken place and that we still relied on the originally submitted inventory of sites. A copy of the inquiry, response and acknowledgment from HCD are attached. While the staff report and exhibits to the April 16, 2025, Agenda Item were included in the response to HCD, a full copy of the item is on file with the City Clerk's office and may also be downloaded here.

Strategic Plan Goal:
The referenced items are intended to satisfy the 2024-25 Strategic Plan Goal to "strengthen our local economy and enhance housing opportunities" by achieving the goals and programs set forth in the HE, reducing barriers to encourage housing development, and supporting economic growth in the City.

Fiscal Impact:
There is no fiscal impact to receive and file.

Attachments:
1. HCD Correspondence and Acknowledgement of Response

Staff Report
July 2, 2025

ATTACHMENT 1
HCD Correspondence and Acknowledgement of Response

From: Errichetto, Anthony@HCD <Anthony.Errichetto@hcd.ca.gov>
Sent: Thursday, June 19, 2025 12:16 PM
To: CMO; Garcia, Diana; Lanzafame, Philip; Chow, Beth
Cc: Coy, Melinda@HCD
Subject: RE: Housing Element Site Changes

[EXTERNAL EMAIL]

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hello Monterey Park team,

We received a public comment regarding the City's implementation of the adopted 6th cycle Housing Element. Can you provide clarifying information to the public comment below, including whether any sites had been swapped for alternatives? For your information, an amendment to the City's Housing Element may be required if sites have been changed.

Thank you,

Anthony

Anthony Errichetto

Senior Housing and Community Development Specialist

Division of Housing Policy Development

Land Use & Local Government Relations

Planning Grants & Incentives

Department of Housing & Community Development

651 Bannon Street, Suite 400

Sacramento, California 95811

HOUSING IS KEY

HCD Mission: Promote safe, affordable homes and vibrant, inclusive, sustainable communities for all Californians.

HCD Vision: Every California resident can live, work, and play in healthy communities of opportunity.

From: Luci Corona <lucicorona@icloud.com>
Sent: Monday, June 16, 2025 7:23 PM
To: Sites Inventory <sitesinventory@hcd.ca.gov>; Housing Elements@HCD <HousingElements@hcd.ca.gov>
Subject: Housing Element Site Changes

I am hoping you can help me find the right place to submit a complaint.

I would like to submit a formal complaint regarding the City of Monterey Park's recent actions that may result in a shift of RHNA allocations to a site known as Saturn Park without proper public transparency, Housing Element amendment, or CEQA review. This concern arises from public records, agenda materials, and direct interactions with city staff.

On February 19, 2025 (Agenda Item 3B), the city described a 'technical correction' involving the removal of RHNA housing units from city-owned parcels at Lincoln and Garvey and a proposed replacement of those units within the Saturn Park site. The Housing Element site inventory was not formally amended, and the action was not treated as a Housing Element amendment or subjected to CEQA review.

On March 19, 2025 (Agenda Item 4C), the Monterey Park City Council held a public hearing to adopt a new zoning overlay called the Residential Incentive Zone (RIZ). This ordinance amended the zoning code to allow qualifying affordable housing projects to be approved more easily—without a full discretionary review—on sites already listed in the Housing Element (Saturn Park is not listed in the site inventory). During public comment, I asked whether the RIZ changes would apply to Saturn Park in the future, city staff responded no,

indicating Saturn Park was not included in the RIZ zone or subject to that ordinance. This occurred after the February RHNA shift proposal and before additional zoning changes in June.

On June 4, 2025 (Agenda Item 10.A), city Council held a public hearing and passed the first reading of an ordinance to update the zoning code to match the General Plan and 2021–2029 Housing Element. Saturn Park is currently designated as Innovation Technology in the General Plan, Land Use Element, and Housing Element. It is not listed in the Housing Element's site inventory for RHNA housing. Despite this, the city is working with a consultant on a 'Saturn Park Specific Plan' and has discussed potential mixed-use development in staff reports and project scopes.

I have seen no formal Housing Element amendment filed with HCD to include Saturn Park as a housing site. My public records request did not produce documents explaining the legal basis for reassigning RHNA units there or avoiding the required amendment process. This raises concern that the ordinance may allow future housing development in areas not intended for it, without formal amendment or review.

I am concerned that the city is attempting to reassign RHNA housing capacity to an unlisted site (Saturn Park) through procedural steps labeled as 'technical corrections' without the appropriate public process. When asked about these actions, staff responses have been vague or dismissive. The city continues to separate related decisions across multiple meetings, making the overall plan difficult to follow. I have made efforts to stay informed and participate, but the structure of the process has made it extremely difficult.

I respectfully request that HCD review whether the proposed RHNA site shift to Saturn Park constitutes a significant change that requires a Housing Element amendment. If you could please clarify whether such a shift must be disclosed and approved by HCD and indicate whether further action will be taken.

I appreciate your attention to this matter and hope that a review will ensure the city complies fully with RHNA law and public engagement requirements. All referenced materials and public records are in my possession and can be submitted as needed to support this complaint.

Sincerely,

Lucia Roybal

lucicorona@icloud.com

Lanzafame, Philip

From: Errichetto, Anthony@HCD <Anthony.Errichetto@hcd.ca.gov>
Sent: Monday, June 23, 2025 1:51 PM
To: Lanzafame, Philip; CMO; Chow, Beth
Cc: Coy, Melinda@HCD; Alvarez, Inez; Alvarez, Inez
Subject: RE: Housing Element Site Changes

[EXTERNAL EMAIL]

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Philip,

Thank you for your timely response and for the status update. Please feel free to reach out if you have any questions during the implementation process.

Kind regards,
Anthony

Anthony Errichetto

Senior Housing and Community Development Specialist

Division of Housing Policy Development
Land Use & Local Government Relations
Planning Grants & Incentives

Department of Housing & Community Development
651 Bannon Street, Suite 400
Sacramento, California 95811

HOUSING IS KEY

HCD Mission: Promote safe, affordable homes and vibrant, inclusive, sustainable communities for all Californians.

HCD Vision: Every California resident can live, work, and play in healthy communities of opportunity.

From: Lanzafame, Philip <planzafame@MontereyPark.ca.gov>
Sent: Friday, June 20, 2025 1:57 PM
To: Errichetto, Anthony@HCD <Anthony.Errichetto@hcd.ca.gov>; CMO <CMO@MontereyPark.ca.gov>; Chow, Beth <bchow@MontereyPark.ca.gov>
Cc: Coy, Melinda@HCD <Melinda.Coy@hcd.ca.gov>; Alvarez, Inez <ialvarez@MontereyPark.ca.gov>; Alvarez, Inez <ialvarez@MontereyPark.ca.gov>
Subject: Re: Housing Element Site Changes

Mr. Errichetto – thank you for your inquiry on behalf of Ms. Roybal.

As we have made known to Ms. Roybal on several occasions, there has been no changes to the site inventory contained in our certified Cycle 6 Housing Element; Monterey Park continues to rely on the sites identified in our housing element to meet our obligation demonstrating adequate zoning to meet our RHNA obligation.

Attached for your information are staff reports (with exhibits) regarding the City's actions to implement its Housing Element. The most recent action, to which Ms. Roybal refers, establishes an overlay zone on properties designated by the Housing Element as being available for residential development. As explained in the staff report – and during the staff presentation for this item – the overlay is needed at this time to (1) implement the Housing Element in accordance with the schedule reviewed by HCD; and (2) to ensure that important development standards for public infrastructure are not inadvertently repealed through a comprehensive zoning update, i.e., complete amendment of the City's zoning regulations. The area affected by the Residential Incentive Zone is currently governed through a patchwork of specific plans that incorporate various standards for street widths, sidewalks, and other public infrastructure that must be carefully analyzed before they can be amended. Neither the City's internal staff nor its on-call consultants had the capacity to complete an analysis before the deadlines in the Housing Element. The RIZ is intended to be, in essence, an interim zoning measure to give the City some time to fully analyze how to dissolve the various specific plans.

As to Saturn Park, Ms. Roybal is quite aware of the City Council's intent for that area. The Land Use Element was adopted by voters (Measure JJ) in 2020. Measure JJ authorizes the City Council to adopt zoning regulations needed to implement the land use designation for Saturn Park which is "Innovation/Technology." Background materials regarding the matter are included in the attached documents.

In short, however, discussion of the future for Saturn Park was discussed during more than 10 different public meetings including before the Planning Commission, a special commission created by the City Council for this topic (the "Saturn Park Advisory Review Committee" or "SPARC"), and the City Council itself. Based upon recommendations from the Planning Commission and SPARC, the City Council believes that Saturn Park will provide an <u>additional</u> opportunity, i.e., one beyond that already identified by the existing Housing Element, to promote housing opportunities. Based upon direction from the City Council on this subject, the City is currently in the process of drafting zoning regulations that make sense; the Council also previously adopted zoning for data centers that will govern a pending application. It is anticipated that a clearer picture regarding the area will emerge by the Fall.

In sum: the City is aware of its commitment under the Housing Element and is fulfilling its obligations to the public. The City Council encourages housing opportunities and is making every reasonable effort to cut through red tape to help interested developers. Should we ever wish to substitute sites on our inventory list we are aware of the necessary steps and the need for HCD review and approval. We also recognize and acknowledge that housing development is not just confined to those sites identified on the site inventory and units could potentially be built on other, suitable sites.

Please do not hesitate to contact us again should you have any questions or need additional information.

Very truly,
Philip Lanzafame
Interim Community Development Director

City Council Staff Report

Date: June 18, 2025
Agenda Item Number: 9.E.

To: The Honorable Mayor and City Council

From: Philip Lanzafame, Interim Director of Community Development

Subject: Waive further reading and adopt an Ordinance amending the Monterey Park Municipal Code ("MPMC") to implement the General Plan concerning mixed use development and development standards

Recommendation:
It is recommended that the City Council consider:

1. Waiving the second reading and adopting the proposed Ordinance; and
2. Taking such additional, related, action that may be desirable.

Executive Summary:
The Ordinance was introduced and received first reading at the June 4, 2025 City Council meeting. The staff report from June 4, 2025 is attached for reference. Second reading and adoption of this Ordinance is recommended. If adopted, the ordinance will take effect in 30 days.

Background:
See Attachment 2 – June 4, 2025 City Council Report.

Strategic Plan Goal:
The attached ordinance satisfies the 2025-26 Strategic Plan Goal to “Strengthen our local economy and enhance housing opportunities” by achieving the goals and programs set forth in the HE, reducing barriers to encourage housing development, and supporting economic growth in the City.

Fiscal Impact:
There are no identifiable fiscal impacts associated with adopting the Ordinance itself (other than costs associated with codifying the Ordinance).

Attachments:
1. Ordinance

2. June 4, 2025 City Council Report

ATTACHMENT 1

Ordinance ____ Amending the
Monterey Park Municipal Code

ORDINANCE NO.

AN ORDINANCE AMENDING THE MONTEREY PARK MUNICIPAL CODE TO IMPLEMENT THE GENERAL PLAN CONCERNING MIXED USE DEVELOPMENT AND DEVELOPMENT STANDARDS

The City Council of the City of Monterey Park does ordain as follows:

SECTION 1: The City Council finds and declares that:

A. The City initiated the proposed amendments to the Monterey Park Municipal Code ("MPMC") pursuant to MPMC § 21.38.020 and § 21.42.010.

B. This Ordinance was reviewed by the Interim City Planner for, in part, consistency with the General Plan, and conformity with the Monterey Park Municipal Code ("MPMC").

C. The Interim City Planner completed review and scheduled a public hearing regarding this Ordinance before the City Council for June 4, 2025.

D. On June 4, 2025, the City Council held a public hearing to receive public testimony and other evidence regarding the proposed Ordinance including, without limitation, information provided to the City Council by the City Planner and public testimony; and

E. The findings in this Ordinance are made based on the entire administrative record including testimony and evidence presented the City Council at its March 19, 2025, public hearing including, without limitation, the staff report submitted by the City Planner.

SECTION 2: *Zone Text Amendment Findings.* Pursuant to Government Code § 65860 and MPMC § 21.38.050, the City Council finds as follows:

A. Amendments to the MPMC accomplished by this Ordinance are consistent with the goals, policies and objectives of the General Plan including, without limitation:

1. General Plan Policy 19.8— Encourage a diverse mix of uses that are innovative, competitive, entrepreneurial, local, and sustainable, thereby promoting economic development, increasing City revenues, expanding job growth, increasing property values, and meeting residents' and visitors' desires and needs.

2. General Plan Policy 19.9— Accommodate a variety of housing

options, including medium- and high-density apartments and condominiums, live/work units, and mixed-use buildings with a residential component.

3. Housing Element Goal 2— Remove governmental constraints to the provision of housing to the greatest extent feasible

4. Housing Element Policy 2.4—Update the MPMC to facilitate residential and mixed-use development in the community.

B. The proposed text amendments are aimed at meeting and implementing the objectives of the General Plan and compliance with all applicable zoning regulations will ensure that any future project will not adversely affect surrounding properties.

C. These regulations promote public health, safety, and general welfare and serve the goals and purposes of the MPMC's zoning regulations. Among other things, the regulations will reduce barriers to the development of housing to address the California Legislature's determination regarding a statewide housing shortage.

SECTION 4: *Environmental Review.* The City reviewed the environmental impacts of the proposed Ordinance pursuant to the California Environmental Quality Act (Public Resources Code §§ 21000, et seq. "CEQA") and the regulations promulgated thereunder (14 Cal. Code of Regs. §§ 15000, et seq., the "CEQA Guidelines"). The City Council finds and determines that this Ordinance is not subject to further review under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq*.; "CEQA") for the following reasons:

A. This Ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment (14 Cal. Code Regs. § 15060(c)(2));

B. There is no possibility that the Ordinance itself may have a significant effect on the environment (14 Cal. Code Regs. § 15061(b)(3));

C. The Ordinance, by itself, does not constitute a "project" as defined in the CEQA Guidelines (14 Cal. Code Regs. § 15378). The Ordinance is for general policies and procedure-making. It can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment; and

D. The previous CEQA documents adopted by the City Council (see, Resolution Nos. 12124 and 2022-R2) adequately analyze the changes contemplated by this Ordinance:

1. On December 5, 2019, the City Council adopted Resolution No. 12124 certifying the Monterey Park Focused General Plan Update

Final Environmental Impact Report (the "FEIR") (State Clearing House (SCH) No. 2001-01-1074) (Exhibit A), which is incorporated by reference and found at: https://www.montereypark.ca.gov/DocumentCenter/View/16507/Reso-12124---attachments-included.

2. On January 19, 2022, the City Council adopted Resolution No. 2022-R2 adopting an addendum to the FEIR analyzing the impacts of the City's 2021-2029 Housing Element update ("FEIR Addendum"), which is incorporated by reference and found at: https://www.montereypark.ca.gov/DocumentCenter/View/16506/2022-R2---Addendum-to-the-Final-Environmental-Impact-Report.

3. The Housing Goals are an activity contemplated by the EIR and Addendum.

4. The Housing Goals do not contemplate any changes which will require major revisions to the EIR or Addendum, nor are there any substantial changes with respect to the circumstances under which the EIR and Addendum were undertaken.

5. There is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the EIR and Addendum were certified showing: (1) the Housing Goals will have one or more significant effects not discussed in the EIR or Addendum; and (2) significant effects previously examined will be substantially more severe than shown in the EIR or Addendum.

SECTION 5: *Planning Agency.* Pursuant to MPMC § 2.56.020(a), the City Council is acting as the Planning Agency for purposes of the Project.

SECTION 6: *Amendment*. MPMC § 21.02.070 is amended and restated as follows:

"§ 21.02.070 **Relationship with the General Plan.**

This Title is applicable to all real property within the City, and provides the legislative framework for implementing the goals, policies, plans, principles, and standards of the General Plan.

Notwithstanding anything in the applicable zone, residential and mixed-use development are permitted when allowed by the General Plan, subject to discretionary entitlements that may be required pursuant to this Title. Development standards are those contained in the General Plan and the underlying zoning designation."

SECTION 7: *Electronic Signatures*. This Ordinance may be executed with electronic signatures in accordance with Government Code § 16.5. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

SECTION 8: *Construction*. This Ordinance must be broadly construed to achieve the purposes stated in this Ordinance. It is the City Council's intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

SECTION 9: *Summaries of Information*. All summaries of information in the findings, which precede this section, are based on the substantial evidence in the record. The absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that fact.

SECTION 10: *Reliance On Record*. Each and every one of the findings and determination in this Resolution are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the project. The findings and determinations constitute the independent findings and determinations of the City Council in all respects and are fully and completely supported by substantial evidence in the record as a whole.

SECTION 11: *Severability*. If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 12: *Preservation*. This Resolution does not affect any penalty, forfeiture, or liability incurred before, or prelude prosecution and imposition of penalties for any violation occurring before, this Resolution's effective date. Any such amended part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Resolution.

SECTION 13: *Limitations.* The City Council's analysis and evaluation of the project is based on the best information currently available. It is inevitable that in evaluating a project that absolute and perfect knowledge of all possible aspects of the project will not exist. One of the major limitations on analysis of the project is the City Council's lack of knowledge of future events. In all instances, best efforts have been made to form accurate assumptions. Somewhat related to this are the limitations on the city's ability to solve what are in effect regional, state, and national problems and issues. The City must work within the political framework within which it exists and with the limitations inherent in that framework.

SECTION 14: *Recordation*. The City Clerk, or designee, is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Monterey Park's book of original ordinances; make a note of the passage and adoption in the records of

this meeting; and, within 15 days after the passage and adoption of this Ordinance, and cause it to be published or posted in accordance with California law.

SECTION 15: *Effective Date*. This Ordinance will become effective 30 days after second reading and adoption.

PASSED AND ADOPTED this ____ day of _____, 2025.

_____
Vinh T. Ngo, Mayor

ATTEST:

_____
Maychelle Yee, City Clerk

APPROVED AS TO FORM:
Karl H. Berger, City Attorney

By:_____
Justin A. Tamayo, Assistant City Attorney

Exhibit A – FEIR (SCH No. 2001-01-1074)

Exhibit A

FEIR (SCH No. 2001-01-1074)

ATTACHMENT 2

City Council Staff Report,
dated June 4, 2025
(without attachments)

City Council Staff Report

Date: June 4, 2025
Agenda Item Number: 10.A.

To: The Honorable Mayor and City Council

From: Philip Lanzafame, Interim Director of Community Development

Subject: Continued public hearing to consider introduction and first reading of an Ordinance amending the Monterey Park Municipal Code ("MPMC") to implement the General Plan regulating mixed use development and development standards (ZCA 25-02)

Recommendation:
It is recommended that the City Council consider:

1. Opening the public hearing and taking testimonial and documentary evidence;
2. After closing the public hearing and considering the evidence submitted during that public hearing, introducing and waiving first reading of Ordinance No. _____ amending the Monterey Park Municipal Code ("MPMC") to implement the General Plan regulating mixed use development and development standards; and
3. Taking such additional, related, action that may be desirable.

CEQA (California Environmental Quality Act):
The City reviewed the environmental impacts of the proposed Ordinance pursuant to the California Environmental Quality Act (Public Resources Code §§ 21000, et seq. "CEQA") and the regulations promulgated thereunder (14 Cal. Code of Regs. §§ 15000, et seq., the "CEQA Guidelines"). Pursuant to CEQA Guidelines §15062, the City Council finds and determines that this Ordinance is not subject to further review under CEQA because the previous CEQA documents adopted by the City Council (see Resolution Nos. 12124 and 2022-R2) adequately analyze the changes contemplated by this Ordinance.

Type of Action (Legislative; Quasi-Judicial; or Advisory):
In considering the Zoning Code Amendment, the City Council acts in its discretionary legislative capacity. The City Council must make the following findings pursuant to MPMC § 21.38.050:

- That the proposed amendment is consistent with the goals, policies, and objectives of the General Plan;
- That the proposed amendment will not adversely affect surrounding properties; and
- That the proposed amendment promotes public health, safety, and general welfare and serves the goals and purposes of the Zoning Code.

These findings are included in the attached Ordinance.

Executive Summary:
The City's General Plan contains the Revised Monterey Park 2040 Land Use Element ("LUE") and 6th cycle (2021-2029) Housing Element ("HE") establishing a vision and long-term goals for development, housing, and redevelopment within the City.

The attached Ordinance implements the LUE and HE by amending the MPMC to allow residential and mixed use development in mixed use zones, consistent with the LUE, subject to those development standards in the underlying zone. These changes clarify that the General Plan applies to all properties, takes precedence over conflicting or obsolete regulations, and creates a consistent framework that allows for expanded housing opportunities consistent with the City's vision and long-term development goals.

This item was originally noticed for public hearing at the May 7, 2025, City Council meeting at which time the Interim Director of Community Development ("Director") requested a continuance. The City Council continued the public hearing to June 4, 2025. The draft ordinance is attached for the Council's consideration.

Background:
On November 3, 2020, City voters approved Measure JJ (Ordinance No. 2198) which adopted the Revised LUE and authorized the City Council to take all appropriate action to implement the LUE.

In March 2023, the California State Department of Housing and Community Development ("HCD"), certified the City's HE. Government Code § 65583(c) requires that cities include programs which set forth a schedule of actions the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the HE.

HE and LUE Programs

The HE and LUE included several programs that reconcile the General Plan and MPMC to encourage the production of a variety of housing types and at various affordability levels, including:

HE Program 7 and LUE Implementation Program 6 require the City to either amend or repeal the North Atlantic, Mid Atlantic and Garvey-Garfield Specific Plans (collectively, the "Specific Plans") and replace them with zoning designations consistent with the LUE.

HE Program 11 and LUE Implementation Program 1 require the City to resolve inconsistencies between the MPMC and the General Plan related to mixed-use areas.

Currently, the P-D overlay serves as the mechanism through which the MPMC implements the LUE's mixed-use designation. The HE and LUE, however, contemplate creating a new zoning designation to implement the mixed-use designation. Creating a new zoning designation requires, among other things, the development of standards and procedures, zone changes, and amendments to the adopted zoning map which are anticipated to exceed staff's capacity and take more time to carefully implement.

Additionally, the detailed Specific Plans require an extensive analysis of land use, circulation, and right-of-way requirements before being amended or repealed. Such analysis requires additional time to ensure that important land use and infrastructure requirements are not inadvertently altered or repealed. To reconcile the time needed for such analysis with the deadlines adopted by the City Council in the HE resulted in the proposed action: a third way to both implement the General Plan and preserve important policy considerations regulated by the existing Specific Plans.

If adopted, the proposed ordinance immediately implements various programs of the HE and LUE while more comprehensive updates are planned and prepared. Specifically, the ordinance amends the MPMC's general provisions by providing that residential and mixed-use development are permitted when allowed by the LUE designation, subject to the development standards in the underlying zone. The LUE mixed-use designation allows for, both, residential and mixed-use development. Accordingly, the ordinance will allow residential and mixed-use development within the LUE's mixed-use designation.

Strategic Plan Goal:
The attached ordinance satisfies the 2025-26 Strategic Plan Goal to "Strengthen our local economy and enhance housing opportunities" by achieving the goals and programs set forth in the HE, reducing barriers to encourage housing development, and supporting economic growth in the City.

Legal Notification:
A public hearing was scheduled for May 7, 2025, and a legal notice was duly posted at City Hall, Monterey Park Bruggemeyer Library, and Langley Center and published in Monterey Park Press on April 17, 2025, with affidavits of posting on file. Additionally, 358 notices were mailed to affected property owners. At the May 7, 2025 meeting, the City Council continued the hearing to June 4, 2025.

Fiscal Impact:
There are no identifiable fiscal impacts associated with adopting the Ordinance itself (other than costs associated with codifying the Ordinance).

Attachments:
1. Draft Ordinance
2. Notice of Determination

Wednesday, December 18, 2024 at 11:16:28 Pacific Standard Time

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Subject: SPARC Meeting Inquiry - Measure JJ
Date: Monday, September 9, 2024 at 16:24:32 Pacific Daylight Time
From: Alvarez, Inez
To: Yee, Maychelle
Attachments: image001.jpg, image002.png, 06-18-2024 Agenda Item No. 5A - Urgency Ordinance Implementing Interim Development for Saturn Park.pdf, 05-22-2024 Agenda Item No. 3C - Saturn Park Advisory Review Committee SPARC.pdf, M. Yee Text Message 9.9.24.pdf

[EXTERNAL]

Hi Maychelle,

Thank you for your text, which I have attached for reference. I am replying by email, so that I can also forward you previous staff reports related to the matter.

As explained in writing to the City Council, the Planning Commission, and the SPARC – Measure JJ is the Land Use Element to the General Plan. Measure JJ provides the overall land use designation for Saturn Park. It does not establish zoning regulations.

To answer your question, no, this provision does not authorize the City Council to amend Measure JJ. No such authorization exists, i.e., voter delegation of authority to the City Council to amend Measure JJ.

As shown in the presentation at the SPARC meeting, Section 3(A) of Measure JJ specifically delegates authority to the City Council to adopt zoning regulations that are consistent with Measure JJ. This was also discussed in the staff reports for the May 22, 2024 and June 18, 2024 City Council meetings which I've attached for your convenience and reference. It is also explained in the ordinance establishing a moratorium on development in the Saturn Park area. I have highlighted the relevant language – hope this helps.

There has been no discussion regarding amending Measure JJ. The only discussion has been how to implement Measure JJ via zoning regulations.

Thank you,

INEZ ALVAREZ • **CITY MANAGER**
320 W. NEWMARK AVE. MONTEREY PARK, CA 91754
Office (626) 307-1497
Email • ialvarez@montereypark.ca.gov

This message is a public record and may be disclosed under the Public Records Act or other applicable law.

City Council Staff Report

DATE: June 18, 2024

AGENDA ITEM NO: New Business - 5A

TO: The Honorable Mayor and City Council

FROM: Diana Garcia, Assistant City Manager
Jessica Serrano, Community Development Director

SUBJECT: Consideration and possible action to adopt an urgency ordinance implementing interim development regulations for Saturn Park upon a four-fifths vote

RECOMMENDATION:

It is recommended that the City Council consider:

1. Adopting an Urgency Ordinance upon 4/5 vote pursuant to Government Code § 65858 establishing a moratorium on new development within Saturn Park for 45 days; and
2. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

On June 5, 2024, the City Council directed that the City Manager and City Attorney prepare a draft moratorium governing Saturn Park for consideration on the June 18th meeting agenda. If adopted, the draft urgency ordinance would prohibit new permits being issued for development within Saturn Park for at least 45 days. This would allow the SPARC to receive public input regarding recommended land uses as part of the drafting of a Saturn Park Specific Plan ("SPSP") implementing the 2020 Land Use Element adopted by voters via Measure JJ. The moratorium may be extended up to a total of two years.

CEQA REVIEW:

Adopting the Urgency Ordinance is exempt from further environmental review under the California Environmental Quality Act (California Public Resources Code §§ 21000, *et seq*., "CEQA") and CEQA Guidelines (14 California Code of Regulations §§ 15000, *et seq*.) because it establishes rules and procedures for operation of existing facilities; minor temporary use of land; minor alterations in land use; new construction of small structures; and minor structures accessory to existing commercial facilities. The Urgency Ordinance, therefore, is categorically exempt from further CEQA review under CEQA Guidelines §§ 15301; 15303, 15304(e); 15305; and 15311. Further, the adoption of the Urgency Ordinance is also exempt from review under CEQA pursuant to CEQA Guidelines § 15061(b)(3) because the Ordinance is for general policies and procedure-making. This Ordinance does not authorize any new development entitlements, but simply establishes

policies and procedures for allowing the previously approved project to be constructed. Any proposed project that will utilize the changes set forth in this Ordinance will be subject to CEQA review as part of the entitlement review of the project. The Ordinance will not adversely impact the environment and is therefore exempt from the provisions of CEQA.

BACKGROUND:

The City Council asked that this matter be placed on the agenda for consideration pending the SPARC's efforts to solicit public input for drafting the SPSP. It is anticipated that the SPARC will wrap up its efforts in August or September 2024. Consequently, should the City Council adopt this urgency ordinance, it may need to consider extending a moratorium following a noticed public hearing before August 2, 2024.

As noted in the draft urgency ordinance, a review of existing zoning for Saturn Park shows that it is inconsistent with Measure JJ that voters approved in 2020. Measure JJ adopted the Land Use Element to the Monterey Park General Plan (the "2020 LUE").

The 2020 LUE designates land uses in Saturn Park as "Innovation/Technology." A description of those land uses are included as an exhibit to this staff report. Measure JJ specifically authorizes the City Council to adopt zoning regulations needed to implement this land use designation.

One of the complementary land uses contemplated by the Planning Commission and the City Council for Saturn Park is a residential component. It is anticipated that the SPARC will consider the feasibility of this land use as it considers public input regarding the SPSP. Residential use is desirable as it would help facilitate the City's adherence to its Certified Housing Element; reflects the California Legislature's ongoing efforts to increase housing opportunities; and implements the overall goal of the 2020 LUE as to providing flexible zoning to improve the City's livability.

The need for a moratorium is underscored by interest from private property owners within Saturn Park who already filed applications with the City seeking approvals via Chapter 21.14 of the Monterey Park Municipal Code ("MPMC"). This Chapter was added by voters in 1998 but is now inconsistent with the Monterey Park General Plan, i.e., the 2020 LUE. For land use regulations to be legal, California law (Government Code § 65860) requires that there be consistency between the General Plan and the City's zoning. Voter enacted regulations cannot overcome this requirement.[1]

Adopting a moratorium will provide the SPARC an opportunity to give the City Council an informed recommendation regarding the SPSP. If adopted by a 4/5 vote of the City Council, the urgency ordinance would impose a temporary moratorium on issuing permits for land use entitlements within Saturn Park. The temporary moratorium would expire on August 2, 2024 unless extended before that time.

[1] *See, e.g.*, *Lesher Communications, Inc. v. City of Walnut Creek* (1990) 52 Cal.3d 531.

FISCAL IMPACT:
There are no identifiable fiscal impacts with adopting the draft urgency ordinance.

Respectfully submitted by:

Diana Garcia,
Assistant City Manager

Jessica Serrano,
Community Development Director

Approved by:

Inez Alvarez
City Manager

Reviewed by:

Karl H. Berger
City Attorney

Attachment(s)
1. Draft Urgency Ordinance
2. 2020 LUE – Innovation/Technology Land Use

ATTACHMENT 1
Draft Urgency Ordinance

ORDINANCE NO. _____

AN INTERIM ORDINANCE PROHIBITING PERMITS FOR LAND USE ENTITLEMENTS WITHIN THE MCCASLIN BUSINESS PARK TO CONSIDER ADOPTING A SATURN PARK SPECIFIC PLAN IN ACCORDANCE WITH THE LAND USE ELEMENT OF THE GENERAL PLAN

The City Council for the City of Monterey Park does ordain as follows:

SECTION 1: This Ordinance is adopted pursuant to Government Code §§ 36937, 65858, and other applicable laws.

SECTION 2: *Findings.* The City Council finds, determines and declares as follows:

A. The City may adopt and enforce all laws and regulations not in conflict with the general laws and the City holds all rights and powers established by California law.

B. On June 17, 2020, the City Council approved the Land Use Element to the Monterey Park General Plan (the "2020 LUE"). Thereafter, the 2020 LUE was placed onto the November 3, 2020 ballot as Measure JJ. Following voter approval on November 3, 2020, the 2020 LUE (via Ordinance No. 2198) became effective on December 2, 2020.

C. Section 3(A) of Ordinance No. 2198 authorizes the City Council to implement the 2020 LUE by, among other things, adopting zoning regulations. Section 4 of Ordinance No. 2198 provides that Measure JJ must be interpreted to be consistent with all applicable law; Section 6 of Ordinance No. 2198 provides that Measure JJ must be broadly construed to achieve the voter's intent in approving Measure JJ.

D. Monterey Park Municipal Code ("MPMC") Chapter 21.14 was added by Measure D on April 14, 1998 (via Ordinance No. 1933). Measure D provided zoning regulations for the area identified as McCaslin Business Park.

E. The Land Use Policy Map (Figure LU-3 to the 2020 LUE) renamed this area as "Saturn Park" with a designated land use of "Innovation/Technology." Goal 25 of the 2020 LUE directs the City Council to revitalize Saturn Park as a destination business park for high-quality service industry, research and development, and

emerging industry jobs. This directive is further refined via Policy Nos. 25.1 to 25.3.

F. The 2020 LUE also provides that the City Council should ensure flexible zoning regulations; support local businesses; maintain a proactive economic development program; and invest in commercial corridors (Policy Nos. 1.1 to 1.4).

G. The City's Housing Element reflects the City's desire to encourage construction of housing that is attainable for households of all income levels. Among other things, the City Council determined that the City should take proactive actions to increase the availability of dwelling units on underutilized properties (*see*, *e.g.*, Section 5(C) of Resolution No. 2022-R90, adopted November 16, 2022).

H. It is anticipated that the Saturn Park Advisory Review Committee ("SPARC") will consider incorporating a residential component into the SPSP to help enhance the Innovation/Technology land use designation by the 2020 LUE. Among other things, this would:

1. Allow employees to live near their workplace, reducing vehicle trips.

2. Allow companies to offer subsidized housing as an employee benefit and amenity to attract talent.

3. Facilitate a live-work-play environment where residential, office, and recreational spaces coexist.

4. Foster closer social connections and a sense of community among employees who can interact more freely outside of work.

5. Align with the post-pandemic shift towards more flexible and hybrid workplace models.

I. Such efforts are reflected in "real world" developments such as the West Edge in Los Angeles (https://westedgela.com).

J. Additionally, the California Legislature is seeking various methods for promoting housing such as AB 1532 (Haney, 2023) which, were it approved, would allow office conversion projects by right within all zones. While this "Office to Housing Conversion Act" failed to advance within the Legislature, it represents the latest legislative path taken by the Legislature to encourage more housing within

local jurisdictions.

K. A review of the 2020 LUE, the Certified Housing Element (March 30, 2023), and MPMC Chapter 21.14 shows that the existing zoning regulations are inconsistent with the voters' vision for Saturn Park; the zoning regulations must be reconciled with the most recent voter directives in Measure JJ, the California Legislature's directives (as reflected in the City's Certified Housing Element), and California law.

L. In April 2024, the Planning Commission considered conceptual renderings and land uses for Saturn Park during two meetings. Thereafter, on May 22, 2024, the City Council created the SPARC to receive and implement community input for drafting a Saturn Park Specific Plan ("SPSP").

M. On May 23, 2024, representatives from 1980 Saturn met with the Mayor, City Manager, City Attorney, Assistant City Manager, and Community Development Director to plan for a data center at that location – which is a permissible use pursuant to MPMC Chapter 21.14 but inconsistent with the 2020 LUE land use designation for Saturn Park. Additionally, on January 11, 2024, the City's Community Development Department received applications for a conditional use permit and design review for a data center proposed at 1977 Saturn Street.

N. As set forth in the City Council staff report dated June 5, 2024, it is anticipated that the SPARC would conclude its meetings in August or September of 2024 and provide the City Council with its recommendations regarding the SPSP at that time. The SPSP would implement the 2020 LUE as to Goal 25 and the Innovation/Technology land use designation.

O. Without the enactment of this Ordinance, the voter's vision for revitalizing Saturn Park via Measure JJ and the 2020 LUE would be thwarted: pending applications for land uses currently allowed by MPMC Chapter 21.14, if approved, would lock in certain types of land uses for the foreseeable future.

P. The City Council determines that the MPMC requires updating to protect the public against health, safety, and welfare dangers caused by multiple applicants relying upon outdated land use regulations. The City needs additional time to prepare, evaluate and adopt reasonable regulations to implement the voter's direction in Measure JJ and to ensure such regulations are applied in a nondiscriminatory manner.

Q. To prevent frustration of these studies and the implementation of new regulations, the public interest, health, safety, and welfare require enactment of this Ordinance. The absence of this Ordinance would impair the orderly and effective implementation of contemplated MPMC amendments, and any further authorization of these uses within the City during the period of the moratorium may conflict with or frustrate the contemplated updates and revisions of the MPMC.

R. Based on the foregoing, the City finds that that this Ordinance is necessary in order to protect the City from the potential effects and impacts of outdated land uses and the accompanying impacts from traffic and commerce on City streets, impacts on parking availability in the business areas of the City, the aesthetic impacts to the City, and other similar or related effects on property values and the quality of life in the City's neighborhoods.

S. The City Council further finds that this moratorium is a matter of local and City-wide importance and is not directed towards any business that currently seeks to utilize MPMC Chapter 21.14.

T. The City Council finds that this Ordinance is authorized by the City's police powers. The City Council further finds that the length of the moratorium imposed by this Ordinance will not in any way deprive any person of rights granted by state or federal laws, because the moratorium is short in duration and essential to protect the public health, safety and welfare.

SECTION 3: *Environmental Assessment.* Adoption of this Ordinance is exempt from further environmental review under the California Environmental Quality Act (California Public Resources Code §§ 21000, *et seq*., "CEQA") and CEQA Guidelines (14 California Code of Regulations §§ 15000, *et seq*.) because it establishes rules and procedures for operation of existing facilities; minor temporary use of land; minor alterations in land use; new construction of small structures; and minor structures accessory to existing commercial facilities. This Ordinance, therefore, is categorically exempt from further CEQA review under CEQA Guidelines §§ 15301; 15303, 15304(e); 15305; and 15311. Further, the adoption of this Ordinance is also exempt from review under CEQA pursuant to CEQA Guidelines § 15061(b)(3) because the Ordinance is for general policies and procedure-making. This Ordinance does not authorize any new development entitlements, but simply establishes policies and procedures for allowing the previously approved project to be constructed. Any proposed project that will utilize the changes set forth in this Ordinance will be subject to CEQA review as part of the entitlement review of the project. The Ordinance will not adversely impact the environment and is therefore exempt from the provisions of CEQA.

SECTION 4: *Interim regulations.* The following provisions are adopted as interim requirements for issuing permits pursuant to the MPMC for land uses within Saturn Park, and any construction or operation in the City in conflict with these provisions is expressly prohibited:

A. Restricted Activities. For a period of 45 days after adoption of this Ordinance, the City will not issue a permit or land use entitlement to any person for constructing, placing, or operating within the McCaslin Business Park, i.e., Saturn Park utilizing MPMC Chapter 21.14. The City Manager, or designee, must review any application for a permit or land use entitlement to determine compliance with the provisions of this Ordinance. City employees, and City boards and commissions, are directed to refrain from accepting, processing, or approving any application for any land use entitlement, including, without limitation, use permits, variances, building permits, licenses and certificates of occupancy, necessary for constructing, placing, or operating within the Saturn Park area, and to refrain from processing and issuing approvals for any land use entitlement for any pending applications already received. These restrictions do not apply to construction projects with active building permits and any emergency repairs or replacement of an element of a building, structure, utility system, or equipment that is essential to protect the public health, safety and welfare. These prohibitions will remain effective for 45 days following adoption of this Ordinance.

SECTION 5: *Construction*. This Ordinance must be broadly construed to achieve the purposes stated in this Ordinance. It is the City Council's intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

SECTION 6: *Enforceability*. Repeal of any provision of the MPMC does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance's effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 7: *Validity of Previous Code Sections*. If this entire Ordinance or its application is deemed invalid by a court of competent jurisdiction, any repeal or amendment of the MPMC or other city ordinance by this Ordinance will be rendered void and cause such previous MPMC provision or other the city ordinance to remain in full force and effect for all purposes.

SECTION 8: *Severability*. If any part of this Ordinance or its application is

deemed invalid by a court of competent jurisdiction, the city council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 9: *Publication.* The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Monterey Park's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 10: *Report*. Pursuant to Government Code § 65858, the City Manager, or designee, must prepare a report for City Council consideration describing the measures taken to address the conditions which led to adoption of this Ordinance. This report must be provided to the City Council so that it may be considered and issued not later than 10 days before this Ordinance expires.

SECTION 11: *Effective Date.* This Ordinance will become effective immediately upon adoption pursuant to Government Code §§ 36937 and 65858 for the immediate preservation of the public peace, health, safety, and welfare. Pursuant to those statutes this Ordinance is adopted by a four-fifths vote.

SECTION 12: *Expiration Date*. After adoption, this Ordinance will be repealed by operation of law on August 2, 2024, unless a subsequent ordinance is adopted by the City Council that extends this date.

PASSED AND ADOPTED this ____ day of _____, 2024.

_____
Thomas Wong, Mayor

ATTEST:

_____
Maychelle Yee, City Clerk

APPROVED AS TO FORM:

_____
Karl H. Berger, City Attorney

ATTACHMENT 2
2020 LUE – Innovation/Technology Land Use

INNOVATION/ TECHNOLOGY USES



INTENSITIES

MONTEREY PASS
FAR: 0.65
HEIGHT (FT.): 35

SATURN PARK
FAR: 0.60
HEIGHT (FT.): 40

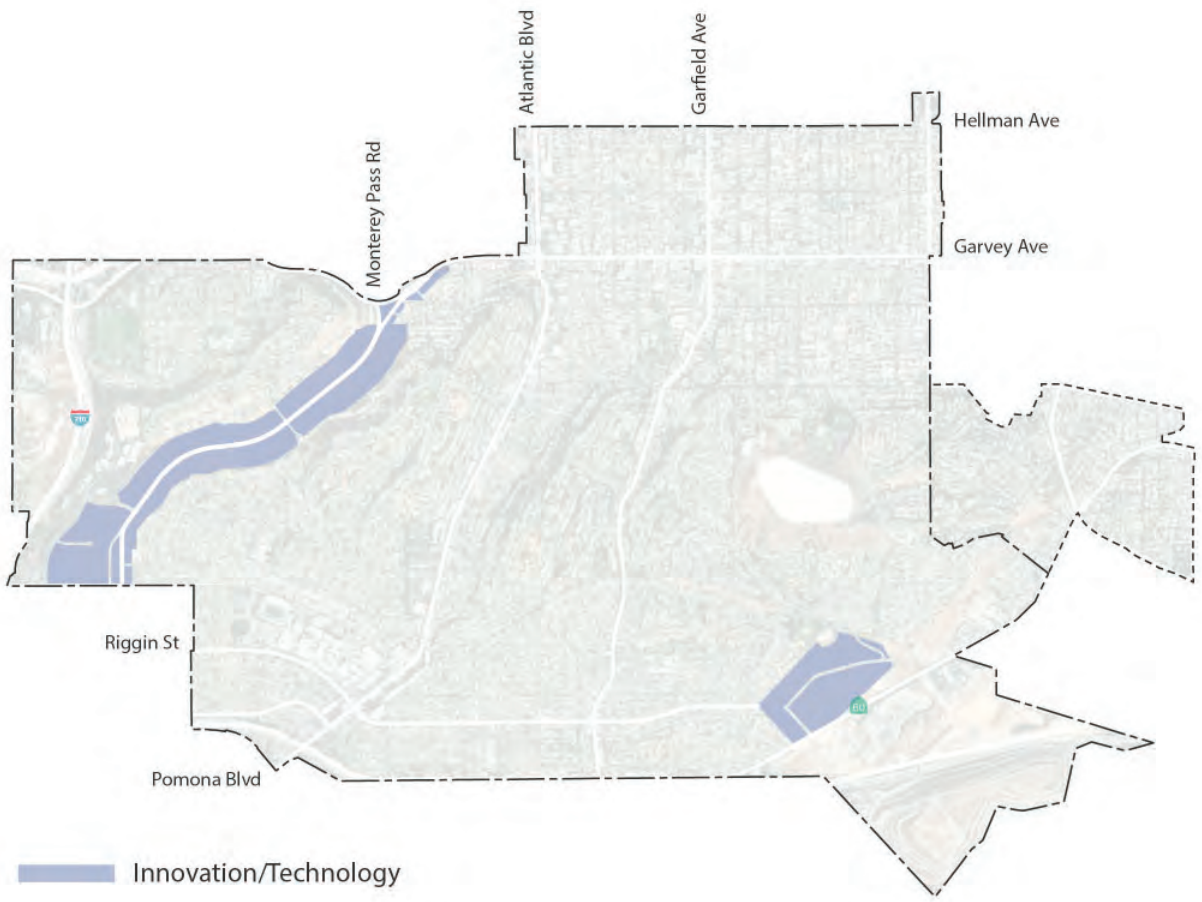
CORPORATE PLACE
FAR: 1.00
HEIGHT (FT.): 50

A list of all land use designated **DENSITIES & INTENSITIES** is provided in Table LU-1.









Technology will continue to evolve rapidly, changing how people work and do business. The City aims to accommodate and encourage new businesses that promote innovation and advances in technology, creating places for high-skilled and knowledge workers. The Monterey Pass Road corridor and Saturn Park district (on Saturn Street) provide prime properties, easy access to arterial roadways and freeways, and locations near housing perfect for new, clean technology, and creative industries.

The Monterey Pass Road corridor and Saturn Park district historically have been areas where a range of industrial businesses—including intensive manufacturing operations—have thrived. However, in Saturn Park, uses transitioned in the latter 1990s to lighter industrial and office enterprises in response to public concerns about the proximity of heavy industrial uses to residential neighborhoods. Along Monterey Pass Road, warehousing, trucking, and auto repair uses increased because of the distance from neighborhoods and relatively easy freeway access. While these uses have provided service-oriented jobs, the City is interested in attracting industries that offer higher-paying jobs and attract people of diverse interests, incomes, and talents who wish to both live and work in Monterey Park.

Properties along Monterey Pass Road and south of Davidson Drive between Monterey Pass Road and Corporate Center Drive have interesting and unique industrial buildings that can be retrofitted for creative office, research and development, and even commercial space such as breweries. The City's goal is to phase out trucking-intensive uses in favor of more environmentally sensitive businesses. Also, the City aims to improve the physical appearance of the corridor with increased landscaping, improved signage, identity lighting, and other public realm interventions. Finally, to provide for better interaction among land uses along the corridor, the City will provide better accommodations for pedestrians and cyclists and control cut-through traffic, as described in the Mobility Element.

Saturn Park will continue to function as a business park, focused on office-type and research and development uses, with supportive commercial businesses. Private reinvestment in properties will be encouraged through higher development intensity allowances. In turn, the City will require greater attention to landscaping, creative site design, and building quality.



GOAL 25 Saturn Park as a destination business park for high-quality service industry, research and development, and emerging industry jobs

Policy 25.1 **Zoning.** Ensure that zoning regulations applicable to Saturn Park permit the range of uses necessary to achieve land use goals, including prohibition on uses involving the storage and use of hazardous materials having a Class 4 ranking (UFC Standard 79-3 or succeeding ranking). Prohibit uses that conflict with the goals.

Policy 25.2 **Market.** Market the Saturn Park district as a premier location in the San Gabriel Valley for emerging technology businesses.

Policy 25.3 **Identity.** Create a distinct physical identity for the Saturn Park district.

City Council Staff Report

DATE: May 22, 2024

AGENDA ITEM NO: Consent Calendar - 3C

TO: The Honorable Mayor and City Council

FROM: Diana Garcia, Assistant City Manager

SUBJECT: Establishing the Saturn Park Advisory Review Committee ("SPARC")

RECOMMENDATION:

It is recommended that the City Council consider:

1. Establishing the Saturn Park Advisory Review Committee ("SPARC") initially comprised of Mayor Thomas Wong, Mayor pro tem Vinh Ngo, and Assistant City Manager Diana Garcia; and
2. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

On April 9, 2024, the Planning Commission considered future land uses at McCaslin Business Park as contemplated by the Land Use Element ("LUE") to the General Plan (approved by voters in 2020). A copy of the April 9th staff report is attached for reference.

During a subsequent Planning Commission meeting on April 15, 2024, Planning Commissioners expressed support for various land uses within the McCaslin Business Park to implement the vision expressed in the LUE. Based upon those discussions, it seems prudent for the City to solicit public input to adopt new land use regulations for what the LUE identifies as "Saturn Park." The LUE was guided by a citizen's oversight committee identified as the "General Plan Advisory Committee"; it is recommended that the City Council create the "Saturn Park Advisory Review Committee" or "SPARC" as described below.

BACKGROUND:

The general background for the future of Saturn Park is contemplated in the April 9th Planning Commission staff report. The recommendation is for the SPARC to be initially comprised of the Mayor, the Mayor pro tem (Saturn Park is located in District 5), and the Assistant City Manager. The Mayor and the Mayor pro tem would each appoint two persons from the community to the SPARC so that a total of seven members would serve on the SPARC. The SPARC would be subject to the Brown Act.

The SPARC is intended to oversee a series of meetings that would engage residents, the business community, and other stakeholders in drafting a Saturn Park Specific Plan ("SPSP") for consideration by the City Council. The SPSP would help implement the LUE by:

- Facilitating the coordination and planning of development within Saturn Park.
- Attracting investment and business to enhance Saturn Park's economic vitality.
- Improve Saturn Park's function and appearance
- Most of all, improving the quality of life for residents, business owners, employees, and visitors through neighborhood enhancements and improvements to public spaces.

To accomplish these objectives, the SPARC would provide ongoing and effective input to the City's Project Team (City staff and consultants) and elected officials. SPARC members would:

- Provide ongoing input that reflects a member's community knowledge, including reviewing and commenting on major work elements and products.
- Help the Project Team gain a broader understanding of public and interest group perspectives.
- Provide suggestions regarding public engagement efforts.
- Act as public engagement ambassadors by inviting/encouraging neighbors, friends, business colleagues, to participate in public engagement activities such as festival booths, workshops, etc.

Decision making within the SPARC would be a process that seeks to achieve mutual agreement. "Mutual agreement" does not necessarily mean that all members of the SPARC are equally enthusiastic about the decision or recommendation. It does mean that everyone in the committee is willing to "live with" the agreement even though some individuals might prefer an alternative solution.

The City already engaged a consultant to assist with developing the SPSP; the Community Development Director would serve as the SPARC liaison and secretary.

FISCAL IMPACT:
There is no immediate fiscal impact associated with the establishment of the SPARC.

Respectfully submitted by:

Diana Garcia
Assistant City Manager

Approved by:

Inez Alvarez
City Manager

Reviewed by:

Karl H. Berger
City Attorney

ATTACHMENT:

1. Staff Report and Attachments from April 9, 2024 Planning Commission Meeting

ATTACHMENT 1
Staff Report and Attachments from April 9, 2024 Planning Commission Meeting

Planning Commission Staff Report

DATE: April 9, 2024

AGENDA ITEM NO: 5-A

TO: The Planning Commission

FROM: Jessica Serrano, Director of Community Development

SUBJECT: **RECEIVE AND FILE** - Discussion of Land Use Regulations and future uses at McCaslin Business Park

RECOMMENDATION:

It is recommended that the Planning Commission consider:

(1) Receiving and filing this staff report as background information; and
(2) Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

This staff report provides the historical context regarding land use considerations in McCaslin Business Park to be used in discussing future uses of the area.

BACKGROUND:

McCaslin Business Park is named after Lowry B. McCaslin (a former All-American [1929] who played for USC) who owned the area between 1937 and his death in 1995. It was originally a quarry for mining decomposed granite. Mr. McCaslin eventually developed the sand and gravel pit into a 73-acre business and industrial park. Residential neighborhoods adjacent to the Business Park were developed during the years 1947 to 1954.

In 1956, the Monterey Park City Council adopted an ordinance that effectively zoned the gravel operations out of business after persons in the residential neighborhoods complained of noise and dust. Mr. McCaslin succeeded in invalidating these restrictions as unconstitutional (*McCaslin v. City of Monterey Park* (1958) 163 Cal.App.2d 399). He began building the industrial park in 1970.

In 1996, the City Council adopted a moratorium on the use and storage of certain hazardous materials within the Business Park. This was in response to Alpha Photonics, Inc.'s proposal to include crystal growing operations as part of their electronics component manufacturing business. The moratorium indicated that:

> "an application for a project at 2019 Saturn Street, Monterey Park, located in the McCaslin Industrial Park. The initial building permit application and plans did not disclose the use or storage of hazardous materials on site. The City subsequently became informed that the proposed use will handle and store certain quantities of hazardous materials. The use and storage of hazardous materials can pose a danger to the City and the City began investigating the

> regulation of the use and storage of these materials. Because of their potential danger, current law provides extensive State and County regulations for the handling and storage of hazardous materials."

The moratorium was extended throughout 1997 until the City Council placed a proposition onto the 1998 ballot (on December 17, 1997) that was later identified as "Measure D." Measure D was approved by voters on April 14, 1998 (Ordinance No. 1933, Attachment 1). Measure D added the "Office Professional" or "O-P" zone to the Monterey Park Municipal Code ("MPMC") as Chapter 21.14.

Most recently, the Measure D regulations were publicly discussed in 2018. At that time, the City discovered that the voter approved regulations in MPMC Chapter 21.14 were improperly changed by Ordinance No. 2097 that was adopted in 2013. This apparently occurred based upon a 2009 internal memorandum from the (then) Community Development Director to the (then) City Manager that asserted the City Council could make changes to MPMC Chapter 21.14 based upon its own authority. Measure D, however, did not delegate authority to the City Council to make any changes to MPMC Chapter 21.14.

The voter approved zoning restrictions in the Business Park are challenging to businesses wishing to locate to that area (see Attachment 2, e.g., letter from 2019 regarding 1977 Saturn). Currently, approximately 75% of the available building space is vacant.

Measure JJ was adopted by voters in 2020 (Ordinance No. 2198). Section 3(A) of Measure JJ provides that the City Council may "implement [Measure JJ] including, without limitation, adopting all zoning regulations needed to effectuate [Measure JJ] by ordinance." Measure JJ designates McCaslin Business Park as "Innovation/Technology" (Land Use Element – Figure LU-3: Land Use Policy Map, Attachment 3). Uses for this designation include research and development; light manufacturing; service commercial; professional offices; entertainment; and breweries/ wineries/distilleries; trade and technical schools; public utilities, and similar uses "per zoning regulations." Prohibited uses are warehousing, freight terminals, vehicle storage, and heavy manufacturing.

Respectfully submitted by:

Jessica Serrano
Director of Community Development

Reviewed by:

Justin A. Tamayo
Deputy City Attorney

ATTACHMENTS:

1. Ordinance No. 1933 – Measure D
2. August 14, 2019 Letter - 1977 Saturn
3. Land Use Element - Figure LU-3: Land Use Policy Map

ATTACHMENT 1
Ordinance No. 1933 – Measure D

ORDINANCE NO. 1933

AN ORDINANCE OF THE PEOPLE OF THE CITY OF MONTEREY PARK, CALIFORNIA, ADDING CHAPTER 21.14, ENTITLED OFFICE PROFESSIONAL, TO THE MONTEREY PARK MUNICIPAL CODE, MODIFYING SECTION 21.70.030 OF THE MONTEREY PARK MUNICIPAL CODE BY ADDING CERTAIN CONDITIONALLY PERMITTED USES IN THE OFFICE PROFESSIONAL ZONE, APPROVING A GENERAL PLAN AMENDMENT AND APPROVING A ZONE CHANGE FOR THE AREA COMMONLY KNOWN AS MCCASLIN BUSINESS PARK FROM MANUFACTURING (M) TO OFFICE PROFESSIONAL (O-P)

THE PEOPLE OF THE CITY OF MONTEREY PARK, CALIFORNIA, DO HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The People find and determine that a Zone Change pursuant to Title 21 of the Monterey Park Municipal Code (MPMC), to change the zoning designation from M (Manufacturing) to O-P (Office Professional), and to establish appropriate development regulations for the O-P zone are in the public interest and consistent with the General Plan.

SECTION 2. The People hereby amend the Monterey Park Municipal Code (MPMC) to establish an O-P (Office Professional) Zone, by adding Chapter 21.14 thereto to read as follows:

Chapter 21.14

O-P --- Office Professional Zone

Sections:

21.14.010 Purpose
21.14.020 Permitted uses
21.14.030 Prohibited uses
21.14.040 Principal uses
21.14.050 Conditional uses
21.14.060 Standards of development generally
21.14.070 Lots
21.14.080 Yards
21.14.090 Building height
21.14.100 Floor area ratio (FAR)
21.14.110 Off-street Parking

21.14.120 Required walls
21.14.130 Trash facilities
21.14.140 Buffering and maintenance of landscaping and easements
21.14.150 Compressors, air-conditioning units or similar mechanical equipment
21.14.160 Lighting
21.14.170 Exceptions
21.14.180 Site development plan approval
21.14.190 Limitations on permitted uses

21.14.010 Purpose. In order to provide for the development of integrated professional, office and limited retail areas that exhibit a diversity of business activity from both revenue and service quality standpoints, and which are compatible and responsive to abutting land uses, including residential developments, the following regulations shall be applicable to all properties classified in the O-P zone.

21.14.020 Permitted uses. No person shall use, nor shall any property owner permit the use of any lot classified in any O-P zone for any use, other than the following as set out in Section 21.14.040 and 21.14.050.

21.14.030 Prohibited uses. All uses not permitted in this chapter shall be prohibited.

21.14.040 Principal uses. The principal uses shall be permitted as follows:

Administrative and professional offices;
Beauty salon or barber shop;
Bookstore;
Cellular phone, telephone and pager store
Coffee shop;
Computer store, sales and service;
Confectionary shop;
Data processing facility;
Delicatessen;
Employment agency;
Financial institutions' corporate offices, no retail banking;
General research facility, not involving testing, manufacturing, fabrication or processing or sale of products, nor the use of a hazardous material that has a degree of hazard rating in health, flammability or reactivity of Class 4 as ranked by U.F.C. Standard 79-3 or succeeding standard;
Gift shop;
Ice cream parlor;
Import and export offices;
Investment service offices, stock brokers;
Jewelry store, sales and service;
Legal offices;

Mail box and service store;
Medical equipment and supplies, sales and service;
Notary public;
Photocopying and blueprinting;
Public utility customer service office
Real estate offices and title companies;
Restaurant, tearoom and cafe;
Service businesses;
Stationery;
Studio, art, dance, martial arts, photography;
Tax consulting;
Tobacco store;
Travel agency;
Video sales and rentals;

21.14.050 Conditional uses. Conditional uses shall be uses specifically enumerated in Section 21.70.030.

21.14.060 Standards of development generally. All premises in the O-P zone shall comply with the following standards of development as set out in Sections 21.14.070 through 21.14.190.

21.14.070 Lots. (a) Lot area. The minimum lot area of each lot shall be five thousand square feet.

(b) Lot width. The minimum width of each lot shall be fifty feet.

(c) Lot depth. The minimum depth of each lot shall be one hundred feet.

21.14.080 Yards. The following minimum yards shall be required on all lots:

(a) Front yard. No minimum front yard is required.

(b) Side and rear yards. Every lot shall have and maintain minimum side and rear yards as follows:

(1) When the side yard is adjacent to a street, the yard shall be at least fifteen feet in depth.

(2) When adjacent to a R-zone, the yard shall be no less than fifty feet, plus five feet in depth for each story above one story of building or each ten-foot increment above fifteen feet in height of building on the O-P zoned lot. Where there is an opening, including but not limited to windows, pedestrian doors and roll-up doors, in any building on the O-P zone facing a yard adjacent to a R-zone, the yard shall be no less than one hundred feet from any opening to the R zoned lot. The yard may be used for parking, excepting a minimum fifteen foot wide area abutting the R-zone which shall be landscaped and maintained in such a condition so as not to violate Section 9.54.010. The required landscaping shall also conform to the standards set forth in Section 21.14.140. When the O-P zoned lot is separated from a R-zone by an alley, a rear yard setback of forty feet shall be provided, as measured from the centerline of the alley. A minimum three-foot wide landscaped planter shall be installed and maintained along the alley, excepting at any vehicular access driveway.

(3) When adjacent to a commercially-zoned or M zoned lot, no yard is required.

21.14.090 Building height. No building or structure in excess of forty feet or three stories shall be located on any lot. Buildings or structures exceeding the height limits may be permitted upon approval of a conditional use permit.

21.14.100 Floor area ratio (FAR). The floor area ratio shall not exceed 0.5 when the lot is less than ten thousand square feet in area. When the lot is between ten thousand and twenty thousand square feet in area, the floor area ratio shall not exceed 0.65. When the lot is more than twenty thousand square feet in area, the floor area ratio shall not exceed 0.8. The floor area ratio may be increased to a maximum of 1.0 for all lots, upon approval of a conditional use permit.

21.14.110 Off-street parking and loading. Each O-P zoned lot shall have and maintain off-street parking and loading facilities as required by Chapter 21.40.

21.14.120 Required walls. Except as otherwise provided in Chapter 21.48, the following standards shall apply: (a) Where any part of the front yard or street side yard of a O-P zoned lot is used for parking or loading, a masonry wall compatible in color with the commercial building and/or sight-obscuring hedge a minimum of three feet in height shall be erected and maintained within a landscaped area a minimum of three feet in width adjacent to the sidewalk at the front or side yard property line as required by Section 21.40.180.

(b) When any O-P zoned lot has a common side or rear lot line with any R-zoned property, a six-foot solid decorative masonry or concrete block wall compatible in color with the commercial building shall be constructed and maintained along all such common side or rear lot lines. Where an easement exists, abutting the common property line, the said decorative wall may be constructed along the boundary of the easement on the commercial lot. A minimum three-foot wide landscaped planter with automatic irrigation system shall be placed adjacent to the wall, planted with trees, shrubs, ground cover and vines. Where a parking lot on the O-P zoned lot abuts a R-zoned lot, the additional parking lot landscaping requirements of Section 21.40.180 shall apply.

21.14.130 Trash facilities. Each O-P zoned lot shall be provided with facilities for the storage and collection of trash as follows:

(a) Any outdoor trash facility shall be enclosed by a minimum five-foot high solid masonry, brick or concrete wall except for the access way which shall be enclosed with solid decorative gates of the same height.

(b) Location and size shall be subject to approval by the planner. When any O-P zoned lot has a common property line with a R-zoned lot, no trash facility shall be located within the required building setback.

(c) Open vehicular and pedestrian access to and from such trash facility shall be provided. No parking spaces shall block such access to the trash facility.

(d) Trash facilities shall be maintained in a closed manner at all times to prohibit visibility from public rights-of-way or adjacent property.

Notwithstanding any other provision of this title, all existing uses, buildings and structures in the O-P zone which do not conform to this Section shall provide a fully enclosed trash facility within six months of the effective date of this ordinance unless providing such trash facility will eliminate any existing required off-street parking spaces.

21.14.140 Buffering and maintenance of landscaping and easements. For O-P zoned lots with side or rear yards that are adjacent to an R zoned lot, the following buffering provisions shall be provided and maintained:

(a) Landscaping, irrigation and maintenance plans shall be required and the plans shall be subject to approval of the design review board under the provisions of Chapter 21.72. The plans shall incorporate, but not be limited to, fifteen-gallon minimum trees at time of planting, interspersed shrubs, ground cover, raised earthen berms and automatic sprinkler systems. The City may require the maintenance plan to include a bonafide service agreement with a City licensed landscaping service business. Maintaining an active service agreement on file with the Community Development Department shall be the responsibility of the owner of the subject property or by his authorized agent.

(b) All landscaped areas and easements shall be maintained in good condition, weed and disease free, and in compliance with Chapter 9.54.

Notwithstanding any other provision of this title, all O-P zoned lots that abut a R zone and do not have landscaping, irrigation and maintenance plans that have been approved by the design review board pursuant to requirements of Chapter 21.72 shall submit a landscaping, irrigation and maintenance plan for design review board approval within six months of the effective date of this ordinance.

21.14.150 Compressors, air-conditioning units or similar mechanical equipment. Each O-P zoned lot which has compressors, air-conditioning units or similar mechanical equipment, located on the roof and outside of the exterior walls of any building or structure, shall comply with the following:

(a) All such equipment shall be installed with permanent sound proofing measures, including but not limited to, enclosures, parapet and sound attenuating walls and screens. All such equipment shall comply with noise standards set forth in Chapter 9.53. The location, type and scope of soundproofing measures for such equipment shall be subject to the approval of the Community Development Department.

(b) All such equipment shall be maintained in a clean and proper condition to prevent collection of litter and filth, emissions of dust or fumes, vibration or electrical disturbances.

21.14.160 Lighting. All outdoor lighting shall be located and shielded so as to prevent the direct spillage of light or glare onto adjacent lots and streets.

21.14.170 Exceptions. Except as otherwise provided in this section, any use, building or structure which is in existence or for which a permit has been issued, as of the effective date hereof, and which conformed to all zoning regulations of the city then in effect at such time, shall not be rendered nonconforming within the meaning of Chapter 21.68, solely by reason of the application of the development standards as set forth in this chapter; provided that any such existing use, building or structure shall comply with the provisions hereof upon a change in use, or upon use, building or structure expansion or reconstruction, in whole or in part.

21.14.180 Site development plan approval. Prior to the issuance of a building permit or business license for any use, building or structure to be located on any lot, as to which the provisions of this chapter apply, the provisions of Chapter 21.72, with regard to site development plans shall be complied with.

21.14.190 Limitations on permitted uses. Every use permitted in the O-P zone shall comply with the following:

(a) All uses shall be conducted totally within a completely enclosed building, except for those uses which are customarily conducted in the open, as determined pursuant to Section 21.06.060 or Section 21.74.030. Those uses conducted in the open shall be no closer than one hundred feet to any R zoned lot, except for parking.

(b) No outdoor storage shall be allowed unless the same is enclosed by a view-obscuring fence or wall, provided that no stored material is visible above the fence or wall, that the fence or wall is approved by the Department of Community Development, and that such storage shall be limited to the accessory storage of items sold or utilized in the conduct of a permitted use on the premises. Where the O-P zoned lot is adjacent to a R zoned lot, no outdoor storage shall be permitted within one hundred feet of a R zoned lot.

(c) No loading and unloading shall be permitted in any required side or rear yard.

(d) Where the O-P zoned lot is adjacent to a R zoned lot, no deliveries of goods and commodities nor loading or unloading shall be conducted during the hours from 10:00 p.m. to 7:00 a.m.

(e) There shall be no overnight parking of vehicles, except those vehicles used in conjunction with a permitted use.

(f) Driveways may not exceed thirty feet in width or sixty percent of the lot frontage.

(g) No use shall be permitted which produces or causes or emits any dust, gas, smoke, glare, noise, fumes, odors, electromagnetic emanations or vibrations which are or may be detrimental to the health, safety, welfare and peace of the city and its residents and businesses.

(h) No use shall be permitted which uses or stores a hazardous material that has a degree of hazard rating in health, flammability or reactivity of Class 4 as ranked by U. F. C. Standard 79-3 or succeeding standard. A business materials usage and operations form shall be filed with the Community Development Department prior to the approval of a certificate of occupancy. Notwithstanding any other provision of this title, all O-P zoned businesses that do not have a business materials usage and operations form on file shall submit a form within six months of the effective date of this ordinance.

(I) No person shall, at any location within the O-P zone, create nor allow the creation of noise which causes the noise level to exceed the applicable noise standards set forth in Chapter 9.53. Where the O-P zoned lot is adjacent to a R zoned lot, the noise level at the property line of the R zoned lot shall not exceed the allowable noise level for residential properties.

SECTION 3. The People hereby amend Section 21.70.030 of the Monterey Park Municipal Code (MPMC) by adding the following conditionally permitted uses:

Use	Zone in which allowed subject to Conditional Use Permit
Auditorium, not within 300 feet of a R-zone	O-P
Buildings exceeding height limit	O-P
Business college (office or medical, dental).	O-P
Child care center, not within 300 feet of a R-zone	O-P
Commercial office or service units which are shared by more than one independently owned business enterprise	O-P
Commercial developments of five or more units or with an area of more than one acre, and within 300 feet of a R-zone	O-P
Financial institution (retail banking)	O-P
Floor area ratio not to exceed 1.0	O-P
Government or public facility, except those owned or operated by the City of Monterey Park	O-P
Gymnasium, reducing salon and health center	O-P
Hotel	O-P
Lot size over an acre	O-P
Places of entertainment, except as otherwise provided in this title . .	O-P

SECTION 4. The People APPROVE General Plan Amendment to change the land use designation in the Land Use Element from Industrial to Commercial for the area set forth in the attached map incorporated herein by this reference, based on the following findings:

1. The proposed General Plan Amendment will protect the health, safety and general welfare of the community as the amendment provides for a land use more compatible with surrounding single family residential development.

2. The proposed General Plan Amendment reflects the conditions of the community and are in keeping with the character of the area. The proposed land use designation of commercial is more compatible than the existing manufacturing designation with the surrounding single family residential areas.

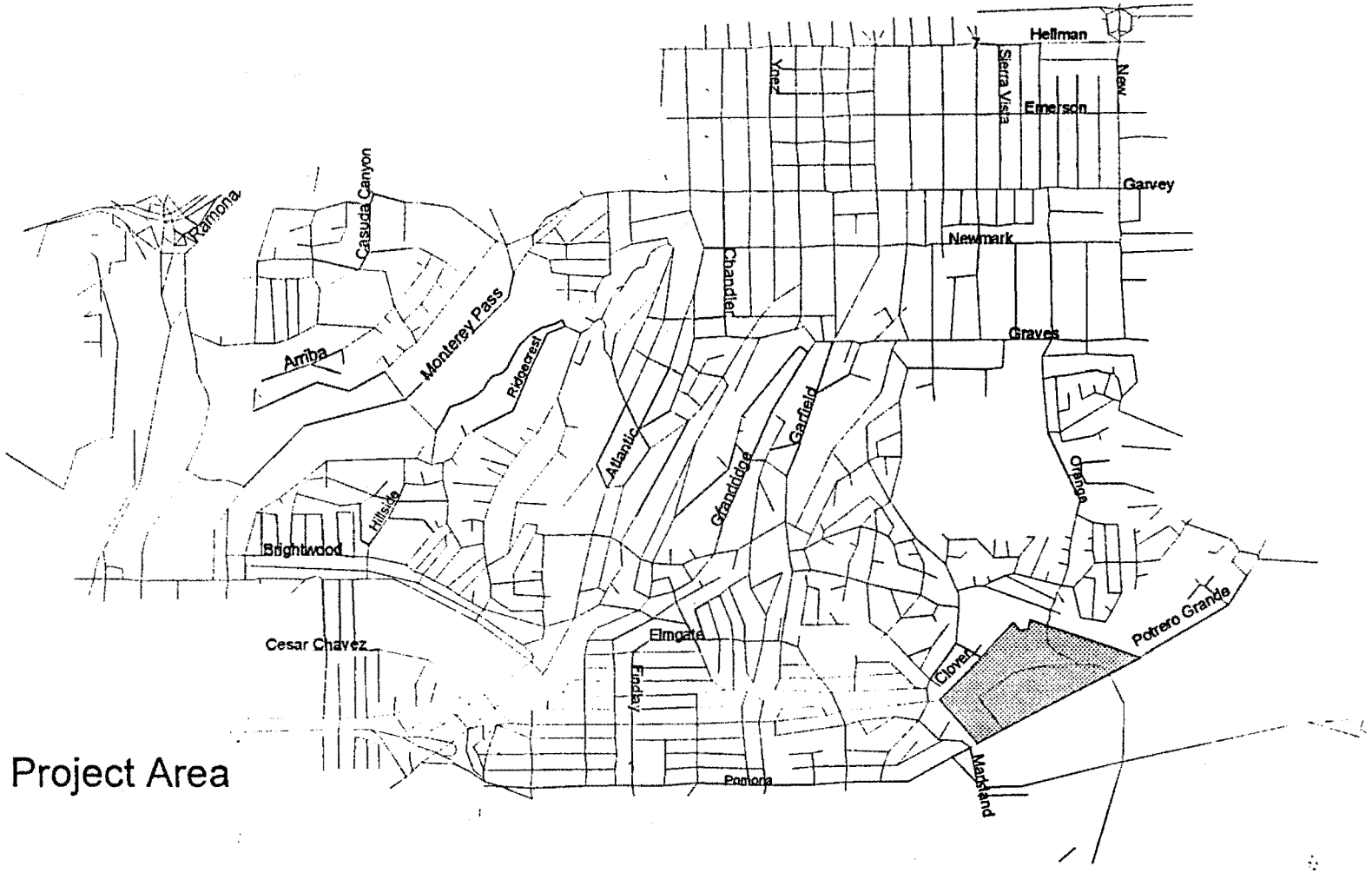
SECTION 5. The People **APPROVE** the Zone Change to change the land use classification from M to O-P for the area set forth in the attached map incorporated herein by this reference.

(1997\OP-.ORD)

REV: 12/30/97
11.45 A.M.

APPROVED AND ADOPTED AT THE APRIL 14, 1998,
SPECIAL MUNICIPAL ELECTION IN THE CITY OF MONTEREY PARK

MCCASLIN BUSINESS PARK GENERAL PLAN AMENDMENT AND ZONE CHANGE



ATTACHMENT 2
August 14, 2019 Letter - 1977 Saturn

CITY OF MONTEREY PARK
320 West Newmark Avenue • Monterey Park • California 91754-2896
www.montereypark.ca.gov

City Council
Peter Chan
Mitchell Ing
Stephen Lam
Hans Liang
Teresa Real Sebastian

City Clerk
Vincent D. Chang

City Treasurer
Joseph Leon

August 14, 2019

Lindsay M. Tabaian
Allen Matkins Leck Gamble Mallory & Natsis LLP
865 South Figueroa Street, Suite 2800
Los Angeles, CA 90017-2543
ltabaian@allenmatkins.com

Re: Letter dated June 25, 2019

Dear Ms. Tabaian:

Thank you for your letter dated June 25, 2019 (the "Letter"). As you know, the Letter contains an analysis regarding the potential zoning regulations affecting real property at 1977 Saturn Street within the City of Monterey Park (the "Property"). Further, the Letter requests that the City respond to that analysis so that your client, Apprentice & Journeymen Training Trust Fund ("A&J"), can determine whether to file a development application.

The City Planner is authorized to make interpretations regarding zoning regulations set forth in the Monterey Park Municipal Code ("MPMC").[1] Accordingly, this response to the Letter (the "Response") provides a general interpretation of the MPMC and how it affects the project proposed in the Letter. Nothing in this Response, however, constitutes an approval of a project or a prediction about whether the City would approve any application – whether filed by A&J or another person – affecting the Property. The Planning Commission and City Council are the only decision-making bodies that are legally authorized to make discretionary decisions. Accordingly, nothing in this Response should be relied upon in any transaction or by any person. This Response does not extend to, and may not be used, quoted, referred to, or relied upon by any person, firm, corporation or entity.

- *Only Measure D regulates the Property*

At the outset, please note that the Letter's analysis incorrectly relies upon certain provisions of the MPMC that were codified as a result of the City Council's adoption of Ordinance No. 2097 in 2013. On August 8, 2019 the City Attorney's office provided you with a copy of a staff report dated May

[1] MPMC § 21.02.090.

31, 2018, portions of which are relevant to these parts of the Letter. Specifically, that staff report states this (emphasis is added):

> "Measure D … was approved by voters in 1998. Measure D adopted Ordinance No. 1933 which added Chapter 21.14 to the … MPMC … and established regulations for the "Office Professional" or "O-P" zone. **Measure D does not delegate authority to the City Council to make any changes to MPMC Chapter 21.14**."
>
> "In 2013, the City Council adopted Ordinance No. 2097. That Ordinance made substantial revisions to the MPMC's land use regulations including renumbering and substantially revising MPMC Chapter 21.14 (as added by Measure D). **In accordance with the well established "equal dignities" rule generally applicable to legislation, however, MPMC Chapter 21.14 cannot be amended, repealed or suspended by an action of the City Council; it can only be changed by a voter approved ballot measure. [The City Attorney's] office has not identified a voter approved ballot measure after 1998 that amended MPMC Chapter 21.14.**"

The Letter (on p.2) purports to quote from Measure O (approved by voters in 2001) to support an assertion that voters delegated authority to the City Council to approve amendments to Measure D upon its own authority, i.e., without further need of voter approval. The quoted language, however, is from the City Attorney's Impartial Analysis for Measure O; it is not part of Measure O and does not constitute the voter's delegation of authority. Consequently, the Letter's reliance upon the current MPMC as to its regulation of the O-P zone is misplaced. The only relevant zoning regulations governing the Property are those set forth in Measure D. Accordingly, this Response only reviews the Letter's analysis as it relates to Measure D.

- *The Project set forth in the Letter*

The Letter describes a proposed project (the "Project") for the Property using the following Project Components ("PC"):

PC 1. This would be a "vocational college for the Southern California Pipe Trades." The Project would "include i) a school building with several types of training areas (classrooms, hands-on training areas, shops, an auditorium, meeting rooms); ii) administrative offices for various unions, agencies and personnel (housed within the same building); and iii) a large outdoor yard for additional training activities and some storage."

PC 2. The "large outdoor yard for additional training activities" would include "a rigging structure, areas for crane operation/site work, welding stations, sheds and an area for large pipe storage."

PC 3. The Project also proposes to include "several materials that are "hazardous" (per the Fire Code). They will be stored and utilized safely in accordance with all City and Fire Code regulations, and appropriate permits will be obtained from the Fire Department. **Two of these materials-propane and acetylene are "Class 4" substances as referenced in Measure D.**"[2]

[2] Emphasis added.

➢ *MPMC and Measure D Regulations*

As noted above, the land uses authorized for the Property are governed by Measure D only. The codified version of the MPMC may only be used to the extent it does not supplant voter's intent as expressed in Measure D. With these principles in mind, the following sections of the MPMC and Measure D are relevant to consideration of the Project[3]:

> MPMC § 21.02.090: "The City Planner has the authority to interpret the use provisions applicable to each zone district identified in this title. In the event that a specific use or type of use is not listed, the City Planner has the authority to determine which listed use is most similar to the proposed use and thereby determine whether the use is permitted, permitted subject to conditional use permit review and approval, permitted as a temporary use, or prohibited. In determining "similarity," the City Planner must make all of the following findings:
>
> (1) The proposed use must meet the intent of, and be consistent with the goals, objectives and policies of the general plan;
>
> (2) The proposed use must meet the stated purpose and general intent of the district in which the use is proposed to be located;
>
> (3) The proposed use cannot adversely impact the public health, safety and general welfare of the City's residents; and
>
> (4) The proposed use must share characteristics common with, and not be of greater intensity, density or generate more environmental impact, than those uses listed in the permitted uses section."
>
> Measure D[4] § 21.14.020: "Permitted uses. No person shall use, nor shall any property owner permit the use of any lot classified in any O-P zone for any use, **other than the following as set out in Section 21.14.040 and 21.14.050**."
>
> § 21.14.030: "Prohibited uses. **All uses not permitted in this chapter shall be prohibited.**"
>
> § 21.14.040: "Principal uses. The principal uses shall be permitted as follows … **[a]dministrative and professional offices**…."
>
> § 21.14.050: "**Conditional uses**. Conditional uses shall be uses specifically enumerated in **Section 21.70.030**."
>
> § 21.14.190: "Limitations on permitted uses. Every use permitted in the O-P zone shall comply with the following … All uses shall be conducted totally within a completely enclosed building, **except for those uses which are customarily**

[3] Text may be emphasized for discussion.
[4] References to sections other than those cited to the "MPMC" are to those set forth in Measure D.

conducted in the open, as determined pursuant to Section 21.06.060[5] or Section 21.74.030.[6] Those uses conducted in the open shall be no closer than one hundred feet to any R zoned lot, except for parking.... **No use shall be permitted which uses or stores a hazardous material that has a degree of hazard rating in health, flammability or reactivity of Class 4 as ranked by U. F.C. Standard 79-3 or succeeding standard**. A business materials usage and operations form shall be filed with the Community Development Department prior to the approval of a certificate of occupancy."

§ 21.70.030: "The People amend Section 21.70.030 ... by adding the following **conditionally permitted uses** ... **[a]uditorium, not within 300 feet of a R-zone** ... **[b]usiness college (office or medical, dental)**...."

➢ *Project Overview*

Applying the above regulations to the PCs shows the following:

PC 1: It does not appear that the overall Project could be approved as part of a conditional use permit ("CUP") application pursuant to § 21.70.030. While an "auditorium" use is specifically listed as a conditional use, the type of "business college" is restricted to "office or medical, dental." The Project is a vocational college that does not fit into the category of "business college."[7] For reasons explained more fully below (for PC 3), the City declines to utilize a different interpretation since doing so would be contrary to voter direction.

PC 2: The proposed outdoor activities are not those that would be "customarily conducted in the open" were the Project a "business college." Since, as noted in PC 1, the Project is <u>not</u> a "office or medical, dental" type of business college, the proposed vocational activities, e.g., welding, are not associated with the type of "office professional" use required for the O-P zone.

PC 3: Per the Letter, the Project proposes to store and use hazardous materials that are specifically identified in Measure D. Such use would directly violate § 21.14.190 and the voter's intent in enacting that section. The legislative history preceding Measure D's approval demonstrates that the City Council and voters specifically intended to prohibit the storage and use of hazardous materials on the Property and to discontinue the previously allowed manufacturing uses. On December 11, 1996, the City Council adopted Urgency Ordinance No. 1917 which prohibited the storage and use of hazardous materials at the Property. The City Council directed that this moratorium be extended on January 15, 1997; it subsequently adopted Urgency Ordinance No. 1920 on February 5, 1997 to extend the moratorium. The prohibitions contained in Ordinance Nos. 1917 and 1920 were thereafter incorporated into Measure D at § 21.14.190(h).

---

[5] This section is for "[c]larification of ambiguity" in the 1998 MPMC.
[6] This section was recodified to MPMC § 21.02.090, authorizing interpretations of the MPMC.
[7] If the Project is proposed only for professional offices, such would be allowed as a matter of right per § 21.14.040.

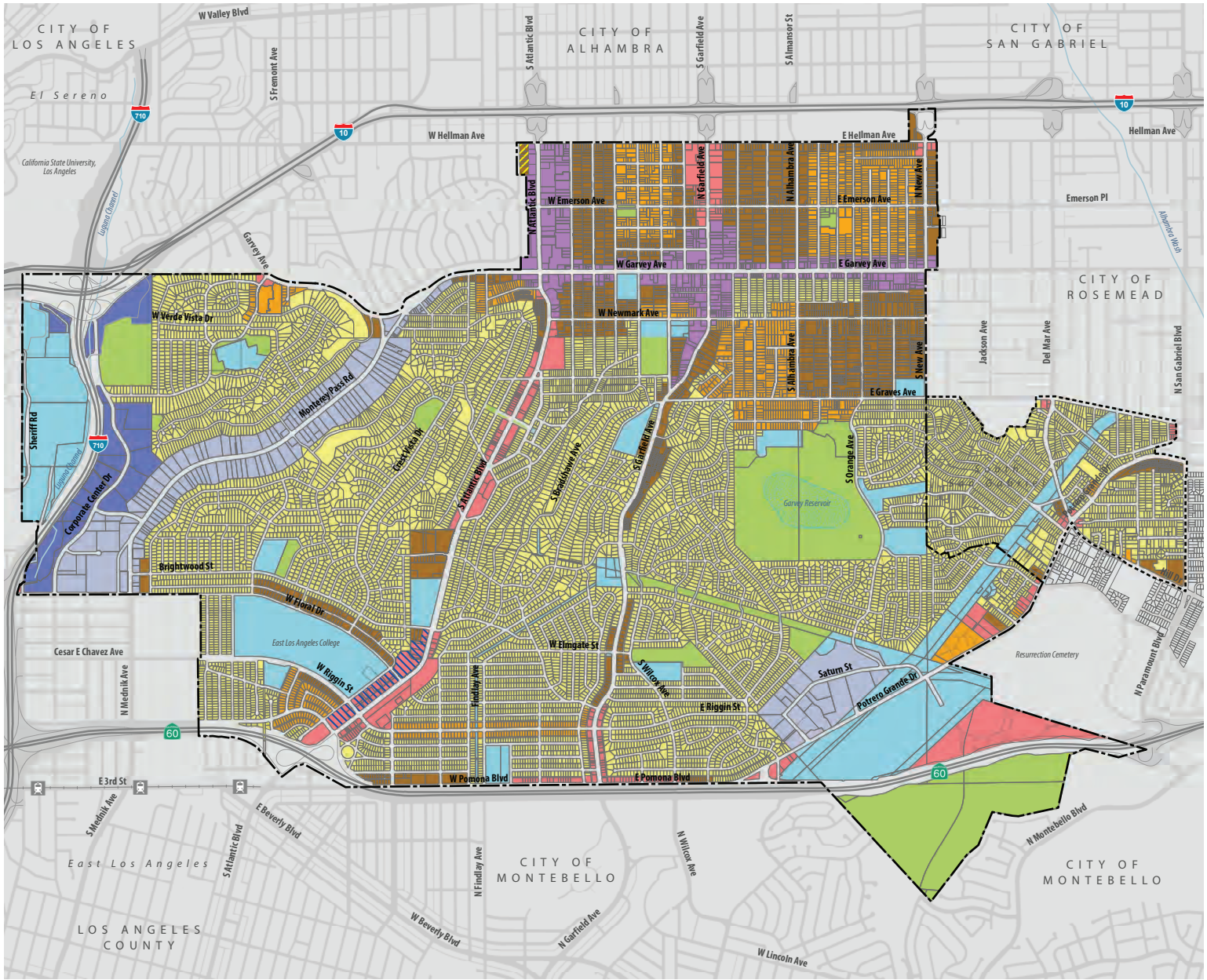
In sum, the Project is not a "business college" as defined by Measure D; the proposed outdoor activities are not those "customarily adopted in the open" for a business college; and storing/using the types of hazardous materials in the Letter would violate Measure D.

Please let us know if you have any questions.

Sincerely,

Mark A. McAvoy, PE
Director of Public Works / City Engineer / City Planner

ATTACHMENT 3
Land Use Element -
Figure LU-3: Land Use Policy Map



Monterey Park 2040

FIGURE LU-3:

LAND USE POLICY MAP

Land Use Designations

- Low Density Residential
- Medium Density Residential
- High Density Residential
- Commercial
- Mixed Use
- Corporate Center
- Innovation/Technology
- Public Facilities
- Open Space
- Housing Overlay I
- Housing Overlay II

Base Map Features

- Monterey Park Boundary
- Sphere of Influence Boundary
- Metro Gold Line and Stations
- Watercourses and Channels
- Garvey Reservoir

Note: Also see Regulating Plan

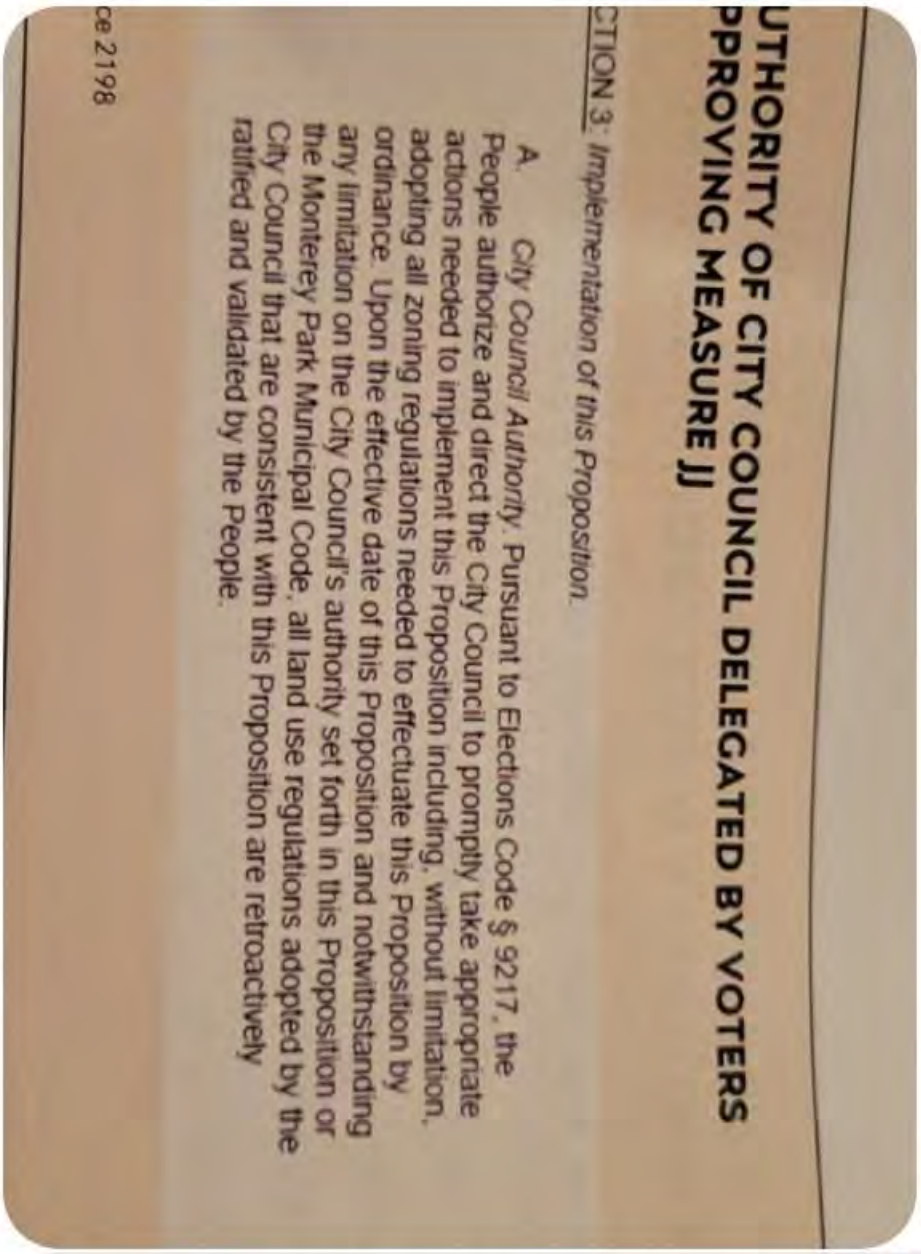
October 2019

Sources: City of Monterey Park and MIG, 2019.

MIG

0 ¼ ½ 1 Mile

Today 9:40 AM



UTHORITY OF CITY COUNCIL DELEGATED BY VOTERS
PPROVING MEASURE JJ

CTION 3: *Implementation of this Proposition.*

A. *City Council Authority.* Pursuant to Elections Code § 9217, the People authorize and direct the City Council to promptly take appropriate actions needed to implement this Proposition including, without limitation, adopting all zoning regulations needed to effectuate this Proposition by ordinance. Upon the effective date of this Proposition and notwithstanding any limitation on the City Council's authority set forth in this Proposition or the Monterey Park Municipal Code, all land use regulations adopted by the City Council that are consistent with this Proposition are retroactively ratified and validated by the People.

ce 2198

Is this the paragraph that you were saying allows the Council to ammend Measure JJ to include expanded uses without approval by the voters?

City Council Staff Report

Date: July 2, 2025
Agenda Item Number: 9.D.

To: The Honorable Mayor and City Council

From: Shawn Igoe, Public Works Director

Subject: Maintenance Agreement with Trojan Technologies Corp.

Recommendation:
It is recommended that the City Council consider:

1. Authorizing the City Manager to execute an Agreement with Trojan Technologies Corp., ("Trojan") in a form approved by the City Attorney, for the maintenance of its Advanced-Oxidation Ultraviolet Treatment System at a cost not to exceed $315,000; and
2. Taking such additional, related, action that may be desirable.

CEQA (California Environmental Quality Act):
These actions are exempt from additional review under the California Environmental Quality Act (California Public Resources Code §§ 2100, *et seq*., "CEQA") and CEQA Guidelines (14 California Code of Regulations §§ 15000, *et seq*.) pursuant to CEQA Guidelines § 15061(b)(3), the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment applies to the recommended action. It can be seen with certainty that there is no possibility that the proposed action has a significant effect on the environment.

Executive Summary:
The Water Division is requesting approval of an Agreement with Trojan Technologies Corp . ("Trojan") for preventative maintenance services of the advanced-oxidation ultraviolet treatment system at the Delta Plant. The term is for one year at a cost not to exceed $315,000.

Background:
In August 2016, City Council awarded a Design-Build Contract to J.R. Filanc to design and construct a state-of-the-art treatment system at the City's Delta Plant (the "Project"). Trojan provides intellectual and specialized services for treating volatile organic compounds ("VOCs") and 1,4 dioxane contaminant, which are found in the City's groundwater. Trojan's proprietary equipment was determined to be best able to meet the City's performance criteria. Accordingly, the Director of Public Works ("Director") selected Trojan's Advanced Oxidation technology - TrojanUVPhox system ("AO"). The AO treatment system uses a particular ultraviolet light in combination with a hydrogen peroxide compound (an oxidant) to break down contaminants. This technology is effective at removing 1,4-dioxane which cannot be removed

through conventional methods.

Trojan submitted a preventative maintenance proposal that includes monthly routine maintenance service. Work will be completed by Trojan's certified experts who will ensure that its equipment is operating at peak performance to meet the City's regulatory requirements. The proposal includes all labor costs for parts replacement including UV lamps and lamp related parts and supplies. The cost for the one-year maintenance agreement is $285,000.

In addition to the monthly preventative maintenance services, the Director is requesting an additional $30,000 for lamp, ballast, and driver replacement parts for the TrojanUVPhox system. The total contract amount is $315,000.

Strategic Plan Goal:
The proposed project meets the City's goal to maintain, build and modernize infrastructure and facilities to support the current and future needs of the City and community.

Fiscal Impact:
The Water Division's FY2025-26 annual budget includes sufficient funds for the maintenance agreement with Trojan Technologies Corporation. Note that costs related to the treatment of VOCs are reimbursable per the South El Monte Operating Unit ("SEMOU") Interim Remedy. The operation and maintenance of the Interim Remedy is being transferred from the U.S. Environmental Protection Agency's ("EPA") to the California Department of Toxic Substances Control ("DTSC") and details for cost reimbursements are being finalized. The City will seek reimbursement for Trojan's maintenance costs.

Attachments:
None

City Council Staff Report

Date: July 2, 2025
Agenda Item Number: 9.E.

To: The Honorable Mayor and City Council

From: Robert Aguirre, Director of Recreation & Community Services
Christina Alatorre, Recreation Manager

Subject: A Resolution Declaring the Month of July as “Parks Make Life Better” Month in the City of Monterey Park

Recommendation:
It is recommended that the City Council consider:

1. Adopting a Resolution declaring the month of July as “Parks Make Life Better” Month in the City of Monterey Park; and
2. Taking such additional, related, action that may be desirable.

Executive Summary:
During July, the Recreation and Community Services Department celebrates "Parks Make Life Better” month. By designating July as "Parks Make Life Better" month, the City of Monterey Park, Recreation and Community Services Department urges all residents to enjoy and recognize the social, physical, mental, economic, environmental, and community benefits of our parks. As we observe "Parks Make Life Better" month, we recognize the vital contributions of our employees and volunteers, who all contribute to making parks and recreation facilities a great place to visit. These dedicated staff members and volunteers keep our parks clean and safe for visitors, and they coordinate and organize special events, youth programs, swim lessons, educational classes, senior activities, and health and fitness programs. They ensure that parks and recreation facilities are safe and accessible places to enjoy.

Background:
The National Recreation and Park Association (NRPA) and California Parks and Recreation Society (CPRS) are organizations dedicated to advancing park, recreation, and conservation efforts that enhance the quality of life for all people. The NRPA and CPRS promote healthy lifestyles, recreational initiatives, and the conservation of natural and cultural resources. Since 1985, the NRPA and CPRS have recognized July as "Parks Make Life Better” month in California and nationally as "Parks and Recreation" month. Cities, counties, and other agencies recognize the importance of thriving local park systems in providing an opportunity for all people to lead healthy, active lifestyles and in preserving great community places.

Strategic Plan Goal:
N/A

Fiscal Impact:
N/A

Attachments:
1. Parks Make Life Better RESOLUTION 2025

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK DECLARING THE MONTH OF JULY 2025 AS PARKS MAKE LIFE BETTER MONTH

BE IT RESOLVED by the Council of the City of Monterey Park as follows:

SECTION 1: The City Council finds as follows:

A. The City of Monterey Park's Recreation and Community Services Department promotes physical, emotional, and mental health and wellness through organized and self-directed fitness, play, and activity; and

B. Parks support the economic vitality through increased property values, expansion of local tax base, increased tourism, and crime reduction; and

C. The Recreation and Community Services Department creates memorable experiences through youth sports and enrichment activities, senior activity centers, adult fitness and enrichment programs, free community events, and beyond; and

D. The Department's facilities foster social cohesiveness in communities by celebrating diversity, providing spaces to come together peacefully, modeling compassion, promoting social equity, connecting social networks, and ensuring all people have access to its benefits;

E. The Department's programs support human development and endless learning opportunities that foster social, intellectual, physical, and emotional growth in people of all ages and abilities; and

F. The Recreation and Community Services Department strengthens community identity by providing facilities and services that reflect and celebrate community character, heritage, culture, history, aesthetics, and landscape;

G. The Department facilitates community problems and issue resolution by providing safe spaces to come together peacefully and serving as key points of service, helping our communities heal both physically and emotionally; and

H. Parks sustain and steward our natural resources by protecting habitats and open space, connecting people to nature, and promoting the ecological function of parkland; and

I. The Recreation and Community Services Department supports safe, vibrant, attractive, progressive communities that make life better through positive alternatives offered in their recreational opportunities; and

J. The Recreation and Community Services Department remains versatile and innovative in providing vital services to communities through local, national, or global emergencies, all while adhering to guidelines set forth by governing agencies; and the California Park & Recreation Society has released a statewide public awareness campaign, “Parks Make Life Better!®” to inform citizens of the many benefits of utilizing parks, facilities, programs, and services

K. Now, therefore, be it resolved that the City Council Monterey Park recognizes the importance of access to local parks, trails, open space, and facilities for the health, wellness, development, inspiration, and safety of all residents; and be it further resolved, that the City Council of Monterey Park declares the month of July 2025 as “Parks Make Life Better!®” Month.

SECTION 2: *Electronic Signatures*. This Resolution may be executed with electronic signatures in accordance with Government Code §16.5. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

SECTION 3: *Recordation*. The Mayor, or presiding officer, is authorized to sign this Resolution signifying its adoption by the City Council of the City of Monterey Park and the City Clerk, or his/her duly appointed deputy, may attest thereto.

SECTION 4: *Effective Date.* This Resolution will become effective immediately upon adoption and will remain effective unless repealed or superseded.

PASSED AND ADOPTED this ___ day of _____, 2025.

_____
Vinh Ngo, Mayor

Attest:

_____
Maychelle Yee, City Clerk

City Council Staff Report

Date: July 2, 2025
Agenda Item Number: 9.F.

To: The Honorable Mayor and City Council

From: Inez Alvarez, City Manager

Subject: Consideration to provide Letter of Support for SB 627, the "No Secret Police Act," and SB 805, the “No Vigilantes Act," on behalf of the City

Recommendation:
It is recommended that the City Council consider:

1. If desirable, sending a letter of support for California Senate Bills 627, the "No Secret Police Act," and 805, the “No Vigilantes Act,” on behalf of the City;
2. Taking such additional, related, action that may be desirable.

Executive Summary:
SB 627 would require law enforcement officers at all levels—local, state, and federal—to show their faces and be identifiable via uniforms when interacting with the public, with certain exceptions such as for SWAT teams and medical-grade masks.

SB 805 would extend crimes regarding impersonating a peace officer, firefighter, or public employee, to include willfully and credibly impersonating any of those entities through any means for the purpose of defrauding another.

SB 805 would require personnel of a law enforcement agency operating in California to visibly display identification that includes either a name or badge number to the public when performing their duties. The bill would exempt personnel operating undercover from these provisions. The bill would make a violation of these provisions a misdemeanor. The bill would define personnel of a law enforcement agency as any officer of a local, state, or federal law enforcement agency or any person acting on behalf of a local, state, or federal law enforcement agency.

The bill would also authorize law enforcement to request an alleged government employee to present identification when there is probable cause or reasonable suspicion of a crime including, without limitation, impersonating a peace officer, firefighter, employee of a public utility or government agency, or member of a search and rescue team, or when there is a legitimate safety concern.

Existing law, the Bail Fugitive Recovery Persons Act, regulates bail fugitive recovery agents, defined as a person given written authorization by the bail or depositor of bail and contracted to investigate, surveil, locate, and arrest a bail fugitive and any person employed to assist the bail or depositor of bail to investigate, surveil, locate, and arrest a bail fugitive. This bill would prohibit a person authorized to apprehend a bail fugitive from using that position for the purposes of immigration enforcement and would require a person authorized to apprehend a bail fugitive to keep a defendant's immigration status confidential, as specified.

The combination of SB 627 and SB 805 would increase transparency by law enforcement personnel when contacting the public.

Background:
N/A

Strategic Plan Goal:
N/A

Fiscal Impact:
There is no direct fiscal impact associated with this item.

Attachments:
1. Bill Text - SB 805
2. Bill Text - SB 627
3. Draft Letter of Support for SB 805 and SB 627

ATTACHMENT 1
Bill Text - Senate Bill 805

SB-805 Crimes. (2025-2026)

SHARE THIS:

Date Published: 06/24/2025 04:00 AM

AMENDED IN ASSEMBLY JUNE 23, 2025

AMENDED IN SENATE MARCH 26, 2025

CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

SENATE BILL NO. 805

Introduced by ~~Senator Pérez~~ *Senators Pérez and Wiener*
(Principal coauthor: Assembly Member Elhawary)
(Coauthors: Senators Arreguín and Gonzalez)
(Coauthor: Assembly Member Lee)

February 21, 2025

~~An act to amend Section 2085 of the Insurance Code, relating to insurance.~~ *An act to amend Sections 538d, 538e, 538f, 538g, 538h, and 1299.07 of, and to add Sections 13653 and 13654 to, the Penal Code, relating to crimes.*

LEGISLATIVE COUNSEL'S DIGEST

SB 805, as amended, Pérez. ~~Homeowners' insurance: declared disaster areas.~~ *Crimes.*

Existing law prohibits credibly impersonating a peace officer, firefighter, or employee of a public utility, state or local government agency, or search and rescue team, as specified. Existing law also prohibits willfully and credibly impersonating a peace officer, firefighter, or employee of a public utility, state or local government agency, or search and rescue team through or on an internet website, or by other electronic means, for the purposes of defrauding another. A violation of these prohibitions is punishable as a misdemeanor.

This bill would extend these offenses to include willfully and credibly impersonating any of those entities through any means for the purpose of defrauding another. By expanding the scope of a crime, this bill would impose a state-mandated local program.

This bill would require personnel of a law enforcement agency operating in California to visibly display identification that includes either a name or badge number to the public when performing their duties. The bill would exempt personnel operating undercover from these provisions. The bill would make a violation of these provisions a misdemeanor. The bill would define personnel of a law enforcement agency as any officer of a local, state, or federal law enforcement agency or any person acting on behalf of a local, state, or federal law enforcement agency. By creating a new crime and imposing duties on local law enforcement, this bill would

impose a state-mandated local program.

The bill would also authorize law enforcement to request an alleged government employee to present identification when there is probable cause or reasonable suspicion of a crime, including, but not limited to, impersonating a peace officer, firefighter, employee of a public utility or government agency, or member of a search and rescue team, or when there is a legitimate safety concern.

Existing law, the Bail Fugitive Recovery Persons Act, regulates bail fugitive recovery agents, defined as a person given written authorization by the bail or depositor of bail and contracted to investigate, surveil, locate, and arrest a bail fugitive and any person employed to assist the bail or depositor of bail to investigate, surveil, locate, and arrest a bail fugitive.

This bill would prohibit a person authorized to apprehend a bail fugitive from using that position for the purposes of immigration enforcement and would require a person authorized to apprehend a bail fugitive to keep a defendant's immigration status confidential, as specified.

This bill would declare these provisions are severable.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

~~Existing law generally regulates classes of insurance, including fire insurance and homeowners' insurance. If a property owner or their legal representative is unable to identify the insurer of their property in a declared disaster area, existing law requires the Insurance Commissioner to provide the owner's information to insurers that issue homeowners' insurance policies covering fire risks at the owner's request. Existing law requires an insurer that issued a homeowners' insurance policy on that property to respond to the property owner or their legal representative within 90 days of receiving their information from the commissioner.~~

~~This bill would reduce the above-described timeframe for an insurer to respond to a property owner to 75 days.~~

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: ~~no~~*yes*

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. *The Legislature finds and declares all of the following:*

(a) The federal government, through the United States Immigration and Customs Enforcement (ICE), has launched broad immigration enforcement efforts, deploying personnel from various federal agencies, including those within the Department of Justice, as part of the Trump Administration's immigration enforcement operations.

(b) These actions have involved enforcement in and near locations, such as churches and schools, once considered sensitive areas, leading to widespread fear and confusion among impacted communities.

(c) ICE officers have conducted operations while wearing face coverings, including gaiter and ski masks, citing the need to protect their identities from online publication, which can include details like names, addresses, and telephone numbers.

(d) The use of face coverings during enforcement activities has raised concern and criticism, including calls from United States Senators urging the Department of Homeland Security to require ICE officers to identify themselves and limit the use of face coverings during operations.

(e) At the same time, several news outlets have reported incidents of individuals impersonating ICE officers to harass or detain others, which undermines public trust in law enforcement, especially among vulnerable individuals, and pose a threat to public safety.

(f) Charges filed against individuals include kidnapping and impersonating a police officer after allegedly detaining a group of Latino men, impersonating an ICE officer on a university campus, and impersonating an ICE officer in

connection with the sexual assault of a woman while threatening her with deportation.

(g) While ICE has publicly condemned impersonations, the agency's use of face coverings and lack of consistent, visible identification is contributing to public confusion and making it difficult for individuals to distinguish between authorized personnel and bad actors.

(h) The state has both the authority and responsibility, under its police powers, to maintain order and protect the safety and well-being of all people within its jurisdiction from criminal conduct.

(i) In order to carry out this duty effectively, the state must be able to distinguish between individuals who are lawfully exercising federal authority and those who are not, particularly in situations where a person is exhibiting unlawful behavior.

(j) Therefore, the state has a compelling interest in identifying and verifying who is operating under federal authority within the state.

SEC. 2. *Section 538d of the Penal Code is amended to read:*

538d. (a) Any person other than one who by law is given the authority of a peace officer, who willfully wears, exhibits, or uses the authorized uniform, insignia, emblem, device, label, certificate, card, or writing, of a peace officer, with the intent of fraudulently impersonating a peace officer, or of fraudulently inducing the belief that they are a peace officer, or who willfully and credibly impersonates a peace officer through or on an internet website, ~~or~~ by other electronic means, *or by any other means,* for purposes of defrauding another, is guilty of a misdemeanor.

(b) (1) Any person, other than the one who by law is given the authority of a peace officer, who willfully wears, exhibits, or uses the badge of a peace officer with the intent of fraudulently impersonating a peace officer, or of fraudulently inducing the belief that they are a peace officer, is guilty of a misdemeanor punishable by imprisonment in a county jail not to exceed one year, by a fine not to exceed two thousand dollars ($2,000), or by both that imprisonment and fine.

(2) Any person who willfully wears or uses any badge that falsely purports to be authorized for the use of one who by law is given the authority of a peace officer, or which so resembles the authorized badge of a peace officer as would deceive any ordinary reasonable person into believing that it is authorized for the use of one who by law is given the authority of a peace officer, for the purpose of fraudulently impersonating a peace officer, or of fraudulently inducing the belief that they are a peace officer, is guilty of a misdemeanor punishable by imprisonment in a county jail not to exceed one year, by a fine not to exceed two thousand dollars ($2,000), or by both that imprisonment and fine.

(c) (1) Except as provided in subdivision (d), any person who willfully wears, exhibits, or uses, or who willfully makes, sells, loans, gives, or transfers to another, any badge, insignia, emblem, device, or any label, certificate, card, or writing, which falsely purports to be authorized for the use of one who by law is given the authority of a peace officer, or which so resembles the authorized badge, insignia, emblem, device, label, certificate, card, or writing of a peace officer as would deceive an ordinary reasonable person into believing that it is authorized for the use of one who by law is given the authority of a peace officer, is guilty of a misdemeanor punishable by imprisonment in a county jail not to exceed six months, by a fine not to exceed two thousand dollars ($2,000), or by both that imprisonment and fine, except that any person who makes or sells any badge under the circumstances described in this subdivision is subject to a fine not to exceed fifteen thousand dollars ($15,000).

(2) A local law enforcement agency in the jurisdiction that files charges against a person for a violation of paragraph (1) shall seize the badge, insignia, emblem, device, label, certificate, card, or writing described in paragraph (1).

(d) (1) The head of an agency that employs peace officers, as defined in Sections 830.1 and 830.2, is authorized to issue identification in the form of a badge, insignia, emblem, device, label, certificate, card, or writing that clearly states that the person has honorably retired following service as a peace officer from that agency. The identification authorized pursuant to this subdivision is separate and distinct from the identification authorized by Article 2 (commencing with Section 25450) of Chapter 2 of Division 5 of Title 4 of Part 6.

(2) If the head of an agency issues a badge to an honorably retired peace officer that is not affixed to a plaque or other memento commemorating the retiree's service for the agency, the words "Honorably Retired" shall be clearly visible above, underneath, or on the badge itself.

(3) The head of an agency that employs peace officers as defined in Sections 830.1 and 830.2 is authorized to

revoke identification granted pursuant to this subdivision in the event of misuse or abuse.

(4) For the purposes of this subdivision, the term "honorably retired" does not include an officer who has agreed to a service retirement in lieu of termination.

(e) (1) Vendors of law enforcement uniforms shall verify that a person purchasing a uniform identifying a law enforcement agency is an employee of the agency identified on the uniform. Presentation and examination of a valid identification card with a picture of the person purchasing the uniform and identification, on the letterhead of the law enforcement agency, of the person buying the uniform as an employee of the agency identified on the uniform shall be sufficient verification.

(2) Any uniform vendor who sells a uniform identifying a law enforcement agency, without verifying that the purchaser is an employee of the agency, is guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars ($1,000).

(3) This subdivision shall not apply if the uniform is to be used solely as a prop for a motion picture, television, video production, or a theatrical event, and prior written permission has been obtained from the identified law enforcement agency.

SEC. 3. *Section 538e of the Penal Code is amended to read:*

538e. (a) Any person, other than an officer or member of a fire department, who willfully wears, exhibits, or uses the authorized uniform, insignia, emblem, device, label, certificate, card, or writing of an officer or member of a fire department or a deputy state fire marshal, with the intent of fraudulently impersonating an officer or member of a fire department or the Office of the State Fire Marshal, or of fraudulently inducing the belief that they are an officer or member of a fire department or the Office of the State Fire Marshal, or who willfully and credibly impersonates such an officer or member on an internet website, ~~or~~ by other electronic means, *or by any other means,* for purposes of defrauding another, is guilty of a misdemeanor.

(b) (1) Any person, other than the one who by law is given the authority of an officer or member of a fire department, or a deputy state fire marshal, who willfully wears, exhibits, or uses the badge of a fire department or the Office of the State Fire Marshal with the intent of fraudulently impersonating an officer, or member of a fire department, or a deputy state fire marshal, or of fraudulently inducing the belief that they are an officer or member of a fire department, or a deputy state fire marshal, is guilty of a misdemeanor punishable by imprisonment in a county jail not to exceed one year, by a fine not to exceed two thousand dollars ($2,000), or by both that imprisonment and fine.

(2) Any person who willfully wears or uses any badge that falsely purports to be authorized for the use of one who by law is given the authority of an officer or member of a fire department, or a deputy state fire marshal, or which so resembles the authorized badge of an officer or member of a fire department, or a deputy state fire marshal as would deceive any ordinary reasonable person into believing that it is authorized for the use of one who by law is given the authority of an officer or member of a fire department or a deputy state fire marshal, for the purpose of fraudulently impersonating an officer or member of a fire department, or a deputy state fire marshal, or of fraudulently inducing the belief that they are an officer or member of a fire department, or a deputy state fire marshal, is guilty of a misdemeanor punishable by imprisonment in a county jail not to exceed one year, by a fine not to exceed two thousand dollars ($2,000), or by both that imprisonment and fine.

(c) Any person who willfully wears, exhibits, or uses, or who willfully makes, sells, loans, gives, or transfers to another, any badge, insignia, emblem, device, or any label, certificate, card, or writing, which falsely purports to be authorized for the use of one who by law is given the authority of an officer, or member of a fire department or a deputy state fire marshal, or which so resembles the authorized badge, insignia, emblem, device, label, certificate, card, or writing of an officer or member of a fire department or a deputy state fire marshal as would deceive an ordinary reasonable person into believing that it is authorized for use by an officer or member of a fire department or a deputy state fire marshal, is guilty of a misdemeanor, except that any person who makes or sells any badge under the circumstances described in this subdivision is guilty of a misdemeanor punishable by a fine not to exceed fifteen thousand dollars ($15,000).

(d) Any person who, for the purpose of selling, leasing or otherwise disposing of merchandise, supplies or equipment used in fire prevention or suppression, falsely represents, in any manner whatsoever, to any other person that they are a fire marshal, fire inspector or member of a fire department, or that they have the approval, endorsement or authorization of any fire marshal, fire inspector or fire department, or member thereof, is guilty of a misdemeanor.

(e) (1) Vendors of uniforms shall verify that a person purchasing a uniform identifying a firefighting agency or department is an employee or authorized member of the agency or department identified on the uniform. Examination of a valid photo identification card issued by a firefighting agency or department that designates the person as an employee or authorized member of the agency or department identified on the uniform shall be sufficient verification.

(2) If a person purchasing a uniform does not have a valid photo identification card issued by a firefighting agency or department, the person shall present an official letter of authorization from the firefighting agency or department designating that person as an employee or authorized member of the agency or department. The person shall also present a government issued photo identification card bearing the same name as listed in the letter of authorization issued by the agency or department.

(3) Any uniform vendor who sells a uniform identifying a firefighting agency or department without verifying that the purchaser is an employee or authorized member of the agency or department is guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars ($1,000).

(4) This subdivision shall not apply if the uniform is to be used solely as a prop for a motion picture, television, video production, or a theatrical event, and prior written permission has been obtained from the identified firefighting agency or department.

(f) This section shall not apply to either of the following:

(1) Use of a badge solely as a prop for a motion picture, television, or video production, or an entertainment or theatrical event.

(2) A badge supplied by a recognized employee organization as defined in Section 3501 of the Government Code representing firefighters or a state or international organization to which it is affiliated.

SEC. 4. *Section 538f of the Penal Code is amended to read:*

538f. Any person, other than an employee of a public utility or district as defined in Sections 216 and 11503 of the Public Utilities Code, respectively, who willfully presents themselves to a utility or district customer with the intent of fraudulently personating an employee of a public utility or district, or of fraudulently inducing the belief that they are an employee of a public utility or district, or who willfully and credibly impersonates an employee of a public utility or district on an internet website, ~~or~~ by other electronic means, *or by any other means,* for purposes of defrauding another, is guilty of a misdemeanor and shall be punished by imprisonment in a county jail not to exceed six months, or by a fine not to exceed one thousand dollars ($1,000), or by both that fine and imprisonment. Nothing in this section shall be construed to prohibit conduct that arguably constitutes protected activity under state labor law or the National Labor Relations Act (Title 29, United States Code, Section 151 and following).

SEC. 5. *Section 538g of the Penal Code is amended to read:*

538g. (a) Any person, other than a state, county, city, special district, or city and county officer or employee, who willfully wears, exhibits, or uses the authorized badge, photographic identification card, or insignia of a state, county, city, special district, or city and county officer or employee, with the intent of fraudulently personating a state, county, city, special district, or city and county officer or employee, or of fraudulently inducing the belief that they are a state, county, city, special district, or city and county officer or employee, or who willfully and credibly impersonates such an officer or member on an internet website, ~~or~~ by other electronic means, *or by any other means,* for purposes of defrauding another, is guilty of a misdemeanor.

(b) Any person who willfully wears, exhibits, or uses, or willfully makes, sells, loans, gives, or transfers to another, any badge, photographic identification card, or insignia, which falsely purports to be for the use of a state, county, city, special district, or city and county officer or employee, or which so resembles the authorized badge, photographic identification card, or insignia of a state, county, city, special district, or city and county officer or employee as would deceive an ordinary reasonable person into believing that it is authorized for use by a state, county, city, special district, or city and county officer or employee, is guilty of a misdemeanor, except that any person who makes or sells any badge under the circumstances described in this subdivision is subject to a fine not to exceed fifteen thousand dollars ($15,000).

(c) This section shall not apply to either of the following:

(1) Use of a badge solely as a prop for a motion picture, television, or video production, or an entertainment or

theatrical event.

(2) A badge supplied by a recognized employee organization as defined in Section 3501 of the Government Code or a state or international organization to which it is affiliated.

SEC. 6. *Section 538h of the Penal Code is amended to read:*

538h. (a) Any person, other than an officer or member of a government agency managed or affiliated search and rescue unit or team, who willfully wears, exhibits, or uses the authorized uniform, insignia, emblem, device, label, certificate, card, or writing of an officer or member of a government agency managed or affiliated search and rescue unit or team, with the intent of fraudulently impersonating an officer or member of a government agency managed or affiliated search and rescue unit or team, or of fraudulently inducing the belief that they are an officer or member of a government agency managed or affiliated search and rescue unit or team, or uses the same to obtain aid, money, or assistance within this state, or who willfully and credibly impersonates such an officer or member on an internet website, ~~or~~ by other electronic means, *or by any other means,* for purposes of defrauding another, is guilty of a misdemeanor.

(b) (1) Any person, other than the one who by law is given the authority of an officer or member of a government agency managed or affiliated search and rescue unit or team, who willfully wears, exhibits, or uses the badge of a government agency managed or affiliated search and rescue unit or team with the intent of fraudulently impersonating an officer or member of a government agency managed or affiliated search and rescue unit or team, or fraudulently inducing the belief that they are an officer or member of a government agency managed or affiliated search and rescue unit or team, is guilty of a misdemeanor punishable by imprisonment in a county jail not to exceed one year, by a fine not to exceed two thousand dollars ($2,000), or by both that imprisonment and fine.

(2) Any person who willfully wears or uses any badge that falsely purports to be authorized for the use of one who by law is given the authority of an officer or member of a government agency managed or affiliated search and rescue unit or team, or that resembles the authorized badge of an officer or member of a government agency managed or affiliated search and rescue unit or team as would deceive any ordinary reasonable person into believing that it is authorized for the use of one who by law is given the authority of an officer or member of a government agency managed or affiliated search and rescue unit or team, for the purpose of fraudulently impersonating an officer or member of a government agency managed or affiliated search and rescue unit or team, or of fraudulently inducing the belief that they are an officer or member of a government agency managed or affiliated search and rescue unit or team, is guilty of a misdemeanor punishable by imprisonment in a county jail not to exceed one year, by a fine not to exceed two thousand dollars ($2,000), or by both that fine and imprisonment.

(c) As used in this section, the following terms have the following meanings:

(1) "Member" means any natural person who is registered with an accredited disaster council for the purpose of engaging in disaster service without pay or other consideration. Food and lodging provided, or expenses reimbursed for these items, during a member's activation do not constitute other consideration.

(2) "Search and rescue unit or team" means an entity engaged in the acts of searching for, rescuing, or recovering by means of ground, marine, or air activity, any person that becomes lost, injured, or is killed while outdoors or as a result of a natural or manmade disaster, including instances involving searches for downed or missing aircraft.

SEC. 7. *Section 1299.07 of the Penal Code is amended to read:*

1299.07. (a) An individual authorized by Section 1299.02 to apprehend a bail fugitive shall not represent ~~himself or herself~~ *themselves* in any manner as being a sworn law enforcement officer.

(b) An individual authorized by Section 1299.02 to apprehend a bail fugitive shall not wear any uniform that represents ~~himself or herself~~ *themselves* as belonging to any part or department of a federal, state, or local government. Any uniform shall not display the words United States, Bureau, Task Force, Federal, or other substantially similar words that a reasonable person may mistake for a government agency.

(c) An individual authorized by Section 1299.02 to apprehend a bail fugitive shall not wear or otherwise use a badge that represents ~~himself or herself~~ *themselves* as belonging to any part or department of the federal, state, or local government.

(d) An individual authorized by Section 1299.02 to apprehend a bail fugitive shall not use a fictitious name that represents ~~himself or herself~~ *themselves* as belonging to any federal, state, or local government.

(e) An individual authorized by Section 1299.02 to apprehend a bail fugitive may wear a jacket, shirt, or vest with the words "BAIL BOND RECOVERY AGENT," "BAIL ENFORCEMENT," or "BAIL ENFORCEMENT AGENT" displayed in letters at least two inches high across the front or back of the jacket, shirt, or vest and in a contrasting color to that of the jacket, shirt, or vest.

(f) An individual authorized by Section 1299.02 to apprehend a bail fugitive shall not use that position for the purposes of immigration enforcement, as defined in subdivision (f) of Section 7284.4 of the Government Code.

(g) An individual authorized by Section 1299.02 to apprehend a bail fugitive shall keep a defendant's immigration status confidential within their employing bail bond agency's business.

SEC. 8. *Section 13653 is added to the Penal Code, to read:*

13653. *(a) An employee of a law enforcement agency may request an alleged law enforcement employee to present identification when there is probable cause or reasonable suspicion of a crime, including, but not limited to, impersonating a peace officer, or when there is a legitimate safety concern.*

(b) For the purposes of this section, "employee of a law enforcement agency" includes any employee of any local, state, or federal law enforcement agency or any person acting on behalf of a local, state, or federal law enforcement agency.

SEC. 9. *Section 13654 is added to the Penal Code, to read:*

13654. *(a) Personnel of a law enforcement agency operating in California shall visibly display identification that includes either a name or badge number to the public when performing their duties.*

(b) This section does not apply to personnel while operating undercover.

(c) A violation of this section is punishable as a misdemeanor.

(d) For the purposes of this section, "personnel of a law enforcement agency" means any officer of a local, state, or federal law enforcement agency or any person acting on behalf of a local, state, or federal law enforcement agency.

SEC. 10. *The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.*

SEC. 11. *No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.*

However, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

~~SECTION 1.Section 2085 of the Insurance Code is amended to read:~~

~~2085.(a)(1)In the case of a declaration of a disaster by the President of the United States or the Governor, if a property owner or owner's legal representative is unable to identify the insurer of the owner's property that is located in the declared disaster area, the commissioner shall, at the request of the property owner or owner's legal representative, electronically provide the property owner's name, any contact information provided to the commissioner, and property location information to insurers that issue homeowners' insurance policies subject to Section 2071.~~

~~(2)The commissioner or an insurer may conclusively presume that a request submitted pursuant to paragraph (1) is a bona fide request from the property owner or owner's legal representative. Information transmitted to the commissioner or an insurer pursuant to this section shall, within the meaning of subdivision (b) of Section 1798.24 of the Civil Code, constitute information provided with the voluntary written consent of the person~~

~~transmitting the information and shall authorize the commissioner or an insurer to provide the information to others in accordance with this section. A reasonable expectation of privacy shall not exist for the information provided to the commissioner or an insurer pursuant to this section and a cause of action shall not arise and liability shall not be imposed against the commissioner or an insurer, the commissioner's or an insurer's authorized representatives, or any department or insurer employee for statements made or conduct performed in good faith while carrying out the provisions of this section.~~

~~(3)Communication between a property owner or owner's legal representative and the commissioner, and between the commissioner and insurers, shall not constitute the filing of a claim.~~

~~(b)An insurer that issues homeowners' insurance policies subject to Section 2071 shall provide the commissioner with an email address for accepting an electronic transmission from the commissioner pursuant to subdivision (a).~~

~~(c)(1)An insurer that issues homeowners' insurance policies subject to Section 2071 shall respond to the property owner or owner's legal representative within 75 days after receiving a transmission pursuant to subdivision (a) and shall indicate if the insurer issued a homeowners' insurance policy on the property located in the disaster area and identified in the commissioner's communication that was in force at the time that the disaster occurred. An insurer's response to the property owner or owner's legal representative pursuant to this paragraph shall not be an acknowledgment of a claim, and shall not constitute an admission of coverage under any policy for any loss.~~

~~(2)Notwithstanding paragraph (1), the department and the insurer shall not be required to respond to a property owner or the owner's legal representative if the insurer determines that it did not issue a policy for the property.~~

~~(3)A response by an insurer to the property owner or the owner's legal representative pursuant to paragraph (1) shall be provided free of charge.~~

ATTACHMENT 2
Bill Text - Senate Bill 627

SB-627 Law enforcement: masks. (2025-2026)

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Date Published: 06/24/2025 09:00 PM

AMENDED IN ASSEMBLY JUNE 24, 2025

AMENDED IN ASSEMBLY JUNE 16, 2025

CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

SENATE BILL NO. 627

Introduced by Senators ~~Wiener and Arreguín~~ *Wiener, Arreguín, and Pérez*
(Coauthor: Senator Caballero)
(Coauthors: Assembly Members Elhawary, Kalra, and Lee)

February 20, 2025

An act to add Section 185.5 to the Penal Code, relating to law enforcement.

LEGISLATIVE COUNSEL'S DIGEST

SB 627, as amended, Wiener. Law enforcement: masks.

Existing law makes it a misdemeanor to wear a mask, false whiskers, or any personal disguise, as specified, with the purpose of evading or escaping discovery, recognition, or identification while committing a public offense, or for concealment, flight, evasion, or escape from arrest or conviction for any public offense.

This bill would make it a ~~misdemeanor~~ *crime* for a law enforcement officer to wear any mask or personal disguise while interacting with the public in the performance of their duties, except as specified. *The bill would exempt an officer engaged in an undercover assignment from these provisions.* The bill would define law enforcement officer as any officer of a local, state, or federal law enforcement agency, or any person acting on behalf of a local, state, or federal law enforcement agency. By creating a new crime, this bill would impose a state-mandated local program. ~~The bill would additionally state the intent of the Legislature to enact legislation to ensure that Special Weapons and Tactics team officers can utilize gear necessary to protect their faces from physical harm while they perform their duties, and to enact legislation to require local, state, and federal law enforcement officers to include their name or badge number on their uniforms.~~

This bill would declare its provisions to be severable.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.
Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 185.5 is added to the Penal Code, to read:

185.5. (a) A law enforcement officer shall not wear any mask or personal disguise while interacting with the public in the performance of their duties, except for medical grade masks that are surgical or N95 respirators designed to prevent the transmission of airborne ~~diseases and~~ *diseases,* masks designed to protect against exposure to smoke during a state of emergency related to ~~wildfires.~~ *wildfires, or protective gear used by Special Weapons and Tactics (SWAT) team officers necessary to protect their faces from harm while they perform their SWAT responsibilities.*

~~(b)A violation of this section shall be punishable as a misdemeanor.~~

~~(c)(1)It is the intent of the Legislature to enact legislation to ensure that Special Weapons and Tactics (SWAT) team officers can utilize gear necessary to protect their faces from physical harm while they perform their SWAT responsibilities.~~

~~(2)It is the intent of the Legislature to enact legislation to require law enforcement officers to include their name or badge number on their uniforms.~~

(b) This section does not apply to an officer while they are engaged in an undercover assignment.

(c) (1) A violation of this section by any person acting on behalf of a local, state or federal agency, that is not a sworn peace officer or agent, shall be a misdemeanor.

(2) A violation of this section by a sworn peace officer of a local, state, or federal law enforcement agency, or an agent of a state, local, or federal agency, shall be an infraction. A second or subsequent violation shall be an infraction or a misdemeanor.

(d) *(1)* For the purposes of this section, "law enforcement officer" means any officer of a local, state, or federal law enforcement agency, or any person acting on behalf of a local, state, or federal law enforcement agency.

(2) For the purposes of this section, "mask or personal disguise" does not include a face shield if it does not conceal the wearer's face.

(e) The provisions of this section are severable. If any provision of this section or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

ATTACHMENT 3

Draft Letter of Support for SB 805 and SB 627

CITY OF MONTEREY PARK

320 West Newmark Avenue • Monterey Park • California 91754-2896
www.montereypark.ca.gov

City Council
Henry Lo
Vinh Ngo
Jose Sanchez
Thomas Wong
Yvonne Yiu

City Clerk
Maychelle Yee

City Treasurer
Amy Lee

The Honorable Sasha Renée Pérez
California State Senate
Sacramento, CA 95814

Dear Senator Pérez –

On behalf of the Monterey Park City Council, I write to express our strong support for two critical legislative measures, SB 805 and SB 627, championed by you and your colleagues. These bills significantly enhance public safety, trust and accountability in law enforcement.

SB 805 is important for Monterey Park because it protects public safety and trust. This bill expands existing impersonation laws to deter dangerous vigilante activity and ensures individuals acting with law enforcement authority clearly display a name or badge number. SB 627 would make it a crime for a law enforcement officer to wear any mask or personal disguise while interacting with the public in the performance of their duties, except as specified.

Recent incidents in Southern California - including unmarked vehicles detaining residents and armed individuals wearing civilian clothing- have instilled fear in our communities. These episodes highlight the need for SB 805 and SB 627 to ensure that residents can distinguish between lawful officers and dangerous imposters.

By mandating clear identification, prohibiting masks and disguises, and closing loopholes that enable vigilantism, these bills directly support public safety, transparency and community trust.

The Monterey Park City Council strongly endorses this legislation and urges the Legislature to pass these bills swiftly. Thank you for championing measures that protect Californians in their most vulnerable moments.

Sincerely,

Vinh T. Ngo
Mayor

Elizabeth Yang
Mayor Pro Tem

Henry Lo
Councilmember

Jose Sanchez
Councilmember

Thomas Wong
Councilmember

City Council Staff Report

Date: July 2, 2025
Agenda Item Number: 10.A.

To: The Honorable Mayor and City Council

From: Diana Garcia, Assistant City Manager
Rebecca Bojorquez, Principal Management Analyst

Subject: Adoption of an Ordinance Amending Title 6 of the Monterey Park Municipal Code in its entirety regarding public health services and incorporation of Title 11 of the Los Angeles County Code

Recommendation:
It is recommended that the City Council consider:

1. Opening the continued public hearing; taking testimonial and documentary evidence; closing the public hearing;
2. After considering the evidence, adopting an ordinance amending Title 6 of the Monterey Park Municipal Code; and
3. Taking such additional, related, action that may be desirable.

Executive Summary:
The City of Monterey Park contracts with the County of Los Angeles Public Health Department for public health services. In order for the Los Angeles County Department of Public Health to continue to perform public health services, the City needs to amend Title 6 of the Monterey Park Municipal Code and adopt Title 11 of the Los Angeles County Code regarding health and safety. At the May 21, 2025, City Council meeting, the Council approved the City Manager to enter into an agreement with the Department of Public Health, approved the introduction and waived the first reading of the ordinance. The public hearing was set for June 18, 2025. The City complied with regulatory notice requirements by posting notice of the public hearing on June 5, 2025, and June 12, 2025, in the Monterey Park Progress newspaper. Second reading and adoption of this Ordinance is recommended. If adopted, the ordinance will take effect in 30 days.

Background:
The City of Monterey Park has contracted with the Los Angeles County Department of Public Health ("LACDPH") since 1963 for public health services. By entering into an agreement within LACDPH, the County is also requesting that the City adopt, by reference, Title 11 of the Los Angeles County Code, which includes health and safety. Adopting Title 11 of the Los Angeles

County Code will ensure the City is in compliance with the County on public health services.

The draft ordinance (Attachment 1), if adopted, would incorporate Los Angeles County Code Title 11 as indicated in Attachment 3. Additionally, the ordinance would amend existing MPMC Title 6 as set forth in Attachment 2.

Strategic Plan Goal:
N/A

Fiscal Impact:
There is no fiscal impact associated with this item other than costs associated with codifying the ordinance.

Attachments:
1. Draft Ordinance
2. MPMC Chapter 6
3. LA County Code Title 11

ATTACHMENT 1
Draft Ordinance

ORDINANCE NO.

AN ORDINANCE AMENDING AND RESTATING MONTEREY PARK MUNICIPAL CODE CHAPTER 6.04 IN ITS ENTIRETY TO INCORPORATE TITLE 11 OF THE LOS ANGELES COUNTY CODE REGARDING HEALTH AND SAFETY REGULATIONS WITHIN THE CITY'S JURISDICTION

The City Council of the City of Monterey Park does ordain as follows:

SECTION 1: The City Council finds and declares that:

A. This Ordinance adopts the Los Angeles County Health and Safety Code by reference;

B. The City reviewed this Ordinance pursuant to the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, "CEQA"), the regulations promulgated thereunder (14 Cal. Code of Regulations §§15000, *et seq.*, the "CEQA Guidelines"); CEQA, CEQA Guidelines and Monterey Park Guidelines collectively referred to as "CEQA Regulations");

C. On June 18, 2025, the City Council held a public hearing to receive public testimony and other evidence regarding the proposed Ordinance including, without limitation, information provided to the City Council by the Assistant City Manager and public testimony;

D. This ordinance is adopted pursuant to the City's police powers as authorized by California Constitution, Article XI, section 7; and

E. The findings in this Ordinance are made based on the entire administrative record including testimony and evidence presented to the City Council at its June 18, 2025, public hearing including, without limitation, the staff report.

SECTION 2: *Environmental Assessment*. The City reviewed the environmental impacts of this Ordinance under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq*. "CEQA") and the regulations promulgated thereunder (14 Cal. Code of Regs. §§ 15000, et seq., the "CEQA Guidelines"). This Ordinance is for general policies and procedure-making. It can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment. Accordingly, no further environmental review is required.

SECTION 3: *Incorporation of Los Angeles County Code.* Monterey Park Municipal Code ("MPMC") Chapter 6.04 is amended and restated as set forth in the attached Exhibit "A" which is incorporated by reference.

SECTION 4: *Construction*. This Ordinance must be broadly construed to achieve the purposes stated in this Ordinance. It is the City Council's intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

SECTION 5: *Summaries of Information*. All summaries of information in the findings, which precede this section, are based on the substantial evidence in the record. The absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that fact.

SECTION 6: *Reliance On Record*. Each and every one of the findings and determination in this Resolution are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the project. The findings and determinations constitute the independent findings and determinations of the City Council in all respects and are fully and completely supported by substantial evidence in the record as a whole.

SECTION 7: *Severability*. If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 8: *Preservation*. This Ordinance does not affect any penalty, forfeiture, or liability incurred before, or prelude prosecution and imposition of penalties for any violation occurring before, this Ordinance's effective date. Any such amended part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 9: *Limitations.* The City Council's analysis and evaluation of the project is based on the best information currently available. It is inevitable that in evaluating a project that absolute and perfect knowledge of all possible aspects of the project will not exist. One of the major limitations on analysis of the project is the City Council's lack of knowledge of future events. In all instances, best efforts have been made to form accurate assumptions. Somewhat related to this are the limitations on the city's ability to solve what are in effect regional, state, and national problems and issues. The City must work within the political framework within which it exists and with the limitations inherent in that framework.

SECTION 10: *Recordation*. The City Clerk, or designee, is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Monterey Park's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within 15 days after the passage and adoption of this Ordinance, and cause it to be published or posted in accordance with California law.

SECTION 11: *Electronic Signatures*. This Ordinance may be executed with electronic signatures in accordance with Government Code § 16.5. Such electronic signatures will be treated in all

respects as having the same effect as an original signature.

SECTION 12: *Effective Date*. This Ordinance will become effective 30 days after second reading and adoption.

PASSED AND ADOPTED this ____ day of _____, 2025.

_____
Vinh T. Ngo, Mayor

ATTEST:

_____
Maychelle Yee, City Clerk

APPROVED AS TO FORM:
Karl H. Berger, City Attorney

By:_____
Justin A. Tamayo, Assistant City Attorney

Exhibit A — Amended and Restated MPMC Chapter 6.04
Exhibit B — Los Angeles County Code Title 11 (Health and Safety)

EXHIBIT A
AMENDED AND RESTATED MONTEREY PARK MUNICIPAL CODE CHAPTER 6.04

"CHAPTER 6.04 INCORPORATION OF LOS ANGELES COUNTY HEALTH AND SAFETY CODE

§ 6.04.010 **Incorporation of Los Angeles County Code Title 11.**

Pursuant to Government Code Section 50022.9, the city council incorporates into this code Title 11 of the Los Angeles County Code entitled "Health and Safety, including, without limitation Division 1, subject to the amendments, additions and deletions set forth in this Chapter. The provisions of this code take precedence over any conflicting provisions in Title 11 of the Los Angeles County Code.

§ 6.04.020 **Amendments to the Los Angeles County Code.**

Los Angeles County Code Title 11, as adopted by Ordinance No. 7583, is amended as follows:

(1) Section 601, Section 603, and Section 608 are repealed.
(2) Section 555 is amended to read: "every person maintaining a wading pool which is open to the public must provide constant supervision at all times when such wading pool is open to the public, by an adult or person 16 years or older who is credentialed as a qualified Life Saver."

§ 6.04.030 **Additions to the Los Angeles County Code.**

Section 113 is added to the Los Angeles Public Health Code to read as follows: "any person dissatisfied with any decision or order of the Health Officer, under the provisions of this Code, may appeal said decision or order, within five days after the effective date of such decision or order, to the City Council. The decision of the City Council is final."

§ 6.04.040 **General Penalty.**

Any person violating any provision of this Chapter is guilty of a misdemeanor unless otherwise provided in this Title."

Title 11
HEALTH AND SAFETY

Divisions:

Division 1 HEALTH CODE

Chapter 11.01 PREVENTING RETALIATION FOR REPORTING PUBLIC HEALTH VIOLATIONS

11.01.010 Title.

The Ordinance codified in this Chapter shall be known as the "Preventing Retaliation for Reporting Public Health Violations Ordinance."

(Ord. 2020-0065U § 1, 2020.)

11.01.020 Definitions.

Whenever used in this Chapter, the following words and phrases shall be defined as set forth in this Section.

A. "Worker" means any employee who performs work for an Employer within the unincorporated areas of the County of Los Angeles or within any city that incorporates the entirety of this ordinance into its municipal code.

B. "Employer" means any person, as defined in section 18 of the California Labor Code, including a corporate officer or executive, who directly or indirectly, or through an agent or any other person, including through the services of a temporary service or staffing agency or similar entity, employs any Workers or exercises control over the wages, hours, duties, or working conditions of any Workers. This Chapter and the definition of "Employer" do not apply to federal, State, or local government entities.

C. "Health Officer Order" means any order or protocol issued by the Los Angeles County Health Officer.

D. "Public Health Council" means a group of Workers, not including supervisors or managers, whose purpose is to educate and inform other Workers for the same Employer regarding any Health Officer Order, any protections for Workers under Title 11 of this Code, any local emergency related to public health proclaimed by the Board of Supervisors, or any public health emergency declared by the Los Angeles County Health Officer.

(Ord. 2023-0035 § 2, 2023; Ord. 2020-0065U § 1, 2020.)

11.01.030 Retaliation Against Workers Prohibited.

A. No Employer may discriminate in any manner or take adverse action, including but not limited to termination, constructive termination, demotion, pay reduction, or reduction in hours, against any Worker in retaliation for:

1. Reporting to the County of Los Angeles, its Department of Public Health, any other County departments or designees, non-County agencies or entities, the Worker's Employer, other Workers, or Public Health Councils about the Employer's or another Worker's perceived noncompliance with a Health Officer Order, this Chapter, or any other Chapter of Title 11 of this Code;

2. Discussing with the County of Los Angeles, its Department of Public Health, any other County departments or designees, non-County agencies or entities, the Worker's Employer, other Workers, or Public Health Council the Employer's, or another Worker's, perceived noncompliance with a Health Officer Order, this Chapter, or any other Chapter of Title 11 of this Code;

3. Belonging to or forming a Public Health Council;

4. Informing any Worker of his or her rights under this Chapter or any other Chapter of Title 11 of this Code, or assisting such Worker in exercising such rights;

5. Exercising any right provided under this Chapter; or

6. Discussing with another Worker a local emergency related to public health proclaimed by the Board of Supervisors or a public health emergency declared by the Los Angeles County Health Officer.

B. The protections of this Section shall apply to all communications and actions of a Worker set forth above in subsections A.1 through and including A.6 that are made in good faith.

C. Taking adverse action against a Worker within 90 days of the Worker's exercise of rights protected under this Section shall raise a rebuttable presumption of having done so in retaliation for the exercise of such rights.

(Ord. 2023-0035 § 3, 2023; Ord. 2020-0065U § 1, 2020.)

11.01.035 Worker Notification Requirement.

A. The Department of Consumer and Business Affairs ("DCBA") shall prepare and provide a notice informing workers of their rights under this Chapter for posting in order for employers to comply with this Section. The DCBA shall make available electronic and hardcopy versions of such notice.

B. Every employer shall post in a conspicuous place at any workplace or jobsite within the geographic boundaries of the County of Los Angeles ("the County") where any Worker works, excluding cities with their own Health Officer, the notice provided by the DCBA informing Workers of their rights under this Chapter. Employers who do not have a physical jobsite within the geographic boundaries of the County must provide a copy of the notice to each worker who performs work within the geographic boundaries of the County, excluding cities with their own Health Officer.

C. If, during the course of an investigation or compliance check, the DCBA determines that there is a violation of this provision, the DCBA may issue and serve a Correction Order on the employer immediately requiring them to post the notice. The Correction Order shall identify the violation to be corrected and allow a reasonable amount of time to correct the violation.

D. An administrative fine of up to $500 payable to the County may be assessed for a violation of this provision. The fine may be assessed and communicated to the employer according to the rules developed by the DCBA under section 11.01.060 of this Chapter. Each day of a continuing violation constitutes a new and separate violation.

(Ord. 2022-0064 § 1, 2022.)

11.01.040 Investigation of Complaints.

A. Any complaints alleging a violation of this Chapter must be lodged with the Department of Public Health or any of its agents or designees.

B. The Department of Consumer and Business Affairs shall act as an agent for the Department of Public Health to investigate any complaint under this Chapter.

C. The Department of Consumer and Business Affairs may issue a finding that an Employer has violated this Chapter no later than one year after receiving the corresponding complaint.

(Ord. 2020-0065U § 1, 2020.)

11.01.050 Administrative Fine for Violation.

Any Employer who violates this Chapter may be subject to an administrative fine not to exceed $10,000 per violation per day pursuant to Chapter 1.25 of this Code.

(Ord. 2020-0065U § 1, 2020.)

11.01.060 Adoption of Rules.

The Department of Consumer and Business Affairs may develop rules for the administration and implementation of this Chapter. A copy of such rules shall be filed with the Executive Officer of the Board and shall be in effect immediately thereafter.

(Ord. 2020-0065U § 1, 2020.)

11.01.070 Right of Action to Enforce Violations.

A. Any Worker aggrieved by an act made unlawful by this Chapter, or County Counsel on behalf of such Worker, may, within three years of an Employer's last act made unlawful by this Chapter, bring an action in the Superior Court of the State of California against that Employer for violations of this Chapter, and the aggrieved Worker may be awarded:

   1. Where applicable, hiring or reinstatement to the position(s) sought or held before the alleged unlawful act, or front pay in lieu thereof.

   2. All actual damages (including, but not limited to, lost pay and benefits and noneconomic damages) suffered by the Worker, or statutory damages in the sum of $10,000 per violation, whichever is greater.

   3. Punitive damages pursuant to California Civil Code section 3294.

B. The court shall award reasonable attorneys' fees and costs to the prevailing party, including to a Worker, to County Counsel, or to an Employer who prevails in a lawsuit by a Worker and demonstrates that the Worker's lawsuit was frivolous.

(Ord. 2020-0065U § 1, 2020.)

11.01.080 Notice Before Initiating Suit.

A. Before a civil action is filed by a Worker or County Counsel under Section 11.01.070, the following requirements must be met:

1. The Worker or County Counsel must provide written notice to the Employer of the provisions of this Chapter alleged to have been violated and the facts to support the alleged violations; and

2. The Employer fails to cure the alleged violations of this Chapter within fifteen (15) business days of receiving such written notice.

(Ord. 2020-0065U § 1, 2020.)

11.01.090 Severability.

If any section, subsection, sentence, clause, or phrase of this urgency ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion(s) of this urgency ordinance. The Board hereby declares that it would have passed this urgency ordinance and every section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

(Ord. 2020-0065U § 1, 2020.)

Chapter 11.02 GENERAL PROVISIONS AND DEFINITIONS

Part 1 GENERAL PROVISIONS

Article 1 REGULATIONS

11.02.010 Continuation of provisions.

The provisions of the ordinance codified in Division 1 of this Title 11, insofar as they are substantially the same as existing ordinance provisions relating to the same subject matter, shall be construed as restatements and continuations, and not as new enactment.

(Ord. 2006-0040 § 68, 2006; Ord. 7583 Part 1 § 109, 1959.)

11.02.020 Director of public health—Statutory authority.

The duties of the director of public health are those set forth in the Health and Safety Code of the state of California, and particularly, but not limited to, those set forth in Chapter 2 of Part 3 of Division 101 of said Code.

(Ord. 2006-0040 § 69, 2006; Ord. 7583 Part 1 § 103, 1959.)

11.02.030 Director of public health—Powers and duties generally.

The director of public health shall have the authority and duty to make periodic and routine surveys and inspections of all buildings, lots, camps, areas, tracts of land, tents, mobilehome parks, mobilehomes, vehicles, and other premises and places used or intended for use for living quarters, and shall enforce:

A. Division 1 of this Title 11;

B. All other ordinances of this county pertaining to the public health and sanitary matters;

C. Ordinances pertaining to the public health and sanitary matters of those cities which have entered into contracts with the county for such enforcement;

D. Within the unincorporated territory of the county, and within those cities the governing bodies of which have consented thereto pursuant to Section 101375 of the Health and Safety Code:

    1. Orders, quarantine regulations and rules prescribed by the California Department of Health Services, and other rules and regulations issued under the provisions of the Health and Safety Code,

    2. Statutes relating to the public health.

(Ord. 2006-0040 § 70, 2006; Ord. 8588 § 2 (part), 1964; Ord. 7583 Part 1 § 112, 1959.)

11.02.040 Powers of deputies.

Whenever a power is granted to or a duty imposed upon the director of public health in this Division 1, the power may be exercised or the duty performed by a duly authorized representative of the director unless this Division 1 expressly provides otherwise.

(Ord. 2006-0040 § 71, 2006; Ord. 7583 Part 1 § 102, 1959.)

11.02.050 Arrests for violations—Penal Code provisions adopted.

The director, and his delegated subordinates pursuant to the provisions of Section 836.5 of the Penal Code, may arrest a person without a warrant whenever he has reasonable cause to believe that the person to be arrested has committed a misdemeanor in his presence which is a violation of any statute or ordinance referred to by Section 11.02.030. Upon making such an arrest, the director or his subordinate may release the person arrested pursuant to the provisions of Section 853.6 of the Penal Code, the provisions of which are hereby adopted by reference as part of this section.

(Ord. 10238 § 1, 1971; Ord. 7583 Part 1 § 113, 1959.)

11.02.060 Interfering with director's duties prohibited.

No person shall refuse, resist or attempt to resist the entrance of the director of public health into any railway car, stage, vehicle, building, room, lot or other place or portion thereof in the county of Los Angeles in the performance of his duty, or shall refuse to obey any lawful order of the director of public health made in the performance of his duties within the power conferred upon him by state law or by Division 1 of this title.

(Ord. 2006-0040 § 72, 2006; Ord. 7583 Part 1 § 104, 1959.)

11.02.070 Severability.

If any provision of this Division 1 or the application thereof to any person or circumstance is held invalid, the remainder of this Division 1, and the application of such provision to other persons or circumstances, shall not be affected thereby.

(Ord. 7674 § 1, 1960; Ord. 7583 Part 1 § 107, 1959.)

11.02.080 Violation—Penalty.

Violation of Division 1 of Title 11 is punishable by a fine of not more than $500.00, or by imprisonment in the County Jail for not more than six months, or by both such fine and imprisonment. Each day during any portion of which any violation of any provision of this Division 1 is committed, continued or permitted makes such violation of a separate offense.

(Ord. 7583 Part 1 § 110, 1959.)

11.02.085 Applicability.

Unless otherwise expressly set forth in this Code, the provisions under Title 11 shall apply only to the unincorporated areas of the County and any incorporated city which adopts this Title 11, in whole or in part, into its municipal code by adoption or resolution.

(Ord. 2024-0048 § 1, 2024.)

Article 2 DEFINITIONS

11.02.090 Interpretation of language.

In this Division 1, the present tense includes the past and future tenses, and future tense includes the present; the masculine gender includes the feminine and neuter; the singular number includes the plural and the plural includes the singular.

(Ord. 7583 Part 1 § 108, 1959.)

11.02.100 County health officer.

"County health officer" means the director of public health of the county of Los Angeles, or his duly authorized representative.

(Ord. 2006-0040 § 73, 2006; Ord. 7583 Part 1 § 100, 1959.)

11.02.110 Health officer and director.

For the purposes of Title 11, "health officer" and "director" both mean the director of public health of the county of Los Angeles, or his duly authorized representative, as provided for in Section 2.77.050 of this code.

(Ord. 2006-0040 § 74, 2006; Ord. 10728 § 1 (part), 1973; Ord. 7583 Part 1 § 101, 1959.)

11.02.120 Person.

"Person" means and includes any individual or his heirs, agents or assigns, any company, firm, corporation, association, business trust, joint adventure, or group or combination acting as a unit, any political subdivision, governmental department or agency, municipal or public corporation or district, governing body of a school district, or any employee, officer, or any other kind of representative of any thereof, acting either under personal appointment or pursuant to law.

(Ord. 92-0078 § 4, 1992; Ord. 7583 Part 1 § 105, 1959.)

11.02.130 Section.

Unless otherwise indicated by the context, "section" means a section of the Health Code set out in Division 1 of this title.

(Ord. 8095 § 1, 1961; Ord. 7583 Part 1 § 111, 1959.)

11.02.140 Shall and may.

The word "shall" is mandatory; the word "may" permissive.

(Ord. 7583 Part 1 § 106, 1959.)

Part 2 PROVISIONS FOR CHAPTERS 11.06 THROUGH 11.38

Article 1 REGULATIONS

11.02.150 Purpose of provisions—Statutory definitions incorporated when.

Part 2 of Chapter 11.02 and Chapters 11.06 through 11.38 of this title are intended to supplement the provisions of the laws and regulations of the state of California by prescribing higher standards of sanitation, health and safety. Whenever any technical words or phrases are not defined herein, but are defined in such laws and regulations of the state, such definitions are incorporated in this part and shall be deemed to apply as though set forth herein in full.

(Ord. 7583 Part 3 Ch. 1 § 301, 1959.)

11.02.160 Rules and regulations—Promulgation and enforcement authority.

The director may make and enforce such rules and regulations as may be necessary or proper to enforce Part 2 of this Chapter and Chapters 11.06 through 11.38 of this code.

(Ord. 8588 § 2 (part), 1964; Ord. 7583 Part 3 Ch. 1 § 321, 1959.)

11.02.170 Classification of food service operations.

It shall be the responsibility and authority of the director to classify food service operations for the purpose of ascertaining and establishing compliance with the provisions of this Division 1, including the licensing and permit provisions.

(Ord. 7583 Part 3 Ch. 1 § 316, 1959.)

11.02.180 Food, water and milk—Authority to purify or destroy.

The director shall have the authority to destroy, or render noninfectious, any food, drink or other substance threatening the public health. During emergencies, he may take steps to purify the water by appropriate disinfection. When necessary for the protection of public health, he shall have the authority to pasteurize milk, or order milk pasteurized, when such milk is suspected of carrying the agents of any communicable disease.

(Ord. 7583 Part 3 Ch. 1 § 319, 1959.)

11.02.190 Nuisance abatement—County to perform work when—Costs.

Whenever a nuisance or condition endangering the public health shall be ascertained to exist on any premises, or in any house, or any other place, the director shall notify in writing the person having control of or acting as agent for such premises, house or other place, to abate or remove such nuisance or condition within a reasonable time, to be stated on such notice. Upon the neglect or refusal of such person to comply with such notice, the director may abate such nuisance or condition, and the person having control of such house, premises or place, in addition to the penalties provided by this Division 1, shall be liable to the county of Los Angeles for the cost of such abatement, to be recovered in a civil action in any court of competent jurisdiction.

(Ord. 81-0037 § 1, 1981; Ord. 7583 Part 3 Ch. 1 § 317, 1959.)

11.02.192 Nuisance abatement—Assistance of other agencies—Costs.

A. When the director, acting under any authority vested in him, orders the abatement of a nuisance or condition which endangers the public health, safety and welfare, and the person or persons responsible for the creation or maintenance of such nuisance fail to comply with said order, the director may request any county department or city agency or department having the necessary manpower and equipment to perform the work required to abate such nuisance.

B. When an officer of any Los Angeles County Vector Control District, acting under any authority vested in him or her, orders the abatement of any nuisance or condition which endangers the public health, safety and welfare, and the person or persons responsible for the creation of such nuisance fail to comply with said order, the director may request any county department or city agency or department having the necessary manpower and equipment to perform the work required to abate such nuisance.

C. The cost of performance of such work shall be recovered from the person or persons responsible for the creation or maintenance of the nuisance.

(Ord. 2004-0054 § 1, 2004; Ord. 81-0037 § 2, 1981.)

Article 2 DEFINITIONS

11.02.200 Approved.

"Approved" means approved by the director of public health.

(Ord. 2006-0040 § 75, 2006; Ord. 7583 Part 3 Ch. 1 § 315, 1959.)

11.02.210 Bakery and bakery products.

"Bakery" means any room, building or place used or operated for the purpose of making, preparing or baking bread, cakes, pies, pastry, doughnuts, rolls, biscuits, crackers, noodles, macaroni, tamales or spaghetti, or other products of flour and meal, hereinafter called "bakery products," to be sold for food, except that the term "bakery" shall not be construed to include any establishment engaged in the preparation of bakery products in any restaurant or itinerant restaurant wherein any such bakery product in prepared to be used, and used exclusively with meals served in or from such restaurant or itinerant restaurant.

(Ord. 7616 § 1 (part), 1959; Ord. 7583 Part 3 Ch. 1 § 311, 1959.)

11.02.220 Bakery product vehicle.

"Bakery product vehicle" means a vehicle used for carrying or transporting bakery products for the purpose of distribution, gift or sale at a point other than where manufactured, except vehicles that are delivering bakery products to retail or wholesale establishments for resale.

(Ord. 8588 § 2 (part), 1964; Ord. 7583 Part 3 Ch. 1 § 311.1, 1959.)

11.02.230 Box lunch.

"Box lunch" means an assortment of foods or foodstuffs sufficient in quantity and variety to constitute a meal, packed or placed in a box or container and to be eaten at a place other than the premises upon which the food is prepared.

(Ord. 7583 Part 3 Ch. 1 § 314, 1959.)

11.02.240 Caterer.

"Caterer" means any person who transports food for profit, and serves or offers for service by others on order, such food, as a meal or a portion of a meal, at a place other than his place of business, but shall not include markets, bakeries or similar food establishments preparing, serving or delivering wrapped foods.

(Ord. 7583 Part 3 Ch. 1 § 312, 1959.)

11.02.250 Food.

"Food" means all articles and substances used for food and drink, confectionery or condiment whether simple or compound, and all ingredients and components used in the preparation thereof.

(Ord. 7583 Part 3 Ch. 1 § 303, 1959.)

11.02.260 Food establishment.

"Food establishment" means any public or private market, shop, store, storehouse, bakery, food processing establishment or any other plant or place, not a restaurant, itinerant restaurant, caterer, wayside stand, temporary refreshment stand or vending machine, in or about which food is stored, prepared or offered for sale or gift for human consumption.

(Ord. 2008-0013 § 11, 2008; Ord. 7583 Part 3 Ch. 1 § 310, 1959.)

11.02.280 Itinerant restaurant.

"Itinerant restaurant" means any restaurant operating for a temporary period or time, not to exceed 30 days at any one location on any one premises, and shall include any stand or facility which is portable and used for the preparation and service of foods, other than a temporary refreshment stand. "Itinerant restaurant" may include a vehicle, provided it is maintained in a mobile condition and currently registered by the California Department of Motor Vehicles.

(Ord. 9375 § 1 (part), 1967; Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 1 § 308, 1959.)

11.02.290 Lunch service vehicle.

"Lunch service vehicle" means a vehicle from which is dispensed ready-to-eat food and drink which has been prepared and sealed or packaged in a licensed establishment.

(Ord. 7583 Part 3 Ch. 1 § 305, 1959.)

11.02.300 Nuisance.

"Nuisance" means and includes any of the following:

A. Any public nuisance known to common law or equity jurisprudence, and whatever is dangerous to human life or detrimental to health;

B. Overcrowding a room with occupants;

C. Inadequate or insanitary sewerage or plumbing facilities;

D. Insufficient ventilation or illumination;

E. Uncleanliness, or anything that renders air, food and drink detrimental to the health of human beings.

(Ord. 7583 Part 3 Ch. 1 § 318, 1959.)

11.02.310 Operator.

"Operator" means anyone who, as an employee, manager, owner or otherwise, is engaged in the preparation, dispensing or handling of food or food products.

(Ord. 7583 Part 3 Ch. 1 § 302, 1959.)

11.02.320 Restaurant.

"Restaurant" means, but is not limited to, any coffee shop, cafeteria, school cafeteria, shortorder cafe, luncheonette, tavern, cocktail lounge, sandwich stand, soda fountain, club, hotel, boarding house, fraternal organization, employee or in-plant feeding establishment, or other public eating or drinking establishment which prepares and offers, for sale or gift, food and drink to the public, as well as kitchens in which food and drink is prepared on the premises; for sale, gift or distribution elsewhere.

(Ord. 7583 Part 3 Ch. 1 § 307, 1959.)

11.02.330 Slaughterhouse.

"Slaughterhouse" means any establishment in which anyone, other than for his own use, slaughters more than one horse, mule or ass per day.

(Ord. 7583 Part 3 Ch. 1 § 313, 1959.)

11.02.340 Temporary refreshment stand.

"Temporary refreshment stand" means any food-preparation or dispensing operation conducted in connection with a fair, circus, or public exhibition or gathering, offering food for sale or gift to the general public for a temporary period of time in one location.

(Ord. 9375 § 1 (part), 1967; Ord. 8614 § 1 (part), 1964; Ord. 7583 Part 3 § 309, 1959.)

11.02.350 Wayside stand.

"Wayside stand" means any stand from which is offered, for sale or as a gift, edible agricultural products as grown, which have not been processed in any other way than other washing, which sales or gifts are made from residences or other structures by the owners or tenants thereof, or members of their immediate families, where such residences or other structures are not designed, constructed or altered so as to display such edible agricultural products, or where such structures are temporary and without sides of any kind, and such residences or other structures are located on the property on which such edible agricultural products are raised, grown or produced, whether such sales or gifts are advertised by signs or not.

(Ord. 7583 Part 3 Ch. 1 § 306, 1959.)

Chapter 11.04 COMMUNICABLE DISEASE CONTROL[3]

Part 1 GENERAL REQUIREMENTS

11.04.010 Director—Powers and duties generally.

A. Within a reasonable length of time after the receipt by him of a report of a case of contagious, infectious or communicable disease, the director of public health shall make such investigation and take such measures as in his opinion and uncontrolled discretion may be necessary to prevent spread of said disease and to enforce the provisions of this Division 1 and statutes, particularly, but not limited to, the Health and Safety Code and the Regulations of the California Department of Health Services.

B. In such cases, the director shall collect and submit to the county public health department laboratory, or to another laboratory approved by the California Department of Health Services, such samples and laboratory specimens as may be necessary to determine the diagnosis, source of infection, and possible infection of persons who have been in contact with the source of infection, of said contagious, infectious or communicable diseases. In such cases, the director shall, when he determines it necessary to assure compliance with his quarantine or isolation regulations or orders, post guards on or adjacent to the premises where a contagious, infectious or communicable disease exists.

(Ord. 2006-0040 § 76, 2006; Ord. 7583 Part 2 § 200, 1959.)

11.04.020 Isolation or quarantine authorized when.

A. The director may remove any person affected or reasonably suspected of being affected with a contagious, infectious or communicable disease to a suitable place of isolation or quarantine when the director deems such action necessary to protect the patient and the public health.

B. In such instances where the patient involved may be classed as indigent according to the requirements and standards of the Los Angeles County department of public social services, removal shall be to a suitable facility which has been established and maintained for the treatment and isolation of contagious, infectious or communicable diseases by the county of Los Angeles through the department of health services directly, or by contract with other persons, bodies or institutions.

C. In the instance of communicable disease patients other than indigents, the director shall attempt to secure isolation and treatment in private institutions having facilities which, in the opinion of the director, are adequate for proper isolation; but if such private institutions be not found available and, in his opinion, hospital isolation and care continue necessary, said nonindigent contagious person shall be committed to the director of the department of health services, who shall provide facilities in county institutions or hospitals for proper isolation and treatment.

D. Return of such communicable disease patients from isolation in a hospital or other isolation facilities to community living shall be on authorization of the director.

(Ord. 2006-0040 § 77, 2006; Ord. 7583 Part 2 § 201, 1959.)

11.04.030 Physicians—Report of disease required when.

Any report of the existence of a contagious, infectious or communicable disease required by any physician or any other person by the provisions of the Health and Safety Code and the Regulations of the California Department of Health Services shall, in addition to the matters require to be reported by such statute or regulation, further state whether the patient or any member of the patient's household is engaged in the handling or sale of milk or other foodstuff for human consumption or is engaged in teaching or working in a school or in caring for children other than those of the patient's own immediate family.

(Ord. 2006-0040 § 78, 2006; Ord. 7583 Part 2 § 202, 1959.)

11.04.040 Report of disease by other persons required when.

When no physician is in attendance, any dentist, practitioner, visiting nurse, private duty nurse, head of any private household, or person in charge of any institution, hotel, hospital, sanitary clinic, dispensary, boarding house, school, camp or vessel, shall report immediately to the director the name and address of any person under his charge, or in his institution or other place under his charge, with any disease which is or which he suspects or has reason to suspect as being contagious, infectious or communicable, and shall keep such a person strictly isolated

until the director orders otherwise. Any person having knowledge that another person is suffering from a disease which is, or which the first person suspects or has reason to suspect as being contagious, infectious or communicable, shall report forthwith to the local director the name and address of the diseased person and all the facts relating to the case known to him and requested by the director.

(Ord. 7583 Part 2 § 203, 1959.)

11.04.050 Physicians—Specimen submittal.

Any physician in attendance on a person suffering from any disease which is, or which the physician suspects or has reason to suspect as being, contagious, infectious or communicable, shall submit to the director or to a laboratory approved by the California Department of Health Services for examination, such specimens required or demanded by the director for establishing the diagnosis and control of such disease.

(Ord. 2006-0040 § 79, 2006; Ord. 7583 Part 2 § 204, 1959.)

11.04.060 Physicians—Isolation of patient and other precautions.

A. Any physician who discovers a case of contagious, infectious or communicable disease shall immediately cause the patient to be isolated and to remain isolated until otherwise ordered by the director.

B. The physician shall also advise other members of the household regarding the precautions to prevent further spread of the disease, and shall cooperate with the director in endeavoring to secure the immunization and prompt treatment of such patient and of persons who have been in contact with such patient to render them noninfectious.

(Ord. 7583 Part 2 § 205, 1959.)

11.04.070 Tuberculosis—Recordkeeping requirements.

All reports and all results of examinations of persons having or suspected of having tuberculosis shall be recorded by the director in a register, which register shall not be open to inspection by any person other than the health authorities of the state and county or of any public school district.

(Ord. 7583 Part 2 § 206, 1959.)

11.04.080 Sanitary disposal of infectious excretions.

No person having tuberculosis or other contagious, infectious or communicable disease shall dispose of his sputum, saliva or other bodily secretion or excretion so as to cause offense or danger to any person or persons occupying the same room, apartment, house or public place. In all cases of violation of this section, the director shall take such steps as he may find necessary to protect the public health.

(Ord. 7583 Part 2 § 207, 1959.)

11.04.090 Quarantine—Placard requirements.

No person shall interfere with or obstruct the director or his authorized representative in the posting of any placard establishing quarantine in accordance with law, in or on any place or premises, nor shall any person conceal, mutilate or remove any such placard, except by permission of the director. In the event any such placard

is concealed, mutilated or torn down, the occupant of the premises whereon such placard was posted shall notify the director of such fact immediately.

(Ord. 7583 Part 2 § 208, 1959.)

11.04.100 Quarantine—Leaving and entering premises—Limitations.

It is unlawful for any person residing or being in any place which is quarantined by the director to leave, nor shall any unauthorized person enter such place without the written consent of the director; provided, however, that the physician in attendance, any registered nurse in attendance, the clergyman, undertaker, or any member of the department of public health, in performance of their duties, may have access to the quarantined household or any persons therein under such regulations as may be adopted from time to time by the director. Any permits issued under authority of this section may be revoked upon failure to comply with the regulations governing the issuance of such permits.

(Ord. 2006-0040 § 80, 2006; Ord. 7583 Part 2 § 209, 1959.)

11.04.110 Schools—Exclusion of children or other persons required when.

A. It shall be the duty of the principal or other person in charge of any public, private, parochial, Sunday, kindergarten or boarding school, or day nursery, to exclude therefrom any child or other person with an infectious, contagious or communicable disease, or a disease such principal or other person suspects or has reason to suspect as being contagious, infectious or communicable. If the attending physician, school physician or director finds, upon examination, that the person is not suffering from a contagious, infectious or communicable disease, he may submit a certificate to this effect to the school authority, who may readmit the person.

B. In addition, the principal or other person shall exclude from attendance at school, and shall notify the director of said action taken, all children affected with the following named diseases: impetigo contagiosa, pediculosis, ringworm, scabies and Vincent's infection. The director shall prescribe conditions under which children with such diseases may attend school.

(Ord. 7583 Part 2 § 210, 1959.)

11.04.120 Schools—Readmission of children—Conditions.

A. No instructor, teacher, pupil or child who resides where any contagious, infectious or communicable disease exists, or has recently existed, which is subject to strict isolation or quarantine of contacts, shall be permitted by any superintendent, principal or teacher of any college, seminary, public or private school, or day nursery, to attend the college, seminary, school or nursery, except by the written permission of the director.

B. Pupils or school or nursery employees who have been ill from any other contagious, infectious or communicable disease may be readmitted only by written permission signed by the attending physician, the school physician, or the director or his authorized agent.

(Ord. 7583 Part 2 § 211, 1959.)

11.04.130 Control measures when diagnosis is uncertain.

In cases of doubt or disputed diagnosis, or where uncertainty exists as to the exact nature of a suspected case of contagious, infectious or communicable disease, the director shall enforce the control measures provided for the

disease. Whenever a case of unrecognized illness shall be reported to the director, which upon investigation presents symptoms of a contagious, infectious or communicable disease, but in which, in the judgment of the director, sufficient time has not elapsed to render a positive diagnosis possible, the director shall establish the control measures applicable in actual cases of contagious, infectious or communicable disease until such time as positive diagnosis can be established.

(Ord. 7583 Part 2 § 212, 1959.)

11.04.140 Disinfection measures following quarantine or other unsanitary conditions.

A. Whenever a person or animal or other thing is discovered to be affected by or infected with a contagious, infectious or communicable disease, upon demand of the director, the owner or person in charge of the house containing said person, animal or thing shall cause the house, building or premises, and all articles therein which might harbor germs or viruses, or carriers thereof, to be disinfected, deloused, renovated, cleaned or fumigated, as required by and under the supervision of the director.

B. Upon the termination of any case of contagious, infectious or communicable disease by death or recovery of the patient, or on removal of the patient from the house or other place in which the patient had been staying during the course of the disease, the director shall make a determination of the means necessary to render noninfectious the house or other place occupied by the patient during the course of the disease. The director may order any person owning, or having any interest in said house or other place, to clean the premises according to specifications of the director, and said person owning or having interest in said property shall obey all further orders of the director that may be determined by the director in his sole discretion to be necessary to destroy the vitality of pathogenic microorganisms or viruses on such premises.

C. Whenever quarantine is established by the director for any contagious, infectious or communicable disease, he shall instruct all persons on the quarantined premises in the steps necessary to prevent the spread of the disease through infectious discharge, and such persons shall follow and obey such instructions. In the case of the louse-borne diseases, the director shall take such measures as may be necessary to delouse all infected persons who have been in contact with the infected person on the quarantined premises, and also such persons shall obey the orders of the director relating to said delousing program.

D. Whenever the director, in his sole discretion, finds that an emergency exists requiring immediate action for the protection of public health, he shall proceed to render any infected house, building or premises free from the danger of the spread of contagious, infectious or communicable disease; if, in the opinion of the director, it is necessary to destroy any clothing or bedding or other articles to prevent the spread of contagious, infectious or communicable disease, the same shall be destroyed by the director.

E. Whenever the director finds any premises to be infested with vermin or rats, or to be in such insanitary condition, as in his opinion to require fumigation or renovation, the director shall serve notice of such conditions on the owner or his agent, or tenant of such premises, and the owner, agent or tenant shall fumigate or renovate such premises as directed by the director.

F. No person shall remove any article of clothing or bedding, or any other article by which the germs of disease may be carried, from any house, building or premises in which there is or has been a case of contagious, infectious or communicable disease, until such articles have been thoroughly disinfected and the permission of the director obtained for such removal.

(Ord. 7583 Part 2 § 213, 1959.)

11.04.150 Exposed persons—Contacts with other persons restricted.

Upon specific order of the director, a person or persons who have attended upon or otherwise come in contact with a case of communicable disease in such manner or to such extent as to render him or her liable to contract such disease or to communicate it to others, shall refrain from going into a public place of assembly and shall not mingle with other persons not affected with such disease. The director may, when it is necessary, cause any person so exposed to be quarantined until the danger of such person's having or communicating such communicable disease has passed.

(Ord. 7583 Part 2 § 214, 1959.)

11.04.160 Bodies of disease victims—Embalming restrictions—Report required when.

No undertaker or embalmer shall begin the actual embalming of any body in which the cause of death is, or in which he suspects or has reason to suspect the cause of death as being, a contagious, infectious or communicable disease, until authorized by the director. If the case has not been previously reported to the director, the undertaker or embalmer shall immediately report to the director the name and address of the deceased person, and all facts relating to the cause of death known to said undertaker or embalmer.

(Ord. 7583 Part 2 § 215, 1959.)

11.04.170 Hearse and mortuary car use restrictions.

It is unlawful for any funeral director or other person to use, or cause or permit to be used, any vehicle other than a hearse or mortuary car for the conveyance of the body of any person dead of a contagious, infectious or communicable disease, except when said person dies while being transported in a vehicle, unless said body shall have been prepared for burial and encased in a sound casket and enclosed in a transportation case.

(Ord. 7583 Part 2 § 216, 1959.)

11.04.180 Burial permits.

For every burial permit issued pursuant to the Health and Safety Code, the applicant shall pay to the director, and the director shall collect the fee authorized pursuant to Health and Safety Code section 100430, except that no fee shall be charged for a burial permit of a person who died while in any branch of the armed forces during time of war.

(Ord. 2006-0040 § 81, 2006; Ord. 7583 Part 2 § 217, 1959.)

11.04.190 Tuberculosis sanitarium—Alcoholic beverages prohibited.

No person shall enter, be or remain upon the premises of any tuberculosis sanitarium while in possession of any alcoholic beverages, including beer and wine, in excess of a single dose prescribed by the sanitarium physician.

(Ord. 10728 § 2 (part), 1973; Ord. 7583 Part 2 § 228, 1959.)

11.04.195 Sale or use of alkyl nitrite products.

A. It is unlawful for any person to use, sell, offer for sale or otherwise furnish to any other person any alkyl nitrite product, as defined herein.

B. "Alkyl nitrite" means any volatile alkyl nitrite compound including, but not limited to, amyl nitrite, butyl nitrite, and isobutyl nitrite.

C. "Alkyl nitrite product" means all products of any kind containing an alkyl nitrite in a form and amount which makes possible the introduction of an alkyl nitrite into the human body through any means including, but not limited to, injecting, ingesting or inhaling.

D. As used in this section, the use of an alkyl nitrite product shall mean to inhale, inject, or otherwise introduce into the human body an alkyl nitrite product, unless done pursuant to a course of treatment prescribed or administered by a physician, dentist or podiatrist.

E. The prohibition contained in subsection A of this section shall not apply to the sale, offering for sale, or furnishing of any alkyl nitrite product by:

1. A pharmacist to a physician, dentist, podiatrist, veterinarian or to any other person possessing a prescription issued by a physician, dentist, podiatrist or veterinarian for such a product;

2. A physician, dentist, podiatrist or veterinarian to his or her patients; or

3. A manufacturer or wholesaler of alkyl nitrite products to a pharmacist, physician, dentist, podiatrist or veterinarian.

(Ord. 86-0173 § 1, 1986.)

Part 2 RABIES CONTROL AND VICIOUS ANIMALS[5]

11.04.200 Persons bitten by certain animals—Report required—Treatment.

It shall be the duty of each physician to report to the director any case coming to the physician's attention in which a person has been bitten by, or otherwise exposed to, an animal of a species subject to rabies, giving the full name, age and address of the person who has been bitten. If no physician is in attendance on said case, said report shall be made by the person bitten or otherwise exposed, or, in the case of a minor, by his parent or guardian. The director shall ascertain that said individual is treated as the director, in his opinion and discretion, deems necessary for the protection of said individual, and the director shall order the quarantine and observation of the biting animal until it is established by the director that such animal does not have symptoms of rabies.

(Ord. 10728 § 1 (part), 1973; Ord. 7583 Part 2 § 218, 1959.)

11.04.210 Confinement of biting animals—Procedure generally.

The biting animal shall be quarantined, confined and observed for at least 14 days (dogs and cats, 10 days) after the day of infliction of the bite, with the exception that the following alternative to the 10-day isolation of dogs and cats is permitted: dogs or cats which have been isolated in strict confinement, under proper care and under observation of a licensed veterinarian, in a pound, veterinary hospital or other adequate facility, in a manner approved by the director of public health, may be released from isolation by the director after five days of veterinary observation if, upon conducting a thorough physical examination on the fifth day or more after infliction of the bite, the observing veterinarian certifies that there are no clinical signs or symptoms of any disease.

(Ord. 2006-0040 § 82, 2006; Ord. 10728 § 1 (part), 1973; Ord. 7583 Part 2 § 219, 1959.)

11.04.220 Confinement of biting animals—Alternate procedures.

A. The quarantine described in Section 11.04.210 may be made on the property of the person having charge, custody or control of such animal when adequate quarantine facilities are available; or, at the discretion of the director, such animal may be placed under quarantine and observation in any licensed boarding kennel.

B. Should the animal be relinquished by the owner to the director to be disposed of upon release from quarantine, the director may, at his discretion, impound such animal in an approved animal control facility.

(Ord. 10728 § 1 (part), 1973; Ord. 7583 Part 2 § 220, 1959.)

11.04.225 Fee for confinement of biting animals.

A. Under the conditions described in subsection B of this section, the county shall recover a fee of $50.00 for the costs incurred by the department of public health in the confinement of a biting animal as described in Sections 11.04.200, 11.04.210 and 11.04.220. The county shall also recover any related costs, including care and feeding of the confined animal, and any reasonable costs that it may incur in connection with the collection of such fees.

B. The fee shall be assessed when:

   1. The director of public health or his designee confines an animal described in Section 11.04.200 on the owner or custodian's premises and the victim of the bite is not the owner or custodian of the animal; and

   2. The victim was not engaged in an illegal activity against the person or on the property of the owner or custodian.

C. Notwithstanding the above, the fee shall not be assessed when the animal is a police dog or guide dog as defined in California Health and Safety Code Sections 1919 and 1919.1.

D. The director or his designee may waive, in full or in part, the above fee, if necessary to accomplish the protection of animal or public health, safety or welfare.

(Ord. 2006-0040 § 83, 2006; Ord. 93-0055 § 11, 1993.)

11.04.230 Owner of biting animal—Report required—Examination of confined animal.

Whenever the owner or person having charge, custody or control of any animal observes or learns that such animal has bitten or otherwise exposed a human being, such owner or person having charge, custody or control of such animal shall report the incident at once to the director and shall confine such animal in an enclosure, or shall securely hold and restrain said animal, by chain or other device, for examination and observation by the director. No owner or person having charge, custody or control of such animal shall fail, refuse or neglect to allow the director to make an inspection or examination of such animal for the purpose of determining whether such animal has symptoms of rabies.

(Ord. 10728 § 3 (part), 1973; Ord. 7583 Part 2 § 221, 1959.)

11.04.240 Owner of biting animal—Quarantine requirements—Examination of dead animal.

No owner or person having charge, custody or control of any animal biting or otherwise exposing a human being shall fail, refuse or neglect to confine in an enclosure, or securely hold and restrain such animal by chain or other device, upon the premises of the owner or person having charge, custody or control of such animal, for the period of quarantine as shown in Section 11.04.210. Should such animal die while under quarantine and observation, the owner or person having charge, custody or control of such animal shall surrender the carcass of such animal or such portion of the carcass as may be demanded by the director.

(Ord. 10728 § 3 (part), 1973; Ord. 7583 Part 2 § 222, 1959.)

11.04.250 Destroying quarantined animal prohibited—Exception.

It is unlawful for any owner or person having charge, custody or control of any animal that has bitten or otherwise exposed a human being or is suspected of having rabies to destroy such animal, or have such animal destroyed, during the quarantine period, unless permission is granted by the director.

(Ord. 10728 § 3 (part), 1973; Ord. 7583 Part 2 § 223, 1959.)

11.04.260 Suspected rabid animals—Owner report and confinement duty.

Whenever the owner or person having charge, custody or control of any animal learns or observes that such animal has shown symptoms of rabies or has acted in a manner which would give said person or owner reason to believe that said animal has rabies, it shall be unlawful for such owner or person having charge, custody or control of such animal to fail, refuse or neglect to notify the director at once and to confine such animal in an enclosure, or to securely hold and restrain such animal by chain or other device until it shall be established that such animal does not have symptoms of rabies, or to fail, refuse or neglect to allow the director to inspect or examine such animal for symptoms of rabies.

(Ord. 10728 § 3 (part), 1973; Ord. 7583 Part 2 § 224, 1959.)

11.04.270 Quarantine of animals coming in contact with rabid animals.

Animal contacts of a known rabid or suspected rabid animal shall be quarantined in a place and manner, and for a period of time, designated by the director.

(Ord. 10728 § 3 (part), 1973; Ord. 7583 Part 2 § 225, 1959.)

11.04.280 Vicious animals—Identification procedure—Confinement requirements.

A. It shall be the duty of the director, upon receipt of an affidavit from any person who has been bitten by an animal or from a person who has witnessed such an occurrence, to investigate and, upon reasonable indication of the animal's viciousness, to notify the owner or custodian of such animal, in writing, to keep such animal at all times confined strictly to the premises of said owner or custodian in such a manner that the animal may not do bodily harm to any person having legitimate reason to be upon the premises of said owner or custodian.

B. Permanent Quarantine. After the receipt by the owner or custodian of such animal of the notice as provided in subsection A of this section, the owner or custodian shall at all times thereafter keep such animal, or cause such animal to be kept, on the property or premises where such owner or custodian resides, in the manner

specified in subsection A above. Such animal shall not be moved from the place of quarantine or disposed of in any manner without the permission of the director, and in the event of the death of the animal, the carcass of the animal shall be surrendered by the owner or custodian to the director on demand, as proof of the death of the animal.

(Ord. 10728 § 2 (part), 1973; Ord. 7583 Part 2 § 226, 1959.)

11.04.290 Vicious animals—Appeal from quarantine requirement—Hearing procedures.

Any person whose animal has been declared vicious and placed on permanent quarantine may petition the director for a hearing. Such a petition shall be in writing, signed by the applicant, and shall set forth in detail the facts and reasons upon which his petition is based. If the director finds that the facts upon which he based his order of quarantine no longer exist, he shall rescind the quarantine. Otherwise, he shall set the matter for a public hearing not less than 60 days after the filing of the petition and, in writing, either by registered or certified mail, postage prepaid, or in the manner required for the service of summons in civil actions, not less than five days prior to the hearing, notify the applicant of the time and place thereof. The director shall give the petitioner and all other persons who desire to be heard an opportunity to testify and to present any relevant facts. The director may place any witness under oath. The director, when he deems it necessary, may continue the hearing at any time and shall give notice thereof at the hearing or as required when the matter is first set for hearing. At the close of the hearing or within 10 days thereafter, from the evidence presented, the director shall determine the facts and shall take the action required thereby, continue the quarantine, set aside the quarantine, or such other action as is required by law under the facts. He may notify the petitioner at the close of the hearing as to his ruling if the petitioner is present, either in person or by counsel. Otherwise, he shall notify the petitioner of his action by a notice in writing served by first class mail, postage prepaid, or in the manner required for the service summons in a civil action.

(Ord. 10728 § 4, 1973; Ord. 7583 Part 2 § 227, 1959.)

Part 3 BATHHOUSES AND SIMILAR COMMERCIAL ESTABLISHMENTS

11.04.300 Findings.

Acquired Immune Deficiency Syndrome (AIDS) is a fatal disease of epidemic proportions in Los Angeles County. Evidence exists that certain commercial establishments in the county allow, facilitate, and/or provide facilities for their patrons to engage in high risk sexual contact which poses a significant risk for the transmission of the human immunodeficiency virus (HIV), which has been associated with AIDS, and other sexually transmitted diseases. Such high risk sexual contact poses an unacceptable public health risk which must be eliminated.

(Ord. 2004-0050 § 1, 2004; Ord. 88-0012U § 1 (part), 1988.)

11.04.310 Definitions.

The following terms as used in this Part 3 shall have the following meanings:

A. 1. "Commercial sex venue" means any establishment that charges patrons or members a fee for admission or membership and which as one of its primary purposes allows, facilitates, and/or provides facilities for its patrons or members to engage in any high risk sexual contact while on the premises.

2. Excluded from the definition of commercial sex venue shall be any hotel or motel, as defined in subsection C of this section.

B. 1. "High risk sexual contact" means anal or vaginal intercourse, oral copulation, and any other behavior or activity identified by the county health officer pursuant to subsection B.2 of this section.

2. In recognition that medical information about AIDS and how it is transmitted continues to develop, the county health officer may amend the definition of high risk sexual contact when, in his opinion, such a change is supported by the then-available scientific information. Any such change shall be effective only after notice of such change is given to the board of supervisors and is published once a week for three weeks in a newspaper of general circulation in the county and is provided to each establishment which has been issued or applied for a permit pursuant to Section 11.04.320 herein.

C. "Hotel" or "motel" means a commercial establishment meeting all of the following requirements:

1. The establishment holds itself out as being primarily in the hotel or motel business;

2. The establishment is licensed by all applicable jurisdictions as a hotel or motel;

3. The establishment complies with any applicable occupancy tax ordinance;

4. The establishment complies with all applicable state, city and county statutes, ordinances and regulations controlling the operation of motels or hotels.

(Ord. 2004-0050 § 2, 2004; Ord. 88-0012U § 1 (part), 1988.)

11.04.320 Public health facility permit.

A. It shall be unlawful for any person or entity to operate, conduct or carry on a commercial sex venue, unless the owner of the commercial sex venue first obtains, and continues to maintain in full force and effect, a public health facility permit. The owner of any commercial sex venue which was lawfully operating on the effective date of this section shall either cease operation or obtain a public health facility permit within six months of the effective date of this section.

B. Within 30 calendar days of the adoption of this section, the county health officer shall establish commercial sex venue regulations, which are intended to eliminate the unacceptable public health risk posed by the operation of commercial sex venues. A copy of these commercial sex venue regulations shall be made available to any member of the public at no charge, upon request. As determined necessary by the county health officer, he may, from time to time, amend the commercial sex venue regulations. A copy of any amendments shall also be made available to any member of the public at no charge, upon request.

C. Upon review and verification by the county health officer that the owner has met the requirements enumerated in the commercial sex venue regulations, he shall issue a public health facility permit to the owner.

D. Any public health facility permit issued by the county health officer to the owner of a commercial sex venue is nontransferable. The public health facility permit shall be valid for a twelve-month period and only for the approved facility.

(Ord. 2004-0050 §§ 3, 4, 2004.)

11.04.330 Posting requirements.

A. The public health facility permit issued to the owner of any facility operating as a commercial sex venue must be posted and exhibited at all times in an area that is visible to the public and to patrons and members of the commercial sex venue.

B. At all times, every commercial sex venue shall have posted so as to be clearly visible to patrons and members entering the establishment a legible sign, in lettering at least one inch in size, that provides the following information:

Any public health concerns regarding this establishment should be directed to the Los Angeles County Department of Health Services Office: (the program office address and telephone number to be provided by the county health officer).

(Ord. 2004-0050 §§ 5, 6, 2004.)

11.04.340 Permit—Reporting requirements.

Every owner of a commercial sex venue for which a public health facility permit has been issued by the county health officer under the provisions of this Part 3 shall report to him any changes in the status of the business or activities which is made reportable by commercial sex venue regulations, within 15 calendar days of the change.

(Ord. 2004-0050 § 7, 2004.)

11.04.350 Permit—Suspension and revocation.

A. Any public health facility permit issued pursuant to this Part 3 may be suspended or revoked at any time by the county health officer for failure to comply with any provision of this Part 3 or any other violation of law or standard which creates a risk to the public health or safety, including, but not limited to, any violations of the commercial sex venue regulations, the Los Angeles County Code or the California Health and Safety Code, or any combination thereof, or for interference with the county health officer's performance of his duty.

B. Whenever the county health officer finds that an owner is not in compliance with the requirements of this Part 3, or any law or standard affecting the public health or safety, including, but limited to, the commercial sex venue regulations, the Los Angeles County Code or the California Health and Safety Code, or any combination thereof, a written notice of noncompliance shall be issued to the owner. The notice of noncompliance shall include a statement of all deficiencies found, and shall specify the mandatory corrective measures, including, if appropriate, preparation by the owner of a corrective action plan, which must be completed to address all deficiencies. The county health officer shall provide a date (hereinafter "compliance date") by which all the mandatory corrective measures must be completed. On the compliance date, the county health officer will assess if the mandatory corrective measures taken by the owner are sufficient to cause the county health officer to conclude that the deficiencies that were set out in the notice of noncompliance have been corrected or otherwise sufficiently addressed to ensure that they no longer present a risk to public heath or safety. The notice of noncompliance shall inform the owner that failure to sufficiently address the deficiencies may result in the imposition of any penalty provided for in this Part 3. The notice of noncompliance shall also advise the owner of his right to an administrative review under the provisions of subsection E of this section.

C. Notwithstanding any other provision of this Part 3, if the county health officer finds that an owner is not in compliance with the requirements of this Part 3, or any law or standard affecting the public health or safety, including, but not limited to, the commercial sex venue regulations, the Los Angeles County Code or the California Health and Safety Code, or any combination thereof and this owner has demonstrated a pattern of violations such that, in the judgment of the county health officer additional time will not result in compliance, the county health officer may immediately suspend or revoke the owner's health facility permit. In such case, the county health officer shall issue a written notice to the owner that shall specify the acts or omissions found to be violations of any applicable regulations or laws, and in the case of suspension, shall state the duration of the suspension and the corrective measures, if any, which the owner must implement

as a condition of the reinstatement or reissuance of the permit, at end of the suspension period. The notice shall also advise the owner of his right to an administrative review under the provisions of subsection E of this section.

D. Notwithstanding any other provision of this Part 3, if any immediate danger to the public health or safety is found or is reasonably suspected, unless the condition is corrected forthwith, the county health officer may immediately suspend any public health facility permit issued pursuant to this Part 3, and/or initiate a criminal complaint, pending a determination of an administrative review as provided herein. Immediate danger to the public health or safety shall include any condition, based upon inspection findings or other evidence, that can cause, or is reasonably suspected of causing, infection or disease transmission, or any known or reasonably suspected hazardous condition. Whenever a public health facility permit issued pursuant to this Part 3 is immediately suspended as a result of an immediate danger to the public health or safety, the county health officer shall issue to the owner a written notice of noncompliance. The notice of noncompliance shall include a statement of all deficiencies found, and shall specify the mandatory corrective measures, including, if appropriate, preparation by the owner of a corrective action plan, which must be completed to address all deficiencies. The county health officer shall set a compliance date by which all the mandatory corrective measures must be completed. On the compliance date, the county health officer will assess if the mandatory corrective measures taken by the owner are sufficient to cause the county health officer to conclude that the deficiencies that were set out in the notice of noncompliance have been corrected or otherwise sufficiently addressed to ensure that they no longer present a risk to the public health or safety. In this circumstance where a business is immediately closed because of an immediate danger to the public health or safety is found or reasonably suspected, the owner may request that the compliance date occur on a date earlier than that scheduled by the county health officer. If the owner requests this earlier date, the county health officer shall reschedule the compliance date to a time no later than the end of the third business day following the owner's request. The notice of noncompliance shall inform the owner that failure to sufficiently address the deficiencies may result in the imposition of any penalty provided for in this Part 3. The notice of noncompliance shall also advise the owner of his right to an administrative review under the provisions of subsection E of this section.

E. A request for an administrative review, as specified in subsections B and D of this section, must be made by the owner in writing within 15 calendar days of the compliance date set forth in the notice of noncompliance or any extension thereof which is later granted by the county health officer. A request for an administrative review, as specified in subsection C of this section, must be made by the owner in writing within 15 calendar days of the date the notice provided for in subsection C is issued by the county health officer. Failure to request an administrative review within the prescribed time shall be deemed a waiver of the right to such review. The administrative review shall be held within 15 calendar days of the receipt of a written request for a review and shall be conducted by a designee of the county health officer who was not involved in issuing the notice of noncompliance (hereinafter "reviewer"). Upon written request of the owner, or on his own initiative, the reviewer may advance or postpone the scheduled administrative review date, if, in his opinion, good cause warrants such action. The reviewer shall issue to the owner a written notice of his decision within five working days of the completion of the administrative review. Upon completion of the administrative review, the reviewer may modify, suspend, revoke or continue all such actions previously imposed upon a public health facility permit issued pursuant to this Part 3. In the event of suspension or revocation of the public health facility permit, the notice of decision shall specify the acts or omissions found to be violations of any applicable regulations or laws and, in the case of suspension, shall state the duration of the suspension and the corrective measures, if any, which the owner must implement as a condition of the reinstatement or reissuance of the permit, at end of the suspension period.

F. In the event a public health facility permit is suspended or revoked, the owner of the commercial sex venue shall cease to operate said facility as a commercial sex venue, unless and until the public health facility permit is reinstated or reissued.

(Ord. 2004-0050 § 8, 2004.)

11.04.360 Compliance with Part 3 provisions required.

A. The provisions of this Part 3 are in full force and effect in the county and in every municipal jurisdiction in the county adopting this Part 3.

B. Any person owning or operating any business or establishment regulated by this Part 3, must comply with the provisions of this Part 3.

C. Any person who owns or operates a commercial sex venue without a valid public health facility permit, or who, upon demand of the county health officer, refuses, or neglects to conform to a lawful order or directive issued by him pertaining to conduct regulated by this Part 3, is guilty of a misdemeanor, punishable by a fine of $1,000.00, imprisonment in the county jail for a period not exceed six months, or both. Each such act is punishable as a separate offense, and each subsequent day that an act continues constitutes a separate act punishable as separate offense.

(Ord. 2004-0050 § 9, 2004.)

11.04.370 Health officer—Right to enter and inspect.

The county health officer may enter and inspect any commercial sex venue, or enter and inspect any location suspected of being a commercial sex venue, for purposes of enforcing this Part 3. Such inspections may be conducted as often as necessary to ensure compliance with the provisions of this Part 3.

(Ord. 2004-0050 § 10, 2004.)

11.04.380 Noncompliance with county health officer—Injunctive relief.

Any act or failure to act which is a violation of this Part 3 may be the subject of a civil action to enjoin the person so acting or failing to act to conform his or her conduct to the provisions of this Part 3. The filing and prosecution of such an action shall, in no way, limit the authority or ability of the county health officer to enforce the requirements of this Part 3 or impose penalties or take any other actions enumerated herein.

(Ord. 2004-0050 § 11, 2004.)

Chapter 11.06 PERMITS AND SPECIAL SERVICE FEES

11.06.020 Fee schedule.

The director of public health shall from time to time review, adopt, amend, repeal and enforce rules and regulations for the protection of the public health, safety and general welfare. Such rules and regulations may include a schedule of fees to pay for cost of services provided pursuant to Title 8 and Title 20 of this code.

(Ord. 2006-0040 § 84, 2006; Ord. 2005-0053 § 6, 2005; Ord. 11992 § 5 (part), 1979; Ord. 7583 Part 3 Ch. 10 § 751, 1959.)

Chapter 11.07 Public Events With Daily Attendance of Over 10,000 Participants

11.07.010 Findings.

A. The Board of Supervisors finds as follows:

1. Large scale events can pose a variety of health and safety risks to the attendees of these events;

2. These events can drain critical resources such as law enforcement, fire, emergency medical response and emergency room services;

3. Threat assessments should be conducted in order to minimize these risks;

4. Where the threat assessment leads to a determination that there is a strong probability that loss of life or harm to attendees can occur, then an event action plan shall be required in order to minimize the strong probability of loss of life or harm through adequate health and safety planning to reduce the risk associated with the event; and

5. Annual fairs controlled by the Food and Agricultural Code and certain other large scale events held in venues such as theaters with assigned seats should be excluded from this process as they do not tend to pose the kinds of health and safety risks this ordinance is intended to address.

(Ord. 2016-0015 § 1, 2016.)

11.07.020 Definitions.

A. "County property" includes real property owned, leased, subleased, or otherwise assigned by the County, or real property subject to the use and control of the County. It includes real property of the County in the possession of a public or private entity under contract with the County. By way of example, it includes all public buildings and the surrounding grounds owned or leased by the County in the unincorporated and incorporated portions of the County, such as the Los Angeles County Fairgrounds in the City of Pomona, the Whittier Narrows Recreation Area in South El Monte, and Grand Park in the City of Los Angeles.

B. "Assessment team" shall include a team comprised of one or more representatives appointed by their respective directors from the following Departments: Fire, Sheriff, Health Services Emergency Medical Services, and Public Health. Representatives from other County departments, offices or local jurisdictions may be added as the need arises or to assess a particular event.

C. "Event Action Plan" means a plan developed for an event that imposes measures intended to minimize any strong probability of loss of life or harm.

D. "Promoter" means the individual, association, corporation, partnership, or other organization that arranges, holds, organizes, or otherwise conducts the event. In no circumstance shall the County be considered a promoter.

(Ord. 2016-0015 § 1, 2016.)

11.07.030 Public Events—Threat Assessment.

A. A threat assessment shall be conducted by the assessment team for any event (or a scheduled series of similar events) held on County property or in the unincorporated area of the County with an expected daily attendance level of over 10,000 participants. This threat assessment shall be initiated by written request of the promoter no later than 120 days prior to the scheduled date of the proposed event, unless another time frame is agreed to by the assessment team, and shall be completed by the assessment team no later than 10 business days after submission of the promoter's written request, unless the assessment team requires additional time to assess the event. The purpose of the threat assessment is to assess the threat of a strong

probability of loss of life or harm to participants that the event may pose. The assessment shall include, but not be limited to, the following topics:

1. Prior events held by the promoter;
2. Prior events held at the facility;
3. Similar types of events in general;
4. The anticipated size of the event;
5. The potential need for law enforcement;
6. The potential need for onsite medical care;
7. The potential for drug use and distribution;
8. The potential need for restrictions as to age of attendees, alcohol use, hours of the event, capping attendance, etc.; and
9. The potential to drain critical resources such as law enforcement, fire, emergency medical response, and emergency room services in the region.

B. If the assessment team determines that, based on the facts presented to it in the assessment, there is a strong probability that loss of life or harm to the participants could occur, then the assessment team shall require the promoter to participate in the preparation of an event action plan, which shall be submitted at least 60 days prior to the scheduled date of the event unless a different time period is agreed to by the assessment team. The assessment team shall either approve, conditionally approve, disapprove, or request revisions to the event action plan within 15 days of the date it is submitted by the promoter. The promoter shall not hold the event until the assessment team approves the final event action plan. The event action plan shall address all of the following:

1. Health and safety concerns, including, but not limited to, attendance capacity, fire safety protections, alcohol sales, signage, adequacy of ventilation, and emergency ingress and egress, of the event space, and whether the promoter should: (a) provide free water and other cooling amenities, such as shade structures, air conditioning, and misters; (b) prohibit any person under 18 or 21 years of age from attending the event; (c) prohibit alcohol sales; (d) limit the size of the event; and (e) prepare and implement a medical action plan that provides for onsite medical care, availability of private medical transport, and/or coordination with area hospitals, trauma centers, and emergency medical services providers.
2. Law enforcement concerns, including, but not limited to, requiring a reasonable or enhanced ratio of peace officers or security guards to event attendees, and mechanisms for crowd control which could include limiting attendance, crime prevention, and the prevention of drug use and drug trafficking through the use of measures such as, amnesty boxes, searches and the use of drug sniffing dogs.
3. The potential need for supplying educational pamphlets, or other relevant emergency materials, including, but not limited to, first aid, to help alleviate any risk posed by the event.

C. The promoter shall permit representatives of the assessment team to attend event setup and the event itself to observe compliance with the event action plan.

D. The promoter shall participate with the assessment team in an after action review of the event upon request of the assessment team to assess compliance with, and the effectiveness of, the event action plan. The after action review shall be held within 14 days of the event unless otherwise approved by the assessment team.

E. The assessment team shall develop a summary assessment process for recurring events at the same property where it had previously determined that the recurring events do not present a strong probability that loss of

life or harm to participants could occur, and may assess multiple similar events together if requested to do so by the promoter.

F. Notwithstanding subsections A and B, inclusive, if the event is a performance that by its nature places the performers at risk, then the event action plan is not required to address that risk.

G. The County may seek reimbursement from the promoter for the reasonable costs to the County to prepare the threat assessment pursuant to subsection A, review the event action plan pursuant to subsection B, and conduct the after action review pursuant to subsection D.

(Ord. 2016-0015 § 1, 2016.)

11.07.040 Exemptions.

This Chapter shall not apply to the following types of events:

A. An event that is an annual fair within the network of California fairs, as described in Division 3 (commencing with section 3001) of the Food and Agricultural Code, if the primary purpose of the event is to exhibit or promote the state's agriculture, livestock, or industrial or natural resources through exhibits, vendors, or other educational programming.

B. An event that is held solely within a theater, grandstand, amphitheater, performing arts center or similar facility with a permanent stage or performance space and permanent seating where the majority of attendees are assigned specific seats to observe the performance, regardless of the level of attendance.

(Ord. 2016-0015 § 1, 2016.)

11.07.050 Severability.

If any provision or clause of this chapter or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other provision or application of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

(Ord. 2016-0015 § 1, 2016.)

Chapter 11.08 CHILDREN'S CAMPS[1]

Part 1 TITLE, PURPOSE AND DEFINITIONS

11.08.005 Title.

The ordinance codified in this chapter shall be known as the "Elena Matyas Children's Camp Safety Ordinance."

(Ord. 2022-0031 § 14, 2022.)

[1]For statutory provisions on organized camps, see Health and Saf. Code § 18897 et seq.

11.08.010 Purpose.

The purpose of this chapter is to prescribe minimum requirements for the protection of the health and safety of all campers participating in a children's camp.

(Ord. 2022-0031 § 15, 2022; Ord. 7583 Part 3 Ch. 9 § 700, 1959.)

11.08.020 Camper.

"Camper" means any person age three (3) to seventeen (17) who is a participant in a children's camp.

(Ord. 2022-0031 § 16, 2022; Ord. 7583 Part 3 Ch. 9 § 701, 1959.)

11.08.025 Camp Operator.

"Camp operator" means an individual, partnership, joint venture, or organization that owns, leases, rents, or operates a children's camp, and/or an individual partnership, joint venture, or organization that has care, charge, or control of a children's camp.

(Ord. 2022-0031 § 17, 2022.)

11.08.030 Children's Camp.

Children's camp" has the same meaning as defined in Section 8.04.080.

(Ord. 2022-0031 § 18, 2022; Ord. 2007-0089 § 4, 2007; Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 9 § 709, 1959.)

11.08.035 Children's Day Camp.

"Children's day camp" has the same meaning as defined in Section 8.04.081.

(Ord. 2022-0031 § 19, 2022.)

11.08.040 Children's Overnight Camp.

"Children's overnight camp" has the same meaning as defined in Section 8.04.082.

(Ord. 2022-0031 § 20, 2022; Ord. 7583 Part 3 Ch. 9 § 708, 1959.)

11.08.045 Counselor.

"Counselor" means a staff member who supervises campers and/or operates activities involving campers at a camp, is at least sixteen (16) years old, except as otherwise required in this chapter, and is at least two (2) years older than any campers that the counselor is supervising.

(Ord. 2022-0031 § 21, 2022.)

11.08.050 Department.

"Department" means the Los Angeles County Department of Public Health.

(Ord. 2022-0031 § 22, 2022; Ord. 7583 Part 3 Ch. 9 § 702, 1959.)

11.08.055 Director.

"Director" means an individual who is at least 25 years of age, has had at least two (2) seasons of administrative or supervisory experience in camp activities and has primary responsibility for camp operations.

(Ord. 2022-0031 § 23, 2022.)

11.08.060 Organized Camp.

"Organized camp" has the same meaning as defined in Section 8.04.338.5.

(Ord. 2022-0031 § 24, 2022; Ord. 7583 Part 3 Ch. 9 § 703, 1959.)

11.08.070 Passive Activity.

"Passive activity" means an activity that takes place for a limited time in a defined area, where campers are spectators, or have limited mobility. Such activities may include, but are not limited to, storytelling, coloring, viewing movies or drama, singing, playing board games, computer use, and classroom instruction.

(Ord. 2022-0031 § 25, 2022; Ord. 7583 Part 3 Ch. 9 § 704, 1959.)

11.08.075 Season.

"Season" means a consecutive 90-day period.

(Ord. 2022-0031 § 26, 2022.)

11.08.080 Specialized Recreational Activity.

A. "Specialized recreational activity" means an activity that may expose a camper to a risk of serious injury because of the inherent danger of the activity. Such activities include, but are not limited to, ziplining, diving, boating, horseback riding, rock climbing, shooting sports, high rope courses, operating all-terrain vehicles (ATVs), canoeing, aquatic activities (e.g., any camper activities in a pool or other body of water), and other activities determined by the Department based on characteristics such as height, speed, water depth, physical contact with another participant or object, and/or use of equipment associated with the activity. Other considerations for determining whether an activity is a specialized recreational activity include, but are not limited to, the following:

    1. Staff that have specialized training and experience concerning equipment, procedures, and safety considerations.

    2. Specific safety precautions and requirements for a high level of adult supervision at all times.

    3. May require inspection and/or certification by an accredited organization for that activity.

B. Specialized recreational activities do not include sports played on courts or fields.

(Ord. 2022-0031 § 27, 2022; Ord. 7583 Part 3 Ch. 9 § 706, 1959.)

Part 2 GENERAL REQUIREMENTS

11.08.200 Compliance Required.

Unless otherwise specified in this division, camps which provide four (4) or more consecutive overnight stays shall comply with the requirements of Division 13, Part 2.4, of the California Health and Safety Code and Title 17, Division 1, Chapter 5, Subchapter 6. Organized Camps, of the California Code of Regulations (CCR).

(Ord. 2022-0031 § 30, 2022.)

11.08.205 Establishment—Plans and Specifications Required.

A person intending to establish a new children's camp or organized camp shall submit, in duplicate, complete plans of the proposed camp, including a plot plan drawn to scale, to the Department for approval, prior to construction of new buildings or conversion of existing buildings.

(Ord. 2022-0031 § 30, 2022.)

11.08.210 Registration or Permit to Operate.

A. All children's camps operating for four (4) weeks or less in any 12-month period are required to register with the Department before beginning camp operations. All children's camps operating for more than four (4) weeks in any 12-month period are required to obtain a public health permit before beginning camp operations.

B. Every person desiring to register or obtain a public health permit to operate a children's camp shall file an application at least 60 days prior to the anticipated operation of the children's camp. The application shall include the information specified in Section 11.08.220.

C. Upon receipt of an application for registration or a public health permit and required fee, the Department shall review the application. The Department shall not review any application if incomplete, or if the required fee is not paid.

D. Upon completion of the initial application review, the children's camp shall be subject to a site evaluation to be completed by the Department within 30 days prior to the anticipated operation of the children's camp to ensure minimum compliance with this chapter.

E. Upon verification by the Department that all minimum requirements have been met, registration or a public health permit shall be issued.

F. A camp operator is required to notify the Department at least fourteen (14) calendar days before a change is made to any of the following:

    1. Continuing or discontinuing onsite food service.

    2. Any changes to the children's camp name, location and mailing address.

    3. Any major expansion of physical facilities.

(Ord. 2022-0031 § 30, 2022.)

11.08.215 Notice of Intent to Operate.

At least 30 days prior to operation of a children's camp in any calendar year, written notice shall be sent by the camp operator to the Department, setting forth the name, location, phone number, mailing, and email address of the person or agency that owns the camp site, and/or the name, phone number, and email address of the person or agency proposing to operate the camp and the proposed dates of operation during that calendar year. Children's camps which operate year-round shall provide only an initial notice of operation.

(Ord. 2022-0031 § 30, 2022.)

11.08.220 Written Operating Procedures and Plans.

A. The camp operator must develop and submit to the Department with the initial application for registration or public health permit a written description of operating procedures that describe the program of organized and supervised activities of the children's camp in the following areas:

   1. Supervisor qualifications and training;
   2. Staff skill verification criteria and process;
   3. Camper eligibility requirements, if any;
   4. Counselor-to-camper supervision ratios as required in Section 11.08.240, including for any passive or specialized recreational activities when offered;
   5. Safety procedures, including the storage and handling of hazardous materials;
   6. Identification of potential environmental hazards;
   7. Equipment repair and maintenance; and
   8. Equipment access and control.

B. The following written plans must be submitted with the initial application for registration or a public health permit:

   1. Camper health plan as outlined in Section 11.08.245;
   2. Emergency plan as outlined in Section 11.08.260;
   3. Specialized recreational activities plan as outlined in Section 11.08.265, if applicable;
   4. Transportation plan as outlined in Section 11.08.270;
   5. A plan for swimming or boating in any lake, stream, river or the ocean as outlined in Section 11.08.320, if applicable; and
   6. Insect and rodent plan as outlined in Section 11.08.490.

C. A children's camp shall maintain a copy of the written operating procedures and written plans required in this section on file on the camp premises and make plans available for inspection by any camper, camper's parent or guardian, or their agent.

D. If a change is made to written procedures or written plans that are required in this chapter, the camp operator must submit updated procedures or plans within fourteen (14) days of the proposed change along with applicable fee to the Department.

E. If a children's day camp elects to change operations to include one or more specialized recreational activities, or overnight stays, a new registration or public health permit application must be submitted and approved prior to the implementation of any changes, as specified in this chapter.

(Ord. 2022-0031 § 30, 2022.)

11.08.225 Director Required.

All children's camps must have a director, as defined in Section 11.08.055, who is at least twenty-five (25) years old, present at the camp when campers are present. The director may designate a counselor who is at least twenty-one (21) years old and has at least two (2) years of experience as a counselor as acting director while the director is offsite. The acting director may only serve in that capacity for twenty-five percent (25%) of the daily duration of camp operations or during passive activities.

(Ord. 2022-0031 § 30, 2022.)

11.08.230 Background Checks Requirement.

A. In addition to the requirements of CCR Title 17, section 30751(a), all individuals over the age of eighteen (18) who work or volunteer at a children's camp must obtain both a satisfactory criminal history record check from the California Department of Justice, Bureau of Criminal Identification, and the U.S. Department of Justice National Sex Offender Public Registry, and must follow mandated reporter requirements.

B. The director of a children's camp must provide a written statement verifying the director's review for each individual as set forth in subsection A above, and documentation of the criminal history record check of the director.

(Ord. 2022-0031 § 30, 2022.)

11.08.235 First Aid Instruction Requirement.

All counselors, qualified persons as defined in Section 11.08.250, and the director must provide and maintain satisfactory evidence that they are trained in the principles of first aid and cardiopulmonary resuscitation (CPR), with such evidence of the counselors' or qualified persons' training verified by the director.

(Ord. 2022-0031 § 30, 2022.)

11.08.240 Counselor Ratios and Minimum Age Requirements.

A. All children's camps shall have a sufficient number of counselors to supervise and ensure the safety of campers.

B. Except as set forth in subsection C and D below, when campers are present, there shall be the following:

   1. At least one (1) counselor for every twelve (12) campers ages three (3) to five (5) years old.

   2. At least one (1) counselor for every fifteen (15) campers ages six (6) and above.

C. When campers ages six (6) and above are present during passive activities as defined in Section 11.08.080, there shall be at least one (1) counselor for every 25 campers. Supervision ratios as set forth in subsection B above must be reinstated at the conclusion of the passive activity.

D. When campers ages three (3) to five (5) years old are present during specialized recreational activities as defined in Section 11.08.060, they must be supervised by counselors who are age eighteen (18) or older, and there shall be at least one (1) counselor for every six (6) campers. When campers above age six (6) are present during specialized recreational activities, they must be supervised by at least one (1) counselor for every eight (8) campers. Supervision ratios as set forth in subsection B above may be reinstated at the conclusion of the specialized recreational activity.

E. The minimum number of counselors as set forth in this section must be maintained for offsite trips, except that no fewer than two (2) counselors must be present during any offsite trip.

F. When campers are present at, near or in a pool, lake, stream, river, or ocean, counselors shall be poolside, beachfront or in the water and provide direct visual surveillance of campers at all times.

G. All staff and counselors shall receive training on minimizing the potential of one (1) counselor being present and alone with one (1) camper and not visible to other counselors and campers.

(Ord. 2022-0031 § 30, 2022.)

11.08.245 Camper Health Plan.

A. A children's camp shall establish and retain onsite a written site-specific camper health plan that is appropriate to the population serviced and the environment of the camp location or site.

B. The camper health plan shall be developed in consultation with, and reviewed annually by, a licensed physician.

C. The camper health plan shall cover all of the following subjects:

1. Procedures for camper health screening;

2. Arrangements for on-call health care consultation services;

3. Arrangements for emergency health care services and emergency transportation to a health care facility;

4. First aid and health care supplies;

5. The storage and administration of camper prescription and non-prescription drugs and medications;

6. Medical procedures for camper trips away from the camp location or site;

7. Procedures for daily observation of each camper's physical health;

8. Procedures for prompt response and notification of the camper's designated emergency contact;

9. Procedures for camper medical privacy. The place of medical examination or isolation shall ensure privacy and not be located in, or directly adjacent to, a food storage, preparation, or serving area; and

10. Procedures for preventing disease transmission/universal precautions.

D. The camp operator or director must report any of the following within 24 hours to the Department:

1. Any occurrence of foodborne illness, suspected foodborne illness, or any other reportable disease in CCR Title 17, section 2500 (j); and

2. Any death, or any accident or illness of campers or staff members that results in an overnight stay in a hospital or clinic.

E. All camp staff and counselors shall receive training on the camper health plan.

F. The local health officer, when necessary for the protection of the health of campers and staff members, may require special inoculations and testing for each camper and staff member entering camp and may require proof of such compliance.

(Ord. 2022-0031 § 30, 2022.)

11.08.250 Health Supervision.

A. A children's day camp shall have a qualified person on duty and present at the camp location or site when campers are present. The qualified person is charged with ensuring compliance with the camper health plan except as provided in section B. A "qualified person" is either the director or designee who otherwise meets the definition of director as defined in Section 11.08.055, is in compliance with first aid and CPR training requirements of Section 11.08.235, and is trained to implement the camper health plan.

B. A children's overnight camp, or a children's day camp that is located in a rural or wilderness area, as defined in Section 7.16.050.B.1, shall ensure that a full-time adult health supervisor, as defined in CCR Title 17, section 30700, charged with health supervision be present when campers are present.

(Ord. 2022-0031 § 30, 2022.)

11.08.255 Camper Health Screening.

A. Every camper and staff member attending a children's camp shall furnish a health status and history that is completed and signed by the individual camper or staff member, or by the parent or guardian if the camper or staff member is under the age of eighteen (18). This health status and history shall be kept onsite as long as the camper or staff member is at camp and shall include the following:

   1. A description of any health condition requiring medication, treatment, special restriction, or consideration while at camp;

   2. A record of immunizations including date of the last tetanus shot; and

   3. A record of any allergies.

B. A signed statement by a parent or guardian to seek emergency medical treatment shall be provided for each camper and staff member under eighteen (18) years of age.

C. A medical logbook shall be maintained by the camp operator or director which includes at least the following information for each accident, injury, or illness involving a camper or staff member:

   1. Name of the person treated;

   2. Dosage and intervals of any medication dispensed;

   3. First aid or medical treatment rendered;

   4. Name of the person administering the first aid or medical treatment;

   5. Date and time of treatment; and

   6. Date parent/guardian notified of accident, illness, or injury.

D. Camp staff and counselors shall receive training on the camper health plan.

(Ord. 2022-0031 § 30, 2022.)

11.08.260 Emergency Plan.

A. A children's camp shall establish and retain onsite a written site-specific emergency plan, approved by the director, outlining procedures which deal with the following emergency situations:

1. Natural disasters;
2. Lost campers;
3. Fires;
4. Transportation emergencies;
5. Severe illnesses and injuries;
6. Unauthorized persons in the campsite or location;
7. Aquatic emergencies, as appropriate for the site; and
8. Other emergency situations, as appropriate for the site.

B. The emergency plan shall include procedures for:

1. Evacuation of the campsite or location;
2. Control of vehicular traffic through the camp; and
3. Communication among persons at the site of an emergency, persons with nearby emergency medical facilities and the nearest fire station, and staff at the children's camp (both administrative and health staff).

C. Camp staff, including the director and counselors shall be trained in implementing the emergency plan procedures.

(Ord. 2022-0031 § 30, 2022.)

11.08.265 Specialized Recreational Activities Plan.

A children's camp that offers specialized recreational activities as defined in Section 11.08.080, shall retain onsite a written site-specific specialized recreational activities plan that addresses the following:

A. Supervisor qualifications and training;

B. Staff skill verification criteria and process;

C. Participant eligibility requirements;

D. Equipment needed, maintenance, and repair;

E. Activity area design and safety procedures including access and control; and

F. For aquatic activities:

1. Testing and classification of each camper according to aquatic ability before the camper engages in an aquatic activity. All campers and staff are considered non-swimmers unless tested and classified.
2. Camper participation only in aquatic activities appropriate to a camper's swim classification, except during formal instruction.

(Ord. 2022-0031 § 30, 2022.)

11.08.270 Transportation Plan.

A children's camp shall establish and retain onsite a written site-specific transportation plan that addresses the following:

A. Transportation of campers and staff for offsite activities;

B. Transportation of campers and staff to a different location in case of emergency; and

C. Transportation of campers for immediate medical care.

(Ord. 2022-0031 § 30, 2022.)

11.08.275 Firearms Storage.

All firearms and ammunition, when not in use for authorized camp activities, shall be stored and locked in a cabinet designated for this use. The key for this cabinet shall only be in the possession of the director, or a qualified designee who meets the requirements of a director as defined in Section 11.08.055.

(Ord. 2022-0031 § 30, 2022.)

11.08.280 Farm and Domestic Animals.

A. The children's camp shall not allow on camp premises unvaccinated dogs, or other animals that may cause injury or disease to campers.

B. Pets or animals of any kind are not permitted at swimming or food service areas, unless the animal is a service animal.

(Ord. 2022-0031 § 30, 2022.)

Part 3 OPERATIONAL REQUIREMENTS FOR CHILDREN'S CAMPS

11.08.300 Food Service Facilities.

Children's camps that offer food for service must comply with California Health and Safety Code sections 113700-114437.

(Ord. 2022-0031 § 31, 2022.)

11.08.310 Swimming Facilities.

All swimming pools, pools, wading pools, and special purposes pools which are located in or provided for any children's camp shall be designed, constructed, maintained, and operated in accordance with California Health and Safety Code sections 116035-116068 and applicable provisions of CCR Title 22, and Chapter 31, Part 2, Title 24, sections 3101B-3137B.2, and Figures 31B-1-31B-5. Pools, as defined in Section 11.32.010, shall comply with applicable provisions of Chapter 11.32.

(Ord. 2022-0031 § 31, 2022.)

11.08.320 Lake, Stream, River, or Ocean Swimming.

A. A plan for swimming or boating in any lake, stream, river, or the ocean by any children's camp shall be:

1. Developed and maintained by the director;

2. Submitted to the Department prior to use of the lake, stream, river, or ocean by the camp; and

3. Implemented in accordance with any special conditions that may be specified in writing by the Department to protect health and safety.

B. Any children's camp which uses natural bodies of water such as lakes, streams, rivers, or the ocean for swimming shall be equipped with at least one (1) lifeboat or equivalent water safety device that is suited to the size, location and use of the water facility, population of the camp, and dangers inherent to the water facility as determined by the director and that shall:

1. Be used for no other purpose than for saving lives or for other emergencies;

2. Be kept in good repair and readily accessible to the areas of potential use; and

3. Comply with California Harbors and Navigation Code section 652.

C. No camp shall maintain or use a lake, stream, or river unless:

1. Careful measurements of the depth of water and location of eddies and pools, and determinations of the presence and nature of dangerous currents, sunken logs, rocks and obstructions in the lake, stream, or river have been made;

2. Legible signs indicating in plain letters, the depth of water, the location of pools or eddies; and the presence and direction of currents of water shall be posted at any lake, stream or river used by a children's camp for camper swimming; and

3. The signs shall be visible from the swimming or bathing area during the season when bathing and swimming are permitted.

D. Lifeguard services equivalent to those defined in California Health and Safety Code section 116028 shall be provided at any location used for swimming by campers, with a minimum of one (1) lifeguard for every 25 campers in the water.

E. For all waterfront activities involving campers, staff members or visitors, there shall be a designated aquatics supervisor who is at least eighteen (18) years of age and who shall possess an American Red Cross Lifeguard certificate, YMCA Swim Lifesaving certificate or an equivalent certificate. Waterfront activities, include, but are not limited to, swimming, sailing and paddle boarding.

(Ord. 2022-0031 § 31, 2022.)

Part 4 STRUCTURAL REQUIREMENTS FOR CHILDREN'S CAMPS

11.08.400 Repair, Safety, Maintenance, and Sanitation.

A. Every building, structure, tent, tent structure, cabin, and premises within any children's camp shall be kept in good repair, and shall be maintained in a safe and sanitary condition, clean and free from accumulations of paper, rubbish, or standing water satisfactory to the Department.

B. All appliances, equipment, devices, facilities, electrical, mechanical, plumbing, refrigerating, and ventilating systems within any children's camp shall be kept in good repair, and shall be maintained in a safe and sanitary condition satisfactory to the Department.

C. When provided, mattresses, mattress covers, blankets, sheets, pillows, and/or sleeping bags within any children's camp shall be maintained sanitary and in good condition. Blankets, sheets, pillows, and/or sleeping bags shall be laundered and/or sanitized prior to issuance to a camper. Mattresses shall be covered with a waterproof material or washable covers so as to be easily cleaned and sanitized.

(Ord. 2022-0031 § 32, 2022.)

11.08.410 Sleeping Accommodations.

A. No person shall use or permit any child or adult to use, any room or place for sleeping purposes within any children's camp if such room or place is overcrowded or if there is insufficient light, windows, ventilation or drainage, or if the room or place is unsanitary.

B. Children's camps with overnight stays shall provide a minimum space of eighteen (18) inches, or a physical barrier between campers. Head-to-head sleeping accommodations shall be prohibited.

C. Each camper shall have an individual bed or sleeping bag.

D. Every room or place used for sleeping purposes within any children's camp that is occupied by two persons shall contain not less than 630 cubic feet of air space.

E. Every room or place used for sleeping purposes within any children's camp shall be deemed to be overcrowded if it is occupied by more than two (2) persons and contains less than 630 cubic feet of air space plus 500 cubic feet of air space for every person occupying the room in excess of two (2) persons.

(Ord. 2022-0031 § 32, 2022.)

11.08.420 Drinking Water.

Drinking water shall be provided and be centrally located in the children's camp.

(Ord. 2022-0031 § 32, 2022.)

11.08.430 Water Supply.

A. A dependable supply of potable water adequate to furnish 50 gallons of water per person per day shall be available within any children's camp. Where pit or chemical toilets are used, this figure may be reduced to 30 gallons per person per day.

B. The water supply system shall conform to the following:

1. Water wells shall be constructed in accordance with the requirements of California Bulletin 74-81, Well Water Standards, Chapter II and Appendices A, B, C (December 1981) and California Bulletin 74-90 (June 1991), Well Water Standards published by the Department of Water Resources, State of California Resources Agency.

2. Springs shall meet the following requirements:

a. Use of a spring as a potable water source shall not be permitted if it is located on the side of or at the foot of a hill where cesspools, privies, sewers, or other sources of contamination would be located above the spring and in the path of the groundwater flow toward the spring. In no case

shall a spring be used if it is located closer than 200 feet to an upstream potential source of contamination.

b. Springs used as a potable water source shall be developed with a tight box or enclosure including a watertight cover with no openings that will permit entrance of surface waters, windblown dusts or small animals.

3. No stream sources for potable water shall be used without treatment.

4. Water supply, quality, monitoring, storage, and distribution shall comply with the requirements of the California Safe Drinking Water Act, California Health and Safety Code sections 116270-116755.

(Ord. 2022-0031 § 32, 2022.)

11.08.440 Handwashing Facilities.

Handwashing facilities shall be provided adjacent to all flush toilets within any children's camp. Single service soap dispensers shall be provided at handwashing facilities.

(Ord. 2022-0031 § 32, 2022.)

11.08.450 Showers.

A. Children's overnight camps shall provide showers when campers are present for three (3) or more consecutive days and nights.

B. At least one (1) shower head with hot and cold running water shall be provided for each fifteen (15) children of each gender. The camp operator shall provide soap for all lavatories (sinks) and showers; all such showers shall be in buildings and all such buildings shall be properly lighted, plumbed, and ventilated.

C. All campers at children's camps shall be given the opportunity to use showers at reasonable intervals.

D. This section shall not prohibit the installation and maintenance of additional properly plumbed, open-air showers in connection with swimming pools or swimming areas.

(Ord. 2022-0031 § 32, 2022.)

11.08.460 Toilets.

A. Toilets shall be provided within any children's camp at the ratio of at least one (1) toilet for each multiple of fifteen (15) children, or fraction thereof, of each gender.

B. Chemical toilets may only be used in remote areas where a plumbing system for water distribution is unavailable as specified in Section 11.38.535.

C. Children's sleeping accommodations shall not be located over 200 feet from a toilet.

D. Toilets shall be maintained in clean and sanitary condition.

(Ord. 2022-0031 § 32, 2022.)

11.08.470 Garbage and Refuse.

A. All garbage and refuse shall be deposited and stored in fly tight, leak proof, non-absorbent containers, and shall not be kept for more than seven (7) days.

B. All containers for the collection of garbage and refuse shall be kept in a sanitary condition.

(Ord. 2022-0031 § 32, 2022.)

11.08.480 Drainage.

The children's camp and established trails shall be properly drained, so as to eliminate standing water, regardless of whether the children's camp is on or near public land, such as a park or beach.

(Ord. 2022-0031 § 32, 2022.)

11.08.490 Insect and Rodent Plans.

A. Children's camps shall have a plan and equipment for coping with excessive numbers of flies, mosquitoes and other insects, and rodents.

B. If a children's camp is experiencing problems with controlling insects and rodents, the Department may require the camp to submit a plan to correct the problem.

C. At times or places where a special risk of disease transmission to humans from insects, rodents, or other animals exists, the children's camp shall institute special measures, under the guidance of the Department, to protect the campers.

(Ord. 2022-0031 § 32, 2022.)

Part 5 INSPECTION BY OFFICIALS

11.08.500 Inspection by Officials.

A. A children's day camp that operates for four (4) weeks or less shall not be subject to annual routine inspections. For purposes of determining compliance with this chapter, the Department may access the camp site or location during operating hours, for inspection purposes, on the basis of a complaint, or reason to suspect that the children's day camp has violated this chapter. The Department may seek recovery from a children's day camp of an amount that does not exceed the reasonable costs of inspecting the children's day camp.

B. A children's day camp that operates for more than four (4) weeks in any 12-month period shall be subject to at least one (1) unannounced annual inspection.

C. The County Health Officer, or designee(s), shall have the right to enter the premises during operating hours of a children's camp to make reasonable inspections to observe and enforce compliance with applicable law.

(Ord. 2022-0031 § 33, 2022.)

11.08.510 Public Notification.

A. The Department shall post on its website all registered and permitted children's camps within fifteen (15) business days of issuance of registration or public health permit.

B. The Department shall post all routine and complaint inspection results on its website within seven (7) business days of the inspection.

(Ord. 2022-0031 § 33, 2022.)

11.08.520 Notice To Be Given.

All official inspection reports issued to a children's camp contain a notice similar to that contained in Section 8.04.650. Any additional re-inspection fees to be charged to a children's camp shall be similarly noticed as provided in Section 8.04.650 B.

(Ord. 2022-0031 § 33, 2022.)

11.08.530 Public Health Permit Suspension and Revocation.

A. Any children's camp registration or public health permit may be suspended or revoked by the Department for a violation of the requirements of this chapter, Part 7 of Chapter 8.04, or State and local laws or regulations. Any children's camp, for which the registration or public health permit has been suspended or revoked shall close and cease doing business and remain closed until the registration or permit has been reinstated or reissued by the Department.

B. Whenever the Department finds that a children's camp is not in compliance with the requirements of this chapter or State and local laws or regulations, a written notice of violation that contains a required compliance date shall be issued to the registrant or permittee. If the registrant or permittee fails to correct the violation within the specified time, the Department shall issue to the registrant or permittee a written notice setting forth the violations found by the Department. The notice shall inform the registrant or permittee of a right to a compliance review, if requested, to show cause why the registrant's or permittee's registration or public health permit should not be suspended or revoked. A registrant or permittee must either make a written request to the Department for a compliance review within ten (10) calendar days of service of the notice, or correct the violation. A failure to request a compliance review within ten (10) calendar days after service of the notice shall be deemed a waiver of the right to a compliance review, and may subject the registration or permit to immediate suspension by the Department.

C. The compliance review shall be held within fifteen (15) calendar days of the Department's receipt of the registrant's or permittee's written request for a compliance review. Upon written request by the registrant or permittee, the compliance review officer may postpone any compliance review date, if circumstances warrant such action, or cancel the compliance review if the registrant's or permittee's violations are corrected as verified by the Department.

D. At the compliance review, the compliance review officer shall hear testimony and read and consider document submissions from the registrant or permittee and Department representatives.

E. The compliance review officer shall issue and serve a written decision to the registrant or permittee within fifteen (15) working days following the compliance review. In the event of suspension or revocation, the decision shall specify the violations that were found to exist and/or continue, the extent of the suspension of the registration or permit, and the actions required for correction of the continuing violations. If the registration or public health permit has been revoked, the decision shall state the reasons for the revocation.

F. Notwithstanding any other provision of this chapter, if any immediate danger to the public health or safety is found or is reasonably suspected, unless the danger is immediately corrected, the Department may immediately suspend the registration or public health permit and order the children's camp immediately closed, pending the determination of a compliance review. Immediate danger to the public health or safety of campers, visitors, or camp staff shall include any condition, based upon inspection findings or other evidence, that can cause, or is reasonably suspected of causing, infection, illness, or disease transmission, or any known or reasonably suspected hazardous condition.

G. Whenever a registration or public health permit is suspended as the result of an immediate danger to the public health or safety, the Department shall issue to the registrant or permittee a notice setting forth the violations that have caused the immediate danger, specifying the sections of this chapter or State and local laws or regulations, allegedly violated, and informing the registrant or permittee of the right to a compliance review.

H. At any time within ten (10) calendar days of service of a notice under subsection G, the registrant or permittee may request, in writing, a compliance review before a compliance review officer to show cause why the suspension is not warranted. The compliance review shall be held within fifteen (15) calendar days of the receipt of a request for a compliance review. A failure to request a compliance review within ten (10) calendar days shall be deemed a waiver of the right to such compliance review.

I. The Department may, after providing opportunity for a compliance review, modify, suspend, or revoke a registration or public health permit for serious or repeated violations of the requirements of this chapter or State and local laws and regulations, or for interference in the performance of the inspection and investigation duties of the Department.

J. A registration or public health permit may be reinstated, or a new registration or public health permit issued, if the Department determines that conditions which prompted the suspension or revocation no longer exist.

(Ord. 2022-0031 § 33, 2022.)

11.08.540 Hearing Procedures.

The Department may elect to conduct a compliance review in accordance with the provisions of Section 11.08.530, or in accordance with the provisions of Chapter 1.25.

(Ord. 2022-0031 § 33, 2022.)

11.08.550 Implementation.

A. The Department is responsible for administration of this chapter which may include public education, public outreach, and promulgating guidelines and rules consistent with the provisions of this chapter and the County Code.

B. Provisions of this chapter related to the application and procurement of children's camp registration and permits shall be effective January 1, 2023.

C. Enforcement for failure to comply with provisions of this chapter related to children's camp registration and permits shall commence on March 1, 2023.

(Ord. 2022-0031 § 33, 2022.)

11.08.560 Adoption of Ordinance by Cities.

This ordinance shall be effective within the territorial jurisdiction of each city that incorporates the entirety of this ordinance into its municipal code by adoption or resolution.

(Ord. 2022-0031 § 33, 2022.)

Chapter 11.09 SHARED KITCHEN COMPLEX

11.09.010 Definitions.

The following words and phrases shall apply to this Chapter, irrespective of their use in other Chapters of Division 1 of this Title.

A. "Secured food processing station" means an enclosed room within a shared kitchen complex used by a shared kitchen complex tenant wholesale food processor pursuant to Section 11.12.110 of the Los Angeles County Code. A secured food processing station shall include one or more food preparation tables, a hand wash sink, a food preparation sink, when applicable, a warewashing sink, cooking equipment, and food storage space. A shared kitchen complex shall not allow multiple shared kitchen complex tenants wholesale food processors to occupy a single secured food processing station simultaneously. Each secured food processing station is to be occupied exclusively by only one shared kitchen complex tenant wholesale food processor pursuant to a lease or other written arrangement for the term of that lease or other written arrangement.

B. "Shared kitchen complex manager" means the individual responsible for managing a shared kitchen complex, as defined in Section 8.04.425 of the Los Angeles County Code, to ensure compliance with all applicable federal, state, and local laws, regulations, and ordinances.

C. "Standard sanitary operating procedures" means written responsibilities and procedures for the operation of a shared kitchen complex, as defined in Section 8.04.425 of the Los Angeles County Code. The standard sanitary operating procedures shall identify the responsibilities of the shared kitchen complex manager and of the shared kitchen complex tenants for the following operational aspects of the shared kitchen complex, including each secured processing station:

    1. Cleaning and sanitizing procedures for food equipment and utensils;

    2. Proper storage of food product, utensils, and equipment;

    3. Checking and recording of temperatures of refrigeration units and of hot water;

    4. Reporting required maintenance;

    5. Cleaning and maintenance of common or shared areas including but not limited to restrooms, storage areas, cooking equipment, hood systems, and warewashing sinks;

    6. Providing and scheduling commercial pest control; and

    7. Any other guidelines, orders, regulations or directives issued by the County health officer.

(Ord. 2015-0065 § 9, 2015.)

11.09.050 Shared Kitchen Complex Manager—Duties.

A shared kitchen complex manager shall have the following duties:

1. Ensure that any shared kitchen complex tenant complies with all applicable federal, state, and local laws and regulations pertaining to equipment and food safety requirements, including, but not limited, to those set forth in the California Health & Safety Code and the Los Angeles County Code.

2. Ensure that any shared kitchen complex tenant has a valid public health permit prior to occupying space within a shared kitchen complex.

3. Maintain a Person in Charge at the shared kitchen complex during operating hours as a point of contact for the County health officer and each shared kitchen complex tenant.

4. Ensure food contact surfaces of equipment shared by the shared kitchen complex tenants are cleaned and sanitized between use by each such tenant.
5. Ensure the shared kitchen complex conforms to sanitation requirements set forth in the Los Angeles County Code and the California Retail Food Code, as applicable.
6. Develop written standard sanitary operating procedures, as specified in Section 11.09.010 C.
7. Maintain on file or otherwise make immediately available at the shared kitchen complex the following records:
    a. a list of all shared kitchen complex tenants and their contact information;
    b. for each such tenant, a copy of the food products approved for preparation, sale and/or service by the County health officer;
    c. list of all food allergens known to be processed and/or handled within the shared kitchen complex;
    d. for each shared kitchen complex tenant, the name of such tenant's full-time employee holding a valid Certified Food Protection Manager certificate and copies of the California Food Handler Cards for all other of such tenant's employees responsible for handling food or cleaning equipment;
    e. a copy of each executed lease or written agreement with each shared kitchen complex tenant; and
    f. a copy of each shared kitchen complex tenant's current public health permit.
8. Provide dry and refrigerated storage space adequate for each shared kitchen complex tenant's storage needs.

(Ord. 2015-0065 § 9, 2015.)

11.09.100 Shared Kitchen Complex Tenant, Retail Food Operator—Duties.

A shared kitchen complex tenant, retail food operator, as defined in Section 8.04.428 of the Los Angeles County Code, shall have the following duties:

1. Comply with all applicable equipment and food safety requirements set forth in this chapter and in the California Retail Food Code.
2. Acknowledge receipt of and comply with the standard sanitary operating procedures for the shared kitchen complex.
3. Secure all personal equipment and food product in the designated storage areas provided by the shared kitchen complex upon completion of food preparation and cleaning activities.
4. Report to the shared kitchen complex manager all cleaning required in common or shared areas and maintenance required to all common or shared equipment.
5. Report to the shared kitchen complex manager any food allergens handled and/or processed within the facility.
6. Label all food products packaged for sale or consumption with a statement that the food was prepared in a food facility where known food allergens are used.
7. Schedule access to the shared kitchen complex with the complex manager.
8. Obtain food from approved sources.

9. Conform to a menu approved by the health officer.
10. Have a valid public health permit or a copy thereof when onsite.
11. Keep and maintain on file at the shared kitchen complex the following records:
    a. A Certified Food Protection Manager certificate, within sixty (60) days of receiving approval to operate within a shared kitchen complex; and
    b. California Food Handler Cards for all food employees who do not hold a Certified Food Protection Manager certificate, within thirty (30) days of receiving approval to operate within a shared kitchen complex.

(Ord. 2015-0065 § 9, 2015.)

11.09.150 Shared Kitchen Complex Tenant, Wholesale Food Processor—Duties.

A shared kitchen complex tenant, wholesale food processor, as defined in Section 8.04.430 of the Los Angeles County Code, shall have the following duties:

1. Comply with all applicable federal, state, and local laws and regulations pertaining to equipment and food safety, including but not limited to those set forth in the California Health and Safety Code and the Los Angeles County Code.
2. Comply with the standard sanitary operating procedures for the cleaning and sanitizing of all food contact surfaces, non-food contact surfaces, and utensils.
3. Secure all personal equipment and food product in the designated storage areas provided by the shared kitchen complex upon completion of food preparation and cleaning activities.
4. Report to the shared kitchen complex manager all cleaning required in common and/or shared areas and maintenance required to all common or shared equipment.
5. Report to the complex manager any food allergens handled and/or processed within the shared kitchen complex.
6. Follow all federal label requirements and guidelines.
7. Schedule access to the shared kitchen complex with the complex manager.
8. Ensure food is from approved sources.
9. Conform to the menu/food product(s) approved by the County health officer and/or State and federal regulators.
10. Have a valid public health permit, State and/or federal license or a copy thereof when onsite.
11. Keep and maintain on file at the secured food processing station the following records:
    a. Certified Food Protection Manager certificate, within sixty (60) days of receiving approval to operate within a shared kitchen complex.
    b. California Food Handler Cards for all food employees who do not hold a Certified Food Protection Manager certificate, within thirty (30) days of receiving approval to operate within a shared kitchen complex.
12. Comply with any other responsibilities deemed necessary by the County health officer for the protection of public health and safety.

(Ord. 2015-0065 § 9, 2015.)

Chapter 11.10 FOOD DEMONSTRATORS

11.10.010 Food demonstrator defined.

"Food demonstrator" means any person who offers or serves to the public, with or without charge, unpackaged bulk food or packaged food, for the purpose of publicizing, advertising, or promoting the sale of food, food products or food equipment.

"Food demonstrator" does not mean a person operating a pool establishment, restaurant or itinerant restaurant.

(Ord. 2008-0013 § 13, 2008; Ord. 8614 § 1 (part), 1964; Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 13 § 900, 1959.)

11.10.020 Location for food preparation and serving.

All food used by a food demonstrator shall be stored, prepared and served in a building or tent, which shall be completely enclosed. Reasonable exits and entrances, as well as openings for the purpose of ventilation are permitted. Flies and dust shall be controlled so as not to constitute a health hazard.

(Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 13 § 901, 1959.)

11.10.030 Demonstrator to remain at display area.

Demonstrators, when offering food to customers, shall at all times remain at their display booths.

(Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 13 § 911, 1959.)

11.10.040 Foods—Sanitation requirements.

A. All food used, or to be used, by a food demonstrator shall be protected at all times from contamination by persons, flies, dust and dirt.

B. Food in the process of being heated, chilled, compounded or displayed shall be protected at all times from contamination by persons, flies, dust and dirt, by panels of glass, plastic or other material arranged in such manner as will be acceptable to the director.

C. Food samples shall not be offered from a common bowl, container, or tray or other device, in such a manner that the recipient's hands might contact other food being offered or on display.

D. No exhibit of food shall be left unattended at any time.

(Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 13 § 904, 1959.)

11.10.050 Foods—Storage—Requirements generally.

All food or food products shall be stored in compliance with Section 11.12.230.

(Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 13 § 908, 1959.)

11.10.060 Foods—Storage—Temperature control.

Food demonstrators shall comply with the provisions of Section 11.12.240.

(Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 13 § 905, 1959.)

11.10.070 Foods—Implements for handling.

Tongs, spatulas or other suitable implements shall be used by food demonstrators in the handling of foods. Hand contact with food shall be kept at the minimum.

(Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 13 § 907, 1959.)

11.10.080 Utensils.

All implements, tools and equipment shall at all times be kept in a clean and sanitary condition and in good repair.

(Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 13 § 906, 1959.)

11.10.090 Waste disposal.

Containers equipped with tightfitting lids or covers shall be provided for refuse, and exhibits shall be kept clean and sanitary. Where tanks, icers or other apparatus are used, facilities for the sanitary and adequate collection and disposal of wastewater shall be provided.

(Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 13 § 909, 1959.)

11.10.100 Personal cleanliness.

All food demonstrators and food handlers shall wear clean, washable garments. Female food demonstrators and food handlers shall wear headbands, hair nets, or caps that confine their hair. The hands of all such persons shall be free of cuts, sores and bandages, and shall be kept clean at all times when food is being prepared or demonstrated.

(Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 13 § 910, 1959.)

11.10.110 Hand-washing facilities.

A. Hand-washing facilities shall be provided food demonstrators and food handlers assisting them.

B. Said facilities shall be located at the place where food is offered or served closely adjacent thereto.

C. When the number of lavatories or the facilities thereof are inadequate, or their location is such that their use by food demonstrators or food handlers or others assisting them will be inhibited, the director may order the installation of additional lavatories in such numbers and at such locations as will insure the protection of the public health.

(Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 13 § 903, 1959.)

11.10.120 Toilet Facilities.

Toilet facilities must be provided for food demonstrators and food handlers who assist them. Toilet facilities must be conveniently located and at a distance not in excess of 300 feet from the place at which the food demonstration is conducted.

(Ord. 2021-0062 § 1, 2021; Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 13 § 902, 1959.)

11.10.130 Additional requirements authorized when.

The director of public health may impose such additional requirements upon particular food demonstrators, and the manner of their operation, depending upon special circumstances respecting the type of food and the manner and location of its distribution and display, as are required for the protection of the public health.

(Ord. 2006-0040 § 85, 2006; Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 13 § 912, 1959.)

Chapter 11.11 WHOLESALE FOOD SAFETY CERTIFICATION

11.11.010 Definitions.

As used in this chapter:

A. "Certified food handler" means an owner, operator, or any other person who possesses a current and valid food safety certificate and who supervises all or part of a wholesale food establishment's operations.

B. "Department" means the county of Los Angeles, department of public health.

C. "Director" means the director of the department of public health or his duly authorized designee.

D. "Food safety certificate" means the certificate issued by the department, certifying that an individual has satisfactorily met the requirements set forth in Section 11.11.030, and demonstrated competency in food safety by passing an approved and accredited food safety certification examination as specified in Section 11.11.040.

E. "Potentially hazardous food" means those foods as defined in section 11.12.005 (Z).

(Ord. 2007-0089 § 6, 2007; Ord. 2006-0040 § 86, 2006; Ord. 97-0071 § 9 (part), 1997.)

11.11.020 Application and effect.

A. Each wholesale food establishment as defined in Section 11.12.005 (JJ) shall have at least one certified food handler on the premises at all times during hours of operation.

B. Wholesale food establishment owners/operators who operate more than one wholesale food establishment shall be required to have at least one certified food handler at each wholesale food establishment at all times during hours of operation.

C. Failure to have a certified food handler on site at all times during the hours of operation of any wholesale food establishment as specified in this section shall be grounds for the suspension or revocation of the wholesale food establishment's public health license pursuant to the applicable provisions of Chapter 8.04 of this code and shall be punishable as set forth in Section 8.04.930.

(Ord. 2007-0089 § 7, 2007; Ord. 97-0071 § 9 (part), 1997.)

* **Editor's note:** Enacted by Ordinance 97-0071, Chapter 11.11 is effective January 16, 1998.

11.11.030 Procedure for obtaining a food handler's training certificate.

A. Every person desiring a food safety certificate shall file with the department an application for certification. Upon application, each person desiring certification shall provide:

1. A current and valid certificate issued by an accredited entity which indicates passage of an approved and accredited food safety certification examination as specified in Section 11.11.040; and

2. A current and valid photo identification of the applicant including but not limited to a state issued driver license or United States passport.

B. Persons who have had their food safety certificate revoked by the department, and desire recertification, shall file with the department an application for recertification. Upon application, each person desiring recertification shall provide:

1. A current and valid certificate issued by an accredited entity which indicates passage of an approved and accredited food safety certification examination as specified in Section 11.11.040 on a date following the date of revocation of the certificate by the department.

2. A current and valid photo identification of the applicant including but not limited to a state issued driver license or United States passport.

(Ord. 2007-0089 § 8, 2007; Ord. 97-0071 § 9 (part), 1997.)

11.11.040 Approved and accredited examination.

A. The food safety certification examination shall include, but need not be limited to, all of the following elements of knowledge:

1. Foodborne illness, including terms associated with foodborne illness, micro-organisms, hepatitis A, and toxins that can contaminate food and the illness that can be associated with contamination, definition and recognition of potentially hazardous foods, chemical, biological, and physical contamination of food, and the illnesses that can be associated with food contaminations, and major contributing factors for foodborne illness.

2. The relationship between time and temperature with respect to foodborne illness, including the relationship between time and temperature and micro-organisms during the various food handling preparation, and serving states, and the type, calibration, and use of thermometers in monitoring food temperatures.

3. The relationship between personal hygiene and food safety, including the association of hand contact, personal habits and behaviors, and food employee health to foodborne illness, and the recognition of how policies, procedures, and management contribute to improved food safety practices.

4. Methods of preventing food contamination in all states of food handling, including terms associated with contamination and potential hazards prior to, during, and after delivery.

5. Procedures for cleaning and sanitizing equipment and utensils.

6. Problems and potential solutions associated with facility and equipment design, layout, and construction.

7. Problems and potential solutions associated with temperature control, preventing cross-contamination, housekeeping, and maintenance.

B. Food safety certification examinations shall be developed by certification organizations accredited by the American National Standards Institute as meeting the requirements of the Conference for Food Protection's "Standards for Accreditation of the Conference for Food Protection Manager Certification Programs." Persons who successfully pass an approved certification examination shall be issued a certificate by the certifying organization. The issuance date for each original certificate issued pursuant to this section shall be the date when the individual successfully passes the examination.

(Ord. 2007-0089 §§ 9, 10, 2007.)

11.11.060 Exemptions.

Wholesale food establishments which deal exclusively with non-potentially hazardous pre-packaged food or wholesale food establishments required by the department to have only temporary operating permits shall be exempt from the provisions of this chapter.

(Ord. 2007-0089 § 12, 2007; Ord. 97-0071 § 9 (part), 1997.)

11.11.070 Food safety certificate availability.

The original food safety certificate shall be retained on file at the wholesale food establishment at all times and shall be made available for inspection by the department upon request.

(Ord. 2007-0089 § 13, 2007; Ord. 97-0071 § 9 (part), 1997.)

11.11.080 Compliance with certified food handler requirement.

A wholesale food establishment that commences operation, changes ownership, or no longer has a certified food handler, shall have 60 days to comply with this subdivision.

(Ord. 2007-0089 §§ 14, 15, 2007.)

11.11.100 Expiration.

The food safety certificate shall be valid for five years from the date of passing an approved and accredited food safety certification examination as specified in Section 11.11.040. Upon the expiration or revocation of the food safety certificate, all persons must reapply for a new certificate according to the procedure set forth in Section 11.11.030.

(Ord. 2007-0089 § 17, 2007; Ord. 97-0071 § 9 (part), 1997.)

11.11.110 Responsibilities of a certified food handler.

A certified food handler at a wholesale food establishment shall be responsible for the safety of food preparation and service, by ensuring that all employees who handle, or have responsibility for handling non-prepackaged foods of any kind, have sufficient knowledge to ensure the safe preparation or service of the food, or both. The nature and extent of the knowledge that each employee is required to have may be tailored, as appropriate, to the employee's duties related to food safety issues.

(Ord. 2007-0089 §§ 18, 19, 2007.)

11.11.120 Suspension of food safety certificate.

A. The director may immediately suspend any food safety certificate when any of the following conditions are found to exist within a wholesale food establishment which is operated by or under the supervision of the certified food handler:

1. Evidence indicating repeated or continuing violations of required procedures and practices in the preparation, service, storage, distribution or sale of food offered for public consumption;

2. Any condition detrimental to the public health, which shall include but not be limited to, any condition that can cause food infection, food intoxication, disease transmission or any hazardous condition including, but not limited to, unsafe food temperature; or

3. Evidence indicating falsification of information required by the department for issuance of the food safety certificate.

B. The director shall issue a notice to the certified food handler setting forth the acts or omissions with which he or she is charged and informing him or her of the right to a hearing, if requested, to show just cause why the certificate should not be revoked.

(Ord. 2007-0089 § 20, 2007; Ord. 97-0071 § 9 (part), 1997.)

11.11.130 Right to appeal following suspension.

A. Any certified food handler whose food safety certificate has been suspended may make a written request for hearing within 15 calendar days after receipt of the notice specified in Section 11.11.120 to show just cause why the certificate should not be revoked. A failure to request a hearing within 15 calendar days after receipt of the notice shall be deemed a waiver of the right to a hearing. When circumstances warrant, the director may order a hearing at any reasonable time within this 15 day period to expedite the certification revocation process.

B. The hearing shall be held within 15 calendar days of the receipt of the request for a hearing. Upon written request of the certified food handler, the director may postpone any hearing date, if circumstances warrant such action.

C. The director shall preside over any hearing requested under this section.

(Ord. 2007-0089 § 21, 2007; Ord. 97-0071 § 9 (part), 1997.)

11.11.140 Notice of decision.

A. The director shall issue a written notice of decision to the certified food handler within five business days of the hearing. The notice of decision shall specify the acts or omissions with which the certified food handler is charged and shall specify either that the food safety certificate has been revoked or that it has been reinstated. If the food safety certificate has been reinstated, the notice of decision shall set forth any criteria which must be met to maintain the certified food handler's food safety certificate.

B. Persons who have had their food safety certificate revoked may file with the department, an application for recertification as specified in Section 11.11.030 (B).

(Ord. 2007-0089 § 22, 2007; Ord. 2006-0040 § 87, 2006; Ord. 97-0071 § 9 (part), 1997.)

11.11.150 Violation.

Notwithstanding any other provision of this chapter, violation of this chapter is punishable by a fine of not more than $500.00 or by imprisonment in the county jail for not more than six months, or both. Each day during any portion of which any violation of any provision of this chapter is committed, continued or permitted makes such violation a separate offense.

(Ord. 97-0071 § 9 (part), 1997.)

11.11.160 Severability.

If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the remainder of the chapter and the application of such provision to other persons or circumstances shall not be affected thereby.

(Ord. 97-0071 § 9 (part), 1997.)

Chapter 11.12 WHOLESALE FOOD ESTABLISHMENTS

11.12.005 Definitions.

The following words and phrases shall apply to this Chapter, irrespective of their use in other Chapters of Division 1 of this Title:

A. "Adulterated" means having been made impure by the addition of any poisonous or deleterious substance; or in the case of food, foodstuffs that have been produced, prepared, packed, or held under unsanitary conditions whereby it may have become contaminated or rendered unwholesome, diseased, or injurious to health; or when not prepared, packed, and held in accordance with the Current Good Manufacturing Practices (GMP's), 21 CFR Part 110.

B. "Approved" means approved by the director based upon a determination of conformity with applicable laws, or in the absence of applicable laws, with current public health principles, practices, and generally recognized industry standards that protect the public health.

C. "Approved source" means a producer, manufacturer, distributor, transporter, or food establishment that is acceptable to the enforcement agency based upon a determination of conformity with applicable laws, or in the absence of applicable laws, with current public health principles and practices, and generally recognized industry standards that protect public health.

D. "Clean-In-Place (CIP)" means to clean in place by the circulation or flowing by mechanical means through a piping system of a detergent solution, water rinse, and sanitizing solution onto or over equipment surfaces that require cleaning. ("CIP" does not include the cleaning of equipment such as band saws, slicers or mixers that are subjected to in-place manual cleaning without the use of CIP system.)

E. "Commissary" means a wholesale food establishment in which food, containers, equipment, or supplies are stored or handled; food is prepared or prepackaged for sale; utensils are washed; liquid and solid wastes are disposed of; or potable water is obtained for use in mobile food facilities.

F. "Common Area" refers to all community aspects of a food market complex, wholesale, under the control of the food market complex, wholesale owner/operator. Common areas include, but are not limited to, community toilet rooms, mop sinks, handwashing facilities, community trash receptacles and collection services, drinking fountains, loading areas, parking lots, staging facilities, and security.

G. "Control Point" means any distinct procedure or step in receiving, storing, handling, preparing, displaying, transporting or dispensing food.

H. "County Health Officer" means the director of the Department of Public Health of the county of Los Angeles.

I. "Critical Control Point" means a point or procedure in a specific food system where loss of control may result in an unacceptable health risk.

J. "Critical Limit" means the maximum or minimum value to which a physical, biological, or chemical parameter must be controlled at a critical control point in order to minimize the risk that the identified food safety hazard may occur.

K. "Current Good Manufacturing Practices (GMP's)" refers to the Current Good Manufacturing Practices for Manufacturing, Packing, or Holding of Human Food described in Title 21 of the Code of Federal Regulations, Part 110.

L. "Department" means the Los Angeles County Department of Public Health.

M. "Director" means the director of the Los Angeles County Department of Public Health or his/her duly authorized designee.

N. "Employee" means the permit holder, person in charge, person having supervisory or management duties, family member, volunteer, person performing work under contractual agreement, or other person engaged in the preparation, dispensing, handling of food or food products in a wholesale food establishment.

O. "Food" means any raw or processed substance, ice, beverage (including alcoholic beverages), water or any ingredient intended for use as food, drink, confection or condiment for human or animal consumption and chewing gum.

P. "Food-Contact Surface" means a surface of equipment or utensil with which food normally comes into contact; or a surface of equipment or utensil from which food may drain, drip, or splash into a food or onto a surface normally in contact with food.

Q. "Food Market Complex, Wholesale" means an establishment, its contents, and the contiguous land or property that rents, leases, or lends facilities within said establishment, for the purpose of conducting business as a food market, wholesale. A food market complex, wholesale, that rents, leases, or lends space to no more than two food market, wholesale, or dedicates a combined total of less than 1500 square feet for the purpose of operating as a food market, wholesale, is exempt from this definition.

R. "Food Market Complex, Wholesale Owner / Operator" refers to the legal entity, firm, partnership, joint venture, association, limited liability company, corporation, estate, trust, receiver, syndicate, city, county or other political subdivision, individually or collectively, acting as the food market complex, wholesale.

S. "Food Market, Wholesale" means a food establishment in which food (including fruits and vegetables) is received, shipped, stored, prepared for distribution to a retailer, warehouse, distributor, or other destination. A food market, wholesale shall not be permitted to conduct sales at the retail level nor process food. Food market, wholesale shall not include any food salvaging activities and shall not conduct any food processing within its facility.

T. "Food Processing Establishment" means any room, building, place or portion thereof, maintained, used or operated for the purpose of commercially packaging, making, cooking, baking, mixing, processing, bottling, canning, slaughtering, salvaging, storing or otherwise preparing or handling food including ice, for human or animal consumption, which is not offered for retail sale or gift on the premises.

U. "HACCP" means Hazard Analysis Critical Control Point.

V. "HACCP Plan" means a written document that delineates the formal procedures for following the Hazard Analysis Critical Control Point principles developed by the National Advisory Committee on Microbiological Criteria for Foods.

W. "Hazard" means a biological, chemical, or physical property that may cause an unacceptable public health risk.

X. "Multiple-Use Utensil" means any cup, plate, fork, spoon, knife, container or other instrument constructed to be used more than once in the preparation, storage, display, serving or consumption of food.

Y. "Owner/Operator" refers to the legal entity, any individual, firm, partnership, joint venture, association, limited liability company, corporation, estate, trust, receiver, syndicate, city, county, or other political subdivision individually or collectively, acting as the wholesale food establishment.

Z. Potentially hazardous food.

(1) "Potentially hazardous food" means a food that is natural or synthetic and that requires temperature control because it is in a form capable of supporting:

(a) The rapid and progressive growth of infectious or toxigenic microorganisms;

(b) The growth and toxin production of Clostridium botulinum; or

(c) In raw shell eggs, the growth of Salmonella enteritidis.

(2) "Potentially hazardous food" includes a food of animal origin that is raw or heat-treated; a food of plant origin that is heat-treated or consists of raw seed sprouts; cut melons; and garlic-in-oil mixtures that are not acidified or otherwise modified at a food processing plant in a way that results in mixtures that do not support growth as specified under subdivisions of this definition.

(3) "Potentially hazardous food" does not include;

(a) A food with a water activity level (aw) value of 0.85 or less;

(b) A food with a pH level of 4.6 or below when measured at 75°F;

(c) A shell egg that is not hard-boiled but has been treated to destroy all viable Salmonella;

(d) A food in an unopened hermetically sealed container, that is commercially processed to achieve and maintain commercial sterility under conditions of non-refrigerated storage and distribution; and

(e) A food that has been shown by appropriate microbial challenge studies approved by the enforcement agency not to support the rapid and progressive growth of infectious or toxigenic microorganisms that may cause food infections or food intoxications, or the growth and toxin production of Clostridium botulinum, such as a food that has an aw and a pH that are above-the levels specified under subdivision (3), paragraphs (a) and (b) of this definition and that may contain a preservative, other barrier to the growth of microorganisms, or a combination of barriers that inhibit the growth of microorganisms.

(f) A food that does not support the growth of microorganisms even though the food may contain an infectious or toxigenic microorganism or chemical or physical contaminant at a level sufficient to cause illness.

AA. "Premises" means the wholesale food establishment, its contents, and the contiguous land or property and its facilities and contents that are under the control of the owner / operator.

BB. "Produce" refers to any raw or processed substance of plant origin intended to be used as food, drink, confection or condiment for human consumption.

CC. "Remodel" means construction, building, or repair to the wholesale food establishment that requires a permit from the local building authority. Remodel also means any replacement or significant modification of an integral piece of equipment.

DD. "Single-Use Utensil" means a utensil that is manufactured and approved for use only once and that shall be discarded after use. Single-use utensils shall be made of paper, wood, plastic or other sanitary material approved by the director.

EE. "Shellfish Control Authority" means a state, federal, foreign, tribal, or other government entity legally responsible for administering a program that includes certification of Molluscan Shellfish harvesters and dealers for interstate commerce.

FF. "Shellstock" means raw, in-shell Molluscan Shellfish.

GG. "Sanitation Standard Operating Procedures (SSOP's)" describe all procedures that a wholesale food establishment will conduct daily, before, during, and after operations, sufficient to prevent direct contamination or adulteration of food product(s).

HH. "Source Records" means all records, including, but not limited to, invoice copies, shipping documents, or other materials providing verification of the source of food products received, stored, and/or prepared for sale or distribution at the wholesale food establishment.

II. "Tenant Space" refers to the segregated subdivisions of the food market complex, wholesale rented or leased to individual operators, for the purpose of operating a food market, wholesale.

JJ. "Wholesale Food Establishment" means an establishment where food (including fruits and vegetables) is received, shipped, stored, prepared for distribution to a retailer, warehouse, distributor, or other destination; and/or operated for the purpose of commercially packaging, making, cooking, baking, mixing, processing, bottling, canning, slaughtering, salvaging, storing or otherwise preparing or handling food including ice, for human or animal consumption, which is not offered for retail sale or gift on the premises; or a commissary.

(Ord. 2007-0089 § 24, 2007.)

11.12.010 Buildings—Requirements.

It is unlawful to operate a wholesale food establishment, unless such operation shall consist of, or be located within, one or more buildings, and all food is stored and prepared in one or more of such buildings. All such buildings shall be of sound construction and maintained so as to provide proper drainage, plumbing, lighting and ventilation, and so as to exclude dirt, dust, moisture, flies, rodents and all vermin at all times. All rooms within a wholesale food establishment shall be constructed consistent with the requirements of the local building codes.

(Ord. 2007-0089 § 25, 2007; Ord. 7616 § 1 (part), 1959; Ord. 7583 Part 3 Ch. 2 § 352, 1959.)

11.12.015 Compliance with applicable codes.

Any construction, alteration, remodeling or operation of a wholesale food establishment shall be approved by the director and shall be in accordance with all applicable local, state, and federal statutes, regulations, and ordinances, including but not limited to, fire, building and zoning codes.

(Ord. 2007-0089 § 26, 2007.)

11.12.020 Buildings—Plans and specifications for construction or modifications.

A. The director shall require from the owner or operator submission of plans, specifications and such other information as may be necessary prior to the construction, or prior to making any additions or modifications of, a wholesale food establishment for which a building permit is required.

B. It shall be unlawful for any person to construct or make any additions or modifications of a wholesale food establishment without first receiving approval in writing from the director.

(Ord. 2007-0089 § 27, 2007; Ord. 8588 § 2 (part), 1964; Ord. 7583 Part 3 Ch. 2 § 382, 1959.)

11.12.030 Water supply.

A. All water supplies used by wholesale food establishments shall be of adequate amount, and of a safe, sanitary quality, and from a source and distribution system approved by the county health officer. Any potable water supply shall be protected with a backflow or back-siphonage protection device as required by applicable plumbing codes. Wholesale food establishments shall be supplied with an adequate supply of both hot (minimum of 120 degrees Fahrenheit) and cold running water under pressure, at all times.

B. All plumbing shall be installed according to the California Code of Regulations, Title 24, Part 5, California Plumbing code, as it currently exists or hereafter may be amended, and shall be protected from backflow, kept clean, fully operative, and in good repair.

C. Any hose used for conveying potable water shall be constructed of nontoxic materials, shall be used for no other purpose, and shall be clearly labeled as to its use. The hose shall be stored and used to be maintained free of contamination.

(Ord. 2007-0089 § 28, 2007; Ord. 2006-0040 § 88, 2006; Ord. 7583 Part 3 Ch. 2 § 351, 1959.)

11.12.040 Walls, floors and ceilings.

A. The walls and ceilings of all rooms where food is prepared or packed; where utensils are washed; where refuse or garbage is stored; where janitorial facilities are located; and all toilet rooms, dressing or locker rooms; and walk-in refrigeration/freezer units shall be constructed of plaster, cement, metal, wall board or other approved material. All surfaces shall be finished with tile, metal, plastic, semi-gloss paint, or other manufactured material which is smooth, easily cleanable, and impervious to moisture and grease, and capable of withstanding repeated washing. Moreover, all such walls and ceilings shall be of a light color and be approved by the director. Walls and ceilings shall be maintained clean and in good repair. This subdivision shall not apply to areas where food is stored only in unopened bottles, cans, cartons, sacks, or other original shipping containers or to office spaces.

B. The floor surfaces in all rooms in which food or beverage is stored or prepared, utensils are washed, or refuse or garbage is stored, and the floor surfaces of toilet, dressing or locker rooms, and of walk-in refrigerators, shall be of such construction and material so as to be smooth, impervious to moisture, grease, and corrosives and easily cleanable. A minimum six-inch (6") high, approved cover base, with a minimum three-eighths inch (3/8") radius, shall be provided at the juncture of the wall and floor. All floors shall be maintained smooth, in good repair, and kept clean.

    1. Floor drains shall be installed in all rooms where food is prepared or packaged; where utensils are washed; where a refuse enclosure is located inside the premises; in those areas where pressure spray methods for cleaning equipment (CIP) are used; and rooms in which floors are water-flushed for

cleaning. Floor surfaces in these areas shall be sloped 1/8" per foot (1:100) to the floor drains, or as approved by the director.

2. Floor sinks shall be properly plumbed and installed, with the sink top flush with the floor surface in accordance with California Code of Regulations, Title 24, Part 5, California Plumbing Code. All condensate and similar liquid waste shall be drained by means of an indirectly connected, rigid, waste line, into open floor sinks. Horizontal runs of drain lines shall be at least six inches (6") above the floor, sloped toward floor sinks at a rate of one-quarter inch (1/4") per foot, and shall terminate at least one inch (1") above the overflow rim of the floor sink. Floor sinks shall be located so that they are readily accessible for inspection, cleaning, and repairs, and not located in a walkway. Waste lines shall not cross any aisle, traffic area, or door opening. Floor sinks are not permitted inside walk-in units unless they are indirectly connected to the sewer system through a legal air gap or an approved backflow prevention device, as approved by the director.

C. All plumbing, electrical, and gas lines shall be concealed within the wall, as practicable, mounted or enclosed so as to facilitate cleaning. Where it is impracticable, all runs must be at least one half inch (1/2") away from the walls or ceiling and a minimum of six inches (6") above the floor. Conduit or pipelines shall not be installed across any aisle, traffic area, or door opening. Multiple runs or clusters of conduit or pipelines shall be encased in an approved runway, or other enclosure approved by the director.

(Ord. 2007-0089 § 29, 2007; Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 2 § 353, 1959.)

11.12.050 General sanitation—Vermin prevention.

A. Wholesale food establishments shall at all times be so constructed, equipped, maintained, and operated so as to prevent the entrance and harborage of animals, birds, and vermin, including, but not limited to, rodents and insects.

B. All wholesale food establishment's interior premises, including all equipment and utensils, shall be kept clean, free from vermin, fully operative, and in good repair. Every wholesale food establishments shall be kept clean and free from litter, rubbish and garbage. All trash shall be properly confined in covered containers, and maintained free from flies, rodents, cockroaches and other vermin. All windows, doors and other openings shall be maintained in good repair at all times, and shall be provided with proper screens or other devices, maintained in good repair, and of such design and construction as will prevent the entrance of flies. The director may, for the protection of public health, regulate the size and design of fly-exclusion devices in a wholesale food processing establishment so that dust, flies and other insects will be excluded.

C. The exterior premises of every wholesale food establishment including docks, storage areas, areas where vehicles are loaded and unloaded, and driveways shall be properly drained and kept clean and free of litter or debris. The accumulation of any material, which may provide breeding or harborage areas for vermin, is prohibited. No condition, which may contribute to unsanitary conditions, shall be allowed on the premises of any wholesale food establishment.

(Ord. 2007-0089 §§ 30, 31, 2007.)

11.12.060 Lighting.

A. That part of any room in a wholesale food establishment, in which food or drink is prepared, or in which utensils are washed, shall have sufficient lighting to produce an intensity of not less than 215 lux (20 foot-candles) as measured thirty inches (30") above the floor. Food and utensil storage areas and toilet rooms shall be provided with at least 108 lux (ten foot candles) of light as measured thirty inches (30") above the floor.

B. Lighting fixtures in all areas where food is prepared, processed, stored in opened containers, or packages, or in which utensils are cleaned, shall be protected against breakage through the use of plastic shields, plastic sleeves with end caps, shatterproof bulbs, or other approved device.

(Ord. 2007-0089 § 32, 2007; Ord. 7583 Part 3 Ch. 2 § 364, 1959.)

11.12.070 Toilets, Sinks (Lavatories), and Dressing Rooms.

A. All wholesale food establishments must provide at least one toilet facility and one sink (lavatory) conveniently located therein or adjacent thereto. The Director must approve the location of all such toilet facilities. Each toilet facility must be located in a room other than a room in which food is processed. Toilet facilities must not open directly into a food processing area. As necessary, a vestibule is required to provide a space between a processing room and toilet facility to prevent risk for contamination.

B. All rooms containing toilet facilities must have self-closing doors. All employees must have access to toilet facilities. Toilet facilities must be well ventilated and plumbed. The floors, walls, ceilings, sinks (lavatories), and toilets must at all times be kept free from any accumulation of dirt, filth, or corrosion, and in good repair. There must be provided a sink or sinks (lavatory or lavatories) where all employees must be required to wash their hands immediately before starting work and after using the toilet. Each sink (lavatory) must be supplied with hot and cold running water, hand-washing cleanser in dispensing devices, and individual towels together with a receptacle for their disposal. Hot air blowers may be substituted for individual towels in dispensers. Toilet tissue must be provided in a permanently installed dispenser at each toilet. Toilet facilities must not be used for the storage of food, equipment, or supplies.

C. The toilet facilities must meet the requirements of applicable local, State, and/or federal law.

D. Where there are five or more employees, a separate dressing room with lockers must be provided for each gender, where employees may change and store their outer garments. Dressing rooms must have self-closing, well-fitting doors, and must be separated from toilet facilities, food storage rooms, or food preparation areas. Employees must not dress or undress or store their clothing in any room other than the separate dressing room. Dressing rooms must be maintained in a clean and sanitary condition.

E. When the number of sinks (lavatories) for any food operation is inadequate or their location is such that the use of them by employees will be inhibited, the Director may order the installation of additional sinks (lavatories) in such numbers, of such type and at such locations as will ensure the protection of the public health.

(Ord. 2021-0062 § 2, 2021; Ord. 2007-0089 § 33, 2007; Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 2 § 372, 1959.)

11.12.080 Labeling.

Food which is packaged in a wholesale food establishment shall bear a label that complies with the labeling requirements prescribed by the Federal Food, Drug and Cosmetic Act and the Sherman Food, Drug and Cosmetic Act.

(Ord. 2007-0089 §§ 34, 35, 2007.)

11.12.085 Shellstock identification.

A. Shellstock shall be obtained in containers bearing legible source identification tags or labels that are affixed by the harvester and each dealer that depurates, ships, or reships the shellstock. Except as specified under

subdivision C, on the harvester's or dealer's tag or label, the following information shall be listed in the following order:

1. The harvester's/dealer's name and address;
2. The harvester's certification number as assigned by the Shellfish Control Authority and the original shellstock shipper's certification number;
3. The date of harvesting;
4. The most precise identification of the harvest location or aquaculture site that is practicable based on the system of harvest area designations that is in use by the Shellfish Control authority and including the abbreviation of the name of the state or country in which the shellfish are harvested;
5. The type and quantity of shellfish;
6. The following statement in bold, capitalized type: "This tag is required to be attached until container is empty or retagged and thereafter kept on file for 90 days;" and
7. The dealer's tag or label shall also indicate the original shipper's certification number including the abbreviation of the name of the state or country in which the shellfish are harvested.

B. A container of shellstock that does not bear a tag or label or that bears a tag or label that does not contain all the information as specified under subdivision (A) shall be subject to a hold order or seizure and destruction in accordance with federal law.

C. If the harvester's tag or label is designed to accommodate each dealer's identification, individual dealer tags or labels need not be provided.

D. When received by a food facility, shellstock shall be reasonably free of mud, dead shellfish, and shellfish with broken shells. Dead shellfish or shellstock with badly broken shells shall be discarded.

(Ord. 2007-0089 § 36, 2007.)

11.12.090 Ventilation.

A. Approved ventilation shall be provided throughout the wholesale food establishment, to keep all areas reasonably free from excessive heat, steam, condensation, smoke, and vapor, and to provide reasonable comfort for all employees.

B. Toilet rooms, dressing, room and janitorial rooms shall be vented to the outside by means of a window that opens with a screen of not less than 16 mesh per square inch, or a light-switch activated exhaust fan. All construction and installation shall be in accordance with the applicable building and plumbing codes.

(Ord. 2007-0089 §§ 37, 38, 2007.)

11.12.100 Exhaust systems.

A. Adequate mechanical exhaust ventilation hoods shall be installed above all heating or cooking equipment where heat, smoke, steam, or vapor are released. Hoods shall extend at least six inches (6") horizontally beyond the equipment. The ducts shall be located in such a manner to prevent a public nuisance at the point of exhaust, and the hoods shall be constructed in such a manner as to prevent grease, moisture and other material from falling onto food preparation surfaces. All equipment, construction, and installation shall be in accordance with all applicable building and mechanical codes. Exhaust systems shall be maintained in good repair and kept clean.

B. The provisions of this section shall not apply to cooking equipment when such equipment has been submitted to the director for evaluation, and it has been found that the equipment does not produce smoke, vapors, heat, or toxic gases when operated under conditions recommended by the manufacturer.

(Ord. 2007-0089 § 39, 2007; Ord. 7583 Part 3 Ch. 2 § 357, 1959.)

11.12.110 Food preparation and storage areas.

A. A room which is used for food preparation shall not be used for any purpose other than that connected with the preparation of food, and shall not be used to hold equipment or any article which might impair the sanitary qualities of the area.

B. All wholesale food establishments shall be equipped with approved doors at all entrances into the food processing room(s), including entrances from the warehouse or storeroom. Any door to the processing room(s) shall not open directly to the outside unless otherwise approved by the director. As necessary, a vestibule shall be required to provide space between the exterior doors and processing room, to prevent the entrance of flies, rodents, and other vermin. Doors leading to the food processing room shall be maintained closed during processing or packaging of food.

(Ord. 2007-0089 § 40, 2007; Ord. 7583 Part 3 Ch. 2 § 360, 1959.)

11.12.120 Animals, birds and fowl.

A. No live animal, bird, or fowl shall be kept or allowed in any wholesale food establishment where food is prepared, manufactured, kept, stored, distributed, offered for sale, or sold unless such food establishment is exclusively devoted to the slaughter and processing of such animal or fowl.

B. This section shall not apply to dogs used by the blind, signal dogs, service dogs, such dogs in training under proper supervision, dogs under the control of uniformed law enforcement officers, or dogs under the control of uniformed employees of a private patrol service who are licensed pursuant to Chapter 11 (commencing with section 7580) of Division 3 of the Business and Professions Code, while acting within the course and scope of their employment as private patrolmen.

C. The dogs described in section B shall be excluded from food processing and utensil wash areas.

(Ord. 2007-0089 § 41, 2007; Ord. 7583 Part 3 Ch. 2 § 355, 1959.)

11.12.130 Equipment—Design and installation.

A. No processing, preparing, or storing equipment shall be installed, constructed or used unless it is of such material, design and construction, and is so installed and maintained as to facilitate the cleaning of the equipment and of all adjacent spaces. Those facilities that have developed, implemented and maintained approved Sanitation Standard Operating Procedures may be granted exemption by the director.

B. Food contract surfaces shall be corrosion resistant when in contact with food; made of nontoxic materials; and designed to withstand repeated washing.

C. Equipment shall be maintained clean and in good repair.

(Ord. 2007-0089 § 42, 2007; Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 2 § 379, 1959.)

11.12.140 Equipment—Standards for health and sanitation.

The director may adopt rules and regulations interpreting health and sanitation requirements for equipment to be installed in wholesale food establishments, and in doing so shall consider and may adopt those national standards which are certified or classified for sanitations by an American National Standards Institute accredited certification program. When the director requires that equipment comply with such specified standards, no person shall install or use newly installed equipment that does not comply with such standards, or their equivalent. In the absence of any applicable ANSI certified sanitation standard, food and utensil related equipment shall be evaluated for approval by the department.

(Ord. 2007-0089 § 43, 2007; Ord. 9375 § 1 (part), 1967; Ord. 8588 § 2 (part), 1964; Ord. 7583 Part 3 Ch. 2 § 383, 1959.)

11.12.150 Equipment and Buildings—Plans, date and specifications

A. The director shall require from the owner/operator, submission of the following data pertaining to construction or remodeling; the installation of new equipment; or when a facility has closed and remained closed for a period of ninety (90) days or more:

    1. Three (3) complete sets of easily readable plans, drawn to scale showing floor plan. The plans shall indicate the location of all floor drains, floor sinks and plumbing fixtures; lighting; equipment specifications; mechanical exhaust/ventilation plans including make-up air system; finish schedule for floors, walls, and ceilings that indicate the type of material, the surface finish, the color, and the type of coved base at the floor-wall juncture; the location of all fixed food-storage, preparation and processing equipment, furnishings and machinery. If a facility is to be a wholesale food processor, a general description of the type of food(s) and the methods of processing shall be included. Such specifications, forms, date and drawings, in triplicate, are necessary to ensure that the design, materials, method of construction and installation of equipment for food processing, preparation, storage or utensil-washing meet all applicable sanitation standards and requirements.

    2. The plans shall be approved or rejected within twenty (20) business days after receipt by the director and the applicant shall be notified of the decision. Unless the plans are approved or rejected within 20 business days, they shall be deemed approved. A building permit for a food establishment shall not be issued until after the director has approved the plans.

B. It shall be unlawful for any person to construct or make any additions or modifications or to operate any equipment in a newly constructed or reconstructed establishment until the plans and specifications have been approved in writing by the director for such installation or operation. All such equipment and its installation shall be in accordance with the approved plans and specifications unless modifications and changes therefrom have been approved by the director, in which case the equipment and its installation shall be in accordance with such approved modified plans and specifications.

(Ord. 2007-0089 § 44, 2007; Ord. 9375 § 1 (part), 1967; Ord. 8588 § 2 (part), 1964; Ord. 7583 Part 3 Ch. 2 § 384, 1959.)

11.12.160 Sink requirements.

A. There shall be provided in every wholesale food establishment, where food is prepared or packaged or where utensils are used, a sink with at least three compartments with two integral metal drain boards sloped towards the sinks. The sink compartments and drainage facilities shall be large enough to accommodate the largest utensil or piece of equipment to be cleaned therein. A one-compartment or two-compartment sink

that was in use on January 1, 2005, may be continued in use until replaced due to disrepair, deterioration, or both; change in food handling operation; remodeling requiring building permits; or as necessitated based on performance.

B. There shall be provided in every room in which food is prepared at least one lavatory supplied with water from a pre-mixing faucet that supplies warm water (100i?1/21/21/21/2F) for a minimum of 10 seconds while both hands are free for washing; hand washing cleanser in dispensing devices; individual single-use towels provided in dispenser; and a receptacle for towel disposal at, or adjacent to, hand washing facilities. Hot-air blowers may be substituted for individual towels in dispensers. Additional lavatories may be required by the director to ensure hand washing facilities are readily available for employees.

C. There shall be provided at least one food preparation sink, separate from any other sink, in every room in which food is prepared, for thawing frozen food under cold running water, washing or soaking food, or other processes as determined by the director. This sink shall drain by means of indirect waste pipes through an air gap into an open floor sink or other approved type of receptor that is properly connected to the drainage system. Food establishments operating prior to January 1, 2005, may continue to operate without a food preparation sink until remodeling occurs, requiring building permits, change in the food handling operation, or as necessitated based on performance.

D. There shall be provided in every wholesale food establishment where food is prepared, packaged, or stored, a room, area, or cabinet for the storage of cleaning equipment and supplies. Such room, area, or cabinet shall be separated from any food preparation, packaging, or utensil washing or storage area and at least one of the following is to be used exclusively for general cleaning purposes and for the disposal of mop bucket wastes and other liquid wastes:

    1. A one-compartment, nonporous janitorial sink.

    2. A slab, basin, or floor constructed of concrete or equivalent material, curbed and sloped to a drain. Such facilities shall be connected to approved sewerage and provided with hot and cold running water through a mixing valve and protected with a backflow protection device.

(Ord. 2007-0089 §§ 45, 46, 2007.)

11.12.170 Sanitization—Methods and testing.

A. All wholesale food establishments in which food is prepared or in which multi-use utensils are used shall provide manual or mechanical methods to effectively clean and sanitize utensils.

B. Manual or mechanical sanitization shall be accomplished in the final sanitizing rinse by one of the following methods:

    1. Hot water manual operations by immersion for at least 30 seconds where the water temperature is maintained at 171°F or above.

    2. Hot water mechanical operations by being cycled through equipment that is used in accordance with the manufacturer's use and achieving a utensil surface temperature of 160ºF as measured by an irreversible registering temperature indicator;

    3. Chemical, manual, or mechanical, by immersion, manual swabbing, brushing, or pressure spraying methods, using one of the following solutions:

        (a) Contact with a solution of 100 ppm available chlorine solution for at least 30 seconds.

        (b) Contact with a solution of 25 ppm available iodine for at least one minute.

        (c) Contact with a solution of 200 ppm quaternary ammonium for at least one minute.

(d) Contact with any chemical sanitizer that meets the requirement of all applicable federal laws and regulations when used in accordance with the manufacturer's suggested directions for use as specified on the product label.

4. Other methods as approved by the director.

C. Testing equipment and materials shall be provided by the wholesale food establishment to adequately measure the applicable sanitization method.

(Ord. 2007-0089 §§ 47, 48, 2007.)

11.12.180 Liquid waste and sewage.

A. Sewage shall be disposed into an approved sewerage system. Wastewater disposal shall comply with National Pollutant Discharge Elimination System (NPDES) and local wastewater treatment district standards.

B. No drain from any refrigerator, freezer or icebox used for the storage, preparation or display of food shall be connected directly to any sewer.

C. All icemakers shall be located within the food establishment. Condensate and ice melt shall be drained to an approved floor sink by means of an indirect connection.

(Ord. 2007-0089 §§ 49, 50, 2007.)

11.12.190 Contamination of food contact surfaces.

A. No person shall sit upon, lie upon, or do any other act which will contaminate, or in the ordinary course of events will be likely to contaminate, any surface or piece of equipment which is used in the storage, processing or preparation of food in any wholesale food establishment.

B. All utensils and equipment, including food contact surfaces shall be cleaned and sanitized as frequently as necessary to protect against contamination of food and prevent the breeding and harborage of vermin. Those facilities that have developed, implemented, and maintained approved Sanitation Standard Operating Procedures may be granted exception by the director.

C. CIP equipment shall meet the characteristics of a food contact surface and shall be designed and constructed so that cleaning and sanitizing solutions circulate throughout a fixed system and contact all interior food contact surfaces. The system is to be self-draining or capable of being completely drained of cleaning and sanitizing solutions. CIP equipment that is not designed to be disassembled for cleaning shall be designed with inspection access points to ensure that all interior food contact surfaces throughout the fixed system are being effectively cleaned.

D. Adequate and suitable space shall be provided for the storage of cleaned utensils and equipment in a clean and dry location where they are not exposed to splash, dust, or other contaminations, at least 6" above the floor.

E. Cans, jars, barrels, drums, other containers, lids, and covers shall be clean when used to package food products.

(Ord. 2007-0089 § 51, 2007; Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 2 § 359, 1959.)

11.12.200 Single-use utensils.

Single-use utensils shall be obtained only in sanitary containers or approved sanitary dispensers, stored in a clean, dry place until used, handled in a sanitary manner, and used once only. After being used only once, such utensils shall be discarded in such a manner as to prevent the attraction of flies, roaches, rodents, and other vermin, and to prevent a public nuisance.

(Ord. 2007-0089 §§ 52, 53, 2007.)

11.12.210 Multiple-use utensils.

Multiple-use utensils shall be made of non-toxic, non-corrosive materials; shall be constructed, installed and maintained to be easily cleanable; and shall be kept clean and in good repair. Any containers designed for use a single time shall not be considered a multi-use utensil and shall not be refilled with food that is to be or may be used for human or animal consumption.

(Ord. 2007-0089 §§ 54, 55, 2007.)

11.12.220 Utensils—Bacteria count limit.

An operator shall not possess, in a wholesale food establishment, any glass, cup, dish, piece of silverware or any other utensils intended for, and ready for use in, serving food and drink, upon which the bacterial count, as taken in a manner approved by the director, exceeds 100 organisms per surface of the utensil examined.

(Ord. 2007-0089 § 56, 2007; Ord. 7583 Part 3 Ch. 2 § 367, 1959.)

11.12.230 Foods—Sanitation requirements.

A. It is unlawful to transport, store, display, dispense, prepare, offer for sale or gift, or handle in any way, food or drink intended for human or animal consumption, unless such food or drink is pure, free from contamination, adulteration and spoilage. Food shall have been obtained from approved sources; shall be inspected upon delivery; and shall otherwise be fit for human or animal consumption. All food shall be kept in such manner as to be protected from exposure to dust, droplet contamination, overhead leakage and condensation, flies and other insects, rodents and vermin, and any other deleterious or unhealthful substance or condition.

B. Every storage room or other place used for storing food or food ingredients shall be equipped with platforms, racks or shelves at least 6 inches above the floor surface, unless such food is enclosed in waterproof, rodent proof containers to facilitate the flushing of floors and walls, with water or other cleaning method.

C. All open bulk food shall be stored in approved containers (certified or classified for sanitation by an American National Standards Institute accredited certification program) with tight fitting lids, labeled to indicate contents.

D. When ice is used in contact with food, it shall be made from water that is safe and of adequate sanitary quality and shall be used only if it has been manufactured in accordance with 21 Code of Federal Regulation 110, Current Good Manufacturing Practices, as it currently exists or hereafter may be amended.

(Ord. 2007-0089 § 57, 2007; Ord. 2006-0040 § 89, 2006; Ord. 92-0078 § 5, 1992; Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 2 § 374, 1959.)

11.12.240 Foods—Storage temperatures.

A. All potentially hazardous foods shall be kept at 45°F or lower, or 135°F or higher, at all times whether such food is being transported, stored, displayed, or offered for sale or gift. An accurate easily readable metal probe thermometer suitable for measuring the temperature of food shall be readily available on the premises.

B. Every refrigerator used for the storage of potentially hazardous food shall be provided with a thermometer accurate to plus or minus 2°F and shall be located to indicate the air temperature in the warmest part of the unit and shall be affixed to be readily visible.

C. Potentially hazardous food that has been heated or foods that have been made potentially hazardous by preparation shall be rapidly cooled to 45°F or below, in a manner approved by the county health officer, if not held at or above 135°F.

D. Potentially hazardous foods that have been removed from approved holding for processing shall be involved in diligent preparation and returned to approved holding temperatures within two hours following completion of said task.

E. Frozen potentially hazardous food shall only be thawed using one of the following methods:

(1) Under refrigeration that maintains the food temperature at 45°F or below; or

(2) Completely submerged under potable running water for a period not to exceed two (2) hours:

(a) At a water temperature of 70°F or below; and,

(b) With sufficient water velocity to agitate and flush off loose particles into the sink drain; or

(3) In a microwave oven if immediately followed by preparation; or

(4) As part of a cooking process.

F. Frozen food that has been thawed shall be cooked or otherwise processed before it may be refrozen.

G. Potentially hazardous food may be held at temperatures other than those specified in this section when the facility operates according to an approved HACCP plan adopted pursuant to section 11.12.005.

(Ord. 2007-0089 §§ 58, 59, 2007; Ord. 94-0052 § 17, 1994; Ord. 7583 Part 3 Ch. 2 § 375, 1959.)

11.12.250 Foods—Storage.

A. Adequate and suitable space shall be provided for the storage of food.

B. Except for large or bulky containers, all food shall be stored at least 6 inches above the floor surface or under conditions that are approved by the director. Containers may be stored on dollies, racks, or pallets not meeting the height requirement, if the dollies, racks or pallets are easily moveable. Pallet jacks, fork lifts or similar equipment must be available on site for this purpose.

C. All cartons, boxes, or other materials used in the packaging of any food shall be protected at all times from dirt, vermin, and other forms of contamination or adulteration.

D. A space of adequate width shall be provided between food storage racks, shelves, and pallets, and the walls or equipment, to permit employees to perform their duties, maintain cleanliness, and for inspecting on a regular basis for vermin or evidence of vermin.

(Ord. 2007-0089 §§ 60, 61, 2007.)

11.12.260 Hazardous materials.

Cleaning compounds, sanitizing agents, pesticides, or other hazardous materials shall be identified, held, used, and stored in a manner that protects against the contamination of food, food contact surfaces, or food packaging materials.

(Ord. 2007-0089 §§ 62, 63, 2007.)

11.12.270 Employee practices.

A. No employee shall commit any act, which may result in contamination or adulteration of any food, food contact surface, food packing material, utensil, or equipment.

B. Any employee who by medical examination or supervisory observation, is shown to have, or appears to have, an illness, open lesions, including boils, sores, or infected wounds, or any other abnormal source of microbial contamination by which there is a reasonable possibility of food, food contact surfaces, or food packaging materials becoming contaminated, shall be restricted from working with exposed food, clean utensils, linens, and unwrapped single-use articles; and may be excluded from any operations which may be expected to result in such contamination until the condition is corrected. Employees shall be instructed to report such health conditions to owner/operator.

C. All employees shall wash hands thoroughly at an approved hand washing facility before starting work, after each absence from the workstation, before donning gloves for working with food and at any other time when the hands may have become soiled or contaminated. Signs directing the employees to wash their hands shall be posted in each toilet room and in all other areas where employees wash their hands.

D. All employees, while engaged in the preparation of food or the washing of utensils, shall wear clean, washable outer garments; shall keep their hands and fingernails clean; shall wear hairnets, caps or other suitable coverings to confine all hair; shall not engage in or permit the use of tobacco in any form; shall not permit the discharge of any substance from the mouth, nose or other part of the body; and shall not eat food, chew gum or drink beverages in areas where food is prepared, processed, packed, stored or where equipment or utensils are washed or stored. Hair-brushing or combing shall not be permitted in any wholesale food establishment except in a toilet room or dressing room, separate from any room in which food is prepared or in which utensils are washed.

E. Gloves shall be worn when contacting food and food surfaces if the employee has any cuts, sores, rashes, artificial nails, nail polish, rings, uncleanable orthopedic support devices, or fingernails that are not clean, neatly trimmed, and smooth. All employees shall maintain gloves, if they are used in food handling, in an intact, clean and sanitary condition. The gloves shall be of an impermeable material, used for a single food handling operation only, and not reused. A clean pair of gloves shall be used at the start of work, when resuming work after an absence from the workstation, and at any other time when the gloves may have become soiled or contaminated.

F. In all areas where food is prepared, processed, or packaged, all employees shall remove all unsecured jewelry and other objects that might fall into food, equipment, or containers, and remove hand jewelry that cannot be adequately sanitized during periods in which food is manipulated by hand. If such hand jewelry cannot be removed, it may be covered by material which can be maintained in an intact, clean, and sanitary condition and which effectively protects against the contamination by these objects of the food, food contact surfaces, or food packaging materials.

G. All employees shall store clothing or other personal belongings, including medicines, cosmetics, drugs, and toilet articles, in areas other than where food is exposed or where equipment or other utensils are washed.

(Ord. 2007-0089 §§ 64, 65, 2007.)

11.12.280 Linen and clothing.

A. Adequate and suitable space shall be provided for the storage of clean linens, including apparel, towels, and wiping cloths.

B. Soiled linens, coats and aprons shall be kept in cleanable, labeled containers provided for the purpose, and shall not be reused until they have been laundered or cleaned. No linen that has been used for any other purpose since laundering shall be used for wiping utensils, counters or equipment, or for contact therewith.

C. Wiping cloths used to wipe equipment and other surfaces that may directly or indirectly contact food shall be used only once until laundered, or if held in a sanitizing solution of concentration as stated in Section 11.12.170 when not wiping, may be used repeatedly. Whenever a sanitizing solution becomes turbid or heavily permeated with food particles and juices, or no longer meets a concentration as stated in Section 11.12.170, it shall be replaced.

(Ord. 2007-0089 §§ 66, 67, 2007.)

11.12.290 Sleeping accommodations prohibited.

No sleeping accommodations shall be maintained or kept in any room where food is prepared, processed, stored, distributed, or sold.

(Ord. 2007-0089 §§ 68, 69, 2007.)

11.12.310 Incidents that render food unwholesome.

A. The operator of every wholesale food establishment after the occurrence of an incident which creates a hazard to the safety, sanitation or wholesomeness of any food or drink, shall notify the director forthwith. This section applies to any food or drink that is intended for consumption by any human or animal.

B. The wholesale food establishment operator shall provide the following information to the director upon request to assist in tracing the source of pathogens and in preventing the spread of foodborne illness: an e-mail address or facsimile number, emergency phone number and hours of operation.

C. The wholesale food establishment operator shall provide the following information to the director upon request to assist in the recall or trace-back of foods found to be hazardous or unwholesome for human or animal consumption: Source of all product ingredients; complete distribution list including name, address and contact information; and product identification information (e.g. batch #, lot #, product coding, etc.).

(Ord. 2007-0089 §§ 71, 72, 2007.)

11.12.320 Dairy employees—Health examination requirements.

A. It shall be the duty of each dairyman or manager of any place where milk is prepared, bottled or pasteurized, whenever a system of medical examination of all employees has been established under state or local laws, to maintain a registry of the results of all such examinations. Such registry shall show the name, age and sex of each person, the date of the last examination and the result thereof, together with such other data as the county health officer may require in the enforcement of this Division 1.

B. It shall be the duty of the owner of such dairy or other similar institution to keep such registry, at all times up-to-date and open to inspection by the director.

(Ord. 2007-0089 § 78, 2007.)

11.12.330 Milk and cream—Pasteurization required when.

A. No market milk and no market cream may be sold, served, offered or exposed for sale, or delivered for human consumption, unless it is pasteurized.

B. Exemptions. The provisions of this section shall not apply to:

1. Certified milk or cream;

2. Guaranteed raw milk;

3. Grade A raw milk;

4. The delivery or sale of milk to wholesalers or to pasteurization plants for the purpose of being pasteurized.

C. Definitions. The meanings of the terms, "market milk," "market cream," "pasteurized," "pasteurization," "certified milk," "certified cream," "guaranteed raw milk," and "Grade A raw milk" as used in this section, shall be as defined in the Food and Agricultural Code of California.

(Ord. 2007-0089 § 79, 2007.)

11.12.340 Impound and quarantine.

A. The director, based upon inspection findings or other evidence and for the protection of the public health, may do any of the following:

1). Impound and, if deemed necessary, destroy any food that is found to be, or is suspected of being, contaminated or adulterated.

2). Impound equipment or utensils that are found to be unsanitary or in such disrepair that food, equipment or utensils may become contaminated or adulterated. The director may attach a tag to such food, equipment or utensils that shall be removed only by the director following verification that the condition has been corrected.

B. No food, equipment, or utensil impounded shall be used unless the impoundment has been released.

C. Food which is contaminated, unfit for human or animal consumption or found to be dangerous to public health, shall be ordered quarantined or destroyed by the director. If quarantined, instructions shall be given to the person who controls such food as to the condition of the quarantine. It is unlawful for such person to make any disposition of such food other than that ordered by the director.

D. The provisions of Section 2080.6 of the Civil Code, regarding unclaimed property, shall apply whenever the director impounds any unsanitary food equipment or equipment that is in such disrepair that food, equipment, or utensils may become contaminated or adulterated. If any impounded equipment remains unclaimed for a period in excess of 30 days, the equipment shall be held no less than three months from date of impoundment, and thereafter may be sold by the purchasing agent or retained for a public use. If the equipment is claimed by its owner, the owner shall pay a reasonable charge as set forth in the Los Angeles County Code, Title 8, to defray costs of storage of the equipment.

(Ord. 2007-0089 § 81, 2007.)

Chapter 11.13 INDEPENDENT WHOLESALE VEHICLES

11.13.010 Definitions.

The following words and phrases shall apply to this chapter irrespective of their use in other Chapters of Part 1 of this Title:

A. "Independent Wholesale Food Vehicle" means any vehicle, not owned by the shipper or receiver, that is used to transport food from a warehouse, manufacturer, distributor, or other wholesale provider for delivery to a retailer, warehouse, distributor, or other destination. An independent wholesale food vehicle shall not be permitted to conduct sales at the retail level. An independent wholesale food vehicle originating outside of the jurisdiction of the director, which has been inspected by the health officer at the jurisdiction of origin and which bears an identification that the jurisdiction of origin has issued a public health permit, shall not be required to obtain a public health license from Los Angeles county under this chapter.

B. "Approved" means approved by the director based upon a determination of conformity with applicable laws, current public health principles, practices, and generally recognized industry standards that protect the public health subject to annual certification.

(Ord. 2007-0089 § 84, 2007.)

11.13.020 Requirements for independent wholesale food vehicle storage facilities.

A. Adequate facilities shall be provided for the sanitary disposal of liquid waste from the wholesale food vehicle.

B. Adequate facilities shall be provided for the sanitary disposal of garbage and rubbish originating from the wholesale food vehicle.

C. Hot and cold water, under pressure, shall be available for cleaning the wholesale food vehicle.

(Ord. 2007-0089 § 85, 2007.)

11.13.030 Requirements for wholesale food vehicles.

A. The compartments in which food is carried on wholesale food vehicles shall be enclosed and the exterior doors and windows shall be tightly fitted to prevent the entrance of dust, dirt, moisture, or vermin.

B. The floor shall be of non-corrosive, nontoxic metal, or other approved material, extending at least 4 inches (4") up the side of the compartment. Tight-fitting, nonabsorbent hardwood flooring may be used when only dry food products are transported. The interior floor, sides, and top of the food compartment shall be free from cracks, seams, or linings where vermin may harbor, and shall be constructed of a smooth, washable, impervious material capable of withstanding frequent cleaning with acceptable sanitizing agents, including steam. Slide rails, hooks, shelves, racks, and similar equipment shall be constructed of a nontoxic, non-corrosive, easily cleanable material, and shall be so installed as to be readily accessible or easily removable for cleaning. Vehicles shall be so constructed that no liquid wastes from the food compartment can drain onto any street, sidewalk, or premises.

C. All food compartments used to hold potentially hazardous foods shall be provided with an approved mechanism capable of maintaining potentially hazardous foods at or below 45°F or at or above 135°F during transportation.

(Ord. 2007-0089 § 86, 2007.)

11.13.040 Requirements for food vehicle identification.

The name, address, and telephone number of the owner/operator, permittee, or business name shall be legible, clearly visible, and permanently indicated on at least two sides of the exterior of the vehicle. The name shall be at least three inches (3") high and shall have strokes at least three-eighths inch (3/8") wide, and shall be of a color contrasting with the vehicle exterior. Letters and numbers for the address and telephone number shall not be less than one inch high.

(Ord. 2007-0089 § 87, 2007.)

11.13.050 Food vehicle temperature requirements.

All potentially hazardous foods being transported in food compartments shall be held at a temperature at or below 45°F or at or above 135°F. If frozen foods are carried, the food temperature shall be maintained at 5°F or below. An accurate device for measuring temperature shall be maintained inside the food compartments where potentially hazardous foods are held.

(Ord. 2007-0089 § 88, 2007.)

11.13.060 Food protection.

A. No person shall carry, transport, or convey any food for commercial purposes unless such food is protected from all contamination. No food shall be carried in the driver's or passenger's compartment of any wholesale food vehicle.

B. All unpackaged food shall be contained, suspended, or handled so that it does not come into actual contact with the floor, walls, or ceiling of the vehicle or with the clothing of persons who load or unload food product. All unpackaged food shall be loaded and unloaded using a manner that protects the food.

C. All unpackaged food shall be contained, suspended, or handled so that it does not come into actual contact with the floor, walls, or ceiling of the vehicle or with the clothing of persons who load or unload food product. All unpackaged food shall be loaded and unloaded in a manner that protects the food at all times.

D. All vehicle food compartments shall be maintained clean, sanitary, and in good repair.

E. The doors to the food compartment shall be kept tightly closed at all times, except when loading or unloading food.

F. No person shall carry, transport, or convey pesticides, poisons, or other chemicals in the same compartment of a vehicle with food products, feed, or other material intended for consumption by humans or animals.

(Ord. 2007-0089 § 89, 2007.)

11.13.070 Exemptions.

Private individuals transporting food for personal use are exempted from the provisions of this chapter.

(Ord. 2007-0089 § 90, 2007.)

11.13.080 Certification decal for approved vehicles.

Independent wholesale food vehicles that conform to the requirements of this article, that have been inspected and approved by the director, and for which the required health permit fee has been paid, shall be provided with a certification decal which shall be affixed to a clearly visible area on the left side of the rear portion of the vehicle. It shall be unlawful to operate an independent wholesale food vehicle without a certification decal. It shall be unlawful to deface, modify, duplicate, camouflage, or falsity this decal.

(Ord. 2007-0089 § 91, 2007.)

Chapter 11.14 FOOD VENDING MACHINES[11]

11.14.010 Definitions.

A. "Machine location" means the room, enclosure, space or area where one or more vending machines are installed or operated.

B. "Vending machine" means any self-service device offered for public use which, upon the insertion of coins or tokens, or by other means, dispenses unit servings of food, either in bulk or in packages, without the necessity of replenishing the device between each vending operation.

(Ord. 7583 Part 3 Ch. 3 §§ 401 and 402, 1959.)

11.14.020 Applicability of chapter provisions.

Except as may be provided in subsequent sections, the provisions of this chapter shall apply to vending machines that dispense readily perishable food, and to vending machines that mix or compound bulk food ingredients into unit servings and dispense such unit servings into single-service utensils. The provisions of this chapter shall not apply to vending machines that dispense, exclusively, bottled drinks, gum, candy or other not-readily-perishable food, when it is determined by the director that such vending machines do not require routine inspection for the protection of the public health.

(Ord. 7583 Part 3 Ch. 3 § 400, 1959.)

11.14.030 Inspection—Representative to accompany director when.

Every person operating a vending machine shall, upon request from the director, provide a representative who shall accompany the director on inspection of such machine.

(Ord. 8614 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 3 § 404, 1959.)

Chapter 11.15 NONSMOKING AREAS IN EATING ESTABLISHMENTS

11.15.010 Purpose of provisions.

The board of supervisors finds and declares that inhaling smoke generated by smokers may be hazardous to the health and represents an annoyance which should be regulated and limited in eating establishments offering food for sale to the public, to the ends that air quality be improved in all such facilities for the preservation and improvement of health, and that customers may request to be seated in nonsmoking areas of such facilities.

(Ord. 87-0124 § 1 (part), 1987.)

11.15.020 Definitions.

As used in this chapter:

A. "Smoke" means the gases, particles, or vapors released into the air as a result of combustion, electrical ignition, or vaporization, when the apparent or usual purpose of the combustion, electrical ignition, or vaporization is human inhalation of the byproducts, except when the combusting or vaporizing material contains no tobacco, nicotine, or cannabis and the purpose of inhalation is solely olfactory, such as, for example, smoke from incense. The term "smoke" includes, but is not limited to, tobacco smoke, vapors from an electronic smoking device, and cannabis smoke or any other like substance.

B. "Smoking" means inhaling, exhaling, burning, or carrying any lighted, heated, or ignited cigar, cigarette, cigarillo, pipe, hookah, electronic smoking device, or plant product, or using any other method or device that delivers nicotine, cannabis or other like substances to a person.

C. "Cannabis" has the meaning set forth in California Business and Professions Code section 26001, as that section may be amended from time to time.

D. "Electronic smoking device" means an electronic device which can be used to deliver an inhaled dose of nicotine, cannabis, or other substances, including any component, part, or accessory of such a device, whether or not sold separately. The term "electronic smoking device" includes any such device, whether manufactured, distributed, marketed, or sold as an electronic cigarette, electronic cigar, or cigarillo, electronic pipe, electronic hookah or any other product name or descriptor.

E. "Eating establishment" means any indoor or outdoor area that is designed, established, or regularly used for consuming food or drink and that is available to or customarily used by the general public or an employee. Eating establishment means any area included but not limited to a cafeteria, coffee shop, luncheonette, restaurant, sandwich shop, short order cafe, soda fountain, or other establishment which offers food or drinks to the public.

F. "Bar" means any area of an eating establishment which is devoted to offering alcoholic beverages for sale to the public and in which the consumption of food is only incidental to the consumption of such beverages and includes any outdoor area of the establishment set aside for use by patrons.

(Ord. 2019-0011 § 3, 2019; Ord. 87-0124 § 1 (part), 1987.)

11.15.030 Nonsmoking areas required in eating establishments.

A. Any person who owns, operates, manages, leases, or rents an eating establishment shall cause to be maintained in such facility a nonsmoking area consisting of a portion of both the seating capacity and floor space in which such customers are served, excluding any portion of such facility which is located outdoors and any portion of such facility which is utilized for bar purposes. At the request of any customer, the customer shall be seated in the nonsmoking area of the eating establishment if space is available.

B. Nothing in this section shall apply to any room of an eating establishment which is used for serving food for a private function, but only while such room is used for such private function.

(Ord. 87-0124 § 1 (part), 1987.)

11.15.040 Duty to post sign.

Any person who owns, operates, manages, leases, or rents an eating establishment shall cause at least one sign to be posted or displayed on the premises, as provided in this section. The sign shall read substantially as follows: NON-SMOKING AREA AVAILABLE. The sign shall not be smaller than 10 inches wide by 10 inches long, nor shall any lettering thereon be less than one inch in height. The sign shall be placed to assure that it is readable by the public entering the premises.

(Ord. 87-0124 § 1 (part), 1987.)

11.15.050 Structural modifications not required.

Nothing in this chapter shall be construed to require an eating establishment to make any structural changes or other physical modifications to existing facilities.

(Ord. 87-0124 § 1 (part), 1987.)

Chapter 11.16 GARBAGE AND OTHER WASTE MATERIAL[13]

11.16.010 Collection and disposal regulations—Enforcement authority.

The director of public health shall enforce all laws, ordinances and regulations pertaining to the collection and disposal of garbage, and combustible and noncombustible rubbish, within garbage disposal districts.

(Ord. 2006-0040 § 92, 2006; Ord. 8588 § 2 (part), 1964; Ord. 7583 Part 3 Ch. 7 § 611, 1959.)

11.16.020 Sanitation of premises—Responsibility of owner or agent.

The owner, agent or manager of any premises shall maintain such premises in a clean, sanitary condition, free from accumulations of garbage, rubbish, refuse and other wastes at all times, except as provided by the provisions of this Division 1 or other applicable laws.

(Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 7 § 605, 1959.)

11.16.030 Garbage—Storage restrictions.

Garbage and putrescible matter, whether mixed with rubbish or other matter or not, shall be kept in watertight receptacles with close-fitting lids and with handles or bails. Such receptacles shall be thoroughly cleaned each time their contents are removed. Such garbage or putrescible material, whether mixed with rubbish or other material or not, shall not be kept for more than seven days.

(Ord. 7583 Part 3 Ch. 7 § 601, 1959.)

11.16.040 Feeding garbage and market refuse to animals—Restrictions.

A person may feed garbage and market refuse to fowls or animals when such feeding does not constitute a nuisance or a menace to public health, and when such feeding is in compliance with such conditions as may be imposed by the director of public health.

(Ord. 2006-0040 § 93, 2006; Ord. 7583 Part 3 Ch. 7 § 602, 1959.)

11.16.050 Deposit of offensive substances prohibited—Exceptions.

Except as otherwise provided in this Division 1, no person shall permit the contents of any cesspool, septic tank, water closet or sewer, or any sewage effluent, excrement, urine, slop water, butcher offal, market refuse, garbage, rubbish, cans, dead animals, dead fowl, or any other putrid or offensive animal or vegetable matter, to remain or to be deposited or discharged upon the surface of the ground on any premises, lot, or in any building, basement, or in any public street, or into, or in a manner that might contaminate, any standing water, stream, hole, excavation or public place. This section does not prohibit:

A. The placing of cans or rubbish in any lawfully existing dump or waste-disposal facility;

B. The placing of garbage or market refuse, or both, in any lawfully existing dump or waste-disposal facility in compliance with the conditions imposed, if any, in the license granted for the operation thereof, pursuant to pertinent county ordinances, if, and only if, such license, in express terms, permits garbage or market refuse, or both, to be placed in such dump or waste-disposal facility.

(Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 7 § 600, 1959.)

11.16.060 Rubbish—Storage restrictions.

A person may deposit and keep, for not more than 15 days, in a substantial and adequate container, combustible and noncombustible rubbish other than garbage and putrescible matter.

(Ord. 7583 Part 3 Ch. 7 § 603, 1959.)

11.16.070 Hazardous or radioactive materials—Disposal restrictions.

Materials which are infected or contaminated, chemically hazardous, or radioactive shall be disposed of in a manner approved by the director.

(Ord. 7583 Part 3 Ch. 7 § 610, 1959.)

11.16.090 Keeping animals and birds—Location restrictions and sanitation requirements.

A person shall not keep any animal, fowl or bird, wild or domestic, other than cats, dogs, canaries or birds of the psittacine family, within 35 feet of any restaurant, food establishment, residence, or dwelling, or other building used for the habitation of human beings, or within 100 feet of any school building, hospital building or similar institution building. It is unlawful to keep or maintain a premises, yard, coop or building in which fowl or animals are maintained in a foul or insanitary condition. The provisions of this section regarding distances shall not apply to accredited laboratories regulated by the California Department of Health Services.

(Ord. 2006-0040 § 94, 2006; Ord. 7583 Part 3 Ch. 7 § 608, 1959.)

11.16.100 Hog fertilizer—Use restrictions.

A person shall not use any hog manure or hog-ranch wastes in the raw state within one-half mile of any building or part thereof used for a residence, except a building exclusively occupied by such person and his family.

(Ord. 7583 Part 3 Ch. 7 § 606, 1959.)

11.16.110 Burial of dead animals or offensive material.

It is unlawful for any person to bury the carcass of any dead animal or any other putrid or offensive material unless such carcass or material is placed three feet below the surface level of the ground and immediately covered with at least three feet of soil; provided, however, that such carcass or material shall be buried in such a manner or location that it does not constitute a menace to public health or a nuisance.

(Ord. 7583 Part 3 Ch. 7 § 604, 1959.)

11.16.120 Edible crops—Irrigation with contaminated water prohibited—Test standards.

No person shall irrigate any strawberries, celery, potatoes, lettuce, radishes, tomatoes, onions, or any vegetable or berries eaten raw, in any manner. with sewage, sewage effluents or water from any stream into which sewage has been discharged, any of which does not meet the following standards: In any 20 consecutive samples, from which five 10-c.c. portions each are examined, not over 10 portions shall be positive for members of the coli-Aerogenes group, and in no single sample shall over half the 0.1 c.c. portions of the sample be positive for such organisms. Samples shall be analyzed in accordance with the latest Standard Methods of Examination of Water and Sewage of the American Public Health Association.

(Ord. 7583 Part 3 Ch. 7 § 607, 1959.)

Chapter 11.17 MICROENTERPRISE HOME KITCHEN OPERATIONS

11.17.010 Short Title.

This ordinance codified in Title 11 of this County Code will be known as, and may be cited as, the "Microenterprise Home Kitchen Operations Ordinance."

(Ord. 2024-0025 § 5, 2024.)

11.17.020 Declaration of Findings and Purpose.

A. The Board of Supervisors finds that in Los Angeles County, small businesses comprise a large percentage of the local workforce in Los Angeles County, many of which are minority-owned.

B. With the creation of the Microenterprise Home Kitchen Operations Program, the County will be able to continue the advancement of economic mobility for local small businesses by allowing these microentrepreneurs to be a part of the formal economy.

C. The Microenterprise Home Kitchen Operations Program will allow for small-scale, direct food sales from home-based kitchens and provide a safe and equitable pathway to legal food vending, in accordance with California Health and Safety Code, Division 104, Part 7, Chapter 11.6, Microenterprise Home Kitchen

Operations, and pursuant to the Board of Supervisors' police powers as set forth under Article XI, Section 7 of the California Constitution.

D. It is the intention of the County to authorize and adopt a Microenterprise Home Kitchen Operations Program Countywide as authorized by California Health and Safety Code section 114367.

(Ord. 2024-0025 § 5, 2024.)

11.17.030 Definitions.

The following words and phrases shall apply to this Chapter:

A. "Compact Mobile Food Operation" or "CMFO" means a food facility as defined in California Health and Safety Code section 113831(c).

B. "County Health Officer" means the Director of the Department of Public Health of the County of Los Angeles, or their duly authorized representative.

C. "Department" means the Los Angeles County Department of Public Health.

D. "Food Handler" means an individual who is involved in the preparation, storage, or service of food in a food facility, as defined in California Health and Safety Code section 113790.

E. "Microenterprise Home Kitchen Operation" or "MEHKO" means a food facility as defined in California Health and Safety Code section 113825.

F. "MEHKO Operator" means the resident of the private home where the MEHKO will be operating, who is the permitholder for the MEHKO and, who is responsible for the operation.

G. "Permitted Area" means the home kitchen described in the application for MEHKO, the on-site consumer eating area, food storage area, utensils and equipment, toilet room, janitorial or cleaning facilities, and refuse and storage areas as provided by Health and Safety Code section 114367.2, and including any attached rooms within the home, as designated by the permit holder, that have spaces, such as closets, that are used exclusively for food, utensil, and equipment storage for the MEHKO, as authorized by the County Health Officer.

H. "Potable Water" means water that complies with the standards for transient noncommunity water systems pursuant to the California Safe Drinking Water Act, commencing with California Health and Safety Code section 116270 et seq. to the extent permitted by federal law.

I. "Resident of a Private Home" means any individual who resides in a private home when not elsewhere for labor or other special and temporary purposes.

(Ord. 2024-0025 § 5, 2024.)

11.17.040 Scope.

A. The provisions of this chapter shall apply to Microenterprise Home Kitchen Operations as defined in California Health and Safety Code section 113825 et seq., within the unincorporated and incorporated areas of Los Angeles County, except within the cities of Long Beach, Pasadena, and Vernon, and to the extent permitted under California Health and Safety Code section 114367.

B. As set forth in California Health and Safety Code section 114367.4, a city or county cannot prohibit the operation of, require a permit to operate, require a rezone of the property for, or levy any fees on, or impose any other restriction on, a Microenterprise Home Kitchen Operation in any residential dwelling for zoning

purposes. Operating a MEHKO does not constitute a change of occupancy for purposes of the Health and Safety Code, Division 13, Part 1.5, section 17910 et seq. or for purposes of local building and fire codes.

(Ord. 2024-0025 § 5, 2024.)

11.17.050 MEHKO Facility Permit Requirements.

A. Any individual desiring to obtain a public health permit to operate a MEHKO shall file an application with the Department and pay the nonrefundable application fee as set forth in Section 8.04.728 F.

B. Upon receipt of both an application for a public health permit and the required non-refundable fee, the Department shall review the application.

C. Application Requirements.

1. The application at a minimum shall include the requirements set forth in California Health and Safety Code section 114367.2(c), including but not limited to a listing of the proposed equipment and standard operating procedures the MEHKO Operator intends to use and a list of any Food Handlers, as set forth in subsection 3, below.

2. The MEHKO Operator shall successfully complete and pass an approved and accredited Food Safety Certification Examination, in compliance with California Health and Safety Code sections 113947.1 and 113947.2 and include proof of certification with the application.

3. If a MEHKO Operator plans to have Food Handlers as part of their operation, the MEHKO Operator must include proof of Food Handler food certification for every individual with the submission of the permit application. If a Food Handler is employed after the initial inspection is conducted, the MEHKO Operator will have thirty (30) days from the date of hire to provide a copy of the employee's food handler card to the Department. The MEHKO Operator shall have no more than one full-time equivalent Food Handler, not including a household or family member, in accordance with California Health and Safety Code section 113825.

D. Upon completion and approval of the initial application review, the MEHKO shall be subject to an initial inspection to be completed by the Department to ensure minimum compliance with this Chapter and as provided by California Health and Safety Code section 114367.2(d)(1).

E. Upon verification by the Department that all minimum requirements have been met, a public health permit shall be issued upon payment of a non-refundable public health permit fee as specified in Section 8.04.720 of this code.

F. A MEHKO Operator is required to notify the Department and request an evaluation within twenty (20) days of any substantive changes made to the menu or equipment that affect the originally proposed operational procedures following the Department's initial approval. These changes may include, but are not limited to, the addition of potentially hazardous foods to the menu, as defined in California Health and Safety Code section 113871, installation of new food preparation equipment, or the expansion to include support of up to two (2) CMFOs. The MEHKO Operator shall pay an evaluation fee based on the hourly rate established in Section 8.04.728 of this Code. Upon notification and payment of the fee, the MEHKO Operator shall be subject to a site evaluation to be completed by the Department within twenty (20) days to evaluate if the menu or equipment change can be supported within the previously permitted kitchen.

G. MEHKO permits may be modified, suspended, or revoked as provided in the California Health and Safety Code, Division 104, Part 7, Chapter 13.

H. No persons shall operate a MEHKO without a valid public health permit issued by the County Health Officer.

I. Only one MEHKO may operate per residence. A Cottage Food Operation shall not be permitted from the same residence.

(Ord. 2024-0025 § 5, 2024.)

11.17.060 Required Compliance.

Unless otherwise specified in this Chapter, a MEHKO shall comply with the requirements of California Health and Safety Code, Division 104, Part 7. In addition, all permitted MEHKOs are subject to exemptions as set forth in California Health and Safety Code, Division 104, Part 7, Chapter 11.6.

(Ord. 2024-0025 § 5, 2024.)

11.17.070 Food Preparation and Storage.

A. MEHKO food preparation, packaging, and handling shall be kept separate from other domestic activities, including but not limited to, family meal preparation, guest entertaining, or dishwashing.

B. All food storage for the MEHKO within the permitted area shall comply with California Health and Safety Code, Division 104, Part 7, Chapter 4, Article 5. Any other detached rooms on the premises, including accessory buildings and garages, may be used to store food items for the MEHKO only if all food is stored inside of an approved refrigerator and/or freezer with a closable door/lid which will be verified upon the Department's initial inspection. Sleeping quarters or second residential units on the same property are not allowed within the Permitted Area; unless otherwise indicated as set forth in Health and Safety Code section 114367.1(b)(24).

(Ord. 2024-0025 § 5, 2024.)

11.17.080 Expanded Food Service.

A. Food prepared in a MEHKO may be served from an approved Compact Mobile Food Operation operated by the same MEHKO permitholder pursuant to California Health and Safety Code section 114368.3(a)(5).

B. The meal and gross annual sales limitations for MEHKOs set forth in California Health and Safety Code section 113825(a)(7) and (8) do not apply to the sale of non-potentially hazardous food or produce for up to two (2) CMFOs operated by the MEHKO, as set forth in California Health and Safety Code section 114368.3(a)(6).

C. A MEHKO may serve as a commissary or mobile support unit for up to two (2) CMFOs owned by the same permitholder if an evaluation determines the MEHKO is capable of supporting the preparation and storage of the food being sold from the CMFO(s) and the storage and cleaning of the CMFO(s) pursuant to California Health and Safety Code section 114368.3(a)(1),unless storage is prohibited by city ordinance, as authorized by California Health and Safety Code section 114368.3(c)(1). The evaluation may be conducted as part of the initial application process. A permitted MEHKO that wishes to later expand to support up to two (2) CMFOs will incur a fee based on the hourly rate established in Section 8.04.728 of this Code.

D. As authorized under Health and Safety Code section 114368.3(a)(8), food preparation for a permitted MEHKO operating in conjunction with an approved CMFO is expanded to no more than eighty (80) individual meals per day and no more than two hundred (200) individual meals per week. Except as identified in section B. above, a permitted MEHKO operating in conjunction with a CMFO shall not have more than one hundred fifty thousand dollars ($150,000.00) in verifiable gross annual sales, as adjusted annually for inflation based on the California Consumer Price Index.

(Ord. 2024-0025 § 5, 2024.)

11.17.090 Safety.

A. A properly charged and maintained minimum ten (10) BC-rated fire extinguisher to combat grease fires shall be readily accessible.

B. A first aid kit shall be available and located in a convenient and accessible area.

(Ord. 2024-0025 § 5, 2024.)

11.17.100 Signage Prohibited.

No signage or other outdoor display advertising the MEHKO is allowed anywhere on the property from which the MEHKO is operating.

(Ord. 2024-0025 § 5, 2024.)

11.17.110 Inspections.

A. The Department shall conduct an initial inspection of a MEHKO upon the initial application seeking approval for a public health permit.

B. A MEHKO is subject to one routine inspection per year as specified in California Health and Safety Code section 114367.3.

C. Additional inspections conducted as a result of a complaint or emergency circumstances will be conducted in the manner set forth in California Health and Safety Code sections 114367.3(a)(2) and (3).

D. If a MEHKO is found to be in violation of any of the requirements in this Chapter or California Health and Safety Code, Division 104, Part 7, Chapter 11.6, or if additional inspections or complaint-based investigations are required to ensure compliance with this Chapter or State law, the Department may seek cost recovery, based on the hourly rate established in Section 8.04.728 of this Code.

(Ord. 2024-0025 § 5, 2024.)

11.17.120 Potable Water.

A. A MEHKO whose potable water supply comes from a private well shall submit with their permit application sample test results verifying the water supply meets at a minimum the definition of Transient Noncommunity Water System as defined in California Health and Safety Code section 116275(o) and standards set forth in the California Code of Regulations, Title 17 and 22. Sample results shall include nitrate, nitrite, and bacteriological water quality.

B. MEHKO Operators whose potable water supply comes from a private well and whose permits are initially approved shall complete water quality testing and also maintain the test results, which shall be made available for review by the County Health Officer during a routine inspection or complaint investigation. Water quality testing frequency shall be in accordance with Transient Noncommunity Water System requirements and include:

    1. Quarterly bacteriological testing.

2. Annual nitrate testing, unless the results are greater than or equal to fifty (50) percent of the Maximum Contaminant Level ("MCL"), in which case testing shall be completed quarterly for one (1) year. If after one (1) year, no additional results are greater than or equal to fifty (50) percent of the MCL, the testing may return to annually.

3. Nitrite testing every three (3) years, unless the results are greater than or equal to fifty (50) percent of the MCL, in which case testing shall be completed quarterly for one (1) year. If after one (1) year, no additional results are greater than or equal to fifty (50) percent of the MCL, the testing may return to every three (3) years.

(Ord. 2024-0025 § 5, 2024.)

11.17.130 Public Notification.

A. Within fifteen (15) business days of issuance of a public health permit for a MEHKO, the Department shall update its website to reflect the newly permitted MEHKO.

B. The Department shall notify any incorporated city of the issuance of a MEHKO public health permit within its jurisdiction, no later than fifteen (15) business days of issuance of the public health permit.

C. The Department shall notify any incorporated city when a MEHKO public health permit within its jurisdiction has been suspended or revoked, no later than fifteen (15) business days of suspension or revocation of the public health permit.

D. The Department shall post all routine and complaint-based inspection results for MEHKOs on its website.

(Ord. 2024-0025 § 5, 2024.)

11.17.140 Notice of Inspection Results.

A. All official inspection reports issued to a MEHKO shall be issued pursuant to the requirements set forth in Section 8.04.650 of this Code.

B. Any additional reinspection fees to be charged to a MEHKO shall be similarly noticed as provided in Section 8.04.650 B of this Code.

(Ord. 2024-0025 § 5, 2024.)

11.17.150 Exemption from Restaurant and Home-based Occupation Standards.

For the purposes of this Chapter, all permitted MEHKOs are not restaurants as the term is used in the County Code, and are exempt from the provisions of Title 22, Division 7, Chapter 22.140, Section 22.140.290-A. All permitted MEHKOs shall not be subject to the standards for Home-based Occupations as set forth in Title 22, Division 7, Chapter 22.140, Section 22.140.290 C. 5, 8 and 12.

(Ord. 2024-0025 § 5, 2024.)

11.17.160 Implementation.

The Department is responsible for the administration of this Chapter, which may include public education, public outreach, and promulgating policies, guidelines and rules consistent with the provisions of this Chapter and the County Code.

(Ord. 2024-0025 § 5, 2024.)

11.17.170 Severability.

If any subsection, sentence, clause, or phrase of this Chapter is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Chapter. The Board of Supervisors hereby declares that it would have adopted this Chapter and each and every subsection, sentence, clause and phrase thereof not declared invalid or unconstitutional, without regard to any portion of the Chapter would be subsequently declared invalid or unconstitutional.

(Ord. 2024-0025 § 5, 2024.)

11.17.180 Effective Date.

A. Provisions of this Chapter related to the application and procurement of a Microenterprise Home Kitchen Operation public health permit shall be effective November 1, 2024.

B. Enforcement for failure to comply with provisions of this Chapter related to obtaining the required public health permits shall commence on January 1, 2025.

(Ord. 2024-0025 § 5, 2024.)

Chapter 11.19 ALCOHOLIC BEVERAGE WARNING SIGNS

11.19.010 Alcoholic beverage warning signs—Purpose of provisions.

The Surgeon General of the United States has recommended that women who are pregnant, or considering pregnancy, be advised not to drink alcoholic beverages and to be aware of the alcohol content in anything they eat because alcohol consumption during pregnancy, especially in the early months, can harm the fetus. In order to serve the public health, safety and welfare, the purpose of the ordinance codified in this chapter is to educate the public by requiring that warning signs be placed at all locations where alcoholic beverages are sold to the public.

(Ord. 86-0169 § 1 (part), 1986.)

11.19.020 Duty to post.

Any person or entity who owns, operates, manages, leases or rents a premises offering wine, beer or other alcoholic beverages for sale, or dispensing for consideration to the public, shall cause a sign or notices to be posted or displayed on the premises as provided in this section. The sign or notice shall read substantially as follows: WARNING. DRINKING WINE, BEER AND OTHER ALCOHOLIC BEVERAGES DURING PREGNANCY CAN CAUSE BIRTH DEFECTS. Except as specified in Section 11.19.030 C, a sign as required herein shall not be smaller than 10 inches wide by 10 inches long, nor shall any lettering thereon be less than one inch in height.

(Ord. 86-0169 § 1 (part), 1986.)

11.19.030 Placement.

A sign or notice required by Section 11.19.020 shall be placed as follows:

A. Where the sale or dispensing of wine, beer or other alcoholic beverages to the public is primarily intended for consumption off the premises, at least one sign shall be so placed to assure that it is readable from all locations at which said sale or dispensing occurs;

B. Where the sale of wine, beer or other alcoholic beverages to the public is primarily provided through over-the-counter service, at least one sign shall be placed to assure that it is readable from all counter locations available to the public;

C. Where the sale or dispensing of wine, beer or other alcoholic beverages to the public is primarily provided for consumption on the premises by the public at tables served by food or beverage service persons, at least one sign shall be placed to assure it is readable by the public entering the premises. In the alternative, signs or notices smaller than 10 inches wide by 10 inches long may be displayed at each of the tables provided that the notices are as readily visible and readable as materials provided to the public which list food and beverage prices.

(Ord. 86-0169 § 1 (part), 1986.)

11.19.040 Language.

In the event a substantial number of the public patronizing a premises offering for sale or dispensing wine, beer or other alcoholic beverages uses a language other than English as a primary language, any sign or notice required by Section 11.19.030 of this chapter shall be worded in both English and the primary language or languages involved.

(Ord. 86-0169 § 1 (part), 1986.)

Chapter 11.20 HOUSING

Part 1 DEFINITIONS

11.20.010 Apartment.

"Apartment" means dwelling unit.

(Ord. 8588 § 2 (part), 1964; Ord. 7583 § Part 3 Ch. 11 § 804.1, 1959.)

11.20.020 Apartment house.

"Apartment house" means any structure more than one story in height or any portion of any such structure, occupied or designed, built or rented for occupation, as a home, by three or more families, each living in a separate apartment and cooking within such structure.

(Ord. 7583 Part 3 Ch. 11 § 810, 1959.)

11.20.023 Boarding home.

"Boarding home" means any premises, structures, or portion thereof (except any hospital or other health facility as defined in Section 1250 of the Health and Safety Code and except any mental or alcoholic institution licensed by the state of California), used or intended to be used as a place where sleeping or rooming accommodations are furnished to the whole or any part of the public, with or without compensation and with or without meals, for five

or more persons who are unrelated to the operator. "Boarding home" includes, but is not limited to, a rooming house, home for the aged, sober living facility, boarding house, lodging house, and bed and breakfast facility.

(Ord. 94-0052 § 18, 1994; Ord. 7583 Part 3 Ch. 11 § 806, 1959.)

11.20.030 Dwelling.

"Dwelling" means any structure or any portion of a structure, other than an apartment house, motel or hotel, containing one or more guest rooms.

(Ord. 8588 § 2 (part), 1964; Ord. 7583 Part 3 Ch. 11 § 801, 1959.)\

11.20.040 Dwelling unit.

"Dwelling unit" means a room or a suite of rooms, other than a hotel, which are occupied or which are intended or designed for occupancy by a family for living and sleeping purposes.

(Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 11 § 804, 1959.)

11.20.050 Dwelling Unfit For Human Habitation, Use or Occupancy.

"Dwelling unfit for human habitation, use or occupancy" means any dwelling, hotel, motel, apartment house, interim housing facility, or other structure used for living or sleeping purposes which, by reason of its construction or by reason of the lack of maintenance or repair thereof, is in such a condition as creates a hazard to the health, welfare, or safety of its occupants.

(Ord. 2018-0046 § 4, 2018; Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 11 § 803, 1959.)

11.20.060 Family.

"Family" means one person living alone, or a group of two or more persons living together, whether or not related to each other by birth.

(Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 11 § 802, 1959.)

11.20.070 Guest.

"Guest" means any person who occupies a room for sleeping purposes.

(Ord. 8588 § 2 (part), 1964; Ord. 7583 Part 3 Ch. 11 § 804.2, 1959.)

11.20.080 Guest room.

"Guest room" means a room occupied, or intended, arranged or designed for occupation by one or more guests. Every 100 square feet of superficial floor area in a dormitory shall be considered a guest room.

(Ord. 8588 § 2 (part), 1964; Ord. 7583 Part 3 Ch. 11 § 804.3, 1959.)

11.20.090 Habitable room.

"Habitable room" means any room meeting the requirements of this Division 1 for sleeping, living, cooking or eating purposes, excluding such enclosed places as closets, pantries, bath or toilet rooms, service rooms, connecting corridors, laundries, unfinished attics, foyers, storage spaces, cellars, utility rooms and similar spaces.

(Ord. 7583 Part 3 Ch. 11 § 805, 1959.)

11.20.095 Hot Water.

"Hot water" means water supplied to plumbing fixtures at a temperature of not less than 110 degrees Fahrenheit (43.3 degrees Celsius).

(Ord. 2018-0046 § 5, 2018.)

11.20.100 Hotel.

"Hotel" means any structure or any portion of a structure, including any dormitory, Turkish bath, bachelor hotel, studio hotel, public club or private club containing six or more guest rooms, and which is occupied, or is intended or designed for occupation, by six or more guests, whether rent is paid in money, goods, labor or otherwise. It does not include any jail, hospital, asylum, sanitarium, orphanage, prison or detention or other building in which human beings are housed and detained under legal restraint.

(Ord. 94-0052 § 19, 1994; Ord. 7583 Part 3 Ch. 11 § 812, 1959.)

11.20.110 House court.

"House court" means a group of five or more dwelling units other than a hotel or a motel, located upon a single lot or parcel of land.

(Ord. 8588 § 2 (part), 1964; Ord. 7583 Part 3 Ch. 11 § 804.4, 1959.)

11.20.115 Interim Housing Facility.

"Interim housing facility" means any premises, structures, or portion thereof (except any hospital or other health facility as defined in section 1250 of the Health and Safety Code and except any mental health or alcoholism and drug abuse rehabilitation or treatment facility licensed by the State of California), used or intended to be used as a place where provisional sleeping or rooming accommodations are furnished on a temporary basis to persons who lack permanent housing, are experiencing homelessness or are at imminent risk of becoming homeless, with or without compensation from the resident and with or without meal service. Interim housing facility includes, but is not limited to, bridge housing, crisis housing, recuperative care housing, stabilization housing, recovery bridge housing, and shelters.

(Ord. 2018-0046 § 6, 2018.)

11.20.120 Motel.

"Motel" means a building of not more than one story containing six or more guest rooms or apartments, or combinations thereof, each of which has a separate, individual entrance leading directly from the outside of the building and is designed, used or intended wholly or in part for the accommodation of automobile transients.

(Ord. 7583 Part 3 Ch. 11 § 811, 1959.)

11.20.140 Substandard Dwelling.

A. "Substandard dwelling" means any dwelling, house court, dormitory, hotel, motel, interim housing facility, or apartment house which, through lack of maintenance or repair, generally endangers the life, limb, health, property, safety or welfare of the public, or of the occupants thereof.

B. Conditions which render a structure a "substandard dwelling" include, but are not limited to, any of the following:

1. Lack of approved toilet or privy structure, bathtub or shower, kitchen sink, hot and cold running water, or other required approved plumbing within an apartment or dwelling;
2. Lack of exterior wall or roof covering adequate to protect the occupants from the elements;
3. Damaged interior walls, partitions, floors or ceiling;
4. Plumbing fixtures and piping which have become insanitary or are otherwise in a condition to create a health hazard;
5. Sewage disposal system which has become insanitary or is otherwise in a condition to create a health hazard;
6. Unreasonable collection of rubbish, debris or trash upon premises;
7. Any of the conditions specified in Section 11.02.300, subsections B, C, D, or E;
8. Use of other than habitable rooms for living, cooking, or eating purposes;
9. Incomplete construction;
10. Infestation by insects, vermin, or rodents;
11. General dilapidation;
12. Lack of a water supply adequate to sustain the health of the inhabitants.

(Ord. 2018-0046 § 7, 2018; Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 11 § 809, 1959.)

Part 2 REGULATIONS

11.20.150 Applicability of Chapter Provisions.

The provisions of this Chapter 11.20 shall apply to all dwellings, house courts, hotels, interim housing facilities, and apartment houses.

(Ord. 2018-0046 § 8, 2018; Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 11 § 800, 1959.)

11.20.160 Maintenance Required—Noncompliance Unlawful.

Every dwelling, house court, hotel, motel, interim housing facility, and apartment house shall be maintained in good repair. It is unlawful for any person to occupy or to cause or permit another person to occupy any dwelling, house court, hotel, motel, interim housing facility, and apartment house which does not comply with this section.

(Ord. 2018-0046 § 9, 2018; Ord. 12098 § 2, 1980; Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 11 § 820, 1959.)

11.20.170 Sanitation requirements generally.

A. Each habitable room, hallway, passageway, stairway, wall, partition, ceiling, floor, skylight, glass window, door, carpet, rug, matting, window curtain, furniture, compartment or room, plumbing fixture, drain, roof, vent, closet, cellar, basement, laundry room, yard, court, lot and the premises of every building shall be kept clean, sanitary and free from debris, filth, rubbish, garbage, vermin and other offensive matter. It is unlawful for any person to occupy any building or shelter unless such building or shelter shall provide protection to the occupants from dampness during inclement weather.

B. Air spaces under buildings shall be rodentproof and kept clear and free from rubbish, debris and filth.

(Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 11 § 826, 1959.)

11.20.180 Toilet facilities.

Except where the use of a toilet facility other than a water closet is permitted by this Division 1, it is unlawful for any person to occupy, or to cause or permit another person to occupy, any dwelling which is not supplied with at least one water closet in a separate compartment within the building for each portion of the dwelling which is designed for the occupancy of a single family; provided, however, that this section shall not apply to children's camps. Where the use of a toilet facility other than a water-flush toilet is permitted by this Division 1, it is unlawful for any person to occupy, or to cause or permit another person to occupy, any dwelling which is not supplied with at least one toilet facility other than a water-flush toilet in an outside, separate compartment for each portion of the dwelling which is designed for the occupancy of a single family.

(Ord. 7583 Part 3 Ch. 11 § 817, 1959.)

11.20.190 Toilet rooms and bathing facilities.

Every dwelling unit shall contain a lavatory and bathtub or shower. All lavatories, bathtubs and showers of dwellings, house courts, hotels, motels and apartment houses shall be provided with hot and cold running water under pressure. All toilet rooms, bath and shower rooms and utility rooms shall be adequately lighted and ventilated to the outside atmosphere. All such rooms and the fixtures and equipment therein shall be maintained in a state of good repair and free from dirt, filth and corrosion. It is unlawful for any person to occupy or to cause or permit another person to occupy any dwelling unit which does not comply with this section.

(Ord. 12098 § 1, 1980; Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 11 § 819, 1959.)

11.20.200 Heating appliances—Sale restrictions.

No person shall sell or offer for sale at retail any comfort heating appliance constructed to burn gas or oil for fuel, unless such heating appliance bears the seal of approval of a nationally recognized testing agency.

(Ord. 8588 § 2 (part), 1964; Ord. 7583 Part 3 Ch. 11 § 821.1, 1959.)

11.20.210 Gas-burning appliances—Approval and installation conditions.

Every gas-burning appliance shall be approved by a nationally recognized testing agency. Every gas-burning appliance, except ranges, refrigerators and hotplates approved by such agencies for unvented use, shall be approved for vented use, and be connected to an effective flue or vent leading to the outside air, not less in size than the vent collar on the appliance. Appliances with forced-air draft or sealed combustion chambers shall be vented in accordance with the manufacturer's directions. The installation of gas heaters or alteration of existing heaters shall be done under a permit obtained from the building department.

(Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 11 § 821, 1959.

11.20.220 Gas-burning appliances—Connections.

Every gas-burning appliance shall be connected to the gas supply piping by metal piping or tubing of a quality and design approved by the county engineer.

(Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 11 § 822, 1959.)

11.20.230 Gas-burning appliances—Maintenance.

Every gas vent, gas water heater or other gas appliance shall be maintained in good repair.

(Ord. 7583 Part 3 Ch. 11 § 823, 1959.)

11.20.240 Gas ranges—Venting.

A. A gas range shall be vented by one of the following means:

   1. A ventilator opening in the wall or ceiling having an area of not less than six by eight inches and connecting with a ventilating duct of not less than 36 square inches in cross-sectional area leading to the outside air;

   2. An approved system of forced-draft ventilation.

B. Gas ranges in buildings erected after September 25, 1959, shall be ventilated by a vent located approximately over the top of surface cooking facilities.

(Ord. 7583 Part 3 Ch. 11 § 824, 1959.)

11.20.260 Kitchens—Dwelling requirements.

A. Every dwelling unit in which food is prepared shall have in its kitchen a sink plumbed with hot and cold running water. A kitchen shall be deemed to be that room in which food is prepared for family use.

B. Every kitchen shall be separated from any room used for sleeping purposes by a full partition, which may contain a doorway not more than four feet in width. Each such doorway shall be provided with a door capable of diminishing the transmission of noises or fumes to any adjacent room used for sleeping purposes.

(Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 11 § 818, 1959.)

11.20.270 Cooking permitted in sleeping rooms—Conditions.

A. If the director finds that health and safety will be preserved and that both an infirmary and restaurant are easily accessible to the occupants thereof within the development, in low-cost housing developments designed for persons over 62 years of age financed in whole or in part by federal funds or by means of loans insured in whole or in part by the United States, a room used for sleeping purposes also may be used for cooking.

B. Subsection B of Section 11.20.260 and the provisions of Section 11.20.310 which prohibit sleeping in a kitchen do not apply to such a room, but subsection A of Section 11.20.260 and all other provisions of this code do apply to such a room.

(Ord. 8095 § 2, 1961; Ord. 7583 Part 3 Ch. 11 § 818.5, 1959.)

11.20.280 Sleeping rooms—Air space per person.

It is unlawful for a person to occupy or permit another person to occupy any room for sleeping purposes unless such room shall contain at least 500 cubic feet of air space.

(Ord. 7583 Part 3 Ch. 11 § 814, 1959.)

11.20.290 Sleeping rooms—Air space for two persons.

Except as provided in Section 11.20.300 every room used for sleeping purposes, occupied by two persons, shall contain not less than 630 cubic feet of air space.

(Ord. 7583 Part 3 Ch. 11 § 815, 1959.)

11.20.300 Sleeping rooms—Air space for more than two persons.

Every room or place used for sleeping purposes shall be deemed to be overcrowded if it is occupied by more than two persons and contains less than 630 cubic feet of air space plus 500 cubic feet of air space for every person occupying the room in excess of two persons.

(Ord. 7583 Part 3 Ch. 11 § 816, 1959.)

11.20.310 Sleeping Rooms—Overcrowding and Other Unhealthful Conditions Prohibited.

No person shall occupy, rent or lease, suffer, or permit another person to use for sleeping purposes any kitchen, cellar, hallway, bath, shower, compartment, toilet room, or any habitable room or place, including any hotel, apartment house, interim housing facility, multiple dwelling or dwelling, which is detrimental to the health of the occupant or occupants by reason of overcrowding or insufficiency of light, windows, ventilation, or drainage. The window area of any room used for sleeping purposes shall not be less than one-eighth of the floor area and shall be at least one-half openable or the room completely air-conditioned.

(Ord. 2018-0046 § 10, 2018; Ord. 7583 Part 3 Ch. 11 § 825, 1959.)

11.20.320 Linen and bedding for transient guest accommodations.

All rooms in a rooming house, hotel, motel, apartment house, rented to transient guests wherein beds are used shall be provided with an adequate amount of clean bedding, springs and mattresses, in good repair. All such beds, springs and mattresses shall be maintained in a sanitary condition. Rooming houses, hotels, motels, and apartment houses shall provide an adequate amount of clean washcloths, hand and bath towels, and other linen necessary for each new guest therein.

(Ord. 8588 § 2 (part), 1964; Ord. 7583 Part 3 Ch. 11 § 831, 1959.)

11.20.330 Screens required when.

Windows and other openings in the exterior walls of dwellings shall be provided with approved screening of at least 16 mesh set in tight-fitting frames, except where the omission of screens will not be hazardous to the health of the occupants.

(Ord. 7583 Part 3 Ch. 11 § 813, 1959.)

11.20.350 Apartment houses—Regulations applicable.

Apartment houses shall comply with Chapters 11.16, 11.30, 11.32 and 11.38 of this Division 1.

(Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 11 § 829, 1959.)

11.20.360 Bachelor apartments—Described—Requirements.

A bachelor apartment is a dwelling unit built prior to August 8, 1963, combining kitchen, living and sleeping areas, and will be permitted provided it complies with the following requirements:

A. The room shall have a minimum of 250 square feet of floor area, exclusive of bath, closet and water-closet areas.

B. Occupancy shall be limited to not more than two persons.

C. Each bachelor apartment shall be located in an apartment house or hotel.

D. Bachelor apartments shall comply as a dwelling unit; except, that the kitchen area need not be separated from a room used for sleeping purposes, and toilet facilities need only be separated from the kitchen area by one full door.

E. Bachelor apartments shall comply with zoning requirements.

F. One water closet, lavatory with hot and cold running water, and bathtub or shower shall be provided for each unit.

G. Cooking facilities shall be vented directly to the outside air by means of a mechanical exhaust system having a capacity of at least 150 cubic feet per minute.

H. An approved method of heating shall be installed in each room. Cooking appliances shall not be used for the purpose of heating such rooms.

(Ord. 8588 § 2 (part), 1964; Ord. 7583 Part 3 Ch. 11 § 834, 1959.)

11.20.370 Efficiency living units.

Nothing in this Division 1 shall prohibit the use, on or after July 13, 1963, of an efficiency living unit which meets the following requirements:

A. An efficiency living unit shall have a living room of not less than 220 square feet of superficial floor area. An additional 100 square feet of superficial floor area shall be provided for each occupant of such unit in excess of two.

B. There shall be provided a separate closet of such size as to provide for adequate storage.

C. There shall be provided a separate area of not less than three feet by five feet in size, accessible from the living rooms and enclosed by a door or doors, and shall be provided with complete cooking and food preparation facilities.

D. The cooking and food-preparation facilities shall consist of a properly trapped and vented kitchen sink provided with a garbage-disposal unit, hot and cold running water, a refrigerator and an approved kitchen range or cooking appliance.

E. The surface on which the cooking appliance rests shall be covered with metal of not less than No. 28 U.S. Gauge over one-fourth-inch asbestos millboard, or such other materials that will provide equivalent fire protection, extending at least 24 inches above the surface on which the cooking appliance rests.

F. There shall be installed over the cooking surface a mechanical exhaust fan connected to the outside air.

G. All sink tops and cabinet surfaces shall have a smooth, washable, nonabsorbent finish.

H. There shall be provided a cabinet for the storage of all food, dishes and cooking utensils.

I. There shall be provided an approved comfort-heating appliance or system within the living room.

J. A separate compartment containing a toilet, lavatory and bathtub or shower shall be provided for each efficiency living unit.

(Ord. 8588 § 2 (part), 1964; Ord. 7583 Part 3 Ch. 11 § 832, 1959.)

11.20.380 Hotels—Regulations applicable.

Hotels shall comply with Chapters 11.16, 11.30, 11.32 and 11.38 of this Division 1.

(Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 11 § 830, 1959.)

11.20.390 Motels—Regulations applicable.

Motels shall comply with Section 11.20.310 and Chapters 11.16, 11.30, 11.32 and 11.38 of this Division 1.

(Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 11 § 828, 1959.)

11.20.400 Light housekeeping rooms.

Light housekeeping rooms shall be permitted provided they were constructed prior to September 16, 1963, combine cooking, living and sleeping, and comply with the following requirements:

A. 1. Light housekeeping rooms shall contain not less than 150 square feet in area and shall be occupied by not more than two people. The cooking appliances therein, if any, shall be used solely for the cooking or preparation of meals for consumption by the occupants of the room.

2. A room having a superficial floor area of not less than 120 square feet may be used for light housekeeping if it is occupied by only one person.

B. The cooking appliances used therein, if any, shall have no more than two burners. If electric appliances are used, they shall have been tested and approved by the Underwriters' Laboratory. If gas appliances are used, they shall have been tested and approved by the American Gas Association.

C. 1. The installation, maintenance or use of said cooking appliances shall not be hazardous to life, health or property.

2. The cooking appliance shall rest upon its own legs, or shall be an approved, built-in unit of fixed installation. Said appliance shall be set not closer than six inches from any wall or projection thereof, and shall rest upon an impervious surface.

3. The walls behind and adjacent to said cooking appliance shall be lined or back-flashed with incombustible material equivalent to one-fourth-asbestos millboard. The back-flashing shall extend from 12 inches below to 24 inches above the base of the appliance. There shall be a clear and unobstructed space of 36 inches above the surface of the cooking appliance.

D. 1. Gas-burning appliances shall be connected to the gas supply piping by approved metal piping with an approved gas shutoff valve readily accessible within the room.

2. Electrical appliances and serving circuits shall be properly installed and maintained.

E. The room shall contain an approved sink with hot and cold running water.

F. An approved storage cabinet shall be installed in the room.

All food, dishes, and cooking and eating utensils shall be stored therein when not in use.

G. The bed in such a room, and drapes, curtains or other readily combustible material, shall be so located that they do not come in contact with the cooking appliances.

H. Any toilet room opening directly into such a room shall have a tight-fitting door.

I. An approved method of heating shall be installed in each such room. Cooking appliances shall not be used for the purpose of heating such rooms. No cooking appliance shall be installed within a closet in such a room.

J. In any building containing six or more light housekeeping rooms, there shall be one water closet and one bath facility for each five units or fraction thereof. In any building containing five or less light housekeeping rooms, there shall be one water closet and one bath facility which may be in the same room for each three light housekeeping units in the building. Such toilet and bath facilities shall be accessible to and from a public hallway.

(Ord. 8588 § 2 (part), 1964; Ord. 7583 Part 3 Ch. 11 § 833, 1959.)

11.20.420 Reserved.

11.20.450 Laundries.

A. All laundries shall be in a building. The floors shall be constructed of smooth, nonabsorbent, durable materials. All walls and ceilings shall be constructed of smooth material. All floors, walls, and ceilings shall be kept clean and in good repair.

B. Washing machines shall be installed in such a manner that the area under and around the machines may be kept clean and in good repair.

(Ord. 2018-0046 § 12, 2018.)

11.20.460 Appliances.

Appliances provided by house courts, hotels, motels, interim housing facilities, and apartment houses shall be kept fully operative, and in good repair.

(Ord. 2018-0046 § 13, 2018.)

11.20.470 Comfort Heat.

A. Every dwelling, house court, hotel, motel, interim housing facility, and apartment house shall be provided with heating facilities capable of maintaining a minimum room temperature of 70 degrees Fahrenheit at a point three feet above the floor in all habitable rooms, and when the heating facilities are not under the control of the tenant or occupant of the building owner and/or manager, shall be required to provide that heat at a minimum temperature of 70 degrees Fahrenheit, 24 hours a day. These facilities shall be installed and maintained in a safe condition and in accordance with Chapter 37 of the Uniform Building Code, the Uniform Mechanical Code, and other applicable laws. No unvented fuel burning heaters shall be permitted. All heating devices or appliances shall be of the approved type.

B. The provisions of Subsection (A) are subject to the exemption for existing buildings provided in Section 103, of the Uniform Housing Code.

C. Those buildings and structures which are exempt from the requirements of Section 103 shall be provided with heat at a temperature as close to 70 degrees Fahrenheit as the existing heating facilities are capable of providing at a point of three (3) feet above the floor in all habitable rooms when the heating facilities are not under the control of the tenant or occupant.

(Ord. 2018-0046 § 14, 2018.)

11.20.500 Interim Housing Facilities—Regulations Applicable.

Interim housing facilities shall comply with Chapters 11.16, 11.20, 11.30, 11.32, and 11.38 of this Division 1.

(Ord. 2018-0046 § 15, 2018.)

11.20.510 Toilet Rooms, Handwashing, and Bathing Facilities—Interim Housing Facility.

Every interim housing facility shall contain a lavatory and bathtub or shower. All lavatories, bathtubs, and showers of interim housing facilities shall be provided with hot and cold running water under pressure. All toilet rooms, bath and shower rooms, and utility rooms shall be adequately lighted and ventilated to the outside atmosphere. All such rooms and the fixtures and equipment therein shall be maintained in a state of good repair and free from dirt, filth, and corrosion. It is unlawful for any person to occupy or to cause or permit another person to occupy any interim housing facility which does not comply with this section.

Toilet rooms of interim housing facilities shall be separated by well-fitted, self-closing doors that prevent the passage of flies, dust, or odors.

Each toilet stall shall include a door with locking mechanism and a permanently installed dispenser with toilet tissue.

Handwashing facilities shall be provided within or adjacent to toilet rooms. The number of handwashing facilities required shall be in accordance with local building and plumbing codes. All handwashing facilities shall be provided with hot and cold running water under pressure.

Handwashing facilities shall be provided with the following in dispensers at, or adjacent to, each handwashing facility: handwashing cleanser, sanitary single-use towels or an air hand drying device.

(Ord. 2018-0046 § 16, 2018.)

11.20.520 Storage Areas for Personal Belongings—Interim Housing Facility.

Each bed in an interim housing facility shall be provided with a storage unit for the keeping of personal belongings of each person. Sufficient additional storage facilities shall be provided for the reasonably safekeeping of articles or personal belongings which are not in daily use.

(Ord. 2018-0046 § 17, 2018.)

11.20.530 Linen and Bedding for Interim Housing Facility.

A. All interim housing facilities wherein beds are used shall provide an adequate amount of clean bedding, cots and springs, and mattresses in good repair. All such beds, cots, springs, and mattresses shall be maintained in a sanitary condition and, after being used by one person, shall be thoroughly cleaned before being used by another person.

B. Interim housing facilities shall provide an adequate amount of clean linen necessary to properly care for the persons therein.

C. Adequate and suitable space shall be provided for the storage of clean linens. Soiled linens shall be kept in nonabsorbent receptacles or washable laundry bags and properly stored and transported to prevent contamination.

D. Linens shall be laundered as often as necessary but no less than weekly. If linens are laundered on the premises, they shall be laundered in a mechanical clothes washer and dryer that is cleaned and sanitized before and after each time it is used.

(Ord. 2018-0046 § 18, 2018.)

11.20.540 Sharps—Proper Storage—Interim Housing Facility.

All used needles and syringes shall be placed in an approved sharps bio-hazard container and properly disposed.

(Ord. 2018-0046 § 19, 2018.)

11.20.550 Posting Requirements—Interim Housing Facility.

A. The owner of an interim housing facility as defined in Section 11.20.115 of this chapter shall be responsible for posting in a common area, accessible by all tenants and the general public, a placard, as provided by the Health Officer. "Common area, accessible by all tenants and the general public" means:

1. Posted in a conspicuous location within five (5) feet of the main entrance of the interim housing facility; or
2. Posted in or near the outside of the door of the interim housing facility manager, if one exists; or
3. Posted in a location as directed and determined in the discretion of the County Health Officer to ensure proper notice to all occupants and the general public.

B. The placard shall not be defaced, marred, camouflaged, hidden, or removed. Removal of the placard is a violation of this chapter and shall be punishable as specified in Section 11.02.080.

(Ord. 2018-0046 § 20, 2018.)

*Chapter 11.22 INDUSTRIAL ESTABLISHMENTS**

Part 1 GENERAL PROVISIONS AND DEFINITIONS

Article 1 GENERAL PROVISIONS

11.22.010 Applicability of provisions.

This Division 1 applies to all industrial establishments in which articles are manufactured, processed, repaired, cleaned, sorted or renovated, in whole or in part, and those establishments practicing the healing arts.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1100, 1959.)

11.22.020 Purpose.

The purpose of this Division 1 is to prescribe minimum sanitary and occupational health requirements for the protection of the health of all employees in establishments covered by this Division 1.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1101, 1959.)

Article 2 DEFINITIONS

11.22.030 Adequate or approved.

"Adequate or approved" means in conformance with good health practices which, in the opinion of the director, are sufficient to protect the health and well-being of the employee.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1102, 1959.)

11.22.040 Breathing zone.

"Breathing zone" means the area or zone of a worker's head during normal operation of a process while at work.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1103, 1959.)

11.22.050 Capture velocity.

"Capture velocity" means the velocity of air at specific points or zones which causes air contaminants to flow to an exhaust system.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1104, 1959.)

11.22.060 Conveying velocity.

"Conveying velocity" means the air speed determined to be necessary to convey a contaminant through a duct or system.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1105, 1959.)

11.22.070 Corrosive substance.

"Corrosive substance" means any substances which, in contact with living tissue, will cause destruction of tissue by chemical action, but shall not refer to action on inanimate surfaces.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1106, 1959.)

11.22.080 Dermatitis.

"Dermatitis" means inflammation of the surface of the skin or epidermis.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1107, 1959.)

11.22.090 Employee.

"Employee" means any person, including an owner or partner, who works in or is employed in a place of employment.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1108, 1959.)

11.22.100 Employer.

"Employer" means an person who, directly or indirectly or through an agent or any other person, employs or exercises control over the wages, hours or working conditions of a man, woman or minor.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1109, 1959.)

11.22.110 Gassing.

"Gassing" means the rate of generation of contaminant.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1110, 1959.)

11.22.120 General ventilation.

"General ventilation" means the introduction of uncontaminated air into an area, room or building, or exhausting air therefrom by other than local exhaust ventilation systems.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1111, 1959.)

11.22.130 Hood.

"Hood" means any air-intake device connected to an exhaust-ventilation system or duct to capture and remove dusts, fumes, gases, vapors, mists, smoke, heat, or otherwise provided local exhaust ventilation.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1112, 1959.)

11.22.140 Irritant.

"Irritant" means any substance, not necessarily corrosive as defined herein, but which on either immediate, prolonged or repeated contact with normal living tissue will conduct a local inflammatory reaction.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1113, 1959.)

11.22.150 Lateral exhaust.

"Lateral exhaust" means local exhaust ventilation designed with slots at the periphery or along the midsection of a surface or tank for the purpose of preventing escape of significant amounts of contaminants to the breathing zone.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1114, 1959.)

11.22.160 Local exhaust ventilation.

"Local exhaust ventilation" means a ventilating system intended to capture air contaminants at or near their point of origin and transport them to an approved exhaust system.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1115, 1959.)

11.22.170 Maximum acceptable concentrations.

"Maximum acceptable concentrations" means the concentration of gas, vapor, fume, dust, mist or similar air contaminants adopted in Part VII of the Rules and Regulations established by authority of Section 11.02.160 and set out in Appendix 1 to this Title 11.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1121, 1959.)

11.22.180 Occupational disease.

"Occupational disease" means any disease or infection, including dermatitis, which is peculiar to the industrial process, trade or occupation in each instance, and which arises out of and in the scope of employment, and to which an employee is not ordinarily subjected or exposed, other than during a period of regular, actual employment therein.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1116, 1959.)

11.22.190 Occupational health hazard.

"Occupational health hazard" means any risk to an employee's health associated with or arising out of his occupation, or occupational work or environment.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1117, 1959.)

11.22.200 Place of employment or industrial establishment.

"Place of employment" or "industrial establishment" means every place where persons are employed.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1118, 1959.)

11.22.210 Sanitary condition.

"Sanitary condition" means that physical condition which will tend to prevent the incidence and spread of disease.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1119, 1959.)

11.22.220 Strong sensitizer.

"Strong sensitizer" means a substance which will cause, on normal living tissue, through an allergic or photodynamic process, a hypersensitivity which becomes evident on reapplication of the same substance, and which is so recognized by national authority. Before designating any substance as a strong sensitizer, the department, upon consideration of the frequency of occurrence and severity of the reaction, shall find that the substance has a significant potential for causing hypersensitivity.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1120, 1959.)

11.22.230 Toilet facilities.

"Toilet facilities" means fixtures maintained within toilet rooms for the purpose of defecation.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1122, 1959.)

11.22.240 Toilet room.

"Toilet room" means a room maintained within or on the premises of any place of employment containing toilet facilities for use of employees, and shall be used for no other purpose.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1123, 1959.)

11.22.250 Toxic substance.

"Toxic substance" means any substance, other than a radioactive substance, which has the capacity to produce personal injury or illness to man through ingestion, inhalation or absorption through any body surface.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1124, 1959.)

11.22.260 Urinal.

"Urinal" means a fixture connected with a sewer and maintained within a toilet room for the sole purpose of urination.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1125, 1959.)

11.22.270 Water closet.

"Water closet" means a toilet facility which is connected to a sewer and flushed with water under pressure.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1126, 1959.)

Part 2 WATER SUPPLY[19]

11.22.280 Requirements generally—Supply approval by director.

Every place of employment where two or more persons are employed shall be adequately supplied at all times with running water under pressure for use by human beings for both drinking and face and body washing purposes. Such supply and the facilities, and the location of such facilities, must be approved by the director of public health.

(Ord. 2006-0040 § 95, 2006; Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1127, 1959.)

11.22.290 Drinking water—Open containers prohibited.

No employer or employee shall provide an open container, such as barrels, pails or tanks, for drinking water for general use, from which the water must be dipped or poured, whether fitted with a cover or not.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1133, 1959.)

11.22.300 Common use of drinking containers prohibited.

No employer shall provide or expose for common use, or permit to be so provided or exposed, or allow to be used in common, any cup, glass or other receptacle used for drinking purposes.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1129, 1959.)

11.22.310 Drinking water—Cooling container restrictions.

In all instances where drinking water is cooled by ice, the construction of the container shall be such that the ice does not come in direct contact with the water.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1128, 1959.)

11.22.320 Drinking cups—Provision and disposal.

Where single-service drinking cups are supplied (to be used once), there shall be provided at all times an approved, sanitary container for the unused cups, and also a receptacle for disposing of the used cups.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1130, 1959.)

11.22.330 Drinking fountains—Design and quantity.

When sanitary drinking fountains are provided in compliance with Section 11.22.280, they shall be of the angle-jet type, with guard, and in good working order at all times, and must be of a design approved by the director. When such drinking fountains are provided, at least one must be provided for each 50 employees, or fraction thereof.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1131, 1959.)

11.22.340 Drinking fountains—Drainage.

The drain from any drinking fountain shall be connected to an acceptable drainage system in an approved manner.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1132, 1959.)

Part 3 TOILET FACILITIES

11.22.350 Requirements generally—Quantity and location.

A. Every industrial establishment shall provide and have available for use in good working order at all times an adequate number of water closet, separate for each sex, in accordance with the following table:

Table No. 1	
Number of Persons of Given Sex	Number of Water Closets*
1—9	1
10—24	2
25—49	3
50—74	4
75—100	5
Over 100	1 for each additional 30 persons
*If the total number of employees of an establishment numbers less than five and only one toilet is available, it may be used by both sexes.	

B. Urinals may be substituted for a certain number of the water closet facilities specified in the foregoing table as follows:

One urinal may be substituted for one water closet, provided the total number of water closets is at least twice the total number of urinals.

C. Toilet facilities shall be provided so as to be readily accessible to all employees. Toilet facilities so located that employees must use more than one floor-to-floor flight of stairs to or from them are not considered as readily accessible. As far as is practicable. toilet facilities shall be located within 200 feet of all locations at which workers are regularly employed.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1134, 1959.)

11.22.360 Toilet paper required.

An adequate supply of toilet paper with suitable holder shall be provided for each water closet at all times.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1135, 1959.)

11.22.370 Covered receptacles required in women's rooms.

Covered receptacles shall be kept at all times in all toilet rooms used by females.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1136, 1959.)

11.22.380 Floors, walls and ceilings—Materials and Maintenance.

The floors, walls and ceilings of all toilet rooms shall be of a nonabsorbent material that can be easily cleaned and maintained in good repair.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1137, 1959.)

11.22.390 Installation of toilet fixtures.

Every watercloset bowl shall be set entirely free and open from all enclosing woodwork, and shall be so installed that the space around the fixture may be easily cleaned.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1140, 1959.)

11.22.400 Venting required.

All inside toilet rooms shall be effectively vented to the outside air.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1139, 1959.)

11.22.410 Window screens required.

All outside windows of all toilet rooms shall be equipped with suitable and effective insect screens.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1138, 1959.)

Part 4 LUNCH ROOMS AND WASHING FACILITIES

11.22.420 Lunch rooms—Requirements generally.

In all places of employment where employees are permitted to lunch on the premises, an adequate space suitable for that purpose shall be provided for the maximum number of employees who may use such space at one time. Such space shall be separate and apart from any location where there is an exposure to toxic materials.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1146, 1959.)

11.22.430 Eating or storing food—Protection from toxic substances.

No employee shall be permitted to store or eat any part of his or her lunch or other food at any time where there are present any toxic materials or other substances that may be injurious to health.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1148, 1959.)

11.22.440 Disposal receptacles required.

A covered receptacle shall be provided at all times for the disposal of all waste food.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1147, 1959.)

11.22.450 Washing facilities—Requirements generally.

Adequate facilities for maintaining personal cleanliness shall be provided in every place of employment. Their number and proximity to the employees shall be such as to fulfill properly the requirements set forth in Division 1 of this title, and shall be maintained in a clean and sanitary condition at all times.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1141, 1959.)

11.22.460 Washing facilities—Quantity.

At least one lavatory (washbasin) shall be provided in every toilet room, or adjacent thereto, with water under pressure, and in good working order at all times, for every 10 employees (men or women) or portion thereof, up to 100 persons, and one lavatory (washbasin) for each additional 15 persons or portion thereof. 24 inches of sink with individual faucet shall be considered as equal to one lavatory.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1142, 1959.)

11.22.470 Washing facilities—Soap and towels.

Soap and individual towels shall be provided by the employer, and proper receptacles maintained at all times for disposing of used towels. Other type of drying apparatus may be substituted for towels, if approved by the director.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1144, 1959.)

11.22.480 Washing facilities—Where poisonous or irritating materials are present.

Where there is exposure to skin contamination with poisonous, infectious or irritating materials, one lavatory shall be provided for each five persons. Where wash sinks or circular basins are used 24 lineal inches of wash sink or 18 inches of a circular basin, when provided with water outlets for such space, shall be considered equivalent to one lavatory. In all instances, a suitable cleansing agent shall be provided at each wash place.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1143, 1959.)

11.22.490 Additional change rooms and washing facilities required when.

Employers shall provide change rooms, showers, baths or lavatories having hot and cold running water, soap and towels, in every place of employment where lack of such facilities may constitute an occupational health hazard and may result in an occupational disease.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1145, 1959.)

Part 5 MAINTENANCE, STORAGE AND SANITATION

11.22.500 Lighting facilities.

Each place of employment shall be equipped with such lighting facilities that may be necessary to adequately and effectively illuminate all operations and areas.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1163, 1959.)

11.22.510 Sanitation.

All places of employment shall be maintained in a reasonably clean and sanitary condition.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1161, 1959.)

11.22.520 Housekeeping.

All plants, rooms and areas, and equipment or supplies used therein or in connection therewith, shall be kept in a clean and sanitary condition. A program shall be carried out for regularly removing dust, spillage and debris at regular intervals. The establishment shall be maintained in a reasonably orderly condition as may be necessary for good housekeeping practices requisite to compliance with these regulations.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1164, 1959.)

11.22.530 Aisles, passageways and floors.

Permanent aisles and passageways shall be provided and kept clear, and the floor surfaces thereof shall be kept in good repair. Where necessary to the maintenance of clear passageways, such aisles and passageways shall be defined by painting lines or other clear markings.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1166, 1959.)

11.22.540 Fans and other ventilation equipment.

Fans, fan blades, hoods, ducts, filters and baffles shall be regularly inspected, and shall be cleaned and maintained, repaired or replaced as often as necessary to maintain performances of the system reasonably within the intended design requirements.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1167, 1959.)

11.22.550 Drainage from wet processes.

Where wet processes are used, provision shall be made so drainage therefrom does not create a hazardous or unsanitary condition. Drainage shall be arranged so as not to regularly run across the floor or walkways.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1165, 1959.)

11.22.560 Stacking of materials—Unopened containers.

Full, unopened drums and boxed carboys, if stacked upright and two or more layers high, shall be staggered or with pallets between layers, so as to provide stability to such stacks.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1169, 1959.)

11.22.570 Stacking of materials—Opened carboys prohibited.

Boxed carboys which have been opened shall not be stacked.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1171, 1959.)

11.22.580 Storage—Opened drums.

Opened drums shall be stored upright and shall not be stacked. Exception: For the purpose of dispensing, such drums may be stored on their sides, not over two tiers high, if dispensing spigots are installed on the drums and the drums are secured in place.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1170, 1959.)

11.22.590 Storage—Materials toxic when in combination.

Substances which are not toxic by themselves in their normal state, but when in combination may create products which are toxic, shall be separated from each other in storage.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1168, 1959.)

11.22.600 Storage—Toxic substances.

Toxic substances shall be stored in an organized and orderly manner, and identified as may be necessary to aid in preventing accidents, and shall be reasonably protected from sources of external corrosion or damage.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1172, 1959.)

Part 6 HEALTH HAZARD CONTROL

11.22.610 Occupational health hazards—Restrictions generally.

No person, firm, corporation or other employer shall use or permit to be used, in the conduct of any business, manufacturing establishment or other place of employment, any process, material or condition known to have any

possible adverse effect on the health of any person or persons employed therein, unless arrangements have been made to maintain the occupational environment to the extent that such injury will not result. Every industrial establishment shall be continually maintained in a sanitary condition.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1154, 1959.)

11.22.620 Control systems—Plan review and approval prerequisite to operation.

The director shall review and approve or disapprove all plans and specifications pertaining to the design of ventilation systems for the control of occupational health hazards and shielding for a source of radiation, and shall have the authority to require the submission of such plans and specifications. The employer shall submit all plans and specifications at the request of the director, and shall not use, operate or allow any person to work with any hazardous materials or sources of radiation until the director has approved said installation.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1191, 1959.)

11.22.630 Exposure to hazards—Maximum acceptable concentration—Exhaust system required when.

No employee shall be exposed to concentrations of dust, fumes, mists, vapors or gases in excess of the maximum acceptable concentrations set forth in the Rules and Regulations established by this Division and set out at Part 3 of Appendix 1 of this Title 11. When excess concentrations of dust, fumes, mists, vapors or gases are present, a local exhaust ventilation system meeting the requirements of the Rules and Regulations shall be provided.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1159, 1959.)

11.22.640 Exposure to hazards—Other control procedures authorized when.

The director may authorize substitute procedures or controls in lieu of the specific design or installation requirements established by the Rules and Regulations when he finds the conditions of such variance will protect protection equivalent to that required therein. Such variance shall not be effective until the specific conditions thereof are approved, in writing, by the director.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1160, 1959.)

11.22.650 Hazards—Information provided by director.

The director shall make available information concerning maximum acceptable concentrations of toxic vapors, gases, fumes, mists, dusts and such environmental standards as may pertain to the health and safety of the employees of industrial establishments in its area of jurisdiction.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1155, 1959.)

11.22.660 Review and updating of regulations.

It shall be the policy of the department of public health to continuously review new data concerning toxic substances and to keep this Division 1 and the Rules and Regulations established by this Division 1 up to date.

(Ord. 2006-0040 § 96, 2006; Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1156, 1959.)

11.22.670 Toxic substances—Determination by director.

Whenever in the judgment of the director such action will promote the objective of this Division 1 by avoiding or resolving uncertainty as to their application, the director may declare any specifically named material, compound, substance or mixture thereof to be a "toxic substance" subject to requirements established by this Division 1 and interpreted by the Rules and Regulations which he determines to fall within the scope of the definition of the "toxic substance."

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1157, 1959.)

11.22.680 Survey of establishments to locate health hazards.

The director shall make health and sanitary surveys and studies of industrial establishments to determine whether or not manufacturing processes or procedures may cause adverse conditions which may be responsible for or cause ill health of industrial workers. The result of such survey or study shall be brought to the attention of each establishment involved, together with any recommendations which may be deemed necessary for the adequate protection of the health and well-being of the workers.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1158, 1959.)

11.22.690 Toxic substances—Ventilation requirements—Respirator use limitations.

Whenever necessary to control fumes, dust, mists, gases or vapors to comply with Section 11.22.670, a reliable, adequate ventilating system shall be installed and maintained so that the concentration of such substances is below the maximum acceptable concentration, or the process shall be so located, isolated and arranged that persons are not exposed to such quantities as constitute a toxic substance. Respirators may be provided and used in lieu of reducing the concentration of dust, fumes, mists, gases or vapors only when the use of such respirators is of a temporary or intermittent nature and only when such respirators are approved for protection against the particular toxic substance.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1162, 1959.)

11.22.700 Personal protective equipment—Wearing required when.

Where the removal of harmful dusts, fumes, mists, vapors or gases at their source is impracticable, the employee who may be liable to harmful exposure shall be protected by means of respiratory or other protective equipment approved by the director.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1149, 1959.)

11.22.710 Respiratory protective equipment—Approval required.

Respiratory protective equipment, including filter, cartridge and supplied-air respirators, hose masks, canister-type gas masks, supplied-air hoods and helmets, and self-contained oxygen breathing apparatus, shall be of a type approved by the director.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1150, 1959.)

11.22.720 Respiratory protective equipment—Regarded as emergency protection.

The use of respiratory equipment shall, in general, be regarded as emergency protection against occasional relatively brief exposure.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1151, 1959.)

11.22.730 Personal protective equipment—Provided and replaced by employer.

It shall be the duty of the employer to provide and replace, when necessary, such respiratory and other personal protective equipment as may be required, and to maintain same in efficient and sanitary condition.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1152, 1959.)

11.22.740 Respiratory protective equipment—Sanitation and storage.

The employer shall provide the means for cleaning and sanitizing all respiratory equipment, and it shall be the duty of the employer to cause such equipment to be maintained in a clean and sanitary condition. Respiratory equipment shall not be passed on from one man to another until such equipment is cleaned and sanitized. When filter or cartridge-type respirators are used, each employee shall have such respirator for his own exclusive use. Respiratory equipment and replacement units shall be stored, when not in use, in approved containers.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1153, 1959.)

Part 7 LOCAL EXHAUST VENTILATION SYSTEMS

11.22.750 Rules and Regulations applicable.

A. Local exhaust ventilation systems required to control air contaminants shall be designed, installed, maintained and operated to meet the minimum requirements in the tables in Part VII of the Rules and Regulations set forth in Part 3 of Appendix 1 of this Title 11, unless specified otherwise elsewhere, or unless otherwise approved in writing by the director.

B. Such systems shall be designated so contaminants are not brought to the workers' breathing zones on their way to the exhaust hood.

C. Rooms of areas in which such systems are installed shall be provided with properly located air inlets to provide as much make-up air as is exhausted.

D. Air from local exhaust ventilation systems shall not be recirculated if the contamination is a toxic substance.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1173, 1959.)

11.22.760 Design, operation and maintenance.

All ventilation systems required by this Division 1 shall be provided in accordance with design requirements set forth in this Division 1 relative to the contaminant or hazard involved, and shall be operated and maintained to produce the required health protection; and such general ventilation shall be provided as may be necessary to ventilate all portions of all places of employment.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1174, 1959.)

Part 8 SURFACE COATING PROCESS VENTILATION SYSTEMS

11.22.770 Conventional air spraying—Specifications generally.

A. For spray booths at which the operator remains outside the booth, the minimum face velocity shall be 150 fpm and the minimum air flow into the booth shall be at a rate of 150 cfm per square foot of open booth face.

B. For booths where the operator and work are located within the booth, the minimum face velocity shall be 100 fpm and the minimum flow rate 100 cfm per square foot of open booth face.

C. Where spraying is done over a downdraft ventilation system, the minimum control velocity shall be 100 fpm.

D. The size of the grill shall be larger than the object being sprayed, and the entire object being sprayed shall rest over the grill area.

E. Workers engaged in spraying out of doors shall be provided with and required to wear approved respiratory protective devices.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1175, 1959.)

11.22.780 Spray booth design.

Spray booths shall be of a size and design to adequately protect workers within and outside thereof against unnecessary exposure to such material, and all items being sprayed shall be placed far enough within and otherwise be so located in the booth to effectively remove vapor and overspray.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1181, 1959.)

11.22.790 Exhaust systems.

A. The fan shall have sufficient capacity to exhaust the necessary volume of air to meet requirements of this Division 1 against a static pressure equivalent to all resistances to be overcome in operating the unit.

B. The ducts shall be designed for a velocity of not less than 1,500 fpm and not more than 2,200 fpm, except for metalizing booths, where the velocity shall not be less than 3,000 fpm.

C. The discharge from the ventilation system shall extend to at least two feet above the roof level and be so directed as to not cause vapors or fumes to enter the work area.

D. Baffles or filters shall be installed in the booth as may be necessary to provide proper and effective air distribution.

E. Provision shall be made for admitting a supply of air to a room in which an exhaust system is located that is equal or slightly greater than that amount being exhausted.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1182, 1959.)

11.22.800 Electrostatic spraying.

A. For air-atomized electrostatic spray booths, the minimum face velocity shall be 100 fpm and the volume of air exhausted shall be 100 cfm per square foot of face opening or of grill area in the case of a downdraft exhaust system.

B. The minimum inlet ventilation-air velocity for airless atomized electrostatic spray booths shall be 75 fpm, and the volume of such air shall be 75 cfm per square foot of face opening or of grill area for a downdraft exhaust system.

C. Use of portable electrostatic spray guns in a building shall be only in a booth or area provided with local exhaust ventilation providing a minimum capture velocity of 75 fpm at the point of use.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1176, 1959.)

11.22.810 Airless spraying.

A. Spray booths in which airless spray units are used shall have a minimum face velocity of 100 fpm and a minimum flow rate of 100 cfm per square foot of open booth face.

B. Use of portable electrostatic spray guns in a building shall be only in a booth area provided with local exhaust ventilation providing a minimum capture velocity of 100 fpm at the point where such spray unit is used.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1177, 1959.)

11.22.820 Metal spraying—Additional protective equipment required when.

A. Spraying with highly toxic metals such as lead, beryllium, low-tin babbit and cadmium shall be done only within a suitable spray booth. Both the material being sprayed and the workers doing the spraying shall be positioned within the booth to minimize worker exposure to such materials. Metals with a toxicity comparable to zinc, bronze or copper may be sprayed in a suitable spray booth or hood. Nontoxic materials need not be sprayed in a booth or under a hood except as to maintain reasonably proper working condition.

B. Spray booths and hoods used for metal spraying shall have a minimum face velocity of 200 fpm and a minimum flow rate of 200 cfm per square foot of open booth face.

C. Workers involved in spraying either highly toxic materials or toxic materials for such periods as may produce a health hazard shall be supplied with and required to wear Bureau of Mines-approved supplied-air respirators, and required to wear adequate protective clothing and gloves.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1179, 1959.)

11.22.830 Flow coating.

Flow coating operations shall he done within an enclosure, with a minimum face velocity of 100 fpm and a minimum flow rate of 100 cfm per square foot of open face.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1178, 1959.)

11.22.840 Dip tanks.

A. All dip tanks, or the room in which the tank is located, shall be equipped with a mechanical exhaust ventilation.

B. Dip tanks which are equipped with local exhaust ventilation shall exhaust air at the rate of 100 cfm per square foot of tank area.

C. Where general ventilation is used, there shall be a minimum of 12 air changes per hour, ventilating all occupied areas of the room.

D. Where paint-dipped parts are air dried and local exhaust ventilation is not provided, general ventilation shall be provided and the minimum quantity of air exhausted shall be as required by recognized national standards, as stated in the Rules and Regulations.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1180, 1959.)

Part 9 VAPOR DEGREASERS USING CHLORINATED SOLVENTS

11.22.850 Location.

A. Degreasing tanks with an open surface area in excess of 600 square inches shall be located in a room with a volume of at least 8,000 cubic feet, or the room or degreasing tank shall be provided with mechanical exhaust ventilation.

B. Tanks shall be located so that drafts from nearby doors, spray booths, other ventilated equipment, windows and moving equipment will not disturb the solvent vapors. Where there are extreme drafts across the degreaser, the tank shall be baffled in a manner which will eliminate such cross-drafts.

C. The tank shall be located at least 25 feet from an open flame, electric arcs or red-hot metals.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1183, 1959.)

11.22.860 Design.

A. Work baskets, racks and the method of handling materials shall be such as to minimize dragout of liquid or vapor solvent. Racks or slings shall not be constructed of porous materials, such as wood or rope.

B. Vertical speed of hoist movement shall not exceed 11 feet per minute.

C. The freeboard shall be at least one-half the tank width. All tanks which are used only intermittently or occasionally shall be provided with a sliding or rolling cover.

D. Both boiling solvent and vapor zones shall be thermostatically controlled, with manual reset for the heat supply.

E. Where low-flashpoint contaminants are being removed by vapor degreasing, the thermostat shall be set with due regard to the flashpoint characteristics of the contaminant-solvent mixture.

F. The thermostat in the freeboard area shall be set at a maximum of 165 degrees Fahrenheit for trichloroethylene and 230 degrees Fahrenheit for perchloroethylene.

G. Degreasers shall be equipped with an adequate condenser system to control the vapor level.

H. The condenser system shall be regulated so as to provide an outlet water temperature of not less than 100 degrees Fahrenheit or more than 130 degrees Fahrenheit.

I. A water separator shall be installed in machines having an open surface area greater than 300 square inches.

J. Gas-heated combustion chambers shall be vented to the outside atmosphere.

K. A back-draft diverter shall be installed on the vent pipe to insure a positive draft.

L. There shall be a sump drain at the lowest point of the tank for solvent and sludge removal.

M. Where equipment is of sufficient size to require entrance of personnel for cleaning, a side cleanout door shall be provided for the purpose of scraping out sludge.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1184, 1959.)

11.22.870 Operation.

A. Clear, concise, step-by-step instructions for proper operation of the degreaser shall be placed in a conspicuous location on or near the degreaser.

B. All degreaser operators shall be taught to operate equipment according to proper operating instructions.

C. Only the solvent for which the unit is designed shall be used.

D. Solvent must have an inhibitor to prevent decomposition due to high temperature, light, or catalytic agents.

E. The level of the boiling solvent shall never be allowed to drop below the top of the heating surfaces.

F. Work shall be held in the vapor zone until it has reached the vapor temperature as evidenced by the stopping of condensation.

G. The spray nozzle shall be kept well below the vapor level zone at all times during use of spray.

H. Covers shall be closed when a degreaser is not in use, whether the machine is cold or in a standby condition.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1185, 1959.)

11.22.880 Welding prohibited where.

Welding shall not be attempted on or near any part of a degreaser until all solvent liquid has been removed and the machine thoroughly ventilated.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1188, 1959.)

11.22.890 Ventilation.

A. Local exhaust ventilation shall be provided on tanks which are wider than 3.5 feet and on any other tank where the design, method of operation or location results in workers being exposed to more than the threshold limit value.

B. Where exhaust ventilation is used, a slot-type exhaust shall be installed.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1189, 1959.)

11.22.900 Local mechanical exhaust required when.

Where general exhaust ventilation does not adequately remove noxious solvent vapors, local mechanical exhaust shall be provided.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1190, 1959.)

11.22.910 Tank cleaning operations.

A. When temperature of the boiling liquid reaches 195 degrees Fahrenheit for trichloroethylene and 250 degrees Fahrenheit for perchloroethylene, the employer shall clean out the degreaser.

B. Tank cleaning operations shall be done during periods when a minimum number of employees are in the area.

C. Tanks should not be entered unless absolutely necessary. If entry is necessary, the following steps shall be taken:

1. Remove all solvent from the tank;

2. Remove all sludge after it has cooled to below 180 degrees Fahrenheit;

3. Aerate the tank to remove residual solvent.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1186, 1959.)

11.22.920 Pit maintenance.

A. The pit shall be aerated for a long enough period to insure safe conditions before entering.

B. Positive ventilation shall be provided while the man is in the pit.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1187, 1959.)

*Chapter 11.24 INSTITUTIONS**

Part 1 GENERAL REGULATIONS

11.24.010 Applicable provisions designated—Interpretation of language.

A. Institutions shall comply with the provisions of this chapter, and Chapters 11.14, 11.16, 11.30, 11.32, and Sections 11.02.150, 11.02.180 through 11.02.200, 11.02.280, 11.02.300, 11.20.020 and 11.20.170 and other sections of this Division 1, except Chapter 11.04 and Part 1 of Chapter 11.02, as specifically mentioned herein.

B. For the purpose of this chapter, certain words and phrases are defined and certain provisions shall be construed as herein set forth, unless it is apparent from the context that a different meaning is intended.

(Ord. 2007-0089 § 96, 2007; Ord. 2004-0019 § 3, 2004; Ord. 8614 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 12 § 850, 1959.)

11.24.020 Definitions.

A. "Children's boarding homes" means any institution providing room and board for the reception and care of one or more children below the age of 18 years, regardless of sex, unrelated to caretaker, in absence of parents or guardian, with or without compensation, but shall not include children's camps, as defined in Chapter 11.08.

B. "Day nursery" or "day nursery school" means any establishment providing day or hourly care for children between the ages of two years, and four years and nine months, inclusive, but, shall not include any day nursery or day nursery school maintained by any public school or the federal government. If day care is also provided for children more than four years and nine months of age, but not providing a course of training similar to that given in any grade of public school, the establishment shall be considered as a day nursery or a day nursery school.

C. "Home for the aged" means any institution, boarding home or other place for the reception or care of one or more aged persons 65 years of age or older, except any hospital as defined in Section 1401 of the California State Health and Safety Code.

D. Where the word "institution" is used alone in this Division 1, except for Chapter 11.04 and Part 1 of Chapter 11.04, it means and includes homes for the aged, mental institutions, private or parochial day schools or colleges, day nurseries, day nursery schools, private or parochial boarding schools or colleges, and children's boarding homes, but shall not include any institution or establishment maintained by any governmental agency.

E. "Mental institution" means any hospital, sanitarium or other place receiving or caring for one or more insane, allegedly insane, mentally ill, mentally retarded, alcoholic, epileptic or mentally incompetent persons, but shall not include any institution or establishment maintained by any federal or governmental agency.

F. "Private or parochial boarding school" means any institution providing room and board and giving a course of training similar to that given in any grade of public school or college, but shall not include any establishment maintained by a public school or college, nor shall it include children's camps, as defined in Chapter 11.08.

G. "Private or parochial day school" means any establishment providing a course of training similar to that given in any grade of public school or college, but shall not include any establishment maintained by any public school, nor shall it include children's camps, as defined in Chapter 11.08.

(Ord. 7583 Part 3 Ch. 12 §§ 851—857, 1959.)

11.24.030 Registry required—Contents—Inspection authority.

Every institution where children are kept shall maintain a registry, which shall show the name and birth date of each child and the name and address of the parents of persons having legal custody of such child, and shall be open to the inspection of the director.

(Ord. 7583 Part 3 Ch. 12 § 859, 1959.)

11.24.040 Communicable disease control measures.

A. Whenever, because of an unusually high incidence of communicable disease in the community, the director deems it necessary, he may order that each child, before enrolling in a private school, private boarding school, day nursery, day nursery school and children's boarding home, be inspected for signs of communicable disease. Such inspections shall be made by and certified to, in writing, within 24 hours of enrollment, by a physician in good professional standing or by the director, and must reveal that such child

showed no signs of communicable disease which would cause the child's association with other children to be in any way detrimental to their health.

B. Every child, upon returning after an illness of more than three days to a private school, private boarding school, day nursery, day nursery school or children's boarding home, shall present a certificate, signed by a physician in good professional standing or, other practitioner authorized or permitted by law to practice in this state, or by the director, stating that personal inspection of said child within 24 hours immediately preceding had revealed no signs of a communicable disease which would cause the child's association with other children to be in any way detrimental to their health. Daily, on admission, each child shall be inspected for suspicious signs of communicable disease, and if a child is under six years of age, such inspection shall be made before the child mingles with others. It shall be the duty of the principal, or other person in charge of any of the institutions referred to in this section, immediately to isolate any child or other person affected with an illness presumably communicable, and immediately make arrangements for his care in isolation quarters or exclusion from the institutions as required by the director. Whenever required by Section 120250 of the Health and Safety Code, the department of public health shall be notified that such child has been isolated or excluded, pending presentation of a readmission certificate. If the attending physician, school physician, or the director finds, upon examination, that the child is not suffering from a communicable disease, he may submit a certificate to this effect to the school authority, who shall readmit the person. (Section 2526, Title 17, California Code of Regulations.)

C. If upon examination the child is found to be suffering from a communicable disease which, according to State Health Department regulations is subject to strict isolation or quarantine of contacts, Section 120545 of the California Health and Safety Code shall apply. "No instructor, pupil or child who resides where any contagious, infectious, or communicable disease exists or has recently existed, which is subject to strict isolation or quarantine of contacts, shall be permitted by any superintendent, principal, or teacher of any college seminary or public or private school to attend the college, seminary, or school, except by the written permission of the Health Officer." If upon examination the child is found to be suffering from a communicable disease other than one requiring strict isolation or quarantine, the readmission certificate or permit may be signed by the attending physician, school physician or director of public health.

(Ord. 2006-0040 § 97, 2006; Ord. 7583 Part 3 Ch. 12 § 868, 1959.)

11.24.050 Isolation room required.

Every institution shall have a separate, approved room or rooms available for isolation purposes.

(Ord. 7583 Part 3 Ch. 12 § 869, 1959.)

11.24.060 Sleeping quarters.

In homes for the aged, mental institutions, private boarding schools and children's boarding homes, sleeping rooms shall have a ceiling height of not less than eight feet, beds shall be kept at least three feet apart, the window areas shall be as required by the Building Code for new structures of that occupancy, and all rooms shall be well lighted and ventilated to the outside air, with at least one-half the required window area openable; provided, however, that such window area need not be openable if an approved air-conditioning system is provided.

(Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 12 § 872, 1959.)

11.24.070 Linen and bedding.

All institutions wherein beds are used shall provide an adequate amount of clean bedding, and springs and mattresses in good repair. All such beds, springs and mattresses shall be maintained in a sanitary condition and, after being used by one person, shall be thoroughly cleaned before being used by another person. Institutions shall provide an adequate amount of washcloths, hand and bath towels, and other linen necessary to properly care for the persons therein.

(Ord. 7583 Part 3 Ch. 12 § 870, 1959.)

11.24.080 Protection from heaters and fireplaces.

All gas or oil heaters shall comply with the provisions of Section 11.20.210, 11.20.220 and 11.20.230 of this Division 1. An effective barrier or protection shall be provided for each heater or fireplace to prevent injury to persons using such heaters or fireplaces.

(Ord. 7583 Part 3 Ch. 12 § 867, 1959.)

11.24.090 Play yards and equipment.

All play equipment shall be maintained in a safe condition and in a state of good repair, and shall be securely installed. Play yards shall be properly drained, of an even surface, and free from all rubbish and refuse.

(Ord. 7583 Part 3 Ch. 12 § 866, 1959.)

11.24.100 Drugs and poisons—Proper storage.

All poisons and drugs in an institution shall be kept in locked cupboards or stored in a safe manner approved by the department of public health.

(Ord. 2006-0040 § 98, 2006; Ord. 8588 § 2 (part), 1964; Ord. 7583 Part 3 Ch. 12 § 879, 1959.)

11.24.110 Milk supply—Approval of source.

All milk used or served in an institution shall be pasteurized and shall be from a source approved by the director, except that certified milk may be used where not prohibited by state law or state regulations.

(Ord. 7583 Part 3 Ch. 12 § 863, 1959.)

11.24.120 Employees' quarters—Applicable regulations designated.

Employees' quarters shall be maintained in a clean sanitary condition, and shall comply with the provisions of Sections 11.20.050, 11.20.090, 11.20.140, 11.20.160, 11.20.170, 11.20.190, 11.20.210 through 11.20.240, 11.20.280 through 11.20.310, 11.20.330 and 11.24.010. One toilet, one lavatory, and one bath or shower for each 10 employees or fraction thereof, of each sex shall be maintained in such employees' quarters.

(Ord. 2007-0089 § 97, 2007; Ord. 2004-0019 § 4, 2004; Ord. 7583 Part 3 Ch. 12 § 865, 1959.)

11.24.130 Employees and owners—Cleanliness required—Smoking prohibited when.

All employees and owners, while engaged in the preparation or serving of food in an institution, shall wear clean outer garments, shall keep their hands clean, and shall not expectorate or use tobacco, in any form, while so engaged.

(Ord. 7583 Part 3 Ch. 12 § 871, 1959.)

11.24.140 Kitchens—Sink requirements.

Any institution that prepares and serves food shall be provided with at least one two-compartment sink in the kitchen, and such kitchen shall comply with the provisions of Sections 11.12.010, 11.12.030, 11.12.040, 11.12.090 through 11.12.120, 11.12.160, 11.12.180 through 11.12.210, 11.12.230, 11.12.240, 11.12.260, 11.12.270, 11.12.300 and 11.12.320 of this Division 1.

(Ord. 7583 Part 3 Ch. 12 § 860, 1959.)

11.24.150 Kitchens—Mechanical dishwasher required when.

Every home for the aged, mental institution, private boarding school and children's boarding home caring for more than 15 persons or children, or any day nursery school having more than 20 children and serving at least one meal a day, shall be provided with an approved mechanical dishwasher.

(Ord. 7583 Part 3 Ch. 12 § 862, 1959.)

11.24.160 Kitchens—Sanitation of utensils.

All dishes, glasses and other utensils used in the preparation and serving of food shall be free from cracks and chips. All eating and drinking utensils, except single-service, shall be thoroughly cleaned and then effectively subjected to sanitization in an approved dishwashing machine providing 180 degree Fahrenheit hot rinse water, in accordance with the manufacturer's instructions and the standards of the National Sanitation Foundation.

(Ord. 2006-0040 § 99, 2006; Ord. 7583 Part 3 Ch. 12 § 861, 1959.)

11.24.170 Kitchen workers—Health and food handling restrictions.

It is unlawful for any person who is afflicted with an infection or contagious disease to work in a kitchen, or to prepare, serve or handle food.

(Ord. 7583 Part 3 Ch. 12 § 858, 1959.)

11.24.180 Kitchens—Toilet facilities required.

Every kitchen shall be provided with a conveniently located toilet and lavatory for the use of kitchen workers. No toilet room shall open directly into any room where food is prepared, stored or served. Such toilets shall comply with the provisions of Section 11.20.190 of this Division 1.

(Ord. 7583 Part 3 Ch. 12 § 864, 1959.)

11.24.190 Sewage disposal.

A. Sewage disposal systems shall be maintained in an efficient and sanitary manner. Sewage shall be discharged either into sanitary sewers or into approved private sewage disposal systems.

B. All institutions installing new private sewage disposal systems shall install approved treatment plants or septic tanks. The effluents of such septic tanks shall discharge into seepage pits or subsurface leaching lines of adequate capacity to prevent insanitary conditions.

(Ord. 7583 Part 3 Ch. 12 § 878, 1959.)

Part 2 DAY NURSERIES, DAY SCHOOLS AND PAROCHIAL SCHOOLS

11.24.200 Toilet facilities—Additional requirements.

In addition to the provisions of Part 1 of this chapter, day nurseries and day nursery schools shall comply with the following provisions:

A. On each floor of every day nursery and day nursery school building, any part of which is used for the care of children between the age of two years and the age of four years and nine months, there shall be provided one water flush toilet for the first 14 children or fractional part thereof, and one lavatory for the first 14 children or fractional part thereof. An additional toilet and lavatory shall be provided for every 10 children or fraction thereof above 14. Toilets and lavatories shall be of suitable height and size as to be reached easily by the children. Adjustable steps for young children shall be available.

B. There shall be provided one conveniently located toilet and hand-washing facility, separate from the general-use toilets, for isolation, staff and emergency use. Toilet facilities shall comply with the provisions of Section 11.20.190 of this Division 1.

(Ord. 7583 Part 3 Ch. 12 § 875, 1959.)

11.24.210 Rest and play area—Standards.

In addition to the provisions of Part 1 of this chapter, private day schools, day nurseries, day nursery schools and children's boarding homes shall comply with other sections of this Division 1 pertaining specifically thereto, and with the following provision:

Any room or rooms in any building of a private day school, day nursery, day nursery school or children's boarding home used for daytime rest period or day play area shall not have less than 35 square feet of superficial floor area for each child. Such rooms shall have a ceiling height of not less than eight feet and, shall be well lighted and ventilated to the outside air. Windows shall be not less than one-eighth of the superficial floor area and shall be one-half openable.

(Ord. 7583 Part 3 Ch. 12 § 876, 1959.)

11.24.220 Classrooms—Regulations applicable.

The classrooms in private day schools, private boarding schools, day nurseries and day nursery schools shall comply with the provisions of Sections 11.24.230 through 11.24.300.

(Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 12 § 877 (part), 1959.)

11.24.230 Classrooms—Floors, walls and ceilings.

The floors, walls and ceilings shall be kept clean. The walls of every classroom shall be so treated and maintained that the reflector factor is not more than 80 percent nor less than 40 percent. The ceilings of every classroom shall be so treated and maintained that the reflection factor is not more than 80 percent nor less than 60 percent.

(Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 12 § 877 (a), 1959.)

11.24.240 Classrooms—Size and ventilation.

Every classroom shall have good ventilation. Every classroom shall have a ceiling height of not less than eight feet. The occupant load of each classroom shall be in conformance with the requirements of the Building Code and the County Fire Code. (See Titles 26 and 32 of this code.)

(Ord. 8588 § 1 (part), 1964; Ord. 7624 § 1, 1959; Ord. 7583 Part 3 Ch. 12 § 877 (c), 1959.)

11.24.250 Classrooms—Heating.

Classrooms shall be properly heated when in use. The temperature shall be sufficient for the maintenance of health and comfort of the pupils, and shall in no case be below 68 degrees Fahrenheit, measured at a height of two feet above the floor.

(Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 12 § 877 (b), 1959.)

11.24.260 Classrooms—Window area.

In every classroom of a private day school or private boarding school constructed, or any room converted into a classroom, the window area shall be not less than one-eighth of the floor area as required for new structures by the Building Code, and shall be one-half openable unless such school is completely air-conditioned.

(Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 12 § 877 (e), 1959.)

11.24.270 Classrooms—Illumination.

Classrooms shall be so illuminated when in use that:

A. There is not less than 30 to 50 footlamberts of illumination in every part of the classroom, measured 30 inches above the floor;

B. There is no direct glare;

C. Indirect glare is reduced to a minimum.

(Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 12 § 877 (d), 1959.)

11.24.280 Classrooms—Seats and desks.

All seats and desks shall be maintained in good repair. All seats shall have backrests. Seats shall be of such height that any pupil sitting therein in a normal position can comfortably rest his feet upon the floor. Seats shall be so placed that no pupil, when sitting in a normal position in any one of them, shall face a window.

(Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 12 § 877 (f), 1959.)

11.24.290 Classrooms—Toilet facilities.

In each building of a private day school containing one or more classrooms on each floor, the toilet facilities shall be as provided by the Building Code.

(Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 12 § 877(g) 1959.)

Part 3 PRIVATE BOARDING SCHOOLS AND CHILDREN'S BOARDING HOMES

11.24.300 Additional regulations applicable.

In addition to the provisions of Part 1 of this chapter, private boarding schools and children's boarding homes shall comply with the provisions set out in this Part 3.

(Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 12 § 874 (part), 1959.)

11.24.310 Sleeping room restrictions.

No person providing overnight care in a private boarding school or in a children's boarding home shall cause, permit or suffer any child to sleep in any room except a room used exclusively for sleeping purposes.

(Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 12 § 874 (e), 1959.)

11.24.320 Sleeping quarters—Area—Double-deck beds prohibited.

Where a private room is provided for one child, there shall be not less than 80 square feet of superficial floor area. Where a dormitory or semiprivate room is occupied by more than one child, there shall be provided not less than 60 square feet of superficial floor area for each such child. No double-deck beds shall be installed or used.

(Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 12 § 874 (a), 1959.)

11.24.330 Drinking facilities.

Drinking facilities shall be available on each floor. When drinking facilities other than drinking fountain are provided, individual drinking cups shall be available. When drinking fountains are used, approved angle-jet drinking fountains shall be provided.

(Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 12 § 874 (c), 1959.)

11.24.340 Toilet articles—Storage facilities.

All children in a private boarding school and children's boarding home shall be provided with an individual cup, comb, toothbrush, towel and washrag. These articles shall be maintained in a clean and sanitary condition at all times. Facilities shall be provided for the keeping or storage of each child's personal effects and belongings.

(Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 12 § 874 (f), 1959.)

11.24.350 Toilet facilities—Construction and sanitation.

In each building of a private boarding school containing one or more classrooms on each floor, the toilet facilities shall be as required by the Building Code. Such toilet facilities shall comply with the provisions of Section 11.20.190 of this Division 1.

(Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 12 § 874 (d), 1959.)

11.24.360 Toilet facilities—Number and kind required.

A. On each floor of every private boarding school or children's boarding home which is used for sleeping purposes for children up to the age of 16 years, there shall be provided for each 10 children or fractional part thereof, for each sex, conveniently located for the use of such children, not less than:

   1. One water closet;

   2. One bathtub or shower;

   3. Two lavatories;

   4. When there are 20 or more boys cared for, the director may require one or more urinals.

B. Such toilet facilities shall comply with the provisions of Section 11.20.190 for children below six years of age, separate facilities for each sex shall not be required.

(Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 12 § 874 (b), 1959.)

Part 4 HOMES FOR THE AGED AND MENTAL INSTITUTIONS

11.24.370 Additional regulations applicable.

In addition to the provisions of Part 1 of this chapter, homes for the aged and mental institutions shall comply with the provisions set out in this Part 4.

(Ord. 7583 Part 3 Ch. 12 § 873 (part), 1959.)

11.24.380 Sleeping quarters—Area per person in institutions existing before September, 1959.

No person shall be kept, cared for, or maintained as a boarder or patient in any sleeping room existing as of September 25, 1959, which has less than 80 square feet of superficial floor area. Where a ward or semiprivate room is occupied by more than one person, there shall be provided not less than 60 square feet of superficial floor area for each person.

(Ord. 7583 Part 3 Ch. 12 § 873 (a), 1959.)

11.24.390 Sleeping quarters—Current area-per-person requirements.

No person shall be kept, cared for or maintained as a border or patient in any sleeping room which has less than 100 square feet of superficial floor area. When two or more persons are kept in any sleeping room, not less than 70 square feet of superficial floor area for each person shall be required.

(Ord. 7583 Part 3 Ch. 12 § 873 (b), 1959.)

11.24.400 Storage areas for patients' belongings.

Each bedroom, or bed in a ward shall be provided with a table or similar facility for the keeping of personal belongings of each individual inmate. Sufficient additional storage facilities shall be provided for the reasonably safekeeping of articles or personal belongings which are not in daily use.

(Ord. 7583 Part 3 Ch. 12 § 873 (c), 1959.)

11.24.410 Patients' utensils—Sanitation.

All bedpans, washbasins, mouthwash cups and other utensils used by patients and inmates shall be free from cracks or chips. Bedpans used individually shall be properly stored, marked and thoroughly cleaned after each use. Bedpans not individually used shall be sterilized after each use by boiling in water for 30 minutes, or autoclaved (15 pounds pressure for 30 minutes). All bedpans and urinals shall be sterilized once a week by boiling in water for 30 minutes, or autoclaved (15 pounds pressure for 20 minutes).

(Ord. 7583 Part 3 Ch. 12 § 873 (d), 1959.)

11.24.420 Toilet facilities.

A. Utility Rooms. Utility rooms of adequate size shall be provided for any home for the aged or mental institution which has bed patients. Such rooms shall be provided with a bedpan hopper or its equivalent. Bathtubs, lavatories and laundry trays shall not be used for the cleaning of bedpans.

B. Water Closets and Lavatories. Where seven or more ambulatory or semiambulatory patients or aged boarders are cared for or housed, there shall be provided at least one water closet and one lavatory for each seven patients, or fractional part thereof, of each sex, within the building. Where there are less than seven ambulatory or semiambulatory patients or aged boarders, there shall be one water closet and one lavatory, regardless of sex.

C. Baths and Showers. Where there are 10 or more ambulatory or semiambulatory patients or aged boarders cared for or housed, there shall be provided at least one bath or one shower for each 10 patients, or fractional part thereof, of each sex, within the building. Where there are less than 10 ambulatory or semiambulatory patients, or aged boarders, there shall be at least one bath or one shower, regardless of sex.

D. Such toilet rooms, baths and showers shall comply with the provisions of Section 11.20.190 of this Division 1.

(Ord. 7583 Part 3 Ch. 12 § 873 (e), 1959.)

11.24.430 Emergency lighting.

Adequate emergency lighting facilities shall be provided and distributed so as to be readily available to the personnel on duty. An open-flame light shall not be used at any time.

(Ord. 7583 Part 3 Ch. 12 § 873 (f), 1959.)

Chapter 11.26 LAUNDRIES

11.26.010 Location, construction and installation of equipment.

A. All laundries shall be in a building. The floors shall be constructed of smooth, nonabsorbent, durable materials sloped to drains, except when the type of equipment or method of operation prevents or avoids splashing to the floor, drains and sloped floors shall not be required. All walls and ceilings shall be constructed of smooth material. All floors, walls and ceilings shall be kept clean and in good repair. Adequate rooms or space shall be provided for each sex for the changing and storing of their clothing.

B. Washing machines shall be installed in such a manner that the area under and around the machines may be kept clean and in good repair.

C. Every self-service laundry shall post and maintain in a conspicuous place a sign giving the name, address and telephone number of the owner or other responsible person who can be contacted in case of equipment breakdown or other emergency.

D. All laundries shall provide drinking fountains convenient to the employees.

(Ord. 8588 § 8 (part), 1964; Ord. 7583 Part 3 Ch. 15 § 1070, 1959.)

11.26.020 Sanitation requirements.

A. Lint-collection devices shall be installed and maintained on all dryers or other equipment that creates dust or lint.

B. When required by the director, laundry machines shall be subjected to a bactericidal treatment between uses for laundry from different families.

C. Water at a temperature of at least 140 degrees Fahrenheit shall be available at all washing machines. Thermometers in good working order shall be installed and maintained on all water heaters and shall be readily accessible for reading.

D. All containers provided for customer use, and intended for handling soiled laundry, shall be plainly marked "FOR SOILED LAUNDRY ONLY." All containers intended for clean laundry shall be plainly marked "FOR CLEAN LAUNDRY."

(Ord. 8588 § 8 (part), 1964; Ord. 7583 Part 3 Ch. 15 § 1071, 1959.)

11.26.030 Separation of clean and soiled articles.

A. Separate areas and equipment shall be provided, maintained and used for the reception, sorting, counting and marking of soiled laundry so that such laundry shall not come into contact with or in the immediate proximity of laundered or washed articles, or equipment used for storing or handling laundered articles.

B. Articles to be laundered, originating from any place or source where they have been or may have been exposed to any communicable or infectious disease, shall not be received or handled in any public laundry, truck or establishment until such articles have first been either boiled or disinfected, or unless otherwise collected and handled in a manner approved by the director.

C. No person shall handle any laundered articles in any insanitary manner. Linen supplies shall be securely wrapped or shall be conveyed from the delivery vehicle to the place of delivery in a compartment separate from soiled linen and otherwise protected from contamination. All other laundry such as finished laundry, wet wash or rough dry shall be handled in a sanitary manner.

D. No person shall spray any clothing or other articles in any public laundry by means of water or other liquid substance ejected from the mouth.

(Ord. 8588 § 8 (part), 1964; Ord. 7583 Part 3 Ch. 15 § 1072, 1959.)

11.26.040 Laundry vehicles—Lettering—Separation of clean and soiled articles.

A. Every receiving or delivery wagon of any public laundry shall have plainly printed or painted on each side thereof, in lettering at least three inches high, the name or trade name of the laundry and the address where it is located.

B. Every wagon or vehicle used for the collection or delivery of laundry which is not owned by the public laundry for which it is collecting, shall have on both sides thereof the name and address of the person owning such wagon or vehicle, in letters not less than three inches high.

C. Clean articles shall be kept separate and apart from soiled articles in all vehicles which are used for laundry pickup and deliveries.

(Ord. 8588 § 8 (part), 1964; Ord. 7583 Part 3 Ch. 15 § 1073, 1959.)

Chapter 11.28 LEAD HAZARDS

11.28.010 Definitions.

A. "Child," for the purpose of Division 1 of this title as it relates to lead hazards, means any person who is under seven years of age.

B. "Child care facility" means any structure or portion thereof used as a residence, school, nursery, day care center, clinic, treatment center or other facility catering to the needs of children, including any outbuilding, fencing or other structure used in conjunction therewith.

C. "Dangerous levels of lead-bearing substances" means any paint, varnish, lacquer, putty, plaster, or similar coating or structural material which contains lead or its compounds in excess of seven-tenths (.7) of one milligram per square centimeter, when measured by a lead-detecting instrument approved by the director; or any substance, when measured by any scientifically accepted method, in a quantity determined by the director to constitute a hazard to children; or that level as determined in the most recent standards as established by the United States Department of Health, Education and Welfare, Public Health Service, Center for Disease Control.

D. "Elevated blood-lead level" means a confirmed blood-lead level of 30 micrograms per deciliter or greater, or that level as determined in the most recent standards as established by the United States Department of Health, Education and Welfare, Public Health Service, Center for Disease Control.

E. "Lead hazard to children" means the presence of readily accessible, dangerous levels of lead-bearing substances on any toy, furniture, food utensil, household product, or the exterior or interior surfaces, fixtures or appurtenances of any dwelling, dwelling unit, child care facility, institution, hotel guest room, or any premises inhabited or frequented by children.

F. "Readily accessible lead-bearing substance" means any dangerous levels of lead-bearing substances, as defined in subsection C of this section which, in the judgment of the director, is in a peeling, flaking or chipped condition, or located on or in a substance or surface from which it may be chewed, ingested or inhaled by children.

(Ord. 12158 § 1 (part), 1980; Ord. 7583 Part 3 Ch. 17 §§ 1200—1204 and 1210, 1959.)

11.28.020 Health hazard to children—Order to remove authorized when.

Where the director determines that the presence of a lead-bearing substance upon any premises creates a health hazard to children, he shall issue an order to the property owner, or his agent or occupant, to eliminate the hazard.

(Ord. 12158 § 1 (part), 1980; Ord. 7583 Part 3 Ch. 17 § 1205, 1959.)

11.28.030 Lead-bearing substances prohibited where.

No person shall permit readily accessible, dangerous levels of leadbearing substances, as defined in subsections C and F of Section 11.28.010, to remain on any toy, furniture, food utensil, household product, or the exterior or interior surfaces, fixtures or appurtenances of any dwelling, dwelling unit, child care facility, institution, hotel guest room, or on any premises inhabited or frequented by children.

(Ord. 12158 § 1 (part), 1980; Ord. 7583 Part 3 Ch. 17 § 1206, 1959.)

11.28.040 Failure to comply with order to remove prohibited.

No person shall refuse or neglect to remove or reduce the hazard of readily accessible, dangerous levels of leadbearing substances, as defined in subsections C and F of Section 11.28.010, as ordered or directed by the director.

(Ord. 12158 § 1 (part), 1980; Ord. 7583 Part 3 Ch. 17 § 1207, 1959.)

11.28.050 Lead-based paint—Sale and use prohibited when.

No person shall sell, offer for sale, display for sale, hold for sale, give away, apply or cause to be applied any paint in excess of 0.06 percent lead by weight for use on interior or exterior surfaces, fixtures or appurtenances of any dwelling, dwelling unit, institution, hotel guest room, recreational facilities or equipment, furniture, cooking, eating or drinking utensils, or other household items.

(Ord. 12158 § 1 (part), 1980; Ord. 7583 Part 3 Ch. 17 § 1208, 1959.)

11.28.060 Elevated Blood-Lead Level—Report Requirements.

A. Physicians and Other Medical Personnel. It shall be the duty of every physician, practitioner, dentist, medical examiner, every superintendent or manager of a dispensary, hospital, clinic or laboratory, to notify the Director promptly upon determining an elevated blood-lead level of thirty (30) micrograms per deciliter or greater in any child under seven (7) years of age.

B. Notification. Each notification shall give the date and result of the test performed; name of laboratory and type of blood test performed; the name, age and address of the child from whom the specimen was obtained; and the name and address of the physician for whom such examination or test was performed.

(Ord. 2023-0032 § 14, 2023; Ord. 12158 § 1 (part), 1980; Ord. 7583 Part 3 Ch. 17 § 1209, 1959.)

Chapter 11.30 RODENT AND PEST CONTROL[23]

11.30.010 Maintaining rodent or pest harborage conditions unlawful—Notice to abate.

No person shall occupy, maintain, or cause or permit another person to occupy or maintain any building, lot, premises, vehicle or any other place, in such condition of construction or maintenance as will permit the breeding or harborage therein or thereon of rodents, fleas, bedbugs, cockroaches, lice, mosquitoes or any other vermin. No person may permit an accumulation of any material that may serve as a rodent harborage unless such material be elevated not less than 18 inches above the ground or floor with a clear intervening space thereunder. Whenever the director finds any building, lot, premises, vehicle or other place to be infested with vermin or rodents, or to be in such an insanitary condition as to require fumigation or renovation, the director may notify the owner, his agent, the tenant or possessor thereof, in writing, specifying the manner in which the provisions of this chapter are being violated, and indicating the specific measures that shall be taken by the recipient of such notice to abate said conditions.

(Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 8 § 628, 1959.)

11.30.020 Rodentproofing—Structures housing food for human consumption.

No person shall use any building or structure or portion thereof for the manufacture, preparation, storage, handling or display of any food or food products for human or animal consumption which, in the opinion of the director, is or is likely to become infested with rodents, unless such building or structure or portion thereof be rodentproofed.

(Ord. 7583 Part 3 Ch. 8 § 625, 1959.)

11.30.030 Rodentproofing—Structures housing grain or other food products.

No person shall use any building or structure or portion thereof for the storage, handling, preparation or sale of any food, grain or grain product which, in the opinion of the director, is infested or is likely to become infested with rodents, unless such building or structure is constructed so as to be rodentproof, and is actually kept free from rodents.

(Ord. 7583 Part 3 Ch. 8 § 629, 1959.)

11.30.040 Notice to perform rodentproofing—Authorized when.

A. When the director determines that any building or structure constitutes a rodent harborage, he may serve upon the person in charge or control thereof a notice, in writing, to rodentproof such building or structure within a reasonable time, as stated in such notice.

B. When determined by the director that it is unnecessary to rodentproof such building or structure in its entirety, he may specify in such notice that portion which is to be rodentproofed.

(Ord. 7583 Part 3 Ch. 8 § 626, 1959.)

11.30.050 Rodentproof defined—Construction specifications.

A. As used in this chapter, "rodentproof" means having the characteristic of being constructed and maintained in such manner as will prevent the entrance or harborage of rodents. A rodentproof building or structure is one which is so constructed and maintained as to prevent the entrance into, or the harborage within, of rodents.

B. Open spaces around doors and windows shall not be wider than one-fourth inch in order to prevent the passage of rodents. Exterior openings of buildings or structures, such as pipe holes, louver vents and ventilating systems, shall be covered with corrosion-resistant wire mesh, the area of each opening of which shall not exceed one-sixteenth of one square inch or the equivalent of a mesh square with sides not to exceed one-fourth inch.

(Ord. 94-0052 § 20, 1994; Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 8 § 627, 1959.)

11.30.060 Flies and mosquitoes—Control measures.

All premises shall be cleaned, and effective insecticides applied, as often as is necessary to prevent the breeding or harboring therein or thereon of flies or mosquitoes. The director may prescribe the type of insecticides, their manner and frequency of application, and the manner and frequency of cleaning for such purposes.

(Ord. 2004-0054 § 2, 2004; Ord. 8588 § 2 (part), 1964; Ord. 7583 Part 3 Ch. 8 § 632, 1959.)

11.30.070 Flies and mosquitoes—Removal of breeding material required.

All fly or mosquito breeding materials shall be removed from all premises as often as is necessary to prevent the breeding or harboring of flies or mosquitoes.

(Ord. 2004-0054 § 2, 2004; Ord. 8588 § 2 (part), 1964; Ord. 7583 Part 3 Ch. 8 § 631, 1959.)

11.30.080 Flies and mosquitoes—Breeding or harboring on premises prohibited.

No person shall operate or maintain or cause to be operated or maintained any premises in such a manner as will permit the breeding or harboring therein or thereon of flies or mosquitoes.

(Ord. 2004-0054 § 3, 2004; Ord. 8588 § 2 (part), 1964; Ord. 7583 Part 3 Ch. 8 § 630, 1959.)

Chapter 11.32 SWIMMING POOLS AND OTHER WATER AREAS[25]

11.32.005 Title.

The Ordinance codified in this chapter shall be known as "Roxie's Swim Safe Ordinance."

(Ord. 2022-0032 § 2, 2022.)

11.32.010 Applicability of Chapter Provisions.

This chapter shall apply to all pools, as defined herein, except pools located on the grounds of a private home. This chapter shall apply, but not be limited to, all public swimming pools, commercial pools, real estate and community pools, pools at hotels, motels, resorts, mobilehome parks, auto courts, apartment houses consisting of four (4) or more residential units, clubs, public and private schools, gymnasia and health establishments, juvenile detention facilities, and children's camps. This chapter shall apply to all auxiliary structures and equipment thereof, such as locker rooms, shower rooms, dressing rooms, and toilet facilities; and filtration, pumping, piping, disinfecting, and safety equipment provided and maintained in connection with such facility.

(Ord. 2022-0032 § 3, 2022; Ord. 91-0099 § 1, 1991; Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 6 § 550, 1959.)

11.32.020 Definitions.

A. "Accredited lifeguard" means a person who possesses a current certificate from an American Red Cross or YMCA of the U.S.A. lifeguard training program, or has equivalent qualifications, a current American Red Cross Standard First Aid certificate or equivalent, and complies with the requirements of California Health and Safety Code section 116028. In addition, for public swimming areas, the lifeguard shall have experience as an accredited lifeguard for at least one swimming season or 100 hours of advanced open water training or equivalent qualifications.

B. "Accredited lifeguard supervisor" means an accredited lifeguard who has the ability to monitor lifeguard performance as it relates to lifeguard and facility-specific training, including performing pre-service assessments; successful completion of a lifeguard supervisor training course; previous experience as an accredited lifeguard for at least three (3) months; knowledge of strategies to reduce risk and mitigate the health and safety hazards to both the patrons and the staff; and knowledge of development and evaluation of zones of bather surveillance responsibility diagrams for an aquatic venue.

C. "Children's camp" has the same meaning as defined in Section 8.04.080.

D. "Children's day camp" has the same meaning as defined in Section 8.04.081.

E. "Children's overnight camp" has the same meaning as defined in Section 8.04.082.

F. "Department" means the Los Angeles County Department of Public Health.

G. "Direct fee" means a separately stated fee or charge for the use of a public swimming pool to the exclusion of any other service, facility, or amenity.

H. "Lazy river" means channeled flow of water of near constant depth in which the water is moved by pumps or other means of propulsion to provide a river like flow that transports bathers over a defined path. A lazy river may also be referred to as a tubing pool, leisure river, leisure pool, or a current channel.

I. "Lifeguard in training" means a person who performs lifeguard duty under the direct supervision of an accredited lifeguard during a training program or preparatory to becoming an accredited lifeguard.

J. "Lifeguard services" means the attendance at a public swimming pool, during periods of use, of one or more lifeguards who are accredited lifeguards and who are trained to administer first aid, including, but not limited to, cardiopulmonary resuscitation (CPR) as referenced in California Health and Safety Code section 1797.182 and who have no duties to perform other than to supervise the safety of participants in water-contact activities.

K. "Public swimming area" means any portion of a body of water owned, operated, or under the control of any person which is permitted to be used for swimming and bathing, except:

1. A swimming pool;

2. A wading pool;

3. Any portion of the Pacific Ocean; and

4. Swimming areas owned and controlled by a single family and used only by that family and its guests.

For any body of water other than described in paragraphs 1, 2, 3, or 4 above, swimming or recreative bathing shall be at the user's discretion, unless it is clearly and plainly posted, in a manner acceptable to the Department, warning that swimming or recreative bathing is prohibited.

If the Department finds that a body of water or any portion thereof is, in the normal course of events, used by such a small number of persons in relation to the area of such body of water or portion thereof, that those

provisions of this division relating to public swimming areas are not necessary for the preservation of public peace, health or safety, such body of water or such portion thereof is not a "public swimming area."

L. "Public swimming pool" means any swimming pool, hot tub, spa, or non-portable wading pool, that is any of the following:

1. Open to the public generally, whether for a fee or free of charge.

2. Open exclusively to members of an organization and their guests; residents of an apartment building, apartment complex, residential real estate development, or other multifamily residential area, consisting of four (4) or more units; patrons of a hotel or other public accommodations facility; or campers participating in a children's camp.

3. Located on the premises of an athletic club, or public or private school.

4. Owned or operated by the state or any local government entity.

M. "Spray pool" means any artificially constructed pool or basin, used or intended to be used by the public, which intercepts, but does not impound water sprayed over or onto it.

N. "Swimming pool" and "pool" each means an artificial basin, chamber or tank constructed or prefabricated with impervious material, located outdoors or indoors, whether in-ground or above-ground, and used, or intended to be used, for swimming, diving, or recreative bathing. It does not include baths where the main purpose is the cleaning of the body, nor individual-type therapeutic tubs.

O. "Wading pool" means any artificially constructed pool used or intended to be used for wading by the public, with a maximum depth of not more than eighteen (18) inches.

P. "Waterslide" means a slide that runs into a landing pool or runout through a fabricated channel with flowing water.

Q. "Wave pool" means a swimming pool designed for the purpose of producing breaking wave action in the water and that is not primarily designed for standup surfing, or bodyboarding.

(Ord. 2022-0032 § 4, 2022; Ord. 9656 § 1, 1968; Ord. 9375 §§ 1 (part) and 2 (part), 1967; Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 6 §§ 551, 552, 554, 559, 562 and 563, 1959.)

11.32.030 Public Swimming Areas—Water Quality Standards.

The water used in a public swimming area shall meet the following:

A. No sewage discharges shall exist in the immediate vicinity of, or immediately upstream from, bathing areas;

B. Dilution and time of travel between point of sewage discharge and bathing area shall be sufficient to allow natural purification to occur so that the presence of harmful organisms of sewage origin is unlikely;

C. The complete sanitary survey of the area is satisfactory; and

D. The waters meet the following bacteriological standards:

1. Of all the samples collected during any 30day period, the average coliform index Most Probable Number (MPN) (confirmed test) shall not exceed five (5) coliform organisms per milliliter (500 per 100 ml.).

2. Not more than ten percent (10%) of the samples tested shall exceed a coliform index MPN (conformed test) of ten (10) coliform organisms per milliliter (1,000 per 100 ml.), provided further that no single sample, when verified by a repeat sample taken within 48 hours, shall exceed 100 per milliliter (10,000 per 100 ml.).

3. The bacteriological standards shall be run in accordance with Standard Methods for the Examination of Water and Sewage, published by the American Public Health Association.

(Ord. 2022-0032 § 5, 2022; Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 6 § 553, 1959.)

11.32.040 Public Swimming Areas—Lifesaving and First Aid Equipment.

A. Every public swimming area shall be provided with a minimum of one (1) approved life ring, buoy or equivalent at least fifteen (15) inches in diameter and, where so required, one rescue pole at least twelve (12) feet long, with hook. Such life rings, buoys or equivalent and rescue hook shall be readily accessible to each lifeguard, the location and spacing thereof to be determined by consideration of the area to be covered, configuration of water area and related factors, and approved by the Department. Such life rings, buoys, or equivalent shall have attached to them 75 feet of sound, 3/16-inch line, which shall be stored, when not in use, in such a way as to prevent kinking or fouling.

B. When, in the opinion of the Department, any public swimming area is of such size that unaided swimming rescues by lifeguards do not offer sufficient protection to swimmers, one or more square-sterned boats equipped with oars, oarlocks, life rings, or hollow-type paddle boards, as the Department approves, shall be provided.

C. A standard, 24-unit or larger first aid kit shall be provided and properly maintained, and kept readily available at all public swimming areas.

(Ord. 2022-0032 § 6, 2022; Ord. 9375 § 2 (part), 1967; Ord. 7583 Part 3 Ch. 6 § 565, 1959.)

11.32.050 Public Swimming Areas, Public Swimming Pools and Swimming Pools—Lifeguards and Aquatic Safety Plans.

A. The following locations shall provide lifeguard services:

1. Public swimming pools located at or used by children's camps and schools.
2. Public swimming pools where a direct fee is charged.
3. Public swimming pools with an induced current or wave action, including but not limited to, wave pools.
4. Swimming pools located at or used by juvenile detention facilities.
5. Lazy rivers.
6. Waterslides.
7. Public swimming pools where alcohol is served.
8. Public swimming areas when open or in use.

B. For all other public swimming pools, lifeguard service shall be provided, or signs shall be erected clearly indicating that lifeguard service is not provided. The lettering shall be legible and at least one (1) inch (25.4 mm or 36 point type) high, with a contrasting background.

C. All swimming pools requiring lifeguard services in this section shall create and implement an Aquatic Safety Plan as described below. The Aquatic Safety Plan shall include, but is not limited to, the following:

1. Pool areas staffing plan, which describes how pool staff will maintain the public swimming pool in a safe condition, including addressing health and safety hazards, water quality, staff training, facility rules and regulations, and responding to hazards and emergencies.

2. Accredited lifeguard plan, developed by an accredited lifeguard, which describes lifeguard responsibilities, including those responsibilities identified in the pool areas staffing plan and related activities.

3. Lifeguard staffing plan, which identifies the number of on-duty lifeguards needed to meet swimming pool safety and staffing requirements, and describes the duration and rotation of lifeguard tasks, staffing requirements, including any needed breaks and coverage, supervisor staffing and other staffing needs, and any additional lifeguard responsibilities.

4. Emergency Action Plan (EAP), which describes how the swimming pool staff will respond to emergency situations, including identifying responding staff, communications, equipment, and procedures.

5. Biohazard action plan, which describes the decontamination requirements should a swimming pool become contaminated, including access and restriction by the public, cleaning and disinfection, and maintenance of a record of the details of the contamination, and disposal of contaminants.

6. Accidental chemical release plan, which describes the procedures to appropriately respond to a chemical release in a swimming pool, including necessary equipment and response and cleanup procedures.

D. The swimming pool owner/operator shall retain a copy of the Aquatic Safety Plan on file at the pool facility and shall make it available for inspection by the Department. The Aquatic Safety Plan must satisfactorily contain each of the elements provided in C. 1 - 6 of this Section. The owner/operator of a swimming pool shall review and update the Aquatic Safety Plan at least annually and shall make the Aquatic Safety Plan available to the Department upon request. If, after review of the Aquatic Safety Plan, the Department finds it deficient in the Department's opinion, the Department shall notify the owner/operator to correct and/or revise the Aquatic Safety Plan. Upon such notification, the owner/operator shall provide a revised Aquatic Safety Plan with corrections within fourteen (14) days to the Department.

E. The owner/operator shall maintain incident report records of all lifeguard rescues where the accredited lifeguards enter the water and activate the EAP. Such records shall be maintained by the owner/operator for a minimum of two (2) years from the date of incident.

F. All incidents of drowning and near-drowning which required emergency medical treatment and transportation to a health facility shall be reported by the owner/operator of a public swimming pool or public swimming area to the Department within 24 hours of the incident.

(Ord. 2022-0032 § 7, 2022; Ord. 9375 § 2 (part), 1967; Ord. 7583 Part 3 Ch. 6 § 564, 1959.)

11.32.060 Public Swimming Areas—Dressing Room Requirements.

If dressing rooms are provided at a public swimming area, they shall comply with the following:

A. Public swimming areas used simultaneously by both sexes shall be provided with separate dressing rooms, with separate entrances to and exits from the dressing rooms.

B. All dressing room walls and partitions shall have smooth surfaces which are impervious to moisture and free from cracks or open joints. Walls of compartments within a dressing room shall be constructed in such a manner that there is a clear, intervening space of not less than eight (8) inches between the bottom of the partition and the floor, unless otherwise approved by the Department.

C. Floors in the dressing rooms, toilet rooms, and shower rooms shall be impervious and rough enough (but not abrasive to the feet) so as to be nonskid, similar to a "rough rotary, raised rubber, or wood float," finished, and shall be free from cracks or open joints. Floors shall pitch not less than one-fourth inch per foot to floor

drains or surface-water disposal areas. All junctures of floors with walls and partitions shall be coved. Wood floors or wooden slats over concrete floors shall not be permitted.

D. When lockers are provided, they shall be kept clean and free from vermin, properly ventilated, and shall be fastened firmly to concrete islands, or shall be installed with at least a six (6)-inch-high clear space beneath to permit flushing of the floor.

E. All dressing rooms, shower rooms, toilets, lavatory rooms, and all other rooms in a bathhouse, shall be adequately ventilated and lighted. A minimum light intensity of three footcandles shall be provided in all parts of said rooms.

F. Toilets shall be provided in close proximity to any dressing rooms, in addition to requirements specified in Section 11.32.070.

(Ord. 2022-0032 § 8, 2022; Ord. 9375 § 2 (part), 1967; Ord. 7583 Part 3 Ch. 6 § 568, 1959.)

11.32.070 Public Swimming Areas—Toilet Facilities.

A. Adequate toilets for each sex shall be provided and maintained not over 300 feet distant from any portion of public swimming areas.

B. All toilet facilities shall be maintained in a sanitary condition, well lighted and ventilated, and shall be kept supplied with toilet paper at all times.

C. The type and location for such existing toilets shall be acceptable to the Department and plans for new toilet facilities shall be approved by the Department prior to construction.

(Ord. 2022-0032 § 9, 2022; Ord. 9375 § 2 (part), 1967; Ord. 7583 Part 3 Ch. 6 § 567, 1959.)

11.32.080 Health Restrictions For Employees and Other Persons.

Public pool employees and users must not present a health hazard to others using the public pool or ancillary facilities, pursuant to Title 22, California Code of Regulation section 65541, and the same provisions shall apply to employees and users of public swimming areas.

(Ord. 2022-0032 § 10, 2022; Ord. 9375 § 2 (part), 1967; Ord. 7583 Part 3 Ch. 6 § 570, 1959.)

11.32.090 Drinking Fountains Required Where.

At least one approved drinking fountain shall be installed and maintained in each wading pool area and each public swimming area for the use of the persons using the public swimming area or wading pool.

(Ord. 2022-0032 § 11, 2022; Ord. 9375 § 2 (Part), 1967; Ord. 7583 Part 3 Ch. 6 § 569, 1959.)

11.32.100 Wading Pools—Construction.

A. The lining material of all wading pools shall be impervious to moisture and shall have a smooth finish, and the wading pool bottom shall be constructed to minimize slippage. There shall be a deck of not less than four (4) feet in width surrounding the wading pool; said deck shall be constructed of impervious material and shall have a smooth, nonslip finish.

B. Wading pools shall have a bottom slope of not less than one (1) inch to each four (4) feet, nor more than one (1) inch per foot, toward the drains. There shall be no raised drains, steps or other obstructions on which children may fall or become injured in the wading pool.

C. The wading pool shall be equipped with a drain at its lowest point. The drain shall not be connected directly to any part of a sewage disposal system.

(Ord. 2022-0032 § 12, 2022; Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 6 § 556, 1959.)

11.32.110 Wading Pools—Adult Supervision Required.

Every person maintaining a wading pool which is open to the public shall supply constant adult supervision at all times when such wading pool is open to the public.

(Ord. 2022-0032 § 13, 2022; Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 6 § 555, 1959.)

11.32.120 Wading Pools—Disinfection.

A chlorine residual of at least 3 ppm and a pH in the range of 7.2—7.8 shall be maintained at all times the wading pool is in use. A testing kit shall be maintained at the wading pool for this purpose.

(Ord. 2022-0032 § 14, 2022; Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 6 § 557, 1959.)

11.32.130 Wading Pool—Water Clarity and Recirculation.

The water of all wading pools shall be kept sufficiently clear that the bottom of the wading pool will be visible at all times. A recirculating system shall be provided for each wading pool constructed subsequent to July 1, 1964. In lieu of a recirculating system, existing wading pools may be emptied and refilled at least every two hours during the time the wading pool is open for use.

(Ord. 2022-0032 § 15, 2022; Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 6 § 558, 1959.)

11.32.140 Water Supply.

A. All water supplied to a wading pool or spray pool shall be from a source approved by the Department.

B. The water supply for all showers, toilets, lavatories, and drinking facilities provided or maintained in connection with public swimming areas, spray pools and wading pools shall be adequate in quantity and shall meet the Department's requirements for drinking water.

(Ord. 2022-0032 § 16, 2022; Ord. 9375 § 2 (part), 1967; Ord. 7583 Part 3 Ch. 6 § 566, 1959.)

11.32.150 Spray Pool Requirements.

Spray pools shall be constructed in such a manner that all sprayed water falls into the pool or basin and runs to a drain which discharges into an approved disposal system. No obstructions, such as raised drains or steps which might cause injury to children in such pools, shall be permitted.

(Ord. 2022-0032 § 17, 2022; Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 6 § 560, 1959.)

11.32.160 Swimming Pool Equipment—Requirements.

A. All swimming pool equipment shall comply with the requirements of the California Building Code, Title 24, section 3123B.

B. All recirculation and purification equipment shall be subject to review and approval by the Department before installation in connection with a swimming pool.

C. It is unlawful for any person to install any recirculation and purification equipment related to a swimming pool unless such equipment has first been reviewed and approved by the Department.

(Ord. 2022-0032 § 18, 2022; Ord. 2014-0024 § 31, 2014; Ord. 9375 § 1 (part), 1967; Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 6 § 561, 1959.)

11.32.170 Implementation Date of Amendments.

Amendments made to this chapter and adopted in 2022 are effective on January 1, 2023.

(Ord. 2022-0032 § 19, 2022; Ord. 9375 § 2 (part), 1967; Ord. 7583 Part 3 Ch. 6 § 561.2, 1959.)

Chapter 11.34 SWIMMING POOL SERVICES

11.34.010 Definitions.

A. "Director" means the Director of Public Health of the County of Los Angeles, or a duly authorized representative, as provided for in Section 2.77.050 of this code.

B. "Swimming pool" and "pool" shall have the same meaning as defined in Section 11.32.020.

C. "Swimming pool service technician" means any individual engaged in the business or occupation of treating or disinfecting swimming pool waters, or cleaning, servicing, or maintaining swimming pools.

D. "Swimming pool service technician apprentice" means any individual engaged in the business or occupation of treating or disinfecting swimming pool waters, or cleaning, servicing, or maintaining swimming pools or facilities and appurtenances thereof.

This chapter does not apply to an individual who maintains their own swimming pool or a manager or owner of a residential structure of three units or less who maintains or services the pool or pools exclusively at said structure.

(Ord. 2022-0032 § 22, 2022; Ord. 2006-0040 § 100, 2006; Ord. 91-0099 § 2, 1991; Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 14 §§ 1001 and 1002, 1959.)

11.34.030 Swimming Pool Service Technician—Certification Requirements.

A. Every swimming pool service technician and swimming pool service technician apprentice must be certified pursuant to the requirements of this chapter

B. Persons certified hereunder may lawfully engage in said business or occupation only to the extent permitted pursuant to said certification.

C. Every person required to be certified by the terms hereof, and before engaging in the business or activity, shall make application thereof and shall, within time limitations established by rules of the Department, become certified.

(Ord. 2022-0032 § 23, 2022; Ord. 91-0099 § 4, 1991; Ord. 9375 § 1 (part), 1967; Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 14 § 1000, 1959.)

11.34.040 Swimming Pool Service Technician—Activities Authorized Following Certification.

A person certified pursuant to this chapter as a swimming pool service technician may engage in the occupation or business of treating or disinfecting swimming pool waters or cleaning, servicing, or maintaining swimming pools or facilities and appurtenances thereof. Swimming pool service technicians shall report all incidents of drowning and near-drowning at public swimming pools to the Department within 24 hours of becoming aware of the incident.

(Ord. 2022-0032 § 24, 2022; Ord. 91-0099 § 10, 1991; Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 13 § 1008, 1959.)

11.34.050 Swimming Pool Service Technician Apprentice—Activities Authorized Following Certification.

A person certified pursuant to this chapter as a swimming pool service technician apprentice may perform the same activities as a swimming pool service technician but only under the direct and immediate supervision and employment of a certified swimming pool service technician. Upon application for certification and on any annual renewal thereto, the apprentice must identify the swimming pool service technician supervising same.

(Ord. 2022-0032 § 25, 2022; Ord. 91-0099 § 11, 1991; Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 13 § 1009, 1959.)

11.34.060 Certification—Application and Fees—Penalty for Late Application.

A. Every person desiring certification as a swimming pool service technician or as a swimming pool service technician apprentice shall file with the Department an application for certification, and shall then pay all applicable application fees, as provided for in Section 8.04.728 of Title 8, to cover the cost of giving the examination and processing the application. No portion of said fee is refundable. The applicant shall pay a penalty equal to twenty-five percent (25%) of the fee if application is not made within 31 days after commencement of the activity. A new application fee shall be paid each time the applicant takes the examination.

B. The applicant shall designate on the application, by address, the principal office of the applicant which is located within the County of Los Angeles, State of California, and if the applicant has no office within the County of Los Angeles, then the applicant shall designate on the application the applicant's principal office, wherever located.

(Ord. 2022-0032 § 26, 2022; Ord. 2012-0032 § 20, 2012; Ord. 93-0055 § 12, 1993; Ord. 92-0078 § 6, 1992; Ord. 91-0099 § 13, 1991; Ord. 90-0090 § 3, 1990; Ord. 88-0106 § 31, 1988; Ord. 83-0054 § 4, 1983; Ord. 9375 § 1 (part), 1967; Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 13 § 1011, 1959.)

11.34.070 Examination for Swimming Pool Service Technician.

The examination given by the Department shall be for the purpose of determining that:

A. The applicant fully understands the technical aspects of swimming pool water purification and equipment, and materials used in connection therewith;

B. The applicant is fully competent to service, clean, operate, and maintain swimming pools and incidental appurtenances;

C. The applicant has a thorough knowledge of the following: the chemicals used in swimming pool water and their effects, testing procedures for determination of pH and of chlorine and bromine content of water and related applied water chemistry, and pool operation and cleaning methods; and

D. The applicant has a general knowledge of filters, flow rates, pumps, motors, heaters and chemical feeders, and of local laws, ordinances, rules, and regulations applicable to swimming pools.

(Ord. 2022-0032 § 27, 2022; Ord. 91-0099 § 14, 1991; Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 13 § 1012, 1959.)

11.34.080 Examination for Swimming Pool Service Technician Apprentice.

The examination given by the Department shall not be as broad in scope as the examination for the swimming pool service technician and shall be for the purpose of determining that:

A. The applicant understands the basic concepts of swimming pool water purification and equipment and materials used in connection therewith;

B. The applicant is competent to clean, service and maintain swimming pools;

C. The applicant has a basic knowledge of the common chemicals used in swimming pool waters and their effects, testing procedures of the determination of pH and of chlorine residual, pool operation, and cleaning methods; and

D. The applicant has a basic knowledge of filters, pumps, motors, and chemical feeders, and of local laws, ordinances, rules, and regulations applicable to swimming pools.

(Ord. 2022-0032 § 28, 2022; Ord. 91-0099 § 15, 1991; Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 13 § 1013, 1959.)

11.34.090 Certificate—Display Requirements.

Every person certified pursuant to this chapter as a swimming pool service technician or swimming pool service technician apprentice, while performing the functions for which certification is required, shall carry upon one's person and shall display to the Department upon request such certificate or other written evidence of certification as is issued by the Department.

(Ord. 2022-0032 § 29, 2022; Ord. 91-0099 § 16, 1991; Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 13 § 1015, 1959.)

11.34.100 Failure to Obtain Certification—Actions to Recover Fees Authorized When.

The County Counsel is authorized, in the name of the County of Los Angeles as plaintiff, to bring suit for the recovery of certification fees against any person required to have this certification, who carries on, or attempts to engage in, such business, occupation or activity without first being certified.

(Ord. 2022-0032 § 30, 2022; Ord. 91-0099 § 17, 1991; Ord. 88-0106 § 32, 1988; Ord. 9375 § 2 (part), 1967; Ord. 7583 Part 3 Ch. 13 § 1001.1, 1959.)

11.34.110 Certification—Period of Validity—Renewal.

Certification as a swimming pool service technician and certification as a swimming pool service technician apprentice are each effective from July 1st through June 30th of each year. Every person desiring to renew such certification shall pay a renewal fee for renewal before July 31st in the amount as provided for in Section 8.04.728 of Title 8 for each certificate for the following fiscal year. A penalty equal to twenty-five percent (25%) of the renewal fee shall be submitted on or after July 31st for the renewal of the annual certification.

(Ord. 2022-0032 § 31, 2022; Ord. 2012-0032 § 21, 2012; Ord. 93-0055 § 13, 1993; Ord. 92-0078 § 7, 1992; Ord. 91-0099 § 18, 1991; Ord. 90-0090 § 4, 1990; Ord. 88-0106 § 33, 1988; Ord. 9375 § 1 (part), 1967; Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 13 § 1018, 1959.)

11.34.120 Certification—New Application Following Failure to Renew.

Any person failing to renew a certification within two years of the expiration date shall be required to make a new application, therefore, and retake the examination in order to become recertified.

(Ord. 2022-0032 § 32, 2022; Ord. 91-0099 § 19, 1991; Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 13 § 1022, 1959.)

11.34.130 Certification—Duplicates—Fee.

If the written evidence of certification issued by the Department is lost or destroyed, a duplicate thereof shall be obtained from the Department. A fee of $10.00 shall be paid when filing applications for such duplicate. Said fee is charged to cover the cost of issuance of the duplicate, and no portion thereof is refundable.

(Ord. 2022-0032 § 33, 2022; Ord. 91-0099 § 20, 1991; Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 13 § 1016, 1959.)

11.34.140 Certification—Transfer Prohibited.

No certification made pursuant to this chapter shall be transferable to another person.

(Ord. 2022-0032 § 34, 2022; Ord. 91-0099 § 21, 1991; Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 13 § 1014, 1959.)

11.34.141 Performance Standards.

Every certified swimming pool service technician or swimming pool service technician apprentice shall perform to those standards contained in this chapter or as prescribed by the Department.

(Ord. 2022-0032 § 35, 2022; Ord 91-0099 § 22, 1991.)

11.34.150 Certification—Suspension Conditions.

The Department may suspend certification of a swimming pool service technician or of a swimming pool service technician apprentice if the work of such person permitted by the certification is performed in such manner as to create an unsanitary, unsafe, or unhealthful condition. Any person whose certification has been suspended shall surrender the written evidence of certification to the Department upon request.

(Ord. 2022-0032 § 36, 2022; Ord. 91-0099 § 23, Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 13 § 1019, 1959.)

11.34.160 Certification—Reinstatement Following Suspension—Conditions.

When a certification has been suspended, an application may be made for reinstatement. Such application shall include a verified statement declaring that the bases for suspension of certification have been eliminated. If, upon investigation, which the Department shall make upon receipt of said application, it is determined that all bases for suspension have been eliminated and that all provisions of this chapter have been complied with, then the Department shall reinstate said certification.

(Ord. 2022-0032 § 37, 2022; Ord. 91-0099 § 24, 1991; Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 13 § 1020, 1959.)

11.34.170 Certification—Hearing Following Suspension.

Any person who has applied for reinstatement of certification and has been denied said reinstatement may make a written request to the Department for a hearing thereon. Upon receipt of such written request, the Department shall set a time and place for the hearing.

(Ord. 2022-0032 § 38, 2022; Ord 91-0099 § 25, 1991; Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 13 § 1021, 1959.)

11.34.180 Hearings—Notice Requirements.

Notice of any hearings pursuant to any of the provisions of this chapter shall be given not less than five (5) days prior to the day scheduled therefor by the Department. Such notice shall specify the time and place of the hearing, the subject matter thereof, and the bases, grounds, and reasons therefor. Notice may be given either by registered mail, postage prepaid, directed to the person notified at such place as is designated in the application for certification as the principal office within the County of Los Angeles, or at such place as is designated as the principal office wherever located, or in the manner provided for the service of summons in civil actions.

(Ord. 2022-0032 § 39, 2022; Ord. 91-0099 § 26, 1991; Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 13 § 1023, 1959.)

11.34.190 Hearings—Conducted by Director or Referee.

In cases where hearings are provided for herein, such hearings shall be conducted either by the Director or by a referee appointed by the Director to perform such function. Such referee shall take testimony and report the findings and recommendations to the Director.

(Ord. 2022-0032 § 40, 2022; Ord. 91-0099 § 27, 1991; Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 13 § 1024, 1959.)

11.34.200 Hearings—Referee Qualifications and Compensation.

Any referee appointed by the director shall be an employee of the County, not an officer thereof. Any such person so appointed as referee shall serve without any additional compensation, and all time spent as referee shall be considered to have been spent by such person in performing the regular employment duties.

(Ord. 2022-0032 § 41, 2022; Ord. 2006-0040 § 101, 2006; Ord. 91-0099 § 28, 1991; Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 13 § 1025, 1959.)

11.34.210 Hearings—Procedures Generally.

A. At any hearing, the Director or referee shall hear evidence from and on behalf of any person certified hereunder which may tend to show that the certification should not be suspended or revoked. The Director may also take evidence from or on behalf of other persons which may tend to show the existence of grounds for suspension or revocation of the certification. The burden of proof shall be upon the Director or referee proposing suspension or revocation of certification.

B. A full, true and correct record of all oral testimony adduced at such hearings shall be kept by shorthand, stenotype, recording device or otherwise.

(Ord. 2022-0032 § 42, 2022; Ord. 91-0099 § 29, 1991; Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 13 § 1026, 1959.)

11.34.220 Hearings—Decision Determination.

At the close of the hearing or at any time within thirty days thereafter, the Director shall determine from the facts adduced at said hearing, whether or not certification should be revoked or suspension continued. If suspension is continued, the Director shall state the conditions necessary to reinstate said certification. When it is determined that all bases for suspension have been eliminated and that all provisions of this chapter have been complied with, the Director shall reinstate said certification. If it is the decision of the Director to revoke the certification, the certification may be revoked up to a period of one year from the date of suspension. After this period of time the individual may reapply for certification.

(Ord. 2022-0032 § 43, 2022; Ord. 91-0099 § 30, 1991; Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 13 § 1027, 1959.)

11.34.230 Hearings—Notice of Decision.

Unless the Director should announce the Director's decision immediately following termination of the hearing, the Director shall notify the certified person of such decision in writing by mail.

(Ord. 2022-0032 § 44, 2022; Ord. 91-0099 § 31, 1991; Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 13 § 1028, 1959.)

11.34.235 Hearing Procedures.

The Department may elect to conduct a hearing in accordance with this chapter, or in accordance with the provisions of Chapter 1.25.

(Ord. 2022-0032 § 45, 2022.)

11.34.240 Severability.

If any provisions of this chapter or the application thereof to any person or circumstance is held invalid, the remainder of this chapter and the application of such provision to other persons or circumstances shall not be affected thereby.

(Ord. 91-0099 § 32, 1991.)

11.34.250 Implementation Date of Amendments.

Amendments made to this chapter and adopted in 2022 shall be effective January 1, 2023.

(Ord. 2022-0032 § 46, 2022.)

Chapter 11.35 TOBACCO RETAILING

11.35.010 Purpose and Application.

In promoting the health, safety, and general welfare of its residents, the County of Los Angeles has a substantial interest in encouraging compliance with federal, State, and local laws regulating tobacco sales and use; discouraging the purchase and use of tobacco products by anyone under the age of 21; increasing compliance with laws prohibiting the sale of tobacco products to anyone under the age of 21; and protecting children from being lured into nicotine and tobacco use through the illegal sale of products, including vaping products. It is the intent of the Ordinance codified in this Title, together with the additions to Title 7, to encourage responsible tobacco retailing and to discourage violations of tobacco-related laws, especially those that prohibit the sale or distribution of tobacco products to anyone under the age of 21. This Ordinance does not expand or reduce the degree to which the acts regulated by federal or State law are criminally proscribed or otherwise regulated.

(Ord. 2019-0049 § 4, 2019; Ord. 2007-0118 § 3 (part), 2007.)

11.35.020 Definitions.

For the purpose of this Chapter, the words and terms listed below shall have the following meanings:

A. "Accessory" means equipment, products, or materials that are used, intended for use, or designed for use in smoking, vaping, ingesting, inhaling, or otherwise introducing tobacco or tobacco products into the human body and can be an object or device that is not essential in itself but adds to the beauty, convenience, or effectiveness of something else.

B. "Arm's length transaction" means a sale in good faith and for valuable consideration that reflects the fair market value in the open market between two informed and willing parties, when neither is under any compulsion to participate in the transaction. A sale between relatives, related companies or partners, or a sale for the primary purpose of avoiding the effect of the violations of this Chapter that occurred at the location, is presumed not to be an arm's length transaction.

C. "Characterizing flavor" means a taste or aroma, other than the taste or aroma of tobacco, imparted either prior to or during consumption of a tobacco product or any byproduct produced by the tobacco product, including, but not limited to, tastes or aromas relating to menthol, mint, wintergreen, fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, herb, or spice. Characterizing flavor includes flavor in any form, mixed with or otherwise added to any tobacco product or nicotine delivery device, including electronic smoking devices.

D. "Cigarette" is any roll of tobacco wrapped in paper or in any substance not containing tobacco, or any roll of tobacco wrapped in any substance containing tobacco which is likely to be offered to, or purchased as a cigarette, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling.

E. "Cigarillo" means any roll of tobacco other than a cigarette wrapped entirely or in part in tobacco or any substance containing tobacco and weighing no more than three pounds per thousand units. "Cigarillo" includes, but is not limited to, tobacco products known or labeled as small cigar or little cigar.

F. "Component" means any item intended or reasonably expected to be used with or for the human consumption of a tobacco product.

G. "Department" means the Los Angeles County Department of Public Health.

H. "Director" means the Director of the Los Angeles County Department of Public Health or designee.

I. "Electronic Smoking Device" means an electronic device, including but not limited to an electronic cigarette, electronic cigar or cigarillo, electronic pipe, electronic hookah, vaping device, or any other product name or descriptor, which can be used to deliver an inhaled dose of nicotine or other substances, including any component, part, or accessory of such a device, whether manufactured, distributed, marketed, or sold as such.

J. "Flavored Tobacco Product" means any tobacco product, as defined in this Chapter, which imparts a characterizing flavor.

K. "License" means a Tobacco Retail License issued by the County pursuant to this Section.

L. "Licensee" means any proprietor holding a license issued by the County pursuant to this Chapter.

M. "Little Cigar" means any roll of tobacco other than a cigarette wrapped entirely or in part in tobacco or any substance containing tobacco and weighing no more than three pounds per thousand units. "Little Cigar" includes, but is not limited to, tobacco products known or labeled as small cigar or cigarillo.

N. "Package" or "Packaging" means a pack, box, carton, or container of any kind or, if no other container, any wrapping (including cellophane) in which a tobacco product is sold or offered for sale.

O. "Part" means a piece or segment of something, which combined with other pieces makes up the whole.

P. "Person" means any individual, entity, firm, partnership, joint venture, limited liability company, association, social or professional club, fraternal organization, corporation, estate, trust, business trust, receiver, trustee, syndicate, or other group or combination of the above acting as a single unit.

Q. "Pharmacy" means any retail establishment, including any location with an on-site pharmacy, in which the profession of pharmacy is practiced by a pharmacist licensed by the State of California in accordance with the Business and Professions Code and where prescription pharmaceuticals are offered for sale, regardless of whether the retail establishment sells other retail goods in addition to prescription pharmaceuticals.

R. "Proprietor" means a person with an ownership interest in a business. An ownership interest shall be deemed to exist when a person has a ten percent or greater interest in the stock, assets, or income of a business other than the sole interest of security for debt.

S. "Self-service Display" means the open display or storage of tobacco products or tobacco paraphernalia in a manner that is physically accessible in any way to the general public without the assistance of the retailer or employee of the retailer and a direct person-to-person transfer between the purchaser and the retailer or employee of the retailer. A vending machine is a form of self-service display.

T. "Tobacco Paraphernalia" means cigarette papers or wrappers, pipes, holders of smoking materials of all types, cigarette rolling machines, characterizing flavors in any form, mixed with or otherwise added to any tobacco product or nicotine delivery device, including electronic smoking devices, and any other item designed or used for the smoking or ingestion of tobacco products.

U. "Tobacco Product" means the following:

1. Any product containing, made, or derived from tobacco or nicotine whether natural or synthetic, that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, and snuff; or

2. Any electronic smoking device that delivers nicotine or other substances, whether natural or synthetic, to the person inhaling from the device, including, but not limited to, an electronic cigarette, electronic cigar, electronic pipe, electronic hookah, or vaping device.

3. Notwithstanding any provision of subsections (1) and (2) to the contrary, "tobacco product" includes any component, part, or accessory intended or reasonably expected to be used with a tobacco product, whether or not sold separately.

4. "Tobacco Product" does not include drugs, devices, or combination products authorized for sale by the United States Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act.

V. "Tobacco Retailer" means any person who sells, offers for sale or distribution, exchanges, or offers to exchange for any form of consideration, tobacco, tobacco products, or tobacco paraphernalia without regard to the quantity sold, distributed, exchanged, or offered for exchange.

W. "Tobacco Retailing" means selling, offering for sale, exchanging, or offering to exchange for any form of consideration, tobacco, tobacco products, or tobacco paraphernalia without regard to the quantity sold, offered for sale, exchanged, or offered for exchange.

(Ord. 2019-0049 § 5, 2019; Ord. 2007-0118 § 3 (part), 2007.)

11.35.030 Mandatory Tobacco Retail License.

A. Any person intending to act as a tobacco retailer, who does not currently hold a Tobacco Retail License, shall, within 180 days of the effective date of the Ordinance codified in this Chapter, obtain a Tobacco Retail License for each location at which tobacco retailing is to occur.

B. Nothing in this Chapter shall be construed to grant any licensee any status or right other than to act as a tobacco retailer at the location identified on the face of the Tobacco Retail License, subject to compliance with all other applicable laws, regulations, or ordinances. Nothing in this Chapter shall be construed to render inapplicable, supersede, or apply in lieu of any other provision of applicable law.

(Ord. 2019-0049 § 6, 2019; Ord. 2007-0118 § 3 (part), 2007.)

11.35.040 Application Procedure for Tobacco Retail License.

All applications for a Tobacco Retail License shall be submitted in the name of each proprietor proposing to conduct tobacco retailing and signed by each prospective proprietor or an authorized agent. Each Tobacco Retail License application must be accompanied by the required Tobacco Retail License fee pursuant to Section 8.04.720 of this Code. A proprietor proposing to conduct tobacco retailing at more than one location shall submit a separate application for each location. Every application shall contain the following information:

A. The name, address, and telephone number of each proprietor.

B. The business name, address, and telephone number of the fixed location for which the Tobacco Retail License is sought.

C. Whether any proprietor has previously been issued a Tobacco Retail License pursuant to this Chapter that is, or was at any time, suspended or revoked and, if so, the date of the suspension or revocation.

D. Proof that the location for which a Tobacco Retail License is sought has been issued a valid State tobacco retailer's license by the California Department of Tax and Fee Administration, in addition to any other required or applicable licenses, permits, or certifications.

E. A signed affirmation by each proprietor of being informed of, and agreeing to abide by, the laws affecting tobacco retail licenses.

F. Such other information as the County deems necessary for the administration of this Chapter.

Any application that is denied is subject to an administrative review, at the request of the applicant, which shall be held pursuant to the provisions of Section 11.35.110 of this Chapter.

(Ord. 2019-0049 § 7, 2019; Ord. 2007-0118 § 3 (part), 2007.)

11.35.050 Issuance and Renewal of Tobacco Retail License.

A. Upon receipt of an application for a new Tobacco Retail License and applicable fee, as set forth in Section 8.04.720, the applicant(s) shall be issued a Tobacco Retail License unless:

1. The application is incomplete, inaccurate, false, or misleading;

2. The Department has information that the applicant, or the applicant's agent(s) or employee(s), violated any local, State, or federal tobacco control law within the preceding 180 days; or

3. The application seeks authorization for tobacco retailing at an address where a previous Tobacco Retail License has been suspended, revoked, or is subject to suspension or revocation proceedings for any violation of any of the provisions of this Chapter. However, this shall not constitute a basis for denial of a Tobacco Retail License if either or both of the following apply:

a. The applicant provides documentation which clearly demonstrates that the applicant has acquired or is in the process of acquiring the premises or business in an arm's length transaction; or

b. It has been more than five years since the most recent Tobacco Retail License for that location was revoked.

B. Renewal of Tobacco Retail License. A Tobacco Retail License shall be valid for one year and must be renewed between 30 and 60 days prior to the expiration of the Tobacco Retail License. A Tobacco Retail License may be renewed for additional one year periods by submission of a renewal application and the applicable fee. Any Tobacco Retail License that is suspended, has been revoked within the previous five years, or is subject to suspension or revocation proceedings shall not be renewed until suspension or revocation proceedings are complete and the suspension or revocation period, if any, is over.

(Ord. 2019-0049 § 8, 2019; Ord. 2007-0118 § 3 (part), 2007.)

11.35.055 Business License Required.

A. In addition to the Tobacco Retail License, any Tobacco Shop in an unincorporated area of the County, devoted exclusively or predominantly to the sale of tobacco, tobacco products, and tobacco paraphernalia, must have a valid business license as required by Title 7 of this Code.

B. Tobacco Shops currently holding a valid Tobacco Retail License as of the effective date of the Ordinance codified in this Chapter must apply for a business license as required by Title 7 of this Code and may legally operate while such application is in active process.

C. Any retailer establishing a new Tobacco Shop after the effective date of this Ordinance must apply for and obtain a business license as required by Title 7 of this Code and a Tobacco Retail License, as required by this Chapter, before it may legally operate.

D. If the business license is revoked or suspended for any period of time, the Tobacco Retail License shall be automatically revoked or suspended for the same period.

(Ord. 2019-0049 § 9, 2019.)

11.35.060 Tobacco Retail License Nontransferable.

A Tobacco Retail License is nontransferable. If a licensee changes business location, that licensee must obtain a new Tobacco Retail License prior to acting as a tobacco retailer at the new location. If a business licensed as a tobacco retailer is sold or transferred, the new proprietor must obtain a Tobacco Retail License for that location before acting as a tobacco retailer.

(Ord. 2019-0049 § 10, 2019; Ord. 2007-0118 § 3 (part), 2007.)

11.35.070 Violations.

A. It shall be a violation of this Chapter for a tobacco retailer/licensee, or its agent(s) or employee(s), to violate any federal, State, or local tobacco law or regulation, including any provision of this Chapter.

B. Causing, permitting, aiding, abetting, or concealing a violation of any provision of this Chapter shall constitute a violation.

C. Failure to prominently display the Tobacco Retail License in a publicly visible location at the licensed premises shall constitute a violation.

D. The failure of the tobacco retailer/licensee, or the applicant's agent(s) or employee(s) to allow any peace officer, the Director, or any authorized County official to conduct unscheduled inspections of the premises of the business for the purpose of ensuring compliance with any federal, State, or local tobacco law or regulation, including any provision of this Chapter, at any time the business is open for business shall constitute a violation.

E. After 180 days of the effective date of the Ordinance codified in this Chapter, it shall be a violation of this Chapter for a tobacco retailer/licensee or its agent(s) or employee(s) to sell or offer for sale, or to possess with the intent to sell or offer for sale, any flavored tobacco product or any component, part, or accessory intended to impart, or imparting a characterizing flavor in any form, to any tobacco product or nicotine delivery device, including electronic smoking devices.

F. No tobacco retailer/licensee or its agent(s) or employee(s) may sell or offer for sale any little cigar or cigarillo unless it is sold in a package of at least 20 little cigars or cigarillos. Little cigars or cigarillos may not be sold individually or in packages of less than 20 units.

G. Tobacco retailing by means of a self-service display is prohibited, pursuant to State law.

H. A Tobacco Retail License may be issued to authorize tobacco retailing at a fixed location only. Tobacco retailing on foot or from vehicles, carts, or any other non-fixed location, is prohibited and shall be considered a violation of this Chapter.

I. No Tobacco Retail License may issue and no existing Tobacco Retail License may be renewed, to authorize tobacco retailing in a pharmacy, including any location with an on-site pharmacy.

J. Each tobacco retailer/licensee and its agent(s) or employee(s) must be over the age of 21 in order to sell tobacco and/or tobacco products.

(Ord. 2019-0049 § 11, 2019; Ord. 2007-0118 § 3 (part), 2007.)

11.35.080 Compliance Checks.

A. Compliance with this Chapter shall be monitored by the Department of Public Health ("Department") or any law enforcement officer. Any law enforcement officer may conduct compliance checks, including but not limited to youth decoy operations, and enforce the penal provisions of this Chapter.

B. The Department shall check the compliance of each tobacco retailer a minimum of one time per 12 month period. Compliance checks may be unannounced.

(Ord. 2019-0049 § 12, 2019; Ord. 2007-0118 § 3 (part), 2007.)

11.35.090 Administrative Fines.

Subject to the requirements of Chapter 1.25 of this County Code, the Director may impose administrative fines on persons violating any provision of this Chapter or any federal, State, or local law or regulation incorporated into this Chapter. The Director may impose a fine upon such violators in an amount determined by the Director. The imposition of any such fine shall in no way limit the Director's ability or authority to impose other requirements of this Chapter or seek other remedies against violators.

(Ord. 2019-0049 § 13, 2019; Ord. 2007-0118 § 3 (part), 2007.)

11.35.100 Suspension or Revocation of Tobacco Retail License.

A. In addition to any other remedy authorized by law, a Tobacco Retail License may be suspended or revoked as provided in this Section if it is discovered that any of the following occurred:

1. The licensee, or the licensee's agent(s) or employee(s), violated any provision of this Chapter. Violation by a licensee at one location shall not be construed as a violation at another location of the same licensee, nor shall violations by a prior licensee at the same location be accumulated against a subsequent licensee at the same location;

2. The original or renewal application contained incomplete, inaccurate, false, or misleading information;

3. One or more of the bases for denial listed in Section 11.35.050 existed before the Tobacco Retail License was issued; or

4. A licensee is convicted of a misdemeanor or felony violation of any federal, State, or local tobacco law or regulation, including any provision of this Code.

B. During any period of suspension or revocation, the licensee shall remove all tobacco products and tobacco paraphernalia from view, including from displays and behind counter storage areas, whether or not visible to the public. All tobacco products and tobacco paraphernalia must be placed in a room that is separate from the area where point of sale transactions occur, or removed from the tobacco retail location entirely. Failure to do so may be considered a subsequent violation.

C. During any period of suspension or revocation, the tobacco retailer/licensee shall conspicuously post, at each point of sale register and near the entrance door of the tobacco retail location, a notice of a Tobacco Retail License suspension provided by the Department of Public Health. The notice shall include the suspension or

revocation period, reason for suspension or revocation, tobacco retailer/licensee and location information, and Department of Public Health contact information to report violations.

D. When the Director finds a violation as set forth in this Chapter, the Tobacco Retail License may be suspended or revoked as follows:

1. Upon finding by the Director of a first Tobacco Retail License violation within any five year period, the Tobacco Retail License may be suspended for up to 30 days;

2. Upon a finding by the Director of a second Tobacco Retail License violation within any five year period, the Tobacco Retail License may be suspended for up to 90 days;

3. Upon a finding by the Director of a third Tobacco Retail License violation in any five year period, the Tobacco Retail License may be suspended for up to 120 days; and

4. Upon a finding by the Director of a fourth Tobacco Retail License violation within a five year period, the Tobacco Retail License shall be revoked.

(Ord. 2019-0049 § 14, 2019; Ord. 2007-0118 § 3 (part), 2007.)

11.35.110 Suspension or Revocation Procedure.

A. Before a Tobacco Retail License is suspended or revoked, the Director shall provide written notice to the licensee. Said notice shall include the following:

1. A statement that the proprietor's Tobacco Retail License is being suspended or revoked pursuant to this Chapter;

2. The Code Section violated by licensee or licensee's agents or employees;

3. A description of the violation that occurred;

4. The address of the business where the violation occurred; and

5. The procedure for requesting an administrative review.

B. A licensee served with a notice of suspension or revocation may request an administrative review to contest the suspension or revocation. The request must be made in writing and filed with the Director within 10 calendar days of service of the notice of suspension or revocation. Failure to timely request an administrative review shall be deemed a waiver of the right to request such a review and a failure to exhaust administrative remedies.

C. After receiving a timely administrative review request, the Director shall schedule an administrative review within 20 calendar days of receipt of the written request and designate a reviewing officer. The Director may appoint as a reviewing officer, any Department or other County employee with expertise in public health who is not directly involved in inspection or enforcement of tobacco retailing establishments.

D. The proprietor shall be given written notice of the date, time, and location of the administrative review and the name of the reviewing officer who will conduct the administrative review at least 10 calendar days in advance of the review.

E. The reviewing officer, in their discretion, may grant a reasonable continuance upon the written request and showing of good cause.

F. At the administrative review, the Department has the burden of providing by a preponderance of the evidence that the alleged violation occurred.

G. The failure to appear at the administrative review shall constitute an abandonment of the review request and a failure to exhaust administrative remedies.

H. Within 10 calendar days after the close of the administrative review, the reviewing officer shall issue a written decision on the suspension or revocation of the Tobacco Retail License, including a statement of the basis for the decision. The reviewing officer's written decision shall constitute the final administrative decision of the County.

I. If the Director revokes a Tobacco Retail License, no new Tobacco Retail License may be issued for five years after that revocation.

(Ord. 2019-0049 § 15, 2019; Ord. 2007-0118 § 3 (part), 2007.)

11.35.120 Violation—Other Penalties.

A. In addition to any other penalties and remedies provided by law, including the provisions of this Chapter, any violation of the provisions of this Chapter may be charged as a misdemeanor pursuant to Chapter 1.24 of this Code, or, in the discretion of the prosecutor, as an infraction. Any person who violates any provision of this Chapter is subject to a civil action, including but not limited to, an injunction, as well as prosecution for any criminal violation.

B. In addition to any other penalty under this Chapter, a person found to have engaged in tobacco retailing without a valid Tobacco Retail License shall be ineligible to apply for or be issued a Tobacco Retail License as follows:

1. After a person is caught in violation of this Section, no new Tobacco Retail License may be issued for the person as a proprietor until 30 days have passed from the date of the violation; and

2. Each day that a person engages in tobacco retailing without a valid Tobacco Retail License shall constitute a separate violation.

C. Any person found by the Director to be ineligible to be issued a Tobacco Retail License pursuant to this Section may request an administrative review within 10 days of notice of the violation. The request must be made to the Director in writing. Any administrative review shall be held pursuant to the provisions of Section 11.35.110 of this Chapter.

D. Violations of this Chapter are hereby declared to be public nuisances pursuant to this Code.

(Ord. 2019-0049 § 16, 2019; Ord. 2007-0118 § 3 (part), 2007.)

11.35.130 Conflict with Other Law, Severability, Saving Clause.

Nothing in this Chapter shall be interpreted or applied so as to create any power or duty in conflict with any federal or State law. If any provision of this Chapter or the application thereof to any person or circumstance is held invalid, the remainder of this Chapter or the application of such provision to other persons or circumstances shall not be affected thereby.

(Ord. 2019-0049 § 17, 2019; Ord. 2007-0118 § 3 (part), 2007.)

Chapter 11.36 MASSAGE ESTABLISHMENTS

Part 1 GENERAL PROVISIONS

11.36.010 Purpose and Intent.

The ordinance codified in this Title, together with the additions and amendments to Titles 7, 8, and 22, are collectively referred to as the Los Angeles County Massage Establishment Ordinance. These Titles should be read together to understand an applicant and permittee's legal obligations and the Board of Supervisors' intent in implementing these provisions.

(Ord. 2020-0008 § 43, 2020.)

11.36.020 Definitions.

Definitions contained within Title 8, Chapter 8.04 of the Consumer Protection, Business and Wage Regulations shall pertain to this Chapter.

(Ord. 2020-0008 § 43, 2020.)

11.36.030 Referral of Massage Establishment Public Health Permit Applications and Law Enforcement Notification.

A. The County Health Officer, or his or her designee, within ten (10) days of receiving an application for a public health permit to operate a Massage Establishment shall refer the applicant to the Tax Collector or the incorporated city agency to obtain the applicable business license.

B. The County Health Officer, or his or her designee, shall notify the Sheriff's Department or local police department of all approved and denied Massage Establishment public health permit applications.

(Ord. 2020-0008 § 43, 2020.)

Part 2 GENERAL REQUIREMENTS OF MASSAGE ESTABLISHMENTS

11.36.040 Employment of Minors Prohibited.

It shall be unlawful to employ in a Massage Establishment any individual who is not at least eighteen (18) years of age, including the use of independent contractors.

(Ord. 2020-0008 § 43, 2020.)

11.36.050 Maintenance of Premises and Equipment.

A. All walls, ceilings, floors, pools, showers, bathtubs, steam rooms and all other physical facilities for the Massage Establishment shall be in good repair and maintained in a clean and sanitary condition.

B. The Massage Establishment's windows may not be completely obstructed.

C. Pools, showers, wet and dry heat rooms, steam or vapor rooms, or steam or vapor cabinets, shower compartments and toilet rooms shall be thoroughly cleaned each day the business is in operation. Bathtubs shall be thoroughly cleaned after each use.

D. Clean and sanitized towels and linens shall be provided for each patron of the establishment or each patron receiving massage services. No common use of towels or linens shall be permitted.

E. Separate, adequate, closed cabinets shall be provided for the storage of clean and soiled linen, and shall be plainly marked: "Clean Linen," "Soiled Linen." Linen includes, but is not limited to, sheets, towels, and apparel. Soiled towels, linens and sheets shall be laundered and dried on the premises of suitable laundry facilities or at a commercial laundry service.

F. Standard or portable massage tables with a durable, washable plastic or other waterproof material as a covering shall be used. Foam pads more than four (4) inches thick or more than four (4) feet wide may not be used. Beds, mattresses and water beds may not be used in the administration of a massage.

G. The facility shall be free of vermin, including but not limited to cockroaches, mice, rats, and other pests that carry disease.

H. A room, enclosure, or designated area that is separate from the toilet, massage room(s), steam room, or other common areas shared by the clients shall be designated and provided to employees at all times. The employee area(s) shall be furnished with adequate storage space for employees' personal belongings. Clients and members of the public may not have access to the employee area.

I. Liquid waste shall be disposed of through the approved plumbing system and shall discharge into the public sewerage or into an approved private sewage disposal system.

(Ord. 2020-0008 § 43, 2020.)

11.36.060 Draping the Client—Required.

No massage, massage services, or massage therapy may be administered unless the patron's genitalia, and female breasts, are covered.

(Ord. 2020-0008 § 43, 2020.)

11.36.070 Attire Requirements.

All Massage Technicians shall meet the attire requirements specified in the California Business and Professions Code section 4609, subdivision (a)(10). All other employees, independent contractors, and owners of the Massage Establishment shall remain fully clothed in clean outer garments while on the premises of the Massage Establishment. At a minimum, such clothing shall be made of non-transparent material and shall cover the entirety of the torso area from above the chest to the knee.

(Ord. 2020-0008 § 43, 2020.)

Part 3 OPERATIONAL REQUIREMENTS OF MASSAGE ESTABLISHMENTS

11.36.080 Hours of Operation and Other Restrictions.

The permittee shall not conduct business or operate a Massage Establishment between the hours of 10:30 p.m. and 7:00 a.m. of any day.

(Ord. 2020-0008 § 43, 2020.)

11.36.090 Massage Technician—Required.

A. It shall be unlawful for any individual to practice massage therapy for compensation at a Massage Establishment unless that individual is a Massage Technician, as defined in Section 8.04.1410.

B. CAMTC-certification or a picture identification issued by the Tax Collector shall be worn by and clearly visible on the massage technician's person during working hours and at all times when the massage technician is in the Massage Establishment.

C. Massage Technicians shall not engage in lewd conduct on business premises of the Massage Establishment. Lewd conduct means touching the genitals, buttocks, or female breast of either the Massage Technician or customer with some part of the other person's body for the purpose of sexual arousal or gratification.

(Ord. 2020-0008 § 43, 2020.)

11.36.100 Manager—Required.

While open, all Massage Establishments licensed under Section 8.04.288, except Sole Proprietors, shall have a manager as defined in Section 8.04.1410 on the premises. The manager must be familiar with and capable of communicating with employees, independent contractors, and patrons of the establishment on the requirements of this Chapter and State law as it relates to massage therapy.

(Ord. 2020-0008 § 43, 2020.)

11.36.110 Entry and Exit.

Massage Establishment clients shall enter and exit exclusively through the main entrance of the Massage Establishment. The main entrance shall be the door facing the street or, if no such door exists, the door that is most visible to members of the public passing by the Massage Establishment.

(Ord. 2020-0008 § 43, 2020.)

11.36.120 Cleanliness.

A. Instruments used for massage shall be disinfected prior to each use by a reasonable method approved by the County Health Officer or his or her designee. Where such instruments for massage are employed, adequate quantities of supplies for disinfection shall be available during all hours of operation.

B. Adequate equipment for disinfecting and sterilizing instruments used in performing the acts of massage shall be provided.

C. Hot (100°F) and cold running water shall be provided at all times.

(Ord. 2020-0008 § 43, 2020.)

11.36.130 Contamination Prevention.

A. Skin products, such as oil, lotions, and creams, shall be dispensed from single-use containers. Skin products stored in multi-use containers shall be dispensed in a manner to prevent contamination.

B. Sponges used to rub the skin must be single use, and disposed of after each use.

(Ord. 2020-0008 § 43, 2020.)

11.36.140 Operating Requirements.

A. No alcohol, cannabis or illegal drugs shall be permitted on premises. No alcoholic beverages, cannabis or drugs may be sold, served, used, consumed or possessed on business premises during business hours.

B. A person shall not enter, be or remain in any part of a Massage Establishment or premises licensed as such while in the possession of, consuming or using any alcoholic beverage or drugs. The owner, operator, manager, and every supervising employee shall not permit any such person to enter or remain upon such premises.

C. Massage Establishment owners or operators shall provide all employees with culturally and linguistically appropriate educational materials regarding employee rights, and information on a variety of resources, including linkages to health services, victim assistance services, and emergency numbers and hotlines to call for information and assistance.

D. Massage Establishment premises shall not be used as a sleeping room or for any other residential purpose.

E. A Massage Establishment owner shall notify the County Health Officer, or his or her designee, of any changes to the owner's address and/or phone number.

F. A Massage Establishment owner shall report to the County Health Officer, or his or her designee, any of the following within ninety-six (96) hours of the occurrence:

1. Arrests of any employees, independent contractors, or owners of the Massage Establishment for an offense other than a misdemeanor traffic offense;

2. Any event involving the Massage Establishment owner or a Massage Technician employed therein that constitutes a violation of this ordinance or State or federal law;

3. Any provision which requires reporting to the County Health Officer or his or her designee even if the Massage Establishment owner believes that the County Health Officer or his or her designee has or will receive the information from another source.

G. Massage, massage services, or massage therapy are not permitted in rooms, booths, or other areas with doors capable of being locked.

H. The exterior doors and the doors separating the waiting or reception area from the remainder of the establishment shall remain unlocked during business hours (including electric locking devices). This subdivision shall not apply to sole proprietorship Massage Establishments as defined in Section 8.04.1410.

I. A copy of the CAMTC certificate or valid Massage Technician license issued by the Treasurer and Tax Collector of each and every Massage Technician employed in the business shall be displayed in the reception area or similar open public place on the premises. CAMTC certificates or Massage Technician licenses of former employees and/or independent contractors shall be removed as soon as those Massage Technicians are no longer employed by or offering services through the massage business.

J. For each massage service provided, every massage business shall keep a complete and legible written or electronic record of the following information: (1) the date and hour that service was provided; (2) the service provided; (3) the name or initials of the employee entering the information; and (4) the name of the Massage Technician administering the service and the CAMTC certificate number, and business license identification number. Such records shall be open to inspection and copying by the Sheriff's Department, or other officials charged with enforcement of this Chapter. These records may not be used by any Massage Technician or operator for any purpose other than as records of service provided and may not be provided to other parties by the Massage Technician or operator unless otherwise required by law. Such records shall be retained on the premises of the massage business for a period of two (2) years and be immediately available for inspection during business hours.

K. Condoms are prohibited on or within the premises of a Massage Establishment.

L. All massages, massage services, and massage therapy must be performed at the Massage Establishment.

(Ord. 2020-0008 § 43, 2020.)

11.36.150 Lighting and Ventilation.

Massage Establishments shall comply with the local building code for lighting and ventilation.

(Ord. 2020-0008 § 43, 2020.)

11.36.160 Toilet Facilities, Dressing and Lockers.

A. A minimum of one (1) toilet and one (1) washbasin, shall be provided in every Massage Establishment as per local building code for patrons and employees. Hand wash sinks shall be provided with approved, sanitary drying method(s), which includes single-use paper towels, and soap placed in permanently installed dispensers. A trash receptacle shall be provided in each toilet room.

B. Adequate dressing rooms shall be provided for patrons. Dressing rooms will be used only by patrons of the same sex at the same time. Dressing rooms need not be separate from the room in which the massage is being performed. If the massage takes place without disrobing of patrons, then separate dressing rooms are not required for each patron. A location for each patron served to safely store their valuables shall be provided such as a locker or other approved methods as approved by the County Health Officer or his or her designee.

(Ord. 2020-0008 § 43, 2020.)

11.36.170 Hand Wash Sink for Employees.

A minimum of one separate hand wash sink shall be provided in each Massage Establishment for the use of employees. The hand wash sink shall have hot (100°F) and cold running water at all times, and shall be located within or as close as practical to the area devoted to performing massage services. In addition, there shall be provided at each hand wash sink, liquid hand soap, single-use wall mounted disposable paper towels and soap placed in permanently installed dispensers.

(Ord. 2020-0008 § 43, 2020.)

11.36.180 Recording of Activities Prohibited.

No part of a Massage Establishment where massage, massage services or massage therapy are being conducted shall be equipped with any electronic, mechanical or artificial device used, or capable of being used, for recording or videotaping, for monitoring the activities, conversation, or other sounds in the treatment room or room used by customers, except in the designated reception areas.

(Ord. 2020-0008 § 43, 2020.)

Part 4 INSPECTION OF MASSAGE ESTABLISHMENTS AND ENFORCEMENTS

11.36.190 Inspection by Officials.

Any County of Los Angeles officials, including but not limited to Los Angeles County Sheriff's Department or local law enforcement, County Health Officer, Director of Environmental Health, and Director of Regional Planning for the County of Los Angeles, or their designees, shall have the right to enter the premises from time to time during regular business hours to make reasonable inspections to observe and enforce compliance with building, fire, electrical, plumbing or health regulations, and to enforce compliance with applicable regulations, laws, and statutes.

(Ord. 2020-0008 § 43, 2020.)

11.36.200 Abatement.

Any Massage Establishment operated or maintained in a manner contrary to the requirements of this Chapter or as deemed by the County Health Officer, is hereby declared to be unlawful and a public nuisance.

(Ord. 2020-0008 § 43, 2020.)

11.36.210 Hearing Process.

A. Any Massage Establishment public health permit issued to a permittee may be suspended or revoked by the Department of Public Health for a violation of the requirements of Titles 7, 8, or 11, or State and local laws or regulations. Any Massage Establishment for which the public health permit has been suspended or revoked shall close and cease doing business and remain closed until the permit has been reinstated or reissued by the Department of Public Health.

B. Whenever the Department of Public Health finds that a Massage Establishment does not comply with the requirements of Titles 7, 8, or 11, or State and local laws or regulations, a report that contains a required compliance date shall be issued to the permittee. If the permittee fails to correct the violation by the compliance date, the Department of Public Health shall issue to the permittee a written notice setting forth the permit violations found by the Department of Public Health. The notice shall inform the permittee of a right to compliance review and if applicable, why the permittee's public health permit should be suspended or revoked. A permittee must make a written request to the Department of Public Health for a compliance review within ten (10) calendar days of service of the notice, or correct the violation. A failure to request a compliance review within ten (10) calendar days after service of the notice shall be deemed a waiver of the right to a compliance review, and may subject the permittee's permit to immediate suspension by the Department of Public Health.

C. The compliance review shall be held within fifteen (15) calendar days of the Department of Public Health's receipt of the permittee's written request for a compliance review. Upon written request by the permittee, the compliance review officer may postpone any compliance review date, if circumstances warrant such action, or cancel the compliance review if the permittee's violations are corrected as verified by the Department of Public Health.

D. At the compliance review, the compliance review officer shall hear testimony, and read and consider documents submissions from the permittee and the Department of Public Health representatives.

E. The compliance review officer shall issue and serve a written decision to the permittee within fifteen (15) calendar days following the compliance review. In the event of suspension or revocation, the decision shall specify the permit violations that were found to exist and/or continue that were the basis of the suspension or revocation, the time period of the suspension of the permit, and the actions required for the correction of the continuing violations.

F. Failure to appear at the compliance review shall constitute an abandonment of the compliance review request.

G. Notwithstanding any other provision of this Chapter, if any immediate danger to the public health or safety is found or is reasonably suspected, unless the danger is immediately corrected, the Department of Public Health may immediately suspend the permittee's public health permit and order the Massage Establishment immediately closed, pending the determination of a compliance review. Immediate danger to the public health or safety shall include any condition, based upon inspection findings or other evidence that can cause or is reasonably suspected of causing, infection, illness or disease transmission, lewd conduct, human trafficking, or any known or reasonably suspected hazardous condition.

H. Whenever a public health permit is suspended as the result of an immediate danger to the public health or safety, the Department of Public Health shall issue to the permittee a notice setting forth the violations that have caused the immediate danger, specifying the Sections of this Chapter, or State or local laws or regulations, allegedly violated, and informing the permittee of the right to a compliance review and why the permittee's public health permit should be suspended.

I. The Department of Public Health may, after providing an opportunity for a compliance review, suspend or revoke a public health permit for serious or repeated violations of the requirements of the County Code, regulations, laws, statutes, or for interference in the performance of the inspection and investigation duties of the Department of Public Health.

J. A public health permit may be reinstated, or a new public health permit issued if the Department of Public Health determines that the conditions which prompted the suspension or revocation no longer exist.

(Ord. 2020-0008 § 43, 2020.)

11.36.220 Suspension or Revocation of Massage Establishment Public Health Permit.

A. Any Massage Establishment public health permit issued under this Chapter may be suspended pending an Office Review when, in the opinion of the County Health Officer or his or her designee, the public health or safety requires such suspension. A written notice of such suspension shall be provided to the permit holder by hand delivery or registered mail.

B. A Massage Establishment public health permit may be revoked or suspended after an Office Review, if the County Health Officer or his or her designee finds:

1. Facts sufficient to support denial of a Massage Establishment public health permit on any ground set forth in Section 8.04.1470.

2. The Massage Technician has violated the conduct requirements in Section 11.36.090.

3. There is good cause to suspend or revoke the public health permit in accordance with Chapter 8.04 - Public Health Licenses.

4. The Massage Technician has violated any of the provisions of this Chapter or a rule or regulation adopted by the County Health Officer or his or her designee related to the practice of massage.

5. The owner of the Massage Establishment must register under the provisions of Penal Code section 290 or register as a sex offender in any state of the United States.

6. The owner has been convicted of Penal Code sections 266h (pimping), 266i (pandering), 314 (indecent exposure, obscene exhibitions, and bawdy and other disorderly houses), 315 (keeping or residing in a house of ill-fame), 316 (keeping disorderly house), 318 (prevailing upon person to visit a place for prostitution), 647(b) (engaging in or soliciting prostitution), 653.22 (loitering with intent to commit prostitution), or 653.23 (supervision of prostitute); has a business permit or license denied, revoked,

restricted, or suspended by any agency, board, city, county, territory, or state; is subject to an injunction for nuisance pursuant to Penal Code sections 11225—11235 (red light abatement); is convicted of a felony offense involving the sale of a controlled substance; is convicted of any crime involving dishonesty, fraud, deceit, violence, or moral turpitude; or is convicted in any other state of an offense which, if committed in this State, would have been punishable as one or more referenced offenses in this subdivision.

7. The overflow or backup of toilets, sinks, floor sinks/drains resulting in the accumulation of sewage/wastewater on or within the premises.

8. The presence of a vermin infestation within the Massage Establishment.

9. The lack of available water or hot water (100°F) at all faucets within the facility.

10. The city or County business license has been revoked or suspended.

C. Whenever a public health permit has been revoked, the former permittee, whether a person, partnership, or corporation, shall not be granted a new public health permit for a period of one (1) year from the date of revocation.

(Ord. 2020-0008 § 43, 2020.)

11.36.230 Implementation.

The County Health Officer is responsible for administration of this Chapter which may include public education, public outreach, and promulgating guidelines and rules consistent with the provisions of this Chapter and the County Code.

(Ord. 2020-0008 § 43, 2020.)

Chapter 11.37 CANNABIS FACILITIES

Part 1 GENERAL PROVISIONS

11.37.010 Purpose.

A. The purpose of this Chapter is to create public health regulatory requirements to ensure that commercial cannabis activities are conducted in a manner that protects the health and safety of the consumer and the public.

B. The authority for this Chapter 11.37 is contained in Division 10 of the California Business and Professions Code, which expressly permits local regulation of commercial cannabis activities.

C. The definitions contained within this Section, also pertain to Part 7 of Chapter 8.04 of Title 8 of this Code.

(Ord. 2017-0060 § 3, 2017.)

11.37.020 Definitions.

A. "Adulterated Product" means the cannabis or cannabis product that is manufactured, prepared, packed, held, or sold under insanitary conditions whereby it may have become contaminated with filth or rendered injurious to health.

B. "Batch" means a specific quantity of homogeneous cannabis or cannabis product that is one of the following types:

1. "Harvest batch" means a specifically identified quantity of dried flower or trim, leaves, and other cannabis plant matter that is uniform in strain, harvested at the same time, and, if applicable, cultivated using the same pesticides and other agricultural chemicals.

2. "Manufactured cannabis batch" means either of the following:

a. An amount of cannabis concentrates or extract produced in one production cycle using identical input materials, extraction methods, and standard operating procedures, and intended to have uniform character and quality; or

b. An amount of a type of manufactured cannabis produced in one production cycle using identical formulation and standard operating procedures that is intended to have uniform character and quality.

C. "Batch number" means any distinct group of numbers, letters, or symbols, or any combination thereof, assigned, as required by State law, to a specific Harvest Batch or Manufactured Cannabis Batch, and from which the complete history of the manufacturing, packaging, labeling, and/or holding of a lot of cannabis product can be determined.

D. "Best management practice" means methods or techniques found to be the most effective and practical means in achieving an objective.

E. "Cannabidiol" or "CBD" means one of the chemical compounds that are the active principles of cannabis.

F. "Cannabis" means all parts of the plant Cannabis sativa Linnaeus, Cannabis *indica*, or Cannabis *ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from cannabis. "Cannabis" also means marijuana as defined by section 11018 of the Health and Safety Code. "Cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. "Cannabis" does not mean "industrial hemp" as defined by section 81000 of the Food and Agricultural Code or section 1018.5 of the Health and Safety Code.

G. "Cannabis concentrate" means manufactured cannabis that has undergone a process to concentrate one or more active cannabinoids, thereby increasing the product's potency. Resin from granular trichomes from a cannabis plant is a concentrate. A cannabis concentrate is not considered food, as defined by section 109935 of the Health and Safety Code, or a drug, as defined by section 109925 of the Health and Safety Code.

H. "Cannabis labeling" means any label or other written, printed, or graphic matter upon a cannabis product, or upon its container or wrapper, or that accompanies any cannabis product.

I. "Cannabis waste" means waste that is not hazardous waste, as defined in Public Resources Code section 40191, that contains cannabis and that has been made unusable and unrecognizable in a manner required by State and local laws and regulations.

J. "Component" means any substance or item intended for use in the manufacture of a cannabis product, including those substances or items that are not intended to appear in the final form of the product. Component can include cannabis and cannabis products used as ingredients, other ingredients, and processing aids.

K. "Cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

L. "Delivery" means the commercial transfer of cannabis or cannabis products to a customer. "Delivery" also includes the use by a retailer of any technology platform owned, leased, or controlled by the retailer.

M. "Distribution" means the procurement, sale, and transport of cannabis and cannabis products between permittees.

N. "Dried flower" means all dead cannabis that has been harvested, dried, cured, or otherwise processed, excluding leaves and stems.

O. "Edible cannabis product" means cannabis product that is intended to be used, in whole or in part, for human consumption, including, but not limited to, chewing gum, but excluding products set forth in Division 15 (commencing with section 32501) of the Food and Agricultural Code. An edible cannabis product is not considered food, as defined by section 109935 of the Health and Safety Code, or a drug, as defined by section 109925 of the Health and Safety Code.

P. "Extraction" means a process by which cannabinoids are separated from cannabis plant material through chemical or physical means.

Q. "Finished product" means a manufactured cannabis product in its final form to be sold to a customer at a retail store.

R. "Holding" means storage of cannabis or cannabis products and includes activities performed incidental to storage of a cannabis product and activities performed as a practical necessity for the distribution of that cannabis product.

S. "Infusion" means a process by which cannabis, cannabinoids, cannabis concentrates, or manufactured cannabis are directly incorporated into a product formulation to produce a cannabis product.

T. "Limited-access area" means an area in which cannabis and cannabis products are stored or held and are only accessible to the owner, operator and cannabis facility authorized personnel.

U. "Local licensing agency" means a local public entity that licenses or permits any commercial cannabis activity, as defined in this Part.

V. "Lot" means a batch or a specifically identified portion of a batch.

W. "Manufacture" means to compound, blend, extract, infuse, or otherwise make or prepare a cannabis product.

X. "Manufactured cannabis" means raw cannabis that has undergone a process whereby the raw agricultural product has been transformed into a concentrate, an edible product, or a topical product.

Y. "Manufacturing" or "manufacturing operation" means all aspects of the extraction and/or infusion processes, including processing, preparing, holding, storing, packaging, or labeling of cannabis products. Manufacturing also includes any processing, preparing, holding, or storing of components and ingredients used in cannabis products.

Z. "Manufacturing site" means the premises that produces, prepares, propagates, or compounds manufactured cannabis or cannabis products, directly or indirectly, by extraction methods, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and is owned, leased, or controlled and operated by a permittee for these activities.

AA. "Undesirable Microorganisms" means those yeasts, molds, bacteria, viruses, protozoa, and/or microscopic parasites that are pathogens, that subject manufactured cannabis to decomposition, that indicate that manufactured cannabis is contaminated with filth, or that otherwise may cause manufactured cannabis to be adulterated.

BB. "Misbranding" means misbranded cannabis or cannabis products as defined in the California Business and Professions Code, section 26121.

CC. "Package" means any container or receptacle used for holding cannabis or cannabis products.

DD. "Permittee" means a person who has obtained a public health permit from the Department to operate a cannabis facility.

EE. "Person" means any individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular.

FF. "Person in charge" means the individual present at a commercial cannabis facility who is responsible for the operation of the commercial cannabis facility.

GG. "Pest" means undesired insect, rodent, nematode, fungus, bird, vertebrate, invertebrate, weed, virus, bacteria, or other microorganism that is injurious to human health or environment.

HH. "Pesticide" means, but is not limited to:

1. Any substance or mixture of substances intended to prevent, destroy, control, repel, or mitigate any insect, rodent, snail, slug, fungus, weed, or any other form of plant or animal life or virus, fungus, bacteria or other microorganism which is normally considered to be a pest, except viruses on or in a living person or other living animal.

2. Any substance or mixture of substances intended to be used as a plant regulator, defoliant, or desiccant.

3. Any spray adjuvant.

Pesticides include substances commonly referred to as herbicides, fungicides, insecticides, and cloning agents.

II. "Premises" means the designated structure or structures and land specified in the application for a cannabis public health permit that is owned, leased, or otherwise held under the control of the applicant or permittee where the commercial cannabis activity will be or is conducted. The premises shall be a contiguous area and shall only be occupied by a permittee.

JJ. "Retail area" means a building, room, or other area upon the permitted premises in which cannabis and cannabis products are sold or displayed.

KK. "Sell," "sale," and "to sell" means any transaction whereby, for any consideration, title to cannabis or cannabis products is transferred from one person to another, and includes the delivery of cannabis or cannabis products pursuant to an order placed for the purchase of the same and soliciting or receiving an order for the same, but does not include the return of cannabis or cannabis products by a permittee to the permittee from whom the cannabis or cannabis product was purchased.

LL. "Time/temperature control for cannabis or cannabis product safety or TCS" means a cannabis or cannabis product that requires time/temperature control for safety to limit pathogenic microorganism growth or toxin formation.

MM. "THC" means the compound tetrahydrocannabinol. "THC" refers specifically to delta 9-tetrahydrocannabinol.

NN. "Topical product" means a product intended for external use such as with cannabis-enriched lotions, balms and salves. A topical cannabis product is not considered a drug as defined by section 109925 of the Health and Safety Code.

OO. "Track and trace system" means the universal identification certificate program for commercial cannabis activity. It is the seed-to-sale tracking system that tracks cannabis and cannabis product throughout the distribution chain, from either the sprouted seed or rooted cutting (or clone) until the cannabis or cannabis product is sold or delivered to a retail customer or is destroyed. It includes the program administered by the

California Department of Food and Agriculture, pursuant to section 26069 of the Business and Professions Code, as well as any track and trace system administered by a local jurisdiction.

PP. "Unique identifier (UID)" means an alphanumeric code or designation used for reference to a specific plant on permitted premises and any cannabis or cannabis product derived or manufactured from that plant.

(Ord. 2017-0060 § 3, 2017.)

Part 2 OPERATIONAL REQUIREMENTS OF CANNABIS FACILITIES

11.37.030 Cannabis Facilities Backflow Prevention Devices.

Cannabis facilities that have approved backflow prevention devices as required by Title 17 of the California Code of Regulations shall be tested at least once each calendar year by a person having received a certificate of competence from the Department. Records of backflow prevention device test(s) shall be submitted to the Department within 30 days using the form provided by the Department.

(Ord. 2017-0060 § 3, 2017.)

11.37.040 Commercial Cannabis Manufacturing Facilities.

A. Cannabis or cannabis product manufacturing facilities shall meet all health protection operating criteria for the manufacturing of cannabis and cannabis products as required by State law and regulations promulgated by the California Department of Public Health.

B. Manufacturing cannabis facilities shall operate in a permanently constructed structure and shall not operate from a vehicle or non-permanent structure.

C. Edible cannabis products shall be:

1. Manufactured and sold under sanitation standards established by the State Department of Public Health that are similar for preparation, storage, handling, and sale of food products.

2. Marked with a universal symbol on its packaging, as required by State law, regulations adopted by the State Department of Public Health or local laws.

D. Cannabis, including concentrated cannabis, included in a cannabis product manufactured in compliance with law is not considered an adulterant under State law.

E. Prior to delivery or sale at a retailer, cannabis and cannabis products shall be labeled and placed in a resealable, tamper-evident, child-resistant package and shall include a unique identifier for the purposes of identifying and tracking cannabis and cannabis products.

F. All cannabis products shall be labeled with all health and dosage information or warnings as required by State laws and regulations, and local laws.

G. All TCS products, extractions, concentrates, and infusions intended for human consumption must be refrigerated at temperatures of 41°F or below unless otherwise approved by the Department. Approvals are based on a review of written procedures that are followed to make the product; the use of control measures; and any other scientific evidence submitted by the manufacturer from a certified laboratory or process authority that demonstrates the shelf stability of the product in question.

(Ord. 2017-0060 § 3, 2017.)

11.37.050 Commercial Cannabis Distribution Facilities.

A. A cannabis distribution facility shall meet all health protection operating criteria for the distribution of cannabis and cannabis products as required by State law and regulations promulgated by the California Bureau of Cannabis Control.

B. A distributor shall ensure that each cannabis batch is stored separately and distinctly from every other cannabis batch on the distributor's premises.

C. A distributor shall ensure a label with the following information is physically attached to each container of each batch: The manufacturer or cultivator's name and permit number; the date of entry into the distributor's storage area; the unique identifiers and batch number associated with the batch; a description of the cannabis products with enough detail to easily identify the batch; and the weight of or quantity of units in the batch.

D. A distributor shall store cannabis and cannabis products in a building designed to permit control of temperature and humidity and shall prevent the entry of environmental contaminants such as smoke and dust. The area in which cannabis and cannabis products are stored shall be vermin proof and shall not be exposed to direct sunlight. A distributor may not store cannabis or cannabis products outdoors.

E. A distributor may provide cannabis or cannabis product storage-only services to a cultivator, manufacturer, or other distributor, which are unrelated to the quality assurance and laboratory testing processes required of the distributor.

F. A distributor shall maintain a written contract with other permitted cannabis facilities storing cannabis or cannabis products on the distributor's premises. A distributor shall maintain a separate cannabis and cannabis products storage inventory for each cannabis facility and all of distributor's storage inventories and written contracts shall be provided to the Department upon request. All inventory documents shall contain the identity and State license number of all contracting parties.

G. A distributor shall ensure compliance with cannabis and cannabis product packaging and labeling requirements of State law and regulations, and local laws.

H. After taking physical possession of a cannabis batch, the distributor shall meet all testing requirements and procedures as required by State law and regulations, and local laws. Upon the request of the Department, the distributor shall immediately make available the results of all tests performed on each cannabis batch by a certified testing laboratory.

I. A distributor shall not transport or arrange for the transportation of, or in any way transfer, a batch that failed a laboratory testing to a cultivator, manufacturer, or other permittee unless specifically authorized to do so by the Department.

J. All TCS products, extractions, concentrates, and infusions intended for human consumption must be refrigerated at temperatures of 41°F unless otherwise approved by the Department. The operator of a cannabis distribution facility shall follow the manufacturer's requirement for safe storage of such products.

(Ord. 2017-0060 § 3, 2017.)

11.37.060 Retail Cannabis Facilities.

A. Retail cannabis facilities, which also specifically include licensed microbusinesses that offer cannabis or cannabis products for retail sale, shall meet all health protection operating criteria for the sale of cannabis and cannabis products as required by State law and regulations, and local laws.

B. Retail cannabis facilities shall operate in a permanently constructed structure and shall not operate from a vehicle or non-permanent structure. Retail cannabis facilities may conduct cannabis and cannabis product delivery services, if authorized to do so by the local licensing agency.

C. Permitted retail cannabis facilities shall only sell cannabis and cannabis products approved and permitted by the State.

D. Permitted retail cannabis facilities shall not sell or provide alcohol or tobacco to any customer or the public.

E. Permitted retail cannabis facilities are prohibited from giving away any amount of cannabis or cannabis products as part of a business promotion.

F. Permitted retail cannabis or microbusiness facilities shall not allow the on-site consumption of cannabis and cannabis products by any customer, person, or employee, except as authorized by local law.

G. All TCS products, extractions, concentrates, and infusions, and cannabis products intended for human consumption must be refrigerated at temperatures of 41°F unless otherwise approved by the Department. Retail cannabis operator shall follow the manufacturer's requirement for safe storage of such products.

(Ord. 2017-0060 § 3, 2017.)

Part 3 GENERAL REQUIREMENTS OF CANNABIS FACILITIES

11.37.070 Odor Management Plan.

A. Any person proposing to apply for a public health permit for a cannabis facility, or applying as a new owner of an existing cannabis facility shall submit an Odor Management Plan along with the submission of a public health permit application and plans to the Department. The Odor Management Plan shall, comply with the requirements of the local licensing agency, if any, and describe sufficient processes which, if implemented, will prevent odors from the cannabis facility from being detected by a person outside of the facility or indoor cultivation site.

B. The Odor Management Plan shall include a detailed description of the ventilation system used by the cannabis facility, including but not limited to, how the ventilation systems prevent odor from escaping the facility or indoor cultivation site and how to mitigate the noxious fumes or gases.

C. The cannabis facility operator shall be responsible for the development, implementation, and maintenance of the Odor Management Plan. Odor mitigation practices shall be based on industry-specific best control technologies and best management practices. The plan shall include the range of odor mitigation practices to be deployed to control odor-emitting activities, sources, and locations, how and when these practices will be deployed, and accounting for any identified odor-emitting activity.

D. The permittee, operator, or person in charge of a cannabis facility shall maintain, and provide to the Department upon request, all records relating to odor management, including but not limited to, system installation, maintenance, any equipment malfunctions and deviations from Odor Management Plan.

E. The permittee, operator, or person in charge of a cannabis facility shall maintain records of odor complaints received and response actions thereto.

F. If an inspection or complaint investigation by the Department reveals any deviation from the Odor Management Plan, such deviation shall be a violation of this Chapter.

G. If an inspection reveals that the existing Odor Management Plan does not effectively mitigate odors emanating from the cannabis facility or cannabis facility's cultivation site, the Department shall provide the operator or person in charge with a notice of deficiencies. The operator or person in charge of the cannabis

facility shall be required to submit a modified Odor Management Plan within a reasonable amount of time, as determined by the Department. Failure to submit a modified Odor Management Plan within the required time period shall be a violation of this Chapter. Failure of an operator to submit and implement a modified Odor Management Plan may result in the suspension of the cannabis facility's public health permit.

H. When a modification is made to a cannabis facility, or the facility operation, that has the potential to impact the nature or degree of odor, or affects the control of odor, the cannabis facility operator must update its Odor Management Plan within 30 days of facility modification. Failure to submit an updated Odor Management Plan within 30 days of facility modification shall be a violation of this Chapter.

(Ord. 2017-0060 § 3, 2017.)

11.37.080 Waste Management Plan.

A. Any person proposing to apply for a public health permit for a cannabis facility, or apply as a new owner of an existing cannabis facility shall submit a Waste Management Plan along with the submission of a public health permit application or plans to the Department.

B. A Waste Management Plan shall address the storing, handling, disposing, and reusing of all waste by-products and shall characterize the volume and types of waste generated for all commercial cannabis activities in compliance with the best management practices and State law and regulations.

C. A cannabis facility shall not sell or otherwise transfer title of cannabis waste, except as permitted by State law and regulation.

D. All cannabis and cannabis products that a cannabis facility intends to render into cannabis waste, whether voluntarily or directed by the Department shall be held on the premises in quarantine for a minimum of 72 hours. The cannabis facility operator shall affix to each batch the required document(s) with batch information and weight. At no time during the quarantine period may the cannabis or cannabis products be handled, moved, or rendered into cannabis waste. The quarantined cannabis and cannabis products are subject to inspection by the Department.

E. All garbage and refuse on the cannabis facility premises shall be stored in nonabsorbent, water-tight, vector resistant, durable, easily cleanable, galvanized metal or heavy plastic containers with tight fitting lids. No refuse container shall be filled beyond the capacity that prevents complete closure of the lid. All garbage and refuse on the premises, whether mixed with rubbish or other material or not, shall not be accumulated or stored for more than seven calendar days, and shall be properly disposed of before the end of the seventh day. All waste, including but not limited to refuse, garbage, green waste and recyclables, must be disposed of in accordance with State law and regulation, and local law. All waste generated from commercial cannabis operations must be properly stored and secured, whether in the control of the cannabis facility operator or not, in order to prevent access to the public.

F. The cannabis facility shall render cannabis and cannabis product into cannabis waste before removing the cannabis waste from the premises. The rendering process shall be recorded on video. The resulting cannabis waste shall be placed in the cannabis facility's refuse bin or transferred to a waste disposal facility approved by the State. All cannabis waste shall be rendered unusable and unrecognizable by mixing, grinding, and incorporating the cannabis waste with a non-consumable material or by incorporating any nonhazardous compostable material so that the resulting mixture is at least 50 percent non-cannabis waste by volume. The cannabis waste shall be tracked by one batch at a time and the cannabis facility shall not comingle different batches into cannabis waste.

G. After a cannabis facility operator renders the cannabis and cannabis product into cannabis waste, the cannabis facility operator shall do one of the following with the cannabis waste:

1. Dispose of the cannabis waste at a manned and fully permitted solid waste landfill.
2. Deposit the cannabis waste at a manned and fully permitted compostable materials handling facility or operation.
3. Deposit the cannabis waste at a manned and fully permitted in-vessel digestion facility or operation.

H. The cannabis facility operator shall use the track-and-trace database and onsite documents to ensure the cannabis waste materials are identified, weighed, and tracked while on the cannabis facility premises and when disposed of or deposited. The cannabis facility operator shall enter the date and time that the cannabis product was rendered into cannabis waste and the weight of the resulting cannabis waste into the track-and-trace database.

I. All cannabis facility operators shall maintain accurate and comprehensive records regarding cannabis waste material that account for, reconcile, and evidence all activity related to the generation and disposal or deposition of cannabis waste. The cannabis facility operator shall obtain a record from the solid waste facility or operation evidencing the acceptance of the cannabis waste material at the facility or operation. The record must contain the name and address of the operation or facility, the date, the volume or weight of the cannabis waste accepted, and the name and signature of the person in charge of the facility or operator who accepts the cannabis waste. Once the cannabis waste is accepted by the solid waste facility, the cannabis facility operator shall input the date and time of the disposal or deposition of the cannabis waste at a solid waste facility into the track-and-trace database. These documents are records subject to inspection by the Department.

J. All commercial cannabis operations that utilize and generate hazardous materials or hazardous waste shall comply with all applicable hazardous material regulations, including but not limited to, hazardous waste generator, underground storage tank, above ground storage tanks, and hazardous materials handling requirements and maintain any applicable permits for these programs from the Fire Prevention Division, Certified Unified Program Agency (CUPA) of Los Angeles County and Emergency Services Department or Agricultural Commissioner.

(Ord. 2017-0060 § 3, 2017.)

11.37.090 Record Keeping.

A. A cannabis facility shall ensure compliance with the requirements for record keeping as required by the State and local enforcement agencies.

B. A cannabis facility operator shall make such records available upon request by the Department.

(Ord. 2017-0060 § 3, 2017.)

11.37.100 Track and Trace System.

A. A permitted cannabis facility shall utilize the track and trace system as required by State law and regulations and local laws.

B. A permitted cannabis facility shall make track and trace system records available to the Department upon request.

(Ord. 2017-0060 § 3, 2017.)

11.37.110 Employee Health.

A. The Department shall have authority to exclude any cannabis facility employee that handles edible cannabis and cannabis products from any cannabis facility conducting operations, including but not limited to cultivation, extraction, preparation, manufacturing, distribution, and testing, if the employee is diagnosed with an infectious agent specified in Subdivision B.1-8, and the employee is either symptomatic and still considered infectious, or is not experiencing symptoms of the illness associated with that agent but is still considered infectious.

B. For purposes of this Section, "illness" means a condition caused by any of the following infectious agents:

1. Hepatitis A virus.

2. Salmonella typhi.

3. Salmonella spp.

4. Shigella spp.

5. Entamoeba histolytica.

6. Enterohemorrhagic or shiga toxin producing Escherichia coli.

7. Norovirus.

8. Other communicable diseases that may be transmitted to others through the handling of edible cannabis and cannabis products.

C. The person in charge shall do either of the following:

1. Exclude an employee that handles edible cannabis and cannabis products from a cannabis facility if the employee is diagnosed with an infectious agent specified in this Chapter.

2. Restrict an employee from working with exposed edible cannabis and cannabis products, or cleaning equipment, utensils, and linens in an edible cannabis manufacturing and distributing facility if the employee is suffering from symptoms of an acute gastrointestinal illness.

D. The person in charge may remove a restriction for an employee upon the resolution of symptoms as reported by an employee that handles edible cannabis and cannabis products if the employee states that he or she no longer has any symptoms of an acute gastrointestinal illness.

E. Only the Department shall remove exclusions or restrictions, or both, related to diagnosed illnesses due to infectious agents specified in this Chapter after the Department provides a written clearance stating that the excluded or restricted employee is no longer considered infectious.

(Ord. 2017-0060 § 3, 2017.)

11.37.120 Training Program

A. The cannabis facility operator shall implement a training program to ensure that all employees, including the person in charge, present at the premises are provided information, training, and shall have adequate knowledge of cannabis safety procedures and protocols, which, at minimum, shall include, but not be limited to the following:

1. All cannabis facility employees within 30 calendar days of the start of employment shall be trained in all health and safety hazards, hazards presented by all solvents or chemicals used at the premises as

described in the material safety data sheet for each solvent or chemical. All employees shall review all emergency procedures, security procedures, record keeping requirements, and training requirements.

2. Prior to independently engaging in any commercial cannabis activity, the cannabis facility employee shall be trained on the overview of the cannabis facility operation and all standard operating procedures, all quality control procedures, and all hazard analysis and control procedures as appropriate. The employee shall be trained on the proper and safe usage of equipment or machinery as applicable and safe work practices applicable to an employee's job tasks. This shall include appropriate usage of any necessary safety or sanitary equipment, cleaning and maintenance requirements, and emergency operations, including shutdown procedures, or any additional information reasonably related to an employee's job duties.

3. All cannabis facilities that produce or manufacture edible cannabis products shall ensure that all employees who prepare, handle, or package edible cannabis products successfully complete a food handler course accredited by the American National Standards Institute (ANSI) within 90 days of commencing employment at the premises and again every three years thereafter. Applicable employees shall complete the ANSI-accredited food handler course no later than 90 calendar days after the effective date of the public health permit. The cannabis facility operator shall obtain documentation evidencing the fulfillment of this requirement.

4. The cannabis facility operator shall ensure that all personnel receive annual refresher training to cover, at minimum, the topics listed in this section. This annual refresher training must be completed within 12 months of the previous training completion date.

B. The cannabis facility operator shall maintain a record which contains at minimum, but not limited to:

1. An annual confirmation by the cannabis facility operator that the employee has received and understood all information and training provided in the training program.

2. A list of all employees at the premises, including at minimum, name and job duties of each.

3. Documentation of training topics and dates of training completion for all employees.

4. Training topics and dates of refresher training completion for all employees.

5. The signature of the employee and the cannabis facility operator verifying receipt and understanding of each training or refresher training completed by the employee.

6. Any official documentation attesting to the successful completion of required training by the employee.

C. The cannabis facility operator may assign the responsibility for ensuring compliance by an employee with the requirements of this Chapter to the person in charge. The assigned person in charge must have the education, training, experience, or a combination thereof necessary to ensure the production of clean and safe cannabis and cannabis products by all employees. The designated person in charge shall sign and date a document on an annual basis attesting that the supervisor has received and understood all information and training provided in the training program. This documentation shall be maintained as part of the record requirements.

(Ord. 2017-0060 § 3, 2017.)

Part 4 INSPECTION OF CANNABIS FACILITIES

11.37.130 Inspection.

A. The Department shall have the right to enter a cannabis facility to conduct an inspection during the facility's hours of operation to inspect the premises of the facility and enforce compliance with this Chapter, and applicable State and local public health laws and regulations.

B. Inspections shall consist of at least two unannounced site visits conducted per year by the Department to determine compliance with this Chapter; applicable State public health laws and regulations; and with the requirements of the public health permit issued and any additional investigations conducted in response to complaints received by the Department or other licensing entities, alleging that a cannabis facility is not operating in compliance with the requirements of its public health permit, and to determine compliance with this Chapter and applicable State public health laws and regulations.

C. The person in charge of the cannabis facility shall allow the Department's inspectors access to all areas of the cannabis facility during the cannabis facility's hours of operation to inspect the cannabis facility premises, storage areas, equipment, production, labeling, and packaging processes, and conveyances used in the manufacture, storage, or delivery of cannabis and cannabis products, or any place at which cannabis or cannabis products are sold, cultivated, or stored, or at any site where evidence of activities are allegedly taking place.

D. Inspections shall include review of all pertinent records including, but not limited to, the track and trace system, plans required by the Department, and standard operating procedures. The person in charge of the cannabis facility shall provide records upon request to the Department.

E. The Department shall be granted access to conduct investigations concerning the adulteration and misbranding of cannabis and cannabis products, unpermitted cannabis operations, and overall sanitation of any cannabis facility including the ability to enter and inspect any place where any cannabis or cannabis product is reasonably suspected of being manufactured or held in violation of this Chapter or State or local laws and regulations.

F. When the operator, person in charge, or employee of a cannabis facility fails to fully cooperate with the Department's inspectors and/or investigation by not allowing access to the facility areas and/or records required by this Chapter, that act or omission shall be a violation of this Chapter, and shall subject the cannabis facility to the immediate suspension or revocation of its public health permit.

(Ord. 2017-0060 § 3, 2017.)

11.37.140 Cannabis and Cannabis Product Quality Assurance.

A. The Department or its designee may collect from a cannabis facility samples of cannabis and cannabis product, at no cost to the Department, to verify compliance with the cannabis and cannabis product laboratory testing and labeling requirements from a cannabis facility during the cannabis facility's operational hours without advance notice.

B. The Department may secure any sample or specimen of any cannabis product or ingredients used therein by the cannabis facility and make analyses or examinations of any sample obtained.

C. The Department shall provide the cannabis facility operator with a receipt or documentation of sample(s) collected prior to leaving the premises.

D. A copy of the results of the sample analysis shall be provided to the person in charge of the cannabis facility.

E. The Department may take an enforcement action necessary to protect the health of the public depending on the testing results and analysis of the sample or samples collected at the cannabis facility.

(Ord. 2017-0060 § 3, 2017.)

Part 5 ENFORCEMENT

11.37.150 Public Health Permit Suspension and Revocation.

A. Any cannabis facility public health permit issued to a permittee may be suspended or revoked by the Department for a violation of the requirements of this Chapter or Part 7 of Chapter 8.04, or State and local laws or regulations. Any cannabis facility, or portion of a microbusiness, for which the public health permit has been suspended or revoked shall close and cease doing business and remain closed until the permit has been reinstated or reissued by the Department.

B. Whenever the Department finds that a cannabis facility is not in compliance with the requirements of this Chapter or State and local laws or regulations, a written notice of violation that contains a required compliance date shall be issued to the permittee. If the permittee fails to correct the violation within the specified time, the Department shall issue to the permittee a written notice setting forth the permit violations found by the Department. The notice shall inform the permittee of a right to a compliance review, if requested, to show cause why the permittee's public health permit should not be suspended or revoked. A permittee must make a written request to the Department for a compliance review within 10 calendar days of service of the notice, or correct the violation. A failure to request a compliance review within 10 calendar days after service of the notice shall be deemed a waiver of the right to a compliance review, and may subject the permittee's permit to immediate suspension by the Department.

C. The compliance review shall be held within 15 calendar days of the Department's receipt of the permittee's written request for a compliance review. Upon written request by the permittee, the compliance review officer may postpone any compliance review date, if circumstances warrant such action, or cancel the compliance review if the permittee's violations are corrected as verified by the Department.

D. At the compliance review, the Department's compliance review officer shall hear testimony and read and consider document submissions from the permittee and Department representatives.

E. The compliance review officer shall issue and serve a written decision to the permittee within 15 working days following the compliance review. In the event of suspension or revocation, the decision shall specify the permit violations that were found to exist and/or continue, the extent of the suspension of the permit, and the actions required for correction of the continuing violations. If the permittee's public health permit has been revoked, the decisions shall state the reasons for the revocation.

F. Notwithstanding any other provision of this Chapter, if any immediate danger to the public health or safety is found or is reasonably suspected, unless the danger is immediately corrected, the Department may immediately suspend the permittee's public health permit and order the cannabis facility immediately closed, pending the determination of a compliance review. Immediate danger to the public health or safety shall include any condition, based upon inspection findings or other evidence, that can cause, or is reasonably suspected of causing, infection, illness or disease transmission, or any known or reasonably suspected hazardous condition.

    1. Whenever a public health permit is suspended as the result of an immediate danger to the public health or safety, the Department shall issue to the permittee a notice setting forth the violations that have caused the immediate danger, specifying the sections of this Chapter or State and local laws or regulations, allegedly violated, and informing the permittee of the right to a compliance review.

    2. At any time within 10 calendar days of service of a notice pursuant to subsection G, the permittee may request, in writing, a compliance review before a compliance review officer to show cause why the public health permit suspension is not warranted. The compliance review shall be held within 15

calendar days of the receipt of a request for a compliance review. A failure to request a compliance review within 10 calendar days shall be deemed a waiver of the right to such compliance review.

H. The Department may, after providing opportunity for a compliance review, modify, suspend, or revoke a public health permit for serious or repeated violations of the requirements of this Chapter or State and local laws and regulations, or for interference in the performance of the inspection and investigations duties of the Department.

I. A public health permit may be reinstated, or a new public health permit issued, if the Department determines that conditions which prompted the suspension or revocation no longer exist.

(Ord. 2017-0060 § 3, 2017.)

11.37.160 Recall of Cannabis And Cannabis Products.

A. All cannabis facilities shall establish and implement a written procedure approved by the Department for the recall of cannabis and cannabis products that are determined to be misbranded or adulterated in accordance with the requirements of State and local laws or regulations. Recall procedures shall include, but not limited to:

1. Factors which dictate a recall.

2. Employees responsible for implementing the recall procedures.

3. Notification protocols, including:

a. A mechanism to immediately notify the Department.

b. A mechanism to notify all customers that have, or could have, obtained the product, including communication and outreach via media, as necessary and appropriate.

c. A mechanism to notify any operator of a cannabis facility that was supplied or received the recalled product.

d. Instructions to the general public and/or other cannabis facilities for the return and/or destruction of the recalled product.

4. The person in charge of the cannabis facility shall provide the following information to the Department upon request to assist in the recall investigation:

a. Source of the implicated cannabis or cannabis product.

b. Name, contact information, and State license number of the distributor and manufacturer.

c. Complete distribution list including name, address, and contact information; and product identification information (e.g. batch number, lot number, product coding, etc.).

B. Cannabis or cannabis products that are subject to recall or embargo because they are or are reasonably suspected of being adulterated or misbranded shall include, but are not limited to, the following circumstances:

1. Laboratory testing reports show presence of pesticide residues not permitted for use on cannabis, or a residual of permitted or approved pesticide above that which has been determined as safe in sampled cannabis or cannabis products.

2. Retail cannabis and cannabis product found to have contaminant levels exceeding those established as permissible by the State, which shall be considered to be a failed contaminant test.

3. Use of solvents that were not approved for use.

4. If a test is found to contain levels above those established by the State agency, of any mold, mildew, or filth that could be toxic if consumed.

5. If the THC content of a cannabis product is determined through testing not be homogenous, within the allowable margin of error as established by applicable State regulations, then it shall be considered to have failed potency testing.

6. Cannabis product contains of undeclared allergens.

C. The Department may initiate a recall investigation.

D. When the Department has evidence that any cannabis or cannabis products are adulterated or misbranded, the Department, shall notify the permittee and order the cannabis facility to immediately cease activities related to the manufacturing, sale and distribution of all cannabis and cannabis products that have been identified as being potentially adulterated or misbranded. The Department may, after consultation with the State, order a recall or embargo of any adulterated or misbranded cannabis or cannabis products if the manufacture, distribution, or sale of the product would create or pose an immediate and serious threat to human life or health.

E. Upon confirmation by the Department or other licensing entity that the identified cannabis or cannabis product is adulterated or misbranded, the Department may issue orders to permittees regarding the required movement, segregation, isolation, or destruction of the adulterated or misbranded cannabis and cannabis products, and may order those to be held in place, embargoed, or quarantined. It is unlawful for any person or permittee to move or allow to be moved any cannabis or cannabis products that is subject to an order issued pursuant to this Chapter, unless that person has first obtained written authorization from the Department.

F. The Department shall provide the permittee an opportunity for an informal review proceeding on the matter, as determined by the Department, within five days, on the actions required by the Department's recall order and on why the quarantined or embargoed cannabis or cannabis product should not be recalled. Following the proceeding, the order may be affirmed, modified, or set aside as determined appropriate by the Department.

G. A permittee shall follow its recall procedures for the collection, storage and destruction of any recalled cannabis products. Such procedures shall include, but are not limited to, the following requirements:

1. All recalled cannabis and cannabis products that are intended to be destroyed shall be quarantined for a minimum of 72 hours. The product held in quarantine shall be subject to auditing from the Department.

2. Following the quarantine period, the permittee shall render the recalled cannabis product unusable and unrecognizable, and the rendering shall be recorded on video and maintained by the permittee for inspection by Department or other licensing entities.

3. A permittee shall dispose of chemical, dangerous, or hazardous waste in a manner consistent with Federal, State, and local laws. This requirement shall include, but is not limited to, recalled products containing pesticide or other agricultural chemicals, and flammable solvents or other chemicals used for the purpose of producing manufactured cannabis batches.

4. A permittee shall not dispose of recalled product in an unsecured waste receptacle that is not in the possession and/or control of the permittee.

H. All recalled cannabis and cannabis products shall be separated and stored in a manner that shall prevent the contamination of other cannabis or cannabis products.

I. A permittee shall use the track-and-trace system database and on-site documentation to ensure that recalled cannabis or cannabis products intended for destruction are identified, weighed, and tracked while on the premises and when disposed of in accordance with State law and regulation, and local laws.

(Ord. 2017-0060 § 3, 2017.)

11.37.170 No Conflict With State Law.

This Chapter is not intended to conflict with State law. This Chapter shall be interpreted to be compatible with State enactments and in furtherance of the public health and safety purposes that those enactments encompass.

(Ord. 2017-0060 § 3, 2017.)

11.37.180 No Conflict With Federal Law.

This Chapter is not intended to conflict with federal law or stand as an obstacle or conflict with any efforts made by the federal government to enforce federal laws related to Cannabis related activities.

(Ord. 2017-0060 § 3, 2017.)

11.37.190 Severability.

If any section, subsection, subdivision, clause, sentence, phrase, or portion of this Chapter is held unconstitutional or invalid or unenforceable by any court or tribunal of competent jurisdiction, the remaining sections, subsections, subdivisions, clauses, phrases or portions of this measure shall remain in full force and effect, and to this end the provisions of this Chapter are severable.

(Ord. 2017-0060 § 3, 2017.)

11.37.210 Effective Date.

The requirements of this Chapter shall not take effect in the unincorporated areas of the County of Los Angeles, unless and until the County board of supervisors allows all or certain specified commercial cannabis activities as a zoned permitted use within specified zones within the unincorporated areas of the County of Los Angeles.

(Ord. 2017-0060 § 3, 2017.)

11.37.220 Adoption of Ordinance by Cities.

This ordinance shall be effective within the territorial jurisdiction of each city that incorporates the entirety of this ordinance into its municipal code by adoption or resolution. County shall enforce the provisions of this ordinance only if a city that has incorporated this ordinance into its municipal code, and enters into a service agreement with the County, as approved by the board of supervisors, for public health regulatory services for commercial cannabis activities to be performed by County. Should the contract between the city and County expire or be terminated, neither the County nor the County Health Officer shall have an obligation to enforce this ordinance or public health laws regarding commercial cannabis activities within the territorial limits of that city.

(Ord. 2017-0060 § 3, 2017.)

Chapter 11.38 WATER AND SEWERS[27]

Part 1 DEFINITIONS

11.38.010 Abandoned water well.

"Abandoned water well" means a nonoperating well which is not maintained in conformity with Section 11.38.290 of this chapter.

(Ord. 10075 § 1 (part), 1970; Ord. 9375 § 2 (part), 1967; Ord. 7583 Part 3 Ch. 5 § 504.3, 1959.)

11.38.015 Average Annual Rainfall.

"Average annual rainfall" means the average annual amount of precipitation for a location over a year as measured by the nearest National Weather Service station for the preceding three decades. For example, the data set used to make a determination in 2016 would be between 1981 - 2010.

(Ord. 2018-0037 § 3, 2018.)

11.38.018 Cesspool.

"Cesspool" means an excavation with permeable sides and/or bottom that receives untreated sewage, wastewater, or drainage and is designed to retain organic matter or solids but permits liquids to seep through the bottom or sides.

(Ord. 2018-0037 § 4, 2018.)

11.38.020 Chemical toilet.

"Chemical toilet" means a privy structure constructed over a tank into which human fecal matter or urine is to be deposited, the tank designed to contain a disinfecting or bactericidal chemical solution.

(Ord. 7583 Part 3 Ch. 5 § 531, 1959.)

11.38.025 Covenant.

"Covenant" means a written agreement between the property owner and the Director that runs with the land for the benefit of the County, which is recorded and filed with the Los Angeles County Registrar-Recorder/County Clerk.

(Ord. 2018-0037 § 5, 2018.)

11.38.030 Cross-connection.

"Cross-connection" means any connection, physical or otherwise, between an approved water supply system and any nonapproved water supply system, or any condition, connection or arrangement between any domestic water supply system and any plumbing fixture, or any tank, receptacle, equipment or device through which it may be

possible for nonpotable, used, unclean, polluted or contaminated water or other substance to enter any part of such domestic water system, under any condition.

(Ord. 7583 Part 3 Ch. 5 § 501, 1959.)

11.38.033 Domestic Wastewater.

"Domestic wastewater" means wastewater normally discharged from plumbing fixtures, appliances, and other household devices including toilets, sinks, showers, bathtubs, kitchen sinks, laundry washing machines, dishwashing machines, and garbage disposals. Domestic wastewater includes wastewater normally discharged from commercial buildings such as office buildings, retail stores, and restaurants with a properly sized and functioning grease interceptor where, the wastewater does not exceed nine hundred (900) mg/L Biochemical Oxygen Demand (BOD) or from industrial facilities where domestic wastewater is segregated from industrial wastewater. Domestic wastewater does not include onsite wastewater treatment systems receiving a majority of its wastewater from recreational vehicle (RV) holding tank discharges, such as at RV dump stations.

(Ord. 2018-0037 § 6, 2018.)

11.38.035 Effluent.

"Effluent" means sewage or partially treated sewage flowing out of a septic tank, aerobic treatment unit, dispersal system, or other onsite wastewater treatment system component.

(Ord. 2018-0037 § 7, 2018.)

11.38.040 Electrode well.

"Electrode well" means any artificial excavation in excess of 50 feet deep, constructed by any method for the purpose of installing electrodes or electrical conductors, including, but not limited to, cathodic protection wells and grounding rod wells.

(Ord. 10075 § 1 (part), 1970; Ord. 9375 § 2 (part), 1967; Ord. 7583 Part 3 Ch. 5 § 504.2, 1959.)

11.38.042 Failing Onsite Wastewater Treatment System.

"Failing onsite wastewater treatment system" means a conventional or non-conventional onsite wastewater treatment system that is no longer able to safely treat or discharge wastewater, which may present a health risk to humans or adversely impact the environment. Factors that evidence a failing onsite wastewater treatment system include, but are not limited to:

A. A backup of sewage into a structure which is caused by a septic tank or dispersal system malfunction other than a plumbing line blockage.

B. A discharge of sewage or effluent to the ground surface.

C. A septic tank that requires pumping more than two (2) times within a one hundred eighty (180) day period in order to provide adequate dispersal of sewage.

D. A structural failure that causes effluent to discharge at a location other than where intended or allows groundwater to infiltrate the system.

E. A system affects or will likely affect groundwater or surface water to a degree that makes the water unfit for drinking or other domestic uses or causes a human health hazard or other public nuisance condition.

F. Inability to use the onsite wastewater treatment system as intended.

(Ord. 2018-0037 § 8, 2018.)

11.38.044 Feasibility Report.

"Feasibility report" means the documents, test results, and geological reports required to be prepared and submitted to the Director in order to demonstrate the feasibility of installing an onsite wastewater treatment system or a non-conventional onsite wastewater treatment system, including the entirety of any future expansion area.

(Ord. 2018-0037 § 9, 2018.)

11.38.046 Future Expansion Area.

"Future expansion area" means an area designated and tested as the location for an additional dispersal system capable of handling one hundred (100) percent of the wastewater from the onsite wastewater treatment system once the original dispersal system fails.

(Ord. 2018-0037 § 10, 2018.)

11.38.048 Groundwater.

"Groundwater" means water located below the land surface in the saturated zone of the soil or rock. Groundwater includes perched water tables, shallow water tables, and zones that are seasonally or permanently saturated.

(Ord. 2018-0037 § 11, 2018.)

11.38.050 Health hazard.

"Health hazard" means any faulty operating condition, water treatment practice or method of distribution which creates, or may create, a danger to the well-being of any consumer.

(Ord. 7583 Part 3 Ch. 5 § 502, 1959.)

11.38.052 Impaired Water Body.

"Impaired water body" means those surface water bodies or segments thereof that are identified on a list approved first by the State Water Resources Control Board and then approved by the U.S. Environmental Protection Agency (EPA) pursuant to Section 303(d) of the Federal Clean Water Act.

(Ord. 2018-0037 § 12, 2018.)

11.38.055 Non-Conventional Onsite Wastewater Treatment System (NOWTS).

"Non-conventional onsite wastewater treatment system" or (NOWTS) means an onsite wastewater treatment system that utilizes, in addition to the septic tank, one (1) or more supplemental treatment components and may include an alternative dispersal system. Supplemental treatment may include systems to reduce the nitrogen concentration of the effluent, provide disinfection of the effluent, or both.

(Ord. 2018-0037 § 13, 2018.)

11.38.060 Nonactive water well.

"Nonactive water well" is one which is not in active use, but which is maintained in conformance with the provisions of Section 11.38.290 of this chapter.

(Ord. 9375 § 2 (part), 1967; Ord. 7583 Part 3 Ch. 5 § 504.4, 1959.)

11.38.070 Nonconforming electrode well.

"Nonconforming electrode well" means one which, as of October 2, 1970, the effective date of the ordinance codified in this section, has not been constructed in conformance with Section 11.38.240, or is not maintained in conformance with Section 11.38.290 of this chapter.

(Ord. 10075 § 2 (part), 1970; Ord. 7583 Part 3 Ch. 5 § 504.5, 1959.)

11.38.075 Onsite Wastewater Treatment System (OWTS).

"Onsite wastewater treatment system" or (OWTS) means a sewage disposal system consisting of a wastewater holding tank and a method to dispose of treated effluent below the ground surface. The term OWTS refers to both conventional and non-conventional onsite wastewater treatment systems.

(Ord. 2018-0037 § 14, 2018.)

11.38.078 OWTS Requirements and Procedures.

"OWTS requirements and procedures" means the required standards and procedures promulgated by the Director for the installation, operation, and discharge of effluent by conventional and non-conventional OWTS.

(Ord. 2018-0037 § 15, 2018.)

11.38.080 Privy Structure.

"Privy structure" means a room or compartment constructed over a water tight vault or tank, into which human fecal matter or urine is to be deposited.

(Ord. 2018-0037 § 16, 2018; Ord. 7583 Part 3 Ch. 5 § 530, 1959.)

11.38.090 Sanitary defect.

"Sanitary defect" means any faulty structural condition, whether of location, design or construction of collection facilities, treatment works or distribution works, which may regularly or occasionally prevent satisfactory purification of the water supply, or cause it to be contaminated or polluted.

(Ord. 7583 Part 3 Ch. 5 § 503, 1959.)

11.38.092 Seepage Pit.

"Seepage pit" means an excavation at least ten (10) feet deep and three (3) to six (6) feet in diameter, typically cylindrical in shape with six (6) inches of rock between the pit wall and a concrete or brick liner, constructed for the purpose of disposing of sewage effluent from a septic tank or treatment tank.

(Ord. 2018-0037 § 17, 2018.)

11.38.094 Septic Tank.

"Septic tank" means a water tight, compartmentalized, covered receptacle designed for primary treatment of wastewater and constructed to:

A. Receive wastewater discharged from a building.

B. Separate settleable solids from liquid.

C. Digest organic matter by anaerobic bacterial action.

D. Store digested solids.

E. Clarify wastewater for further treatment with final subsurface discharge.

(Ord. 2018-0037 § 18, 2018.)

11.38.096 Sewage.

"Sewage" means waste substance, liquid or solid, which contains or may contain human or animal excreta or excrement.

(Ord. 2018-0037 § 19, 2018.)

11.38.098 Telemetric Monitoring.

"Telemetric monitoring" means the ability to automatically measure and transmit OWTS data by wire, radio, or other means.

(Ord. 2018-0037 § 20, 2018.)

11.38.100 Toilet room and toilet facilities.

"Toilet room" means a room in which is located at least a water flush toilet. "Toilet facilities" means and includes water flush toilet, chemical toilets, pit privies and any other type of toilet.

(Ord. 7583 Part 3 Ch. 5 § 529, 1959.)

11.38.110 Water supply system.

"Water supply system" means and includes the works and auxiliaries for collection, storage, treatment and distribution of water from the source to the free-flowing outlet of the ultimate consumer.

(Ord. 7583 Part 3 Ch. 5 § 504, 1959.)

11.38.120 Water well.

"Water well" means any drilled, excavated, jetted or otherwise constructed excavation which is used or intended to be used to extract water from or inject water into the underground for any purpose, or to observe or test underground waters. This definition shall not include:

A. Saltwater wells;

B. Wells under the jurisdiction of the state of California, Division of Oil and Gas, except those wells converted to use as water wells; or

C. Wells used for the purpose of dewatering excavation during construction, or stabilizing hillsides or earth embankments.

(Ord. 10075 § 1 (part), 1970; Ord. 9375 § 2 (part), 1967; Ord. 7583 Part 3 Ch. 5 § 504.1, 1959.)

Part 2 WATER AND WATER WELLS

11.38.130 Domestic water—Sanitation standards designated.

Every person supplying water for domestic or human consumption shall supply the water free from contamination or pollution so as to comply with the bacteriological drinking water standards as set forth in the United States Public Health Service Drinking Water Standards.

(Ord. 7583 Part 3 Ch. 5 § 507, 1959.)

11.38.140 Water supply—Permit or other compliance required.

It is unlawful for any person to supply water from a newly constructed water system, or from a newly constructed portion of a water system, without valid permits as may be required by the director therefor, or until such construction complies with all of the provisions of this Division 1.

(Ord. 7583 Part 3 Ch. 5 § 508, 1959.)

11.38.150 Permit—Well construction.

A. No person shall drill, dig, bore, deepen or excavate any well, or destroy an existing well, without first making application and securing a well construction permit from the director.

B. No person shall convert any industrial, oil or irrigation well for use as a domestic water well, without first making application and securing a well construction permit from the director.

(Ord. 2005-0053 § 7, 2005; Ord. 11992 § 2, 1979; Ord. 10075 § 1 (part), 1970; Ord. 9375 § 1 (part), 1967; Ord. 7583 Part 3 Ch. 5 § 523, 1959.)

11.38.155 Permit—Well yield test.

No person shall perform a well yield test for the purpose of establishing water availability for residential and commercial development without first making application and securing a well yield test permit from the director.

(Ord. 2005-0053 § 8, 2005.)

11.38.160 Well construction permit—Application and issuance conditions.

A. Applications for a well construction permit, as described in Section 11.38.150, shall be made on forms provided for that purpose by the director. All applicable fees, as provided for in Chapter 8.04 of Title 8, shall be paid at the time of application.

B. The application shall include the name and address of the well owner and the well driller, the location of the proposed or existing well, a workplan that details the type of casing, the manner of sealing the casing, the method of destruction, where applicable and any other data required by the director.

C. Upon receipt of an application, the director shall make an investigation. If the applicant has complied with all applicable laws and regulations, and the drilling, digging, boring, excavating, converting, destruction or design of the well will not create a condition which, in the opinion of the director, can pollute or contaminate the underground water or the water produced by the well, the director shall approve the workplan. A workplan approval remains valid for 180 days from the date of issuance.

D. The well driller shall provide notification to the director at least two business days prior to the placement of the sanitary seal.

E. Upon witnessing the placement of the annular seal for a new well or the final decommissioning seal, and all other requirements being met, the director shall approve the final inspection.

F. When the director has received a copy of the well completion report, as defined in Section 13751 of the California Water Code, the director shall issue a well construction permit.

(Ord. 2005-0053 § 9, 2005; Ord. 11992 § 4, 1979; Ord. 10075 § 1 (part), 1970; Ord. 9375 § 2 (part), 1967; Ord. 7583 Part 3 Ch. 5 § 523.2, 1959.)

11.38.165 Well yield permit—Application and issuance conditions.

A. Applications for well yield testing permit as described in 11.38.155 shall be made on forms provided for that purpose by the director. All applicable fees, as provided for in Chapter 8.04 of Title 8 shall be paid at the time of application.

B. The application shall include the name and address of the well owner and the well driller, and the name of the well yield tester, the location of the proposed or existing well, the type of casing, the manner of sealing the casing, and any other data required by the director.

C. When the well yield test has been completed to the satisfaction of the director and documentation of laboratory analysis showing that the water quality meets the primary bacteriological and chemical requirements of the Safe Drinking Water Standards, is provided to the department, a water availability approval shall be issued by the director for the purpose of obtaining a building permit. Well yield test results are valid for three (3) years from the date of approval.

(Ord. 2005-0053 § 10, 2005.)

11.38.170 Permit—Scope of work authorized—Suspension or revocation conditions.

A permit shall be valid only for the location described on the permit. Construction, reconstruction or destruction of a well shall be carried out in compliance with all applicable regulations and requirements of the director of public health and with all ordinances and laws of the county of Los Angeles and of the state of California, and shall comply with the terms and conditions specified in the permit. If any of such conditions, regulations, ordinances or

laws are not complied with, the director of public health may suspend or revoke the permit by mailing or personally serving written notice of suspension or revocation upon the applicant.

(Ord. 2006-0040 § 103, 2006; Ord. 10075 § 1 (part), 1970; Ord. 9375 § 2 (part), 1967; Ord. 7583 Part 3 Ch. 5 § 523.3, 1959.)

11.38.180 Permit—Hearings following denial, suspension or revocation.

Any person whose application for a permit has been denied, or whose permit has been suspended or revoked, may petition the director for a hearing. Such petition shall be in writing, signed by the applicant, and shall set forth in detail the facts and reasons upon which his petition is based. The time limit within which the petition must be filed is 20 business days following the date on which the notice of denial, suspension or revocation was mailed to the applicant. Notice of the time and place of the hearing shall be given to the applicant not less than five business days prior to such hearing, either by registered mail or in the manner required for the service of summons in civil actions. At the time and place set for the hearing, the director will give the applicant and other interested persons an adequate opportunity to present any relevant facts. The director may place any person involved in the matter, including the applicant, under oath. The director may, when he deems it necessary, continue any hearing by setting a new time and place and by giving notice to the applicant of such action. At the close of the hearing, or at any time within 10 days thereafter, the director will order such disposition of the application or permit as he has determined to be proper, and will make such disposition known to the applicant.

(Ord. 10075 § 2 (part), 1970; Ord. 7583 Part 3 Ch. 5 § 523.4, 1959.)

11.38.190 Wells—Location restrictions concerning contamination.

It is unlawful for any person to drill, dig, excavate or bore any water well in any location in which sources of pollution or contamination are known to exist, or at such location whereby such water may become contaminated or polluted when the well is properly constructed and maintained.

(Ord. 9375 § 1 (part), 1967; Ord. 7583 Part 3 Ch. 5 § 516, 1959.)

11.38.200 Wells—Location restrictions concerning flooding.

It is unlawful for a person to drill, dig, excavate or bore a water well in any location which is subject to flooding or inundation, unless it is protected from flooding or inundation and the location and method of protection approved by the director.

(Ord. 7583 Part 3 Ch. 5 § 518, 1959.)

11.38.210 Wells—Location restrictions concerning sewage disposal and animal keeping areas.

A. It is unlawful for a person to drill, dig, excavate or bore a water well within 100 feet of a seepage pit or cesspool, within 50 feet of a sewage disposal field, a private or public sewer, privy, or place where animals or fowl are kept. Where special hazards are involved, the distance required may be increased or special construction required, as may be directed by the director.

B. Where perforations or screens are located at or over 100 feet below the ground surface and where sealed and maintained in accordance with Section 11.38.290 of this chapter, or in such other circumstances as he determines lesser distances will not subject the water to contamination or pollution, the director may authorize lesser distances than those specified in this section.

(Ord. 9375 § 1 (part), 1967; Ord. 7583 Part 3 Ch. 5 § 517, 1959.)

11.38.220 Existing wells—New well requirements applicable when.

A. All water wells used to supply domestic water shall conform to the requirements of a new water well, except the director may accept substitute methods when he finds it is impractical to fully meet such requirements and if he determines the substitute methods satisfactorily accomplish the intended purpose.

B. Existing wells shall meet requirements for new wells regarding protection from flooding or contamination, or such protection which the director determines to be equivalent.

(Ord. 9375 § 1 (part), 1967; Ord. 7583 Part 3 Ch. 5 § 525, 1959.)

11.38.230 Construction of wells—Casing specifications.

A. All water wells drilled, dug, or bored after August 11, 1967, shall have a durable, watertight casing, which shall extend to a depth that will exclude contamination or pollution by surface drainage and undesirable groundwater, and extend at least 18 inches above the surrounding natural ground level at the well site after drilling and until the pump is permanently mounted.

B. All gravel-packed wells shall have an outside, watertight casing meeting the requirements of subsection A of this section. The top of the space between the outer and inner casings shall be closed or sealed to exclude surface drainage. The space between the outer easing and the drill hole shall be sealed as required by Section 11.38.280 of this chapter. When an additional pipe is provided for a "gravel chute," the top thereof shall extend above the floor or ground level, and be fitted with a tight cap or lid, unless in a locked room or an enclosure which is locked, bolted or screwed on tightly.

(Ord. 9375 § 1 (part), 1967; Ord. 7583 Part 3 Ch. 5 § 520, 1959.)

11.38.240 Electrode wells—Construction specifications.

All electrode wells constructed after October 2, 1970, shall be constructed to the satisfaction of the director in such a manner as to exclude contamination or pollution of any usable underground water.

(Ord. 10075 § 1 (part), 1970; Ord. 7583 Part 3 Ch. 5 § 520.1, 1959.)

11.38.250 Construction of wells—Slab, pedestal and curtain wall requirements—Exemptions.

All water wells drilled, dug, excavated, or bored after August 11, 1967, shall be provided with:

A. A watertight, reinforced-concrete slab of a minimum thickness of six inches shall extend horizontally at least three feet from the well casing in all directions. The concrete slab shall adequately slope so as to drain water away from the well casing. The top surface of the slab at its outer edge shall be at least four inches above the surrounding ground level. This slab need not be provided, or the size and method of construction thereof may be modified, when the protection intended by this requirement or the exception of subsection D of this section is provided by an alternate method approved by the director.

B. For pumps or pump motors installed above the well casing, the pump or motor shall be mounted on a concrete pedestal constructed around the well casing and sealed thereto, the top of which is at least eight inches above the finished grade at the well site and at least four inches above the slab surrounding such well.

C. The pedestal and slab (and curtain wall, if required to protect an existing well) shall be poured monolithically, or otherwise constructed as approved by the director, to effectively prevent leakage between the pedestal and the slab.

D. Exemptions. Means or methods other than those specified in subsections B or C of this section may be used to provide the required protection when the director determines such alternates are necessary and that they provide equivalent protection. A submersible-type pump may be installed with subsurface discharge and access when all subsurface entrances to the well or casing, other than into the aquifer, are effectively sealed, the enclosure is designed and constructed to exclude surface water or drainage, the area around the casing is provided with effective drainage, and other protective features are provided which the director determines will effectively prevent contamination or pollution from entering the well or the aquifer.

(Ord. 9375 § 1 (part), 1967; Ord. 7583 Part 3 Ch. 5 § 521, 1959.)

11.38.255 Wells—Shared wells.

Any well intended to be shared with one to three residences other than the primary residence, shall demonstrate a safety factor in well capacity to the satisfaction of the director.

(Ord. 2005-0053 § 11, 2005.)

11.38.270 Domestic water—Disinfection procedures and standards.

Every new, repaired or reconstructed domestic water well, after completion of construction, repair or reconstruction, and before being placed in service, shall be thoroughly cleaned of all foreign substances. The well, including the gravel used in gravel-packed wells, the pump, and all portions of equipment coming in contact with well water, shall be disinfected with a solution containing at least 50 parts per million available chlorine, which shall remain in the well for a period of at least 24 hours, or by an equivalent method of disinfection satisfactory to the director, and such procedure shall be repeated, as necessary, to produce water meeting bacteriological standards as set forth in State Drinking Water Standards. No well water from a new or reconstructed well shall be used for domestic purposes until the water meets such bacteriological and chemical requirements.

(Ord. 2005-0053 § 13, 2005; Ord. 10075 § 1 (part), 1970; Ord. 8588 § 2 (part), 1964; Ord. 7583 Part 3 Ch. 5 § 525.1, 1959.)

11.38.275 Well yield testing—Authorized tester.

Well yield testing to determine an adequate and sustainable source of water shall be performed by a California Registered Geologist, or a California Registered Engineer or class A General Engineering Contractor, or C-57, or C-61 (D-21) license issued by the State of California.

(Ord. 2005-0053 § 14, 2005.)

11.38.280 Domestic water—Sealing required.

All domestic water wells and springs shall be sealed with concrete or other impervious material so as to protect against surface or subsurface contamination or pollution.

(Ord. 9375 § 1 (part), 1967; Ord. 7583 Part 3 Ch. 5 § 513, 1959.)

11.38.285 Wells—Well seal inspection required.

No person shall pour the sanitary seal of the annular space between the casing and the borehole wall unless the director is present to witness the placement of sealing material.

(Ord. 2005-0053 § 15, 2005.)

11.38.290 Wells—Sealing required when.

All water wells and electrode wells shall be kept sealed and maintained in a manner that will prevent the entrance of pump leakage, surface drainage, or any other contamination or pollution into the well or the aquifer, except that nonconforming electrode wells need not comply with this section until such time as the electrode is expended, or the well is reconstructed, or the well is no longer being used for its intended purpose, unless, in the judgment of the director, such exception constitutes a threat to the quality of an aquifer.

(Ord. 10075 § 1 (part), 1970; Ord. 9375 § 1 (part), 1967; Ord. 7583 Part 3 Ch. 5 § 519, 1959.)

11.38.295 Wells—Depth of seal required.

The annular seal of all new or reconstructed wells shall extend a minimum of 50 feet below grade, or a greater amount, if in the judgment of the director, such additional depth is necessary to prevent ground water contamination.

(Ord. 2005-0053 § 16, 2005.)

11.38.300 Domestic water—Apparatus for disinfection and venting.

All domestic water wells shall be provided with a pipe or other effective means through which chlorine or other disinfecting agents may be introduced directly into the well. The pipe, if provided, shall be extended to a height equal to the pump pedestal or at least eight inches above the finish grade, shall be kept sealed, and shall be provided with a threaded or equivalently secure cap. Equivalent protection for excluding contamination from the well shall be provided for subsurface-pump discharge installations. If an air-relief vent is used, it shall terminate downward and be screened and protected against the possibility of contaminating material entering the vent.

(Ord. 9375 § 1 (part), 1967; Ord. 7583 Part 3 Ch. 5 § 522, 1959.)

11.38.310 Wells—Discharge lines.

All pump discharge lines shall leave the well at a higher elevation than the top of the casing.

(Ord. 7583 Part 3 Ch. 5 § 526, 1959.)

11.38.320 Log requirements.

Any person who has drilled, dug, excavated or bored a water well shall, within 30 days after completion of the drillings, digging, excavating or boring of such water well, furnish the director with a complete log of such water well. This log shall include the type of casing, the depth of the well, the number and location of the perforations in the casing, and any other data required by the director. A copy of the log providing such information submitted to state agencies shall satisfy this requirement.

(Ord. 9375 § 1 (part), 1967; Ord. 7583 Part 3 Ch. 5 § 515, 1959.)

11.38.330 Destruction of water wells.

All water wells, unless made to comply with Sections 11.38.280 and 11.38.290 of this chapter, shall be destroyed to the satisfaction of the director by filling with cement grout, puddled clay or similar impervious material as approved by the director, to thoroughly seal the well, including all voids, annular spaces, gravel envelopes, or other spaces, as necessary to protect the aquifer.

(Ord. 10075 § 1 (part), 1970; Ord. 7583 Part 3 Ch. 5 § 524, 1959.)

11.38.340 Destruction of electrode wells.

All electrode wells, unless in compliance with Section 11.38.240 of this chapter, shall be destroyed to the satisfaction of the director, in such a manner as to exclude contamination or pollution of any usable underground water.

(Ord. 10075 § 2 (part), 1970; Ord. 7583 Part 3 Ch. 5 § 524.1, 1959.)

11.38.350 Inlets from public water supply—Backflow prevention restrictions.

No person shall install or allow to exist any inlet discharging water from a public water supply to be used for domestic or human consumption or industrial purposes in or into any tank, cistern, reservoir or receptacle for storage or use of water on the consumer's premises unless such inlet discharges such water at a height at least double the diameter of the inlet pipe above the maximum possible high-water level of such tank, cistern, reservoir or other receptacle for the storage or use of water, or unless such inlet is equipped with an approved backflow preventer. A backflow preventer is a device or means to prevent backflow into the potable water system.

(Ord. 7583 Part 3 Ch. 5 § 512, 1959.)

11.38.360 Pipelines—Disinfection procedures.

Every new water main and every repaired section of an existing water main must be cleared of coliform bacteria by the proper application of chlorine in sufficient quantities to give a minimum of 50 parts per million of available chlorine. The new or repaired pipe shall be thoroughly flushed before and after chlorination. If the first application of chlorine is not sufficient, the procedure shall be repeated until the water will meet the standards set forth in the United States Public Health Service Drinking Water Standards. Means or methods providing equivalent treatment may be used if approved by the director.

(Ord. 10075 § 1 (part), 1970; Ord. 7583 Part 3 Ch. 5 § 509, 1959.)

11.38.370 Domestic water—Reservoirs and tanks—Protection from contamination.

A. Durable protection and substantial covers shall be provided and maintained for each reservoir, tank, cistern, standpipe or other structure used for distribution or storage of domestic water. Covers shall be watertight, and shall be constructed so as to provide drainage away from the structure. All openings for ventilation shall be screened with corrosion-resistant screen not coarser than one-fourth-inch mesh to exclude rodents and birds, or with 16-mesh screen when such screen is necessary to control mosquito or insect breeding in such reservoir. All manholes shall be constructed with curbs raised above the surrounding surface, and installed in a manner to prevent roof or surface drainage from entering the structure. When it is determined by the

director that it is impractical, due to size, shape or other unusual conditions, to provide and maintain a cover as provided for in this section, adequate treatment and protection of the water shall be provided as required and approved by the director.

B. Any reservoir, standpipe, cistern, forebay, tank, weir box, receptacle, or any other form of installation used for the production, distribution or storage of any domestic water supply or water used for human consumption, shall be securely protected against pollution or contamination.

(Ord. 9375 § 1 (part), 1967; Ord. 7583 Part 3 Ch. 5 § 514, 1959.)

11.38.380 Cross-connections—Prohibited.

It is unlawful for any person to have, keep, maintain, install or allow the existence of a cross-connection.

(Ord. 7583 Part 3 Ch. 5 § 527, 1959.)

11.38.390 Cross-connections—Corrections to comply with Building Code.

Any device, fixture or equipment installed for the purpose of eliminating a cross-connection shall be of a type in compliance with and installed in accordance with the Building Code. (See Title 26 of the Los Angeles County Code.)

(Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 5 § 528, 1959.)

11.38.400 Sanitary defects and health hazards—Prohibited when.

All domestic water supply systems shall be constructed and maintained free from sanitary defects and health hazards.

(Ord. 7583 Part 3 Ch. 5 § 505, 1959.)

11.38.410 Sanitary defects and health hazards—Correction.

When it is determined by the director that a sanitary defect or a health hazard exists, the director may order whatever steps he deems necessary to insure the safety of the water supply for the protection of the public health.

(Ord. 7583 Part 3 Ch. 5 § 506, 1959.)

11.38.420 Equipment or chemicals that may cause pollution—Sale and use restrictions.

No person shall advertise, sell or offer for use or sale any water-treating chemical or substance, water-using or water-operated equipment, mechanism or contrivance, which may cause contamination or pollution of the domestic water supply. Such devices may be permitted when equipped with backflow protection devices meeting the requirements of the Building Code.

(Ord. 8588 § 2 (part), 1964; Ord. 7583 Part 3 Ch. 5 § 528.1, 1959.)

11.38.430 Chlorination—Required when—Procedures.

Upon notice by the director to the owner or operator of a water supply system, such owner or operator shall thoroughly cleanse and chlorinate any reservoir, tank, well, spring or pipe used in the production, distribution or storage of any domestic water or water used for human consumption, as directed by the director, to insure the

safety of the water. When chemical disinfection is employed, the dosage or rates of application shall at all times be sufficient to provide adequately disinfected water at all points of the distribution system. The director may order continuous automatic disinfection for any water supply when, in his opinion, such treatment is necessary for the protection of the public health.

(Ord. 7583 Part 3 Ch. 5 § 510, 1959.)

11.38.440 Chlorination—Recordkeeping and testing.

All suppliers of domestic water, when required by the director to use continuous chlorination, shall add chlorine in sufficient quantity to insure the bacteriological safety of the water at all points in the distribution system. A free-chlorine residual shall be maintained at all times at sampling points approved by the director. Routine chlorine residual tests shall be made daily, and permanent records kept of such tests. Copies of the records shall be furnished the director upon request.

(Ord. 7583 Part 3 Ch. 5 § 511, 1959.)

Part 3 PRIVIES, CHEMICAL TOILETS, CESSPOOLS, AND TOILET FACILITIES[2]

11.38.450 Reserved.

11.38.460 Reserved.

11.38.470 Reserved.

11.38.480 Backflow prevention devices.

A. Qualified Testers. No person shall test and make reports on backflow prevention devices as required in Title 17 of the California Code of Regulations unless he has a certificate of competence issued by the director. The director may conduct examinations to determine the competency of any person desiring to test and make reports on backflow prevention devices for the purpose of complying with the requirements of Title 17 of the California Code of Regulations. Those persons who have been determined by the director to be competent shall receive from the director a certificate of competence. It is unlawful for any person to maintain a backflow prevention device unless it is tested at least annually.

B. Test Required. Backflow prevention devices which have been installed to meet the requirements of Title 17 of the California Code of Regulations shall be tested at least once each calendar year by a person having received a certificate of competence from the director. Records of such tests shall be filed with the director within 30 days after such tests, upon forms provided by the director.

C. Devices in Good Repair. It is unlawful to use any backflow prevention device installed to meet the requirements of Title 17 of the California Code of Regulations unless it is in good repair. Devices which are defective shall be repaired and tested immediately upon being put into use, and a report of such shall be filed with the director within 30 days after such test.

[2]Ord. 2021-0062 § 3, adopted Nov. 30, 2021, amended the title of Ch. 11.38, Part 3, to read as herein set out. The former part was entitled "Privies, Chemical Toilets, and Cesspools."

D. Director may distribute to the public a list of those persons certified under paragraph A. above and may charge $159.00 for inclusion on such list.

(Ord. 2006-0040 § 105, 2006; Ord. 93-0055 § 14, 1993; Ord. 8588 § 2 (part), 1964; Ord. 7583 Part 3 Ch. 5 § 528.2, 1959.)

11.38.490 Privies—Location Restrictions.

A privy or privy structure shall only be installed in remote public or private recreation areas, where there is no running water or practical means of sewage disposal. Privies shall only be permitted to be installed where they are accessible for servicing by a seepage/sewage pumping vehicle. A privy or privy structure shall not be in close proximity of any food establishments of any kind or character. A privy or privy structure shall not be associated with any residential dwelling. When determined by the Director that necessity for permitted privy or privy structure no longer exists, the Director may revoke the permit. No person shall continue to maintain a privy after the permit for maintenance thereof has been revoked. Whenever any privy or privy structure is to be abandoned or no longer in service, notification shall be provided to the Director, and destruction of the privy or privy structure shall be accomplished in a manner approved by the Director.

(Ord. 2018-0037 § 25, 2018; Ord. 7583 Part 3 Ch. 5 § 537, 1959.)

11.38.500 Privies—Construction Specifications.

It is unlawful to erect or maintain a privy unless a suitable shelter is provided to afford privacy and protection from the elements. The openings of such structure shall be enclosed by metal mosquito-screening. The door thereof shall be so constructed as to close automatically by means of a spring or other device.

The construction of the privy structure shall be such as to exclude all rodents, flies and other insects from the tank or vault. The privy structure shall be maintained in good repair, in a clean and sanitary condition, and free from flies, other insects and rodents, and shall be properly ventilated. The tank or vault where waste is held shall be made of a water tight material and all seams or joints shall be water tight. The privy structure over the tank or vault shall completely cover the tank or vault and shall be mounted on a cement or masonry foundation at least four (4) inches wide and extending at least six (6) inches above and twelve (12) inches below ground level. The tank or vault shall be at least four (4) feet deep and shall be provided with a vent at least six (6) inches in cross-Sectional dimension, extending from the pit to a point higher than the highest point of the roof. Such vent shall be effectively screened. There shall be an access port to allow cleaning of the tank or vault by a sewage cleaning and carrying vehicle.

(Ord. 2018-0037 § 26, 2018; Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 5 § 535, 1959.)

11.38.510 Privies—Maintenance.

The tank or vault of a privy shall not be permitted to become filled with excreta nearer than two (2) feet from the surface of the ground. The content of the privy shall be pumped out as needed by a seepage/sewage pumping vehicle permitted by the Director.

(Ord. 2018-0037 § 27, 2018; Ord. 7583 Part 3 Ch. 5 § 536, 1959.)

11.38.520 Earthen Pit Privies and Cesspools—Construction Prohibited.

The construction of new earthen pit privies and cesspools is prohibited. An earthen pit privy currently in existence may continue to be used until it is determined that the cesspool has failed, is contaminating groundwater, or a building permit is issued to modify the residential structure served by the earthen pit privy.

(Ord. 2018-0037 § 28, 2018; Ord. 7583 Part 3 Ch. 5 § 534, 1959.)

11.38.530 Privies—Contamination of Water Prohibited.

It is unlawful for any person to construct, maintain or keep a privy in any location in which it may contaminate or pollute any stream, channel, pond, lake, reservoir or any source of water. In no case shall a privy be constructed, maintained, or kept less than one hundred (100) feet from any stream, water channel, spring, or well, and two hundred (200) feet from any pond, lake, reservoir or infiltration gallery.

(Ord. 2018-0037 § 29, 2018; Ord. 7583 Part 3 Ch. 5 § 538, 1959.)

11.38.535 Chemical Toilets.

Chemical toilets are intended to serve non-residential, limited use activities, such as field labor operations, special events, and temporary construction sites where connection to the sewer or construction of an OWTS is not practicable. Except for those activities covered under California Occupational Health and Safety requirements or businesses permitted by the Department of Regional Planning to operate under electric transmission lines, the use of chemical toilets at a location for over three (3) days requires a public health permit.

(Ord. 2018-0037 § 30, 2018.)

11.38.540 Chemical toilets—Construction and maintenance.

It is unlawful to erect or maintain a chemical toilet unless it complies with the following:

A. Chemical toilets shall have a suitable structure to afford privacy and protection from the elements, and be constructed to exclude all rodents, flies and other insects. All openings of the structure to the outside shall be enclosed with metal mosquito-screening. The door shall be constructed as to be self-closing. A vent or window shall be provided for light during daylight hours. Artificial light shall be provided when the chemical toilets is to be used at night.

B. The walls and ceilings of the structure shall be reasonably smooth and well painted in a light color, and be capable of withstanding repeated washing and scrubbing.

C. Chemical-toilet storage tanks shall be enclosed within the structure, properly vented, watertight, and in good repair.

D. The toilet seat shall be a commercial, split-front type, oval in shape, with a smooth, impervious surface, and installed so as to be easily cleaned. The seat shall be centered over the hole to prevent the deposition of fecal matter on sides of the drop tube. The drop tube shall have sides that are installed vertically or flared out at the connection to the tank.

E. The metal drop tube beneath the toilet seat shall follow the shape of the toilet seat and fit smoothly into the top of the tank enclosure. It shall have a noncorrosive surface. There shall be no cracks or rough edges around this opening or in the entire bench. Circular openings shall be permitted only if their diameter is at least equal to the largest dimension of the toilet seat opening.

F. The maximum distance between the inside edge of the opening between the toilet seat and the front of the tank enclosure shall be two inches.

G. All structures intended for male use shall contain a urinal located at least 20 inches from the toilet seat openings. The urinal shall be made from durable, noncorrosive, impervious material finished with smooth surfaces and proper slopes so that it is easily cleaned and readily drains. A splash board of similar material at least eight inches higher than the overflow rim shall be provided. Hoses or pipes used to drain urinals shall be a minimum of one inch inside diameter, shall be securely attached, and shall be constructed of a noncorrosive, watertight, easily cleanable material. The urinal shall be designed to minimize splashing.

H. The toilet structure shall be adequately ventilated with openings screened with 16-mesh screen or equal. These ventilation openings shall contain at least four square feet of total area.

I. The chemical toilet structure shall be sufficiently large to provide adequate space for the users, with the minimum width or depth equal to three feet, six inches.

J. Each chemical toilet structure shall have painted thereon, in clear letters at least three inches in height, the name of the owner and the company number of the unit.

K. A suitable device for holding toilet paper shall be provided.

L. The interior of the structure and tanks shall be cleaned at least once a week while the units are in use and more frequently when necessary to maintain them in a clean and odorfree condition.

M. Toilet paper shall be available at all times.

N. After cleaning, there shall be placed in the tank a solution of a type which effectively controls odors. When initially filled, and at all times when in use, the tank shall contain sufficient solution to cover all solids accumulated and to prevent fly breeding.

O. Sewage from chemical toilets shall be disposed of only in a sanitary sewer system approved by the director.

P. Whenever chemical toilets are returned after a job, the interior shall be thoroughly cleaned and repainted when necessary.

Q. A chemical toilet shall be located at least four feet from a property line, at least 20 feet from the nearest occupied residence, and at least 10 feet from a street or public sidewalk.

R. A chemical toilet shall be kept clean and in good repair at all times.

(Ord. 8588 § 2 (part), 1964; Ord. 7583 Part 3 Ch. 5 § 535.1, 1959.)

11.38.550 Toilets at construction sites.

There shall be not less than one toilet facility for each multiple of 20 employees, or fractional part thereof, work at a construction job site. for the purpose of this section, the term "construction site" shall mean the location on which actual construction of a building, structure, or facility, is in progress.

(Ord. 7583 Part 3 Ch. 5 § 539, 1959.)

11.38.560 Public washrooms, toilet facilities, showers, and baths.

Every person maintaining a privy structure, toilet room, washroom, bath or shower room for the use of his employees, or the public, shall at all times keep the floors, walls, ceilings, toilet facilities, urinals, lavatories and other equipment therein in good repair and free from dirt, filth and corrosion. All baths, showers, lavatories and urinals, except urinals constructed in connection with a privy, shall be adequately supplied with running water.

Rooms used for such facilities shall be well ventilated and lighted. All lavatories shall be kept supplied with soap and individual towels with a receptacle for their disposal. All toilet facilities shall be kept supplied with toilet paper. In connection with every public toilet hereafter erected, there shall be maintained hand-washing facilities for the public and employees.

(Ord. 7583 Part 3 Ch. 5 § 533, 1959.)

11.38.570 Facilities Required—Business Establishments and Public Gatherings.

It is unlawful for any person to conduct a business or place of public gathering unless there is provided adequate and conveniently located toilet facilities and sinks (lavatories) that meet the requirements of applicable local, State, and/or federal law. Single-user toilet facilities must comply with signage requirements of section 118600 of the Health and Safety Code and Title 24 of the California Code of Regulations. If, in the opinion of the Director, the number of toilet facilities and sinks (lavatories) is inadequate, the Director must order additional toilet facilities or sinks (lavatories), or both, to be provided.

A. If toilet facilities are made available for the public, clients, or employees, no person owning, controlling, or having charge of such accommodation or facility shall prohibit or prevent the use of such toilet facilities by a person with a physical handicap, regardless of whether that person is a customer, client, employee, or paid entrant to the accommodation or facility. Separate employee toilet facilities need not be made available to the public if there are other toilet facilities available on the premises, unless employee toilet facilities have been constructed or altered to accommodate the physically handicapped and such toilet facilities are not available elsewhere on the premises. Toilet facilities located within food establishments which are accessible only through the food preparation area must be made available to persons requiring the use of a service animal by having an employee or other person escort the individual to the facility, and No live animals are allowed in the food preparation area.

B. The following definitions are applicable to this section:

    1. "A person with a physical handicap" includes:

        a. An individual who has an impairment, either permanent or temporary in nature as follows:

            i. Impairments that affect ambulation due to cerebral palsy, poliomyelitis, spinal cord injury, amputation, arthritis, cardiac, and pulmonary conditions and other conditions or diseases which reduce mobility, including aging,

            ii. Impairments that require the use of crutches, canes, wheelchairs, braces, walkers, or other ambulatory assistive devices,

            iii. Total blindness or impairments affecting sight to the extent that the individual functioning in public areas may be insecure or exposed to danger, and

            iv. Deafness or hearing impairments that may expose an individual to danger or insecurity;

        b. An individual who requests the use of the toilet facilities and states that because of a physical infirmity he or she requires immediate access to toilet facilities.

    2. "Public accommodation or facility" means a building, structure, complex, or improved area that is used by the general public and includes those accommodations and facilities listed in sections 19955 and 19955.5 of the Health and Safety Code.

C. Nothing in this section requires the making of structural alterations, repairs, remodels, modifications, or additions not otherwise required by applicable local, State and/or federal law.

(Ord. 2021-0062 § 4, 2021; Ord. 2007-0089 § 98, 2007; Ord. 89-0033 § 1, 1989; Ord. 7583 Part 3 Ch. 5 § 532, 1959.)

11.38.580 Facilities required—Theaters, clubs and other places for public assembly.

No person conducting, managing or operating any moving picture show or theater, dance hall, nightclub, circus, amusement park or other place of public amusement or public assemblage shall fail, refuse or neglect to comply with the following requirements:

A. The floors, walls, ceilings, doors, windows, stairways, hallways and every other part thereof shall be maintained in good repair, in a clean, sanitary condition, and shall be painted or otherwise renovated whenever necessary.

B. All rugs, carpets or other floor coverings, tables, chairs, seats, counters and all similar equipment shall be kept clean and in good repair.

C. Suitable approved drinking fountains, with guarded angle jets and with properly adjusted water pressure, shall be provided and maintained in good condition.

D. Exhaust fans and other ventilation equipment shall be provided, and shall be operated so as to keep the air in a reasonably fresh and wholesome condition whenever a building, or part thereof, is occupied as a place of public assemblage.

(Ord. 8588 § 2 (part), 1964; Ord. 7583 Part 3 Ch. 5 § 532.1, 1959.)

11.38.590 Industrial waste—Discharge prohibited where—Exceptions.

A. No person shall discharge, deposit, drain or place any material, liquid waste or other substance, directly or indirectly, into any channel, natural or artificial drain, watercourse, river, tributary, water or subsurface water, whether such water be fresh, salt or saline, or combinations of these, in such a manner which may liberate or produce any noxious or dangerous odors, or produce unsightly or offensive deposits, or which may be injurious, deleterious or dangerous to the health, or which may cause a nuisance or may cause an impairment of the quality of such waters, or which may adversely or unreasonably affect such waters for domestic, recreational or other beneficial uses.

B. Exception: This section shall not apply in the unincorporated territory of the county or in those cities which have adopted county Ordinance 6130, on sewers and industrial waste, directly or by reference. (See Title 20 of this code.)

(Ord. 8588 § 2 (part), 1964; Ord. 7583 Part 3 Ch. 5 § 500.1, 1959.)

11.38.600 Keeping animals or fowl—Restrictions—Contaminating water supply prohibited.

It shall be unlawful for any person to locate or maintain any animal or fowl in such manner or location whereby any portion of a domestic water supply system may become contaminated or polluted, or for any animal or fowl to be kept within 50 feet from any stream, water channel, spring, well, pond, lake, reservoir, infiltration gallery or underground water from which water may be drawn for domestic consumption.

(Ord. 7583 Part 3 Ch. 5 § 540, 1959.)

11.38.610 Sewage discharge prohibited where—Abatement.

A. When sewage, other than the discharge from an approved sewage-treatment plant, is overflowing or being discharged upon the surface of any premises, the director may order the occupant or occupants thereof who contribute to such overflow or discharge to abate the same forthwith.

B. If such occupant or occupants fail to abate such overflow or discharge as ordered, the director may order such occupant or occupants to vacate the premises within 24 hours.

(Ord. 8588 § 2 (part), 1964; Ord. 7583 Part 3 Ch. 5 § 543, 1959.)

Part 4 WATER CONSERVATION REQUIREMENTS FOR THE UNINCORPORATED LOS ANGELES COUNTY AREA

11.38.620 Hose Watering Prohibition.

No person shall hose water or wash down any sidewalks, walkways, driveways, parking areas or other paved surfaces, except as is required for the benefit of public health and safety. Willful violation hereof shall be subject to a written warning for the first violation, and shall be an infraction punishable by a fine of $500.00 for each day thereafter on which a violation occurs.

(Ord. 2015-0004 § 1, 2015; Ord. 2008-0052U § 1 (part), 2008; Ord. 91-0046U § 1 (part), 1991.)

11.38.630 Watering of Lawns and Landscaping.

A. No person shall water or cause to be watered any lawn or landscaping between the hours of 10:00 a.m. and 5:00 p.m.

B. No person shall water or cause to be watered any lawn or landscaping more than once a day.

C. No person shall water or cause to be watered any lawn or landscaping to such an extent that runoff into adjacent property, non-irrigated areas, private and public walkways, roadways, structures, adjoining streets, parking lots or alleys occurs due to incorrectly directed or maintained sprinklers or excessive watering.

D. It shall be the duty of all persons who own or rent premises that have hoses, faucets and sprinkling systems to inspect for leaks, and to cause all leaks to be repaired as soon as is reasonably practicable.

E. Willful violation hereof shall be subject to a written warning for the first violation, and shall be an infraction punishable by a fine of $500.00 for each day thereafter on which a violation occurs.

(Ord. 2015-0004 § 2, 2015; Ord. 2008-0052U § 1 (part), 2008; Ord. 91-0046U § 1 (part), 1991.)

11.38.640 Indoor Plumbing and Fixtures.

A. It shall be the duty of all persons who own or rent premises that have accessible indoor plumbing and faucets to inspect for leaks, and to cause all leaks to be repaired as soon as is reasonably practicable.

B. Willful violation hereof shall be subject to a written warning for the first violation, and shall be an infraction punishable by a fine of $500.00 for each day thereafter on which a violation occurs.

(Ord. 2015-0004 § 3, 2015; Ord. 2008-0052U § 1 (part), 2008; Ord. 91-0046U § 1 (part), 1991.)

11.38.650 Washing Vehicles.

No motor vehicle, boat, trailer, or other type of mobile equipment may be washed, except at a commercial carwash or with reclaimed water, unless such vehicle is washed by using a hand-held bucket or a water hose equipped with an automatic shutoff nozzle. No person shall leave a water hose running while washing a vehicle or

at any other time. Willful violation hereof shall be subject to a written warning for the first violation, and shall be an infraction punishable by a fine of $500.00 for each day thereafter on which a violation occurs.

(Ord. 2015-0004 § 4, 2015; Ord. 2008-0052U § 1 (part), 2008; Ord. 91-0046U § 1 (part), 1991.)

11.38.660 Public Eating Places.

No restaurant, hotel, cafeteria, café, or other public place where food is sold or served shall serve drinking water to any customer unless specifically requested to do so by such customer. Willful violation hereof shall be subject to a written warning for the first violation, and shall be an infraction punishable by a fine of $500.00 for each day thereafter on which a violation occurs.

(Ord. 2015-0004 § 5, 2015; Ord. 2008-0052U § 1 (part), 2008; Ord. 91-0046U § 1 (part), 1991.)

11.38.670 Decorative Fountains.

No person shall use water to clean, fill, or maintain levels in decorative fountains, ponds, lakes, or other similar aesthetic structures unless such water flows through a recycling system. Willful violation hereof shall be subject to a written warning for the first violation, and shall be an infraction punishable by a fine of $500.00 for each day thereafter on which a violation occurs.

(Ord. 2015-0004 § 6, 2015; Ord. 2008-0052U § 1 (part), 2008; Ord. 91-0046U § 1 (part), 1991.)

11.38.680 Procedural Requirements.

The Director of Public Works, with input and concurrence from the Director of Public Health, shall periodically review the provisions of this Part and recommend necessary updates to the Board of Supervisors. The review of these provisions and preparation of resulting recommendations, if any, shall be performed, at a minimum, every two years following the first review, which shall be completed by December 31, 2010.

(Ord. 2015-0004 § 7, 2015; Ord. 2008-0052U § 1 (part), 2008.)

Part 5 REQUIREMENTS FOR ONSITE WASTEWATER TREATMENT SYSTEMS

11.38.700 Discharge of Material or Liquid.

A. No person shall allow sewage, domestic or industrial wastewater, or any matter or substance, offensive, injurious, or dangerous to health, to empty, flow, seep, or drain onto the surface of any land.

B. No person shall allow sewage, treated effluent, or any matter or substance, offensive, injurious, or dangerous, to health to empty, flow, seep, or drain into, or affect any well, spring, stream, river, lake or other waters.

C. A violation of this Section is declared a public nuisance.

(Ord. 2018-0037 § 31, 2018.)

11.38.710 OWTS Requirements and Procedures.

The Director shall promulgate the OWTS requirements and procedures within thirty (30) calendar days of the adoption of this ordinance. The OWTS requirements and procedures shall be made available to the public at no charge, upon request. The Director shall review the requirements and procedures a minimum of once every five (5) years and amend the OWTS requirements and procedures as necessary to protect the health of the public and the waters of the State. The Director shall provide notice to the public of any proposed change(s) and provide members of the public an opportunity to comment prior to implementation.

(Ord. 2018-0037 § 31, 2018.)

11.38.720 Onsite Wastewater Treatment Systems—Plan Review and Permit Requirements.

A. The Director shall have the authority to require the submission of any plans and specifications pertaining to or impacting onsite wastewater treatment systems. Such plans include, but are not limited to, subdivision of parcels where a public sewer is not available, building expansion, and the addition of a structure on a parcel of property utilizing an onsite wastewater treatment system.

B. A person proposing to construct, install, alter or repair any onsite wastewater treatment system or part thereof, or a privy structure shall submit an application and receive plan approval from the Director in accordance with the requirements of this Chapter and Title 28, Plumbing Code, including Appendix H, of the Los Angeles County Code and with the OWTS requirements and procedures prior to any work being performed.

C. A person proposing to construct or expand a building or other structure, upon which property an onsite wastewater treatment system or non-conventional onsite wastewater treatment system is installed, shall submit an application and receive a plan approval from the Director. The Director's evaluation of the proposed construction or expansion plan shall determine whether the new building, structure or expansion interferes with the existing onsite wastewater treatment system or any future expansion area required by Los Angeles County Code, Title 28, Plumbing Code.

D. An application shall be made on forms provided for that purpose by the Director. Any required fee shall be paid at the time of application.

E. The Director's approval of an onsite wastewater treatment system plan under this Section is separate from, and does not constitute compliance with, any permit requirements contained elsewhere in this code, including, but not limited to, the requirements under this Title 11 for obtaining a renewable operating permit for NOWTS and any requirements under Title 28, Plumbing Code for obtaining a permit for the construction or installation of an OWTS.

F. All onsite wastewater treatment systems must be installed in accordance with the plans as approved by the Director. Any changes in the installation plans must be reviewed and approved by the Director prior to installation.

G. Any plan approval issued by the Director shall be valid for one (1) year from the date of approval. If a property owner has not obtained a building permit within one year, a property owner may request an extension of the plan approval for up to one (1) additional year. If the property owner has not obtained a building permit within two (2) years, the property owner must submit a new application meeting the requirements of the most recent version of the California Plumbing Code, and pay the required fee.

(Ord. 2018-0037 § 31, 2018.)

11.38.730 Restrictions on Use of OWTS when a Public Sewer is Available.

The Director shall not issue a permit for a new onsite wastewater treatment system, approve the repair or replacement of an onsite wastewater treatment system, nor approve a project requiring the evaluation of an existing onsite wastewater treatment system if a public sewer is available within two hundred (200) feet of the building or proposed building.

(Ord. 2018-0037 § 31, 2018.)

11.38.740 Limitations on Sub-Divisions without Public Sewer Available.

Land development projects including Conditional Use Permits (CUP) and parcel sub-division projects where a public sewer is not available and that are proposed after the effective date of this ordinance, shall require the installation of a non-conventional onsite wastewater treatment system if the parcel size is smaller than the allowable density values in the following table for a single family dwelling unit, or its equivalent. The requirement for a NOWTS requires recordation of a covenant through the County Office of the Registrar-Recorder/County Clerk as part of the approval of the CUP or approval of the new parcels.

Average Annual Rainfall (inches/year)	Allowable Density Value (acres/single family dwelling unit)
0 - 15	2.5
>15 - 20	2
>20 - 25	1.5
>25 - 35	1
>35 - 40	0.75
>40	0.5

(Ord. 2018-0037 § 31, 2018.)

11.38.750 Horizontal Setback Requirements.

OWTS shall not be installed in such a manner that any of its components are located within the horizontal setbacks identified in the following table.

Minimum Horizontal Distance in Clear Required From:	Septic Tank	Disposal Field	Seepage Pit
Buildings or Structures[1]	5 feet (1.52 meters)	8 feet (2.44 meters)	8 feet (2.44 meters)
Property line adjoining private property	5 feet (1.52 meters)	5 feet (1.52 meters)	8 feet (2.44 meters)
Public Water Well, Where depth of effluent dispersal system >10 feet[7,8]	200 feet (61 meters)[8]		200 feet (61 meters)
Public Water Well, Where depth of	150 feet (45.7 meters)	150 feet (45.7 meters)	

effluent dispersal system ≤10 feet[7]			
Springs, and Flowing Surface Water[7,9]	100 feet[9] (30.5 meters)	100 feet[6,9] (30.5 meters)	150 feet[6,9] (45.7 meters)
Vernal Pools, Wetlands, Lakes, Ponds, or Other (Non-Flowing) Surface Water Bodies[7,10]	200 feet[10] (61 meters)	200 feet[6,10] (61 meters)	200 feet[6,10] (61 meters)
Seepage pits	5 feet (1.52 meters)	5 feet (1.52 meters)	12 feet (3.66 meters)
Disposal field	5 feet (1.52 meters)	4 feet[4] (1.22 meters)	5 feet (1.52 meters)
On site domestic water service line	5 feet (1.52 meters)	5 feet (1.52 meters)	5 feet (1.52 meters)
Distribution box		5 feet (1.52 meters)	5 feet (1.52 meters)
Pressure public water main	10 feet (3.05 meters)	10 feet (3.05 meters)	10 feet (3.05 meters)
Private Water Wells[7]	100 feet (30.5 meters)	100 feet (30.5 meters)	150 feet (45.72 meters)
Monitoring wells[11]	100 feet (30.5 meters)	100 feet (30.5 meters)	100 feet (30.5 meters)
Unstable Land Mass or Areas Subject to Earth Slides[12]	100 feet (30.5 meters)	100 feet (30.5 meters)	100 feet (30.5 meters)
High Water Mark of Reservoir, Lake, or Flowing Water Body, Type I[13]	400 feet (122 meters)	400 feet (122 meters)	400 feet (122 meters)
High Water Mark of Reservoir, Lake, or Flowing Water Body, Type II[14]	200 feet (61 meters)	200 feet (61 meters)	200 feet (61 meters)
Trunk of any tree[15]	10 feet (3.05 meters)	10 feet (3.05 meters)	10 feet (3.05 meters)

*Notes:

When disposal fields and/or seepage pits are installed in sloping ground, the minimum horizontal distance between any part of the leaching system and ground surface shall be fifteen (15) feet (4.57 meters).

1. Including decks, patios, porches and steps, whether covered or uncovered, breezeways, roofed porte-cocheres, roofed patios, carports, covered walks, covered driveways, and similar structures or appurtenances.

2. Reserved.

3. Reserved.

4. Plus two (2) feet (.61m) for each additional one (1) foot (.305 meters) of depth in excess of one (1) foot (.305 meters) below the bottom of the drain line. (See also Section K 6 in Appendix K of the Plumbing Code.)

5. Reserved.

6. These minimum clear horizontal distances shall also apply between disposal field, seepage pits, and the ocean mean higher high tide line.

7. Where special hazards are involved, the distance required shall be increased as may be directed by the authority having jurisdiction.

8. If the depth of the effluent dispersal system exceeds twenty (20) feet (6.1 meters) and is within six hundred (600) feet (182.88 meters) of a public water well, the setback must be such that there is at least two-year travel time for microbiological contaminants.

9. Includes springs and flowing surface water bodies where the edge of that water body is the natural or levied bank for creeks and rivers, or may be less where site conditions prevent migration of wastewater to the water body.

10. Distance from vernal pools, wetlands, lakes, ponds, or other surface water bodies where the edge of that water body is the high water mark for lakes and reservoirs, and the mean high tide line for tidally influenced water bodies.

11. Where regulatory or legitimate data requirements necessitate, the required distance to monitoring wells may be decreased as may be directed by the authority having jurisdiction. If the monitoring well is installed to monitor the groundwater at the waste effluent discharge, the setbacks do not apply.

12. Unstable land mass or areas subject to earth slides shall be identified by a registered engineer or registered geologist; other setback distances are allowed, if recommended by a geotechnical report prepared by a qualified professional.

13. Four hundred (400) feet (121.92 meters) from the high water mark of a reservoir, lake, or flowing water body when the effluent dispersal system is within one thousand two hundred (1,200) feet (365.76 meters) from a public water systems' surface water intake point, within the catchment of the drainage, and located such that it may impact water quality at the intake point such as upstream of the intake point for flowing water bodies.

14. Two hundred (200) feet (60.96 meters) from the high water mark of a reservoir, lake, or flowing water body when the effluent dispersal system is located more than one thousand two hundred (1,200) feet (365.76 meters) but less than two thousand five hundred (2,500) feet (762 meters) from a public water systems' surface water intake point, within the catchment of the drainage, and located such that it may impact water quality at the intake point such as upstream of the intake point for flowing water bodies.

15. For oak trees, this requirement extends to five (5) feet (1.52m) outside of the drip line or fifteen (15) feet (4.57 meters) from the trunk, whichever is greater.

In the event of inconsistencies between the setback requirements specified in the Los Angeles County Plumbing Code, Title 28, Appendix H, the California Well Standards, and Chapter 38, Part 2 of this code, the more restrictive requirements shall prevail.

(Ord. 2018-0037 § 31, 2018.)

11.38.760 Requirements for Soil Depth and Vertical Distance to Groundwater.

A. A conventional OWTS shall have a minimum five (5) feet of natural undisturbed soil, excluding bedrock, below the bottom of a leach line, leach bed, or infiltrative chamber.

B. A conventional OWTS shall have a minimum five (5) feet of separation from the bottom of the leach line, leach bed, or infiltrative chamber and the highest known groundwater level if the percolation rate is five (5) minutes per inch to sixty (60) minutes per inch.

C. A conventional OWTS shall have a minimum of twenty (20) feet of vertical separation from the bottom of the leach line, leach bed, or infiltrative chamber and the highest known groundwater if the percolation rate is greater than one (1) minute per inch but less than five (5) minutes per inch.

D. A NOWTS shall have a minimum of three (3) feet of natural undisturbed soil, excluding bedrock, below the bottom of the leach line, leach bed, or infiltrative chamber.

E. A NOWTS shall have a minimum of two (2) feet of separation from the bottom of the leach line, leach bed, or infiltrative chamber and the highest known groundwater level, except in areas near impaired water bodies where the minimum distance shall be three (3) feet.

F. Any OWTS utilizing a seepage pit shall have a minimum separation of ten (10) feet from the bottom of the pit to the highest known groundwater.

(Ord. 2018-0037 § 31, 2018.)

11.38.770 Structural Requirements for Septic Tanks.

It shall be unlawful to install a septic tank in a manner that does not comply with the following requirements:

A. All new or replacement tanks shall be approved by the International Association of Plumbing and Mechanical Officers (IAPMO) or stamped and certified by a California registered civil engineer as meeting industry standards and installation shall be accomplished to the manufacturer's recommendations.

B. New and replacement tanks on conventional OWTS shall be equipped with an effluent filter to prevent solids in excess of 3/16th of an inch from passing to the dispersal area. Septic tanks that use a National Sanitation Foundation/American National Standards Institute (NSF/ANSI) Standard forty-six (46) effluent filter shall be deemed in compliance with this requirement.

C. All joints between the septic tank and its components shall be watertight and constructed of solid, durable materials to prevent excessive corrosion or decay.

D. The invert level of the inlet pipe shall be at least two inches higher than the invert level of the outlet pipe.

E. All septic tank access points shall have watertight risers the tops of which are set not more than six (6) inches below grade. Access openings at grade or above shall be locked or secured to prevent unauthorized access.

(Ord. 2018-0037 § 31, 2018.)

11.38.780 OWTS Utilizing Pumps to Move Effluent.

OWTS that utilize pumps to move effluent to the septic tank or from the septic tank to the dispersal system shall:

A. Be equipped with a visual, audible, or telemetric alarm that alerts the owner or service provider in the event of pump failure.

B. Provide sufficient additional storage space in the second compartment of the septic tank or pump chamber during a twenty-four (24) hour power outage or pump failure and shall not allow an emergency overflow discharge. The capacity for the storage space shall be equal to 60 - 75 percent of the interior capacity of the pipes to be dosed.

(Ord. 2018-0037 § 31, 2018.)

11.38.790 Percolation Rates for Dispersal Fields.

As an alternative to the percolation rates required in Appendix H of Los Angeles County Code, Title 28 (Plumbing Code), proposed OWTS utilizing a leach bed, leach field, or infiltrative chamber may report percolation test results as Minutes Per Inch (MPI). Percolation rates in MPI shall be either:

A. In the range between five (5) MPI and sixty (60) MPI for use with a conventional OWTS.

B. In the range between one (1) MPI and 4.9 MPI with a separation between the bottom on the dispersal system and groundwater of at least twenty (20) feet.

(Ord. 2018-0037 § 31, 2018.)

11.38.800 Interconnection of Dispersal Systems.

Upon installation of a new dispersal system, the new system shall be interconnected with the existing system with an approved flow diversion device to allow for the alternating use of the two dispersal systems.

(Ord. 2018-0037 § 31, 2018.)

11.38.810 Prohibition on the Use of Seepage Pits for New Construction.

A. The use of a seepage pit is prohibited for use with construction of onsite wastewater treatment systems for new buildings with applications submitted after the effective date of this ordinance, unless the system is equipped with additional treatment that meets the requirements of a NOWTS.

B. Notwithstanding Section A, the use of a seepage pit in conjunction with a conventional OWTS is permitted for new construction for single unit dwellings with four (4) or fewer bedrooms.

(Ord. 2018-0037 § 31, 2018.)

11.38.820 Evidence of a Failing OWTS.

Whenever the Director is made aware that an OWTS is at risk of failing, the Director shall send a letter directing the property owner to have the system evaluated by a qualified contractor within seven (7) calendar days to determine whether the system must be repaired or replaced. If the evaluation reveals that the system requires repair or replacement the property owner shall:

A. Prevent any further discharges of sewage by having the system pumped by a sewage pumper truck at a frequency that will prevent overflow.

B. Follow any directive issued by the Director that is necessary to protect groundwater or prevent surfacing of sewage effluent.

C. Complete all repairs within a time determined by the Director.

(Ord. 2018-0037 § 31, 2018.)

11.38.830 When a NOWTS is Required.

A. A NOWTS is required to be installed for new construction when any of the following conditions exist:

1. The percolation rate is faster than 5.12 gallons per square foot per day for a replacement seepage pit.

2. A seepage pit is proposed for installation at a new building other than a single unit dwelling with four (4) or fewer bedrooms.

3. The percolation rate for a leach field or leach bed system is faster than one (1) MPI or greater than one (1) MPI but less than 4.9 MPI and groundwater is within twenty (20) feet of the bottom of the dispersal system for a new or replacement OWTS.

4. There is less than five (5) feet but at least two (2) feet of continuous, natural, undisturbed soil beneath a dispersal system.

5. The property of the proposed system is within six hundred (600) feet of an impaired water body that is listed for pathogens or nitrogen and no established Total Maximum Daily Load (TMDL) for that water body is present.

6. The property of the proposed system is within the area defined by an Advanced Protection Management Program (APMP) established by a TMDL implementation plan.

B. A NOWTS proposed to be installed in the areas of the Antelope Valley within the jurisdiction of the Lahontan Regional Water Quality Control Board (LRWQCB) shall not be required to include a disinfection system.

C. In addition to the circumstances listed in A above, the Director may require the installation of a NOWTS as a condition of a variance to setback requirements for repair of a failed existing system. All variances shall comply with the OWTS requirements and procedures to the maximum extent possible.

(Ord. 2018-0037 § 31, 2018.)

11.38.840 Minimum Conditions for Authorization to Install a NOWTS.

All NOWTS shall meet the following minimum conditions:

A. The system shall be certified by an agency accredited by the American National Standards Institute (ANSI) as meeting the National Sanitation Foundation (NSF) Standard two hundred forty-five (245) or the system shall be approved by the Director after completing a demonstration test described in the OWTS requirements and procedures.

B. NOWTS requiring a disinfection system, shall be certified by an ANSI accredited agency as meeting NSF Standard forty-six (46) for disinfection devices.

C. The septic tank shall be part of the NSF certified system, certified by the IAPMO, or evaluated by the local plumbing official and determined to be Plumbing Code equivalent.

D. The NOWTS shall be equipped with a visual or audible alarm as well as a telemetric alarm that notifies the owner and the service provider of the NOWTS in the event of system malfunction. If the property requiring an NOWTS is in a location where telemetric monitoring is not possible, more frequent physical inspections are required per Section 11.38.880.

E. The owner shall record a covenant against the title of the property meeting the requirements of Section 11.38.890.

F. The owner, prior to approval of the NOWTS, shall enter into and maintain in effect at all times throughout the operational life of the system, a contract signed by both the property owner and a service provider certified by the components' manufacturer. The contract shall include:

1. Telemetric monitoring of the system for component failures or quarterly inspections of the disinfection system when telemetric monitoring is not available.

2. Annual inspections of the system or more frequent routine maintenance as recommended by the manufacturer when telemetric monitoring is available.

3. Any required sampling of influent and effluent based on the system type, age, and location.

G. The Director may, at any reasonable time, require samples to be taken from the NOWTS while a department representative and/or a contractor or agent of the department is present.

(Ord. 2018-0037 § 31, 2018.)

11.38.850 Performance Standards for NOWTS.

A. All NOWTS shall be designed to produce effluent that meets the following criteria:

1. Total Suspended Solids of less than thirty (30) mg.

2. Biological Oxygen Demand five (5) day average (BOD_5) of less than thirty (30) mg/l.

3. PH not less than 6.0 or greater than 9.0.

B. NOWTS treatment of nitrogen must result in a fifty (50) percent reduction in Total Nitrogen.

C. NOWTS provide disinfection that does not exceed a fecal coliform content of two hundred (200) per one hundred (100) milliliters using the Most Probable Number (MPN) analytical method with a minimum detection limit of 2.2 MPN.

(Ord. 2018-0037 § 31, 2018.)

11.38.860 NOWTS Permit.

A. A permit shall be issued by the Director for the operation of a NOWTS upon the approval of the system. A permit shall be valid for the location, type of system, and conditions of the approval, unless suspended or revoked by the Director.

B. The permit fee shall be collected in accordance with Los Angeles County Code Title 8, Sections 8.04.950 - 8.04.995.

C. A permit may be suspended or revoked by the Director for the following reasons:

1. The NOWTS is contributing to the contamination of groundwater, surface water, or resulting in the surfacing of effluent, and the owner has not returned the NOWTS to operating condition within the time required by the Director.

2. The owner does not submit records of maintenance inspections or results of effluent testing as required by this ordinance within the time required by the Director.

D. It shall be a violation of this code to operate a NOWTS for which the permit has been suspended or revoked.

E. The owner of the NOWTS shall make the system available within five (5) calendar days for inspection upon notice by the department.

(Ord. 2018-0037 § 31, 2018.)

11.38.870 Maintenance Required and Reporting Results.

A. The property owner shall have the NOWTS inspected and serviced at the rate set by the manufacturer as set forth in the manufacturer's operation and maintenance manual or at least annually, by a service provider certified by the manufacturer.

B. If the property is located in an area where telemetric monitoring is not possible, the property owner shall cause the NOWTS to be inspected monthly by the NOWTS owner as directed and instructed by a NOWTS service provider, and quarterly by the NOWTS service provider, in order to determine whether the NOWTS is operating as required.

C. The service provider shall submit copies of all inspection and maintenance reports to the Director within thirty (30) days of any inspection or maintenance of the NOWTS.

(Ord. 2018-0037 § 31, 2018.)

11.38.880 Influent and Effluent Testing and Reporting Requirements.

Owners of NOWTS shall have their maintenance service provider collect and submit samples for laboratory testing of influent and effluent to determine if the system meets the performance standards specified in Section 11.38.850. The frequency of this sampling shall comply with the following table.

Type of System	When Testing is Required
All NOWTS	After completions of repairs (Within seven (7) days)
NOWTS installed in within six hundred (600) feet of a water body impaired for pathogenic bacteria or in response to a TMDL for bacteria	Annually with telemetric monitoring or Quarterly without telemetric monitoring
NOWTS larger than a single family residence located in the Antelope Valley	Annually

The service provider shall submit a copy of the laboratory analysis of effluent testing to the Director within thirty (30) days of the date the results are provided to the owner or service provider by the laboratory.

(Ord. 2018-0037 § 31, 2018.)

11.38.890 Covenant.

A. The approval of a NOWTS for a future expansion area requires recordation of a covenant through the County office of the Registrar-Recorder/County Clerk.

B. The installation of a NOWTS requires recordation of a covenant through the County Office of the Registrar-Recorder/County Clerk.

C. The covenant shall inform all future prospective owners of the property of the following:

1. A NOWTS is installed on the property.
2. Operation and maintenance of the NOWTS is required to comply with State and local laws.
3. A service agreement for maintenance and monitoring is required at all times with an approved servicing company.
4. The Director must be notified in writing within thirty (30) days of a change of servicing company.
5. Maintenance records and effluent testing results must be submitted to the Director within thirty (30) days of annual servicing.
6. The owner is required to repair the system and conduct effluent testing of the system if inspection reveals that it is not in compliance with State or local laws.
7. The owner is required to replace the NOWTS at their own expense if it cannot be repaired to be in compliance.
8. The owner agrees to allow inspection of the NOWTS within five (5) calendar days, upon notice by the Director, absent an emergency.

(Ord. 2018-0037 § 31, 2018.)

Part 6 SEWAGE PUMPING VEHICLES

11.38.900 Seepage/Sewage Pumping Vehicle Operator.

An operator of a seepage/sewage pumping vehicle is required to register with the local jurisdiction as per California Health and Safety Code Sections 117400-117450. A public health license shall be issued to the owner of a seepage/sewage pumping vehicle when that person has demonstrated that either the owner or an employee of the owner has adequate knowledge to train other employees as described in Section 11.38.910.

A change of address of the owner including a member of a partnership that is registered and of the place of business thereof shall be reported in writing by the owner to the Director within two (2) days after the change of address.

(Ord. 2018-0037 § 32, 2018.)

11.38.910 Adequate Knowledge.

A public health license shall only be issued after the applicant or his or her representative submits demonstrates adequate knowledge of the following topics:

A. Knowledge of the equipment to be used.

B. The applicant's knowledge of sanitary principles and of the laws and ordinances affecting human health or nuisances, including the factors that evidence a failing OWTS and appropriate locations for disposal of septage. Proper use of personal protective equipment.

C. Clean up of spills or discharges of sewage from failed plumbing systems.

Knowledge may be demonstrated by submitting curriculum for the training of new staff to the Director for approval, completion of a training course from a professional organization, such as the California Onsite Water Association (COWA), or an approved public entity or an online course acceptable to the Director. The individual receiving the training shall be designated as the trainer for his or her organization. The applicant shall maintain a trainer as part of the organization. If the trainer leaves the organization, it has ninety (90) days to obtain a new trainer.

The owner shall be responsible for ensuring that employees responsible for the clean out of septic tanks, chemical toilets, cesspools and sewage seepage pits are properly trained before they work independently, and get trained annually thereafter.

The owner shall have available for the Director upon request the name of the trainer and records of the employee's annual trainings.

(Ord. 2018-0037 § 32, 2018.)

11.38.920 Required for Seepage/Sewage Pumping Vehicle.

No person shall operate a sewage pumping vehicle without first making application and securing a license from the Director.

(Ord. 2018-0037 § 32, 2018.)

11.38.930 Application and Issuance Conditions.

A. Applications for seepage/sewage pumping vehicles shall be made on forms provided for that purpose by the Director. All applicable fees, shall be paid at the time of the application.

B. The application shall include the Vehicle Identification Number (VIN), the year and make of vehicle, the vehicle license number, the tank capacity, the owner information, the location where the vehicle shall be stored, and any other data required by the Director.

C. Upon receipt of an application, the Director shall make an inspection of the seepage/sewage pumping vehicle. If the applicant has complied with all applicable laws and regulations, and the vehicle meets the requirements of the inspection, the Director shall approve the application, and issue an annual license.

(Ord. 2018-0037 § 32, 2018.)

11.38.940 Suspension and Revocation of License.

The Director may suspend or revoke the license of an operator of one (1) or more seepage/sewage pumping vehicles or the license of an individual seepage/sewage pumping vehicle.

The Director may suspend or revoke a license issued to an operator of one (1) or more sewage pumping vehicle for any of the following violations:

A. Discharge of sewage or the contents of one (1) or more trucks in a location other than one approved by the Director.

B. Failure to submit quarterly reports identifying all of the locations serviced and where the contents of the truck were discharged.

C. Failure to report locations that evidence conditions of a failing OWTS, a cesspool, or an earthen pit privy.

The Director may suspend or revoke a license issued to a sewage pumping vehicle for violations of this code, including, leakage of sewage from the tank, valves, piping, or other equipment that may discharge to the ground surface.

(Ord. 2018-0037 § 32, 2018.)

11.38.950 Identification of Vehicle.

Seepage/sewage pumping vehicles shall be identified with the business name, City, State, Zip Code and phone number on both sides of vehicle. The business name shall be in letters and numbers at least three (3) inches in height, additional information shall be at least one (1) inch in height and all letters and numbers shall be of a color contrasting to the vehicle. The public health registration number shall be located on the rear of the vehicle in letters and numbers at least three (3) inches high and of a color contrasting to the vehicle.

(Ord. 2018-0037 § 32, 2018.)

11.38.960 Construction of Seepage/Sewage Cleaning Vehicle.

A seepage/sewage pumping vehicle shall be constructed and maintained at all times with the following components in good working order:

A. A water tight tank, valves, piping, pumps and equipment maintained free from leakage.

B. A hose for flushing contaminated areas.

C. A quick release valve on the discharge outlet.

D. A metal sleeve or other suitable device provided to reach from discharge outlet to manhole.

E. Tight fitting covers for tank openings.

(Ord. 2018-0037 § 32, 2018.)

11.38.970 Seepage/Sewage Pumping Vehicle Operation Requirements.

A. All contents of the sewage holding tank shall be deposited in an approved County Sanitation District location or at a location approved by the Director.

B. Personal protective equipment including gloves, goggles, and boots shall be provided to all employees working with sewage or septage.

C. A sewage spill kit shall be maintained on the vehicle for use in cleaning-up any sewage spills. The sewage spill kit shall contain at a minimum:

1. Containment barriers to prevent the spill from entering a storm drain.
2. Absorbent material.
3. A shovel.
4. Garbage bags.
5. Liquid disinfectant and powdered lime.

D. The vehicle registration shall be maintained on the vehicle.

E. The vehicle exterior shall be maintained free of sewage or other waste material.

(Ord. 2018-0037 § 32, 2018.)

11.38.980 Seepage/Sewage Pumping Vehicle Service Reports.

A. Seepage/sewage pumping vehicles are required to file with the Director a quarterly report specifying all of the following:

1. The name and address of the owner or tenant of each and every one of the premises where a septic tank, cesspool, or sewage seepage pit has been cleaned out by the registrant, his or her employees, or by others on his or her behalf and the date of each cleaning.
2. The location where the cleanings are disposed of.
3. Discharges of waste that may result in violation of laws or ordinances required to be known by the registrant pursuant to Health and Safety Code Section 117420.

B. OWTS showing symptoms of failure must be reported to the Director within twenty-four (24) hours of pumping. Factors evidencing a failing OWTS are identified in Section 11.38.042.

(Ord. 2018-0037 § 32, 2018.)

Chapter 11.39 ADULT FILMS; SHORT TITLE AND PUBLIC POLICY

Part 1 DEFINITIONS

11.39.005 Definitions.

Unless the provision or the context otherwise requires, the definitions in this part shall govern the construction of this chapter.

(Measure B, § 4, approved by voters in Nov. 6, 2012 General Election.)

11.39.010 Adult film.

An "adult film" is defined as any film, video, multimedia or other representation of sexual intercourse in which performers actually engage in oral, vaginal, or anal penetration, including, but not limited to, penetration by a penis, finger, or inanimate object; oral contact with the anus or genitals of another performer; and/or any other sexual activity that may result in the transmission of blood and/or any other potentially infectious materials.

(Measure B, § 4, approved by voters in Nov. 6, 2012 General Election.)

11.39.020 County.

"County" means the County of Los Angeles.

(Measure B, § 4, approved by voters in Nov. 6, 2012 General Election.)

11.39.030 Department.

"Department" means the Los Angeles County Department of Public Health.

(Measure B, § 4, approved by voters in Nov. 6, 2012 General Election.)

11.39.040 Departmental regulations.

"Departmental regulations" means the regulations pertaining to filming of adult films promulgated by the department as currently written or as may from time to time be amended. When adopted by the department, these regulations are incorporated in and become part of this chapter.

(Measure B, § 4, approved by voters in Nov. 6, 2012 General Election.)

11.39.050 Exposure control plan.

"Exposure control plan" means a written plan that meets all requirements of Title 8 California Code of Regulations sections 3203 and 5193, to minimize employees' risk of exposure to blood or potentially infectious material.

(Measure B, § 4, approved by voters in Nov. 6, 2012 General Election.)

11.39.060 Filmed or filming.

"Filmed" and "filming" means the recording or real-time broadcast of any adult film, regardless of the medium used.

(Measure B, § 4, approved by voters in Nov. 6, 2012 General Election.)

11.39.070 Potentially infectious material.

"Potentially infectious material" shall have the same meaning as defined in Title 8 California Code of Regulations Section 5193(b), or any successor regulation.

(Measure B, § 4, approved by voters in Nov. 6, 2012 General Election.)

11.39.075 Producer of adult film.

"Producer of adult film " means any person or entity that produces, finances, or directs, adult films for commercial purposes.

(Measure B, § 4, approved by voters in Nov. 6, 2012 General Election.)

11.39.076 Permittee.

"Permittee " means any person or entity issued an adult film production public health permit pursuant to this chapter.

(Measure B, § 4, approved by voters in Nov. 6, 2012 General Election.)

Part 2 GENERAL REQUIREMENTS

11.39.080 Adult film production public health permit.

A. Producers of adult films shall obtain a public health permit by filing a completed application form with the department and paying the required fee. The fee shall be set by the Department in an amount sufficient to provide for the cost of any necessary enforcement.

1. During the twelve (12) months immediately following the effective date of this chapter, adult film production public health permits may be issued on a conditional basis. An individual issued a conditional permit shall have up to six months from the date of application to provide the department with proof of successful completion of a blood borne pathogen training course that has been approved by the department. If permittee is a business entity rather than an individual, permittee shall have up to six months from the date of application to provide the department with proof of successful completion of a blood borne pathogen training course that has been approved by the department for all principals and management-level employees of permittee, including, but not limited to, all film directors. Failure to provide such proof within the prescribed time shall cause the conditional adult film production public health permit to be revoked immediately.

2. At all times after the twelve (12) months following the effective date of this chapter, each applicant who is an individual must also provide the department with proof of successful completion of a blood borne pathogen training course that has been approved by the department. Each applicant who is a business entity rather than an individual must provide the department with proof of successful completion of a blood borne pathogen training course that has been approved by the department for all principals and management-level employees of permittee, including but not limited to all film directors.

B. Upon successful completion of the permit application process described in subsection A of this section, the department shall issue an adult film production public health permit to the applicant. The adult film production public health permit will be valid for two years from the date of issuance, unless revoked.

C. No producer of adult films may engage in the making of adult films in Los Angeles County for commercial purposes unless that producer of adult films has a valid adult film production public health permit issued by the department.

D. An adult film production public health permit is nontransferable.

(Measure B, § 4, approved by voters in Nov. 6, 2012 General Election.)

11.39.090 Posting requirements.

A. The adult film production public health permit issued to the producer of adult films must be displayed at all times at the location where any adult film is filmed in an area that is visible to performers.

B. A legible sign shall be displayed at all times at the location where any adult film is filmed in any conventional typeface with a font size not smaller than 36 points, that provides the following notice so as to be clearly visible to performers in said films:

> The use of condoms is required for all acts of anal or vaginal sex during the production of adult films to protect performers from sexually transmitted infections.

Any public health concerns regarding any activities occurring during the production of any adult films should be directed to the Los Angeles County Department of Public Health:

(the program office address and telephone number to be provided by the county health officer).

(Measure B, § 4, approved by voters in Nov. 6, 2012 General Election.)

11.39.100 Permit—Reporting requirements.

Every person that possesses a valid adult film production public health permit or registration shall report to the department any changes in status to the business made reportable by departmental regulations within fifteen (15) days of the change.

(Measure B, § 4, approved by voters in Nov. 6, 2012 General Election.)

11.39.110 Permit—Suspension and revocation and fines.

A. Any permit issued pursuant to this chapter may be suspended or revoked by the department and fines consistent with the provisions of this chapter may be imposed by the department for a violation of this chapter or any other violation of law creating a risk of exposing performers to sexually transmitted infections, including any violation of applicable provisions of the Los Angeles County Code, the California Health and Safety Code, the blood borne pathogen standard, California Code of Regulations Title 8, section 5193 or the exposure control plan of the producer of adult films, or any combination of such violations. The failure of a producer of adult films to require performers to use condoms during any acts of vaginal or anal sexual intercourse is a violation of this chapter.

B. Whenever the department determines that a permittee has failed to comply with the requirements of this chapter, any other violation of law creating a risk of exposing performers to sexually transmitted infections, including any violation of applicable provisions of the Los Angeles County Code, the California Health and Safety Code, the blood borne pathogen standard, California Code of Regulations Title 8, section 5193 or the exposure control plan of the producer of adult films, or any combination thereof, a written notice to comply shall be issued to the permittee. The notice to comply shall include a statement of the deficiencies found, set forth the corrective measures necessary for the permittee to be in compliance with this chapter, and inform the permittee that failure to comply may result in the imposition of a fine or other penalty, including suspension and/or revocation of any and all permits. The notice to comply shall also advise the permittee of his or her right to an administrative review.

C. A written request for an administrative review must be made by the noticed permittee within fifteen (15) calendar days of the issuance of the notice to comply. The failure to request an administrative review within the prescribed time shall be deemed a waiver of the right to an administrative review. The administrative review shall be held within fifteen (15) calendar days of the receipt of a written request for a review. Upon the written request of permittee or on its own motion, the department may advance or postpone the scheduled administrative review date, if permittee demonstrates good cause.

D. The department shall issue a written notice of decision specifying any penalties imposed on permittee to the permittee within five (5) days of the administrative review or waiver, excluding weekends and holidays. For permits that have been suspended or revoked, the notice of decision shall specify the acts or omissions found to be in violation of this chapter, and, in the case of a suspended permit, shall state the extent of the suspension. The notice of decision shall also state the terms upon which the permit may be reinstated or reissued, if any.

E. Notwithstanding any other provision of this chapter, if any immediate danger to the public health or safety is found or is reasonably suspected, the department may immediately suspend the adult film production public health permit, initiate a criminal complaint and/or impose any fine permitted by this chapter, pending a determination of an administrative review, as provided herein. Immediate danger to the public health and/or safety shall include any condition, based upon inspection findings or other evidence, that can cause, or is reasonably suspected of causing, infection or disease transmission, or any known or reasonably suspected hazardous condition.

    1. Whenever an adult film production public health permit issued is immediately suspended or a fine is imposed pursuant to this subdivision E of this section, the department shall issue to the permittee so suspended or fined, a written notice to comply setting forth the acts or omissions with which the permittee is charged, specifying the sections of the Los Angeles County Code, California Health and Safety Code, blood borne pathogen standard, California Code of Regulations Title 8, section 5193 or the exposure control plan of the producer of adult films, or the combination of alleged violations, and informing the permittee of the right to an administrative review.

    2. At any time within fifteen (15) calendar days of service of such notice to comply, the permittee may request, in writing, an administrative review by the department to show cause why the imposed suspension or fine is unwarranted. The administrative review shall be held within fifteen (15) calendar days of the receipt of a request. A failure to request an administrative review within fifteen (15) calendar days shall be deemed a waiver of the right to such review.

    3. At any time prior to an administrative review or waiver thereof, the recipient of a notice to comply issued pursuant to this subsection F, may correct the deficiencies noted in the notice to comply and request a reinspection at any time when the producer of adult films is actually filming an adult film.

    4. In the case of a request for reinspection as set forth in subsection E.3 above, the department shall reinspect as soon as practical. In the event the deficiencies noted in the notice to comply are corrected to the satisfaction of the health officer, the department has discretion to reinstate or modify any

suspension of a permit and cancel or modify any fine imposed pursuant to this subsection F. If the department determines that the deficiencies identified in the notice to comply have been corrected, but the department elects not to reinstate the suspension or cancel the fine imposed pursuant to this subsection F, the department shall notify the permittee of this decision in writing. The permittee shall have fifteen (15) calendar days from receipt of said notification to seek an administrative review of this decision.

F. The department may, after an administrative review or waiver thereof, modify, suspend, revoke or continue all such action previously imposed upon a permittee pursuant to this chapter or impose any fine imposed by law for violations of this chapter or any other laws or standards affecting public health and safety, including but not limited to the Los Angeles County Code, the California Health and Safety Code, the blood borne pathogen standard, California Code of Regulations Title 8, section 5193 or the exposure control plan of the permittee, or any combination thereof, or for interference with a county health officer's performance of duty.

G. A permit issued pursuant to this chapter may be reissued or reinstated, if the department determines that the conditions which prompted the suspension or revocation no longer exist and any fine imposed pursuant to this chapter has been satisfied.

H. In the event a permit is suspended or revoked, the producer of adult films whose permit was revoked shall cease filming any adult film unless and until the permit is reinstated or reissued.

(Measure B, § 4, approved by voters in Nov. 6, 2012 General Election.)

Part 3 COMPLIANCE AND ENFORCEMENT

11.39.120 Compliance with the provisions in this chapter shall be mandatory.

A. The provisions of this chapter are in full force and effect in the county.

B. Any producer of adult films filming any adult films within the county, including any person or entity owning or operating any business regulated by this chapter, must comply with the provisions of this chapter.

C. In addition to any other penalty provided for under this chapter, consistent with the process set forth herein for notice and administrative review, the department may impose a fine on persons violating any provision of this chapter or any law, regulation or standard incorporated into this chapter. The department may impose a civil fine upon such violators in an amount not to exceed $500.00 per violation, as appropriate. The imposition of such fines shall, in no way, limit the authority or ability to impose other requirements of this chapter or seek other remedies against alleged violators.

D. Any person or entity who produces or films adult films for commercial purposes within the county without a valid adult film production public health permit, or any person, who violates any law, ordinance or regulation governing any activity regulated by this chapter, or who, upon demand of the county health officer, refuses or neglects to conform to a lawful order or directive of a county health officer pertaining to conduct regulated by this chapter, is guilty of a misdemeanor, punishable by fine of $1,000.00, imprisonment in the county jail for a period not to exceed six months, or both. Each such act is punishable as a separate offense.

(Measure B, § 4, approved by voters in Nov. 6, 2012 General Election.)

11.39.130 Health officer—Enforcement.

The county health officer may enter and inspect any location suspected of conducting any activity regulated by this chapter, and, for purposes of enforcing this chapter, the county health officer may issue notices and impose fines therein and take possession of any sample, photograph, record or other evidence, including any documents bearing upon adult film producer's compliance with the provision of the chapter. Such inspections may be conducted as often as necessary to ensure compliance with the provisions of this chapter.

(Measure B, § 4, approved by voters in Nov. 6, 2012 General Election.)

11.39.140 Noncompliance with county health officer—Injunctive relief.

Any act or failure to act which is a violation of this chapter may be the subject of a civil action to enjoin the person or entity so acting or failing to act to conform his or her conduct to the provisions of this chapter. A civil action to enforce the provisions of this section may be brought by the county counsel, the district attorney or any person directly affected by said failure to comply with the provisions of this chapter. The filing and prosecution of such an action shall, in no way, limit the authority or ability to impose other requirements of this chapter or remedies or penalties as permitted by law.

(Measure B, § 4, approved by voters in Nov. 6, 2012 General Election.)

Part 4 OPERATIONS

11.39.150 Exposure control plan and reporting.

Every producer of adult films shall provide a written exposure control plan, approved by the department, describing how the requirements of this chapter will be implemented. The exposure control plan shall meet requirements established in departmental regulations.

(Measure B, § 4, approved by voters in Nov. 6, 2012 General Election.)

Division 2 GENERAL HAZARDS[29]

Chapter 11.40 GENERAL PROVISIONS

11.40.010 Title for citation.

The ordinance codified in Division 2 of Title 11 shall be known as and may be cited as the "general hazards ordinance."

(Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 1 § 101, 1949.)

11.40.020 Purpose of Division 2 provisions.

The purpose of the ordinance codified in this Division 2 is to provide minimum standards to safeguard life, limb, safety and public welfare by requiring protections from hazardous bodies of water, wells and other defined excavations and abandoned chests, not presently covered by statutes of the state of California.

(Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 1 § 102, 1949.)

11.40.030 Powers of deputies.

Whenever, by the provisions of this Division 2, a power is granted to a public officer or a duty imposed upon such officer, the power may be exercised or duty performed by a deputy of the officer, or by a person authorized pursuant to law by the officer, unless it is expressly otherwise provided.

(Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 1 § 103, 1949.)

11.40.040 References apply to amendments and additions.

Whenever any reference is made to any portion of the ordinance codified in this Division 2, or of any other ordinance, or to any statute, such reference shall apply to all amendments and additions thereto now or hereafter made.

(Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 1 § 104, 1949.)

11.40.050 Applicability and exceptions.

Should any exception to the provisions of this Division 2 be held invalid, or should any provision of this Division 2 be held invalid because of any exception, such exception shall be eliminated from Division 2. The board declares that it intends this Division 2 to apply to every excavation which, by reason of constitutional limitations, cannot be excepted from the provisions of this division, and to every excavation the exception of which would invalidate this Division 2 or any portion thereof.

(Ord. 9585 § 1 (part), 1968; Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 1 § 106, 1949.)

11.40.060 Interpretation of language.

A. Tenses. The present tense includes the past and future tenses.

B. Genders. Each gender includes the other two genders.

C. Number. The singular number includes the plural and the plural the singular.

(Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 1 §§ 107, 108, 109, 1949.)

11.40.070 Violation—Penalty.

Violation of this Division 2 is a misdemeanor, punishable by a fine of not more than $500.00 or by imprisonment in the County Jail for not more than six months, or by both such fine and imprisonment. Each day during any portion of which any violation of any provision of this Division 2 is committed, continued or permitted constitutes such violation a separate offense.

(Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 1 § 110, 1949.)

11.40.080 Severability.

If any portion of this Division 2 or the application thereof to any person or circumstances is held invalid, the remainder of this Division 2, and the application of such provision to other persons or circumstances, shall not be affected thereby.

(Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 1 § 105, 1949.)

Chapter 11.41 ADDRESSING MEDICAL DEBT THROUGH DATA COLLECTION

11.41.010 Title.

The Ordinance codified in this Chapter shall be known as "Addressing Medical Debt Through Data Collection."

(Ord. 2024-0048 § 2, 2024.)

11.41.015 Declaration of Findings and Purpose.

A. The Board of Supervisors finds that medical debt creates a substantial burden in Los Angeles County and that while some individuals may not owe money directly to medical or dental providers, they may have settled these debts by acquiring other forms of debt, such as credit cards, personal bank loans, or loans from relatives and friends.

B. The Board of Supervisors further finds the impact of medical debt is widespread, causing financial, mental, and physical distress for patients, who may have difficulty affording the basic necessities like food and housing and may delay necessary medical treatments, especially when these expenses are not covered by insurance and patients are unaware of or denied financial assistance.

C. The Board of Supervisors further finds that for lower-income patients, even a modest amount of debt can be debilitating.

D. The purpose of this Chapter is to authorize the Department of Public Health to collect and publish data and policies on debt collection and financial assistance activities to increase transparency related to medical debt, authorize the Department of Public Health to establish rules for reporting the collection of debt and financial assistance data and policies, and give the Department of Public Health enforcement authority for violations of this Chapter.

(Ord. 2024-0048 § 2, 2024.)

11.41.020 Definitions.

A. "Consumer Reporting Agency" means any Person which, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties, and which uses any means or facility of interstate commerce for the purpose of preparing or furnishing consumer reports.

B. "Debt" means money owed by a patient for health care services or goods the patient received from a Hospital.

C. "Debt Data" means information concerning a patient's Debt, including:

1. Patient name, patient and/or medical record number, date of birth, phone number(s), residence and mailing address, email address, and insurance name and policy number.
2. Time for which Debt was outstanding.
3. Original amount of the cost of the service(s) for which the Debt was incurred.
4. Itemization of all patient payments, insurance or other payor payments, and bill adjustments.
5. Additional information as required by the Department; however, Debt Data will not include a patient's diagnosis or treatment.

D. "Debt Collection" means any act or practice in connection with the collection of Debt from a patient, including but not limited to, the following:

1. Any attempt to contact a patient regarding a Debt more than ninety (90) days past-due, including, but not limited to, the following communication methods:
    a. Mail;
    b. Email;
    c. Text;
    d. Phone Calls; and
    e. In-person.
2. The sale or assignment of a patient's Debt to a third party.
3. Reporting adverse information about the patient to a Consumer Reporting Agency.
4. Undertaking actions to initiate a civil action, including but not limited to:
    a. Placing a lien on a patient's property;
    b. Attaching or seizing a patient's bank account or any other personal property;
    c. Obtaining an order for examination pursuant to California Code of Civil Procedure section 708.120; or
    d. Garnishing a patient's wages.
5. Delaying or denying care based on a Debt.

E. "Department" means the County of Los Angeles Department of Public Health.

F. "Financial Assistance" means free or discounted care provided to patients as required by the Hospital Fair Pricing Act and Internal Revenue Service (IRS) regulations (26 C.F.R. Section 1.501(r)-4(b)), or under the Hospital's own policies.

G. "Hospital" means any facility in the County of Los Angeles licensed as an acute care hospital by the California Department of Public Health.

H. "Patient" means an individual who has received treatment at a Hospital, or the parent or other financially responsible person of that individual.

I. "Person" means any individual, partnership, corporation, trust, estate, cooperative, association, government or governmental subdivision or agency, or other entity.

J. "Report" means a written or electronic form containing Debt Data for all Hospital patient Debts.

K. "Safety Net Hospital" means any Hospital with a low-income percent of seventy (70) or higher as determined by the most recent California Department of Health Care Services Disproportionate Share Hospital Program eligibility list.

L. "Working Days" means Monday through Friday, not including Saturday, Sunday, federal, State, or County holidays.

(Ord. 2024-0048 § 2, 2024.)

11.41.025 Reporting of Data.

A. Each Hospital that is not a Safety Net Hospital shall prepare and submit a Report with Debt Data to the Department within ten (10) Working Days of initiating any Debt Collection.

B. Each Safety Net Hospital shall prepare and submit a Report with Debt Data to the Department within twenty (20) Working Days of initiating any Debt Collection.

C. Each Hospital that is not a Safety Net Hospital shall prepare and submit to the Department a quarterly statement with aggregate Debt Data and Financial Assistance activities, including all offers and agreements of Financial Assistance. The first quarterly statement shall list information from the preceding three (3) months and each subsequent quarterly statement shall include new information for that quarter.

D. Each Safety Net Hospital shall prepare and submit to the Department an annual statement with aggregate Debt Data and Financial Assistance activities, including all offers and agreements of Financial Assistance. The first annual statement shall list information from the preceding twelve (12) months and each subsequent annual statement shall include new information for that year.

E. All Hospitals shall submit to the Department all Hospital policies on Financial Assistance unless already submitted to the California Department of Healthcare Access and Information and resubmit such policies within thirty (30) days following any policy revisions unless already submitted to the California Department of Healthcare Access and Information.

F. After one-hundred eighty (180) days of the effective date of the Ordinance codified in this Chapter, it shall be a violation of this Chapter for any Hospital who fails to submit the Reports required herein.

(Ord. 2024-0048 § 2, 2024.)

11.41.030 Administrative Fine for Violation.

A. Any Hospital that violates this Chapter may be subject to an administrative fine not to exceed five thousand dollars ($5,000) per violation pursuant to Chapter 1.25 of this Code. If the violation(s) is not remedied within thirty (30) days of notice from the Department, each violation is doubled, up to ten thousand dollars ($10,000). After thirty (30) days of non-compliance, each seven-day period thereafter is an additional fine of five thousand dollars ($5,000) for each violation until the violation is remedied.

B. Any Hospital that violates any provision of this Chapter may be subject to a civil action, including but not limited to, any injunction, in addition to administrative fines.

(Ord. 2024-0048 § 2, 2024.)

11.41.035 Department Responsibilities.

A. The Department has the authority to establish any rules it determines are necessary or appropriate for the implementation and enforcement of this Chapter. These rules shall be filed with the Executive Officer of the

Board and shall become effective immediately upon filing. Hospitals will have sixty (60) days from the issuance of the new rules to become compliant.

B. The Department shall maintain a public website and maintain the following information:

1. Instructions to Hospitals for preparing and submitting Reports and statements to the Department.

2. Aggregate Debt Data.

3. A link to the California Department of Healthcare Access and Information website and any Hospital policies on Financial Assistance, unless already available to the Department through the California Department of Healthcare Access and Information.

4. All rules adopted pursuant to Section 11.41.035.

(Ord. 2024-0048 § 2, 2024.)

11.41.040 Enforcement.

The Department is responsible for administering and ensuring compliance with this Chapter. If a possible violation of this Chapter is identified, the Hospital will be contacted and required to respond to the Department's inquiry within thirty (30) days from the date of inquiry or be subject to administrative fines as described in Section 11.41.030 of this Chapter.

(Ord. 2024-0048 § 2, 2024.)

11.41.045 Severability.

If any part of this Chapter is for any reason deemed invalid or unconstitutional by a court of competent jurisdiction, such a decision will not impact the validity of the remaining Chapter. The County of Los Angeles Board of Supervisors hereby declares that it would have adopted this Chapter and every subsection, sentence, clause, or phrase thereof not declared invalid or unconstitutional without regard to whether any one or more subsection, sentence, clause, or phrase would subsequently be declared unconstitutional or invalid.

(Ord. 2024-0048 § 2, 2024.)

Chapter 11.42 DEFINITIONS

11.42.010 Definitions applicable to Division 2.

Unless the provision or the context otherwise requires, the definitions in this chapter shall govern the construction of this Division 2.

(Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 2 § 201, 1949.)

11.42.020 Article.

"Article" means an article of the ordinance codified in this Division 2, unless some other ordinance or statute is mentioned.

(Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 2 § 202, 1949.)

11.42.030 Board.

"Board" means the board of supervisors of the county of Los Angeles.

(Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 2 § 203, 1949.)

11.42.040 County.

"County" means the county of Los Angeles.

(Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 2 § 204, 1949.)

11.42.050 County engineer.

"County engineer" means the county engineer of the county of Los Angeles.

(Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 2 § 205, 1949.)

11.42.060 Excavation.

"Excavation" means any hole or depression in the ground or body of water created wholly or in part by artificial means, including excavation, dam, fill, or combination thereof.

(Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 2 § 206, 1949.)

11.42.070 Parcel of land.

"Parcel of land" means a contiguous quantity of land, in the possession of, or owned by, or recorded as the property of, the same claimant or person.

(Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 2 § 207, 1949.)

11.42.080 Party concerned.

"Party concerned" means the person, if any, in real or apparent charge and control of the object or premises involved, the person who, by the last equalized assessment roll, appears to be the owner of the premises involved, the record owner, the holder of any mortgage, trust deed or other lien or encumbrance of record, the owner or holder of any lease of record, the record holder of any other estate or interest in or to the object or premises.

(Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 2 § 208, 1949.)

11.42.090 Person.

"Person" means any individual, firm, copartnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver, syndicate, or any other group or combination acting as a unit.

(Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 2 § 209, 1949.)

11.42.100 Section.

"Section" means a section of the ordinance codified in this Division 2 unless some other ordinance or statute is specifically mentioned.

(Ord. 9415 § (part), 1967; Ord. 5307 Art. 2 § 211, 1949.)

11.42.110 Shall and may.

"Shall" is mandatory; "may" is permissive.

(Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 2 § 210, 1949.)

11.42.120 Sheriff.

"Sheriff" means the sheriff of this county.

(Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 2 § 212, 1949.)

11.42.130 Superintendent.

"Superintendent" means:

A. The county engineer of the county of Los Angeles while enforcing Sections 50241, 50242, 50243, 50244 and 50254 of the Government Code;

B. The sheriff while enforcing Sections 50234 and 50236 of the Government Code.

(Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 2 § 213, 1949.)

Chapter 11.44 BOXES AND CHESTS

11.44.010 Removal of door or latch required—Failure deemed misdemeanor when.

Any person who discards or abandons or leaves in any place accessible to children any chest or box having a capacity of one and one-half cubic feet or more, which is no longer in use, which chest or box has an attached lid or door which may be opened or fastened shut by means of an attached latch, which has not had such door removed or the hinges and such portion of the lock mechanism removed to prevent latching or locking of the door, is guilty of a misdemeanor.

(Ord. 9415 § 1 (part) 1967; Ord. 5307 Art. 7 § 701, 1949.)

11.44.020 Exceptions to chapter applicability.

This chapter does not apply to any refrigerator, icebox or deep-freeze locker in current use. This chapter does not prohibit or cover any act prohibited by Section 402(b) of the Penal Code of the state of California, or by any other state statute.

(Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 7 § 702, 1949.)

11.44.030 Removal by sheriff authorized when.

If the sheriff finds any chest or box in violation of the provisions of this chapter, he may remove the latch so that such chest or box cannot be fastened shut, or he may remove such chest or box to a place not accessible to children. Neither of such actions bars a prosecution for violation of this chapter.

(Ord. 9415 § 1 (part) 1967; Ord. 5307 Art. 7 § 703, 1949.)

Chapter 11.46 HAZARDOUS OIL WELL MACHINERY

11.46.010 Enclosure requirements—Exemptions.

A. A person owning, having possession of or in control of any oil well shall not maintain or allow to exist thereon any moving parts or machinery, in use and/or operatable at such oil well, unless such machinery or moving parts are securely enclosed by a fence complying with the provisions of Section 11.48.030 or screening or housing sufficient to prevent the entry of unauthorized persons. If a fence is equipped with gates, such gates shall comply with Section 11.48.040. A single fence, screen or housing may be used to enclose more than one oil well.

B. Exception: Perimeter fencing need not be continuous where:

1. The oil well is in an isolated area with no residences other than a caretaker within one-half mile; and

2. The unfenced portion is located in terrain that is equivalent to the fenced portion in protection against trespassing.

(Ord. 10874 § 1, 1974; Ord. 10730 § 2 (part), 1973; Ord. 5307 Art. 9 § 901, 1949.)

11.46.020 Exempt facilities.

This chapter does not apply if a competent person is in constant attendance 24 hours per day at each oil well.

(Ord. 10730 § 2 (part), 1973; Ord. 5307 Art. 9 § 902, 1949.)

11.46.030 Violation deemed misdemeanor.

Any person owning, maintaining, operating or in possession of hazardous oil well machinery, as defined in this chapter, and who is in violation of this Division 2 is guilty of a misdemeanor, and may be arrested and taken immediately before the magistrate by the sheriff or released after giving his written promise to appear before the magistrate as provided in Ordinance 6723.

(Ord. 10874 § 2, 1974; Ord. 5307 Art. 9 § 903, 1949.)

Chapter 11.48 OIL WELL SUMPS, SAND AND GRAVEL PITS AND SIMILAR EXCAVATIONS[31]

11.48.010 Fencing—Required when.

Every person making, maintaining or using, and every person owning or in control of the premises on which there exists an oil-well sump of any depth, or a sand and gravel pit, clay pit or similar excavation exceeding three feet in depth, shall erect and continuously maintain around such excavation at all places, if an oil well sump, and in other cases at all places where the slope exceeds one foot vertical to one and one-half foot horizontal if not under water, or one foot vertical to four feet horizontal if under water, a fence complying with the requirements of this chapter.

(Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 3 § 301, 1949.)

11.48.020 Exceptions to chapter applicability.

This chapter does not apply to:

A. An oil-well sump constantly and immediately attended while drilling operations are continuously proceeding;

B. Harbors, marinas and artificial lakes exceeding one acre in surface area used for recreational purposes;

C. A temporary excavation for the installation of a public utility, if not abandoned.

(Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 3 § 302, 1949.)

11.48.030 Fencing—Specifications.

Fences required by this chapter shall be not less than five feet high, mounted on one and one-quarter-inch diameter galvanized-steel posts, with not less than three strands of barbed wire mounted at a 45-degree angle from the top of the fence. The fence shall be constructed of chain link or other industrial-type fencing of not less than 11-gauge wire, and of not greater than two-inch nominal mesh. The posts supporting the fence shall be set 36 inches in a concrete base and shall be spaced approximately 10 feet apart. Tension wires of at least No. 9 gauge coil-spring wire, or equivalent, shall be stretched at the top and bottom of the fence fabric, and shall be fastened to the fabric at 24-inch intervals. There shall be no aperture below the fence large enough to permit any child to crawl under the fence.

(Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 3 § 303, 1949.)

11.48.040 Gates.

Gates shall be of a structure substantially the same as the required fence, and shall be kept locked when not attended by an adult.

(Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 3 § 304, 1949.)

11.48.050 Alternate construction authorized when.

If the county engineer finds that any other type of construction has resulted in, or will result in, a fence or wall in all respects the equivalent in protection, strength and durability to a fence constructed as provided in Section 11.48.030, such alternate type of construction may be used.

(Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 3 § 305, 1949.)

11.48.060 Cleanup of sumps, cellars and ditches required when.

Every person operating or maintaining an oil well shall cause all sumps, cellars and ditches which were used, or installed, or maintained for use in connection with any well, and which have not been used for 90 days for the operation of or the drilling of such well or any other well in the vicinity, to be cleaned out, and all oil, rotary mud and rubbish removed therefrom.

(Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 3 § 306, 1949.)

Chapter 11.50 SWIMMING POOLS[33]

11.50.010 Fence or other enclosure—Required when.

Every person who shall own or be in possession of any premises on which there is situated a swimming pool, fish pond or other outside body of water created by artificial means, designed or used for swimming or other immersion purposes by men, women or children, any portion of which is two feet deep or more, and the surface area of the water in which does not exceed 10,000 square feet, shall erect and maintain on such lot or premises, and completely surrounding such body of water, lot or premises, a fence, wall or other structure, which fence, wall or other structure complies with the provisions of this chapter.

(Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 5 § 501, 1949.)

11.50.020 Sign posting required—Contents.

Every person who owns, operates or maintains a private swimming pool for the use of himself, his family or friends in the unincorporated area of the county of Los Angeles shall post or display a sign or poster which is clearly visible from any point immediately adjacent to such pool, which is protected against the elements, and which describes and illustrates the proper procedures for giving both mouth-to-mouth and manual artificial respiration. Every such sign or poster shall also contain the following statements or information:

A. A statement that in case of need, mouth-to-mouth or manual artificial respiration should be started immediately and should be continued until a physician arrives or until mechanical resuscitators are applied;

B. The words "FIRE DEPARTMENT PARAMEDIC RESCUE UNIT" followed by the telephone number of the nearest Los Angeles County fire department dispatcher;

C. The location and telephone number of the nearest emergency hospital or other emergency treatment facility and of the nearest physician; and

D. The telephone number of the nearest ambulance service.

(Ord. 11069 § 1, 1975; Ord. 5307 Art. 5 § 501.1, 1949.)

11.50.030 New pools—Sign posting required.

Every contractor or other person, firm, copartnership, association or corporation constructing any private swimming pool which is subject to the provisions of Section 11.50.020 shall upon completion of such swimming pool erect a sign or poster which in all respects complies with the requirements of said Section 11.50.020.

(Ord. 11069 § 2, 1975; Ord. 5307 Art. 5 § 501.2, 1949.)

11.50.040 Fence or other enclosure—Design requirements.

The fence, wall or other structure required by this chapter shall be not less than five feet high, measured from the existing surface to the top of the fence or wall on the side of the fence or wall opposite the side towards the pool, with no openings except doors or gates, with an area greater than 50 square inches, except that a rectangular opening having no horizontal dimension exceeding four inches may have a greater area.

(Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 5 § 502, 1949.)

11.50.050 Wood fences.

Wood fences shall have posts not less than three inches by three inches, spaced not over 10 feet on centers, and embedded at least 18 inches into the ground. Posts, other than redwood, shall be treated with a preservative. Fencing shall be at least one-half inch in thickness, and fastened securely to at least two rails not less than two inches by three inches in cross-section.

(Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 5 § 503, 1949.)

11.50.060 Wire fences.

Wire fences shall be constructed of wire mesh of not less than 11 gauge galvanized-steel wire supported on one and one-fourth inch diameter galvanized pipe spaced not over 10 feet on centers. Posts shall be embedded at least 12 inches into concrete fill, in holes not less than six inches in diameter and 18 inches in depth.

(Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 5 § 504, 1949.)

11.50.070 Masonry fences.

Masonry fences shall be supported on a foundation of concrete extending not less than 12 inches below grade, not less than 12 inches in width, and not less than six inches in thickness. Wall steel, when required, shall be embedded 16 diameters into the footing.

(Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 5 § 505, 1949.)

11.50.080 Fence—Alternate type authorized when.

If the county engineer finds that any other type of construction has resulted in, or will result in, a fence in all respects the equivalent in strength and durability to a fence constructed as provided in Sections 11.50.050, 11.50.060 or 11.50.070, such type of construction may be used.

(Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 5 § 506, 1949.)

11.50.090 Fences higher than six feet—Additional regulations.

All fences or walls exceeding six feet in height shall comply with the provisions of Ordinance 2225, the Building Code, set out at Title 26 of this code.

(Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 5 § 507, 1949.)

11.50.100 Gates and doors—Self-closing devices required.

All gates or doors opening through the fence or structure protecting a swimming pool, as required by this chapter, shall be equipped with self-closing and self-latching devices not less than four feet above grade, capable of keeping such gate or door securely closed at all times when not in actual use.

(Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 5 § 508, 1949.)

11.50.110 Gates and doors—Size and use.

All doors or gates shall be of such size as to completely fill any opening in the fence or wall. The owner or person in possession of the premises on which such swimming pool exists shall keep such doors and gates closed and securely latched at all times when such swimming pool is not in use.

(Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 5 § 509, 1949.)

11.50.120 Portable pools.

This chapter does not apply to portable swimming pools which are so designed that the water in them can, at no time, exceed two feet in depth, but does apply to all other portable swimming pools.

(Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 5 § 510, 1949.)

11.50.130 Violation deemed misdemeanor.

Any person owning, maintaining, operating or in possession of a pond or pool, as defined in this chapter, and who is in violation of this Division 2, is guilty of a misdemeanor, and may be arrested and taken immediately before the magistrate by the sheriff or released after giving his written promise to appear before the magistrate as provided in Ordinance 6723. (See Chapter 1.24 of this code.)

(Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 5 § 511, 1949.)

Chapter 11.51 BARRIERS FOR SWIMMING POOLS, SPAS AND HOT TUBS

11.51.010 Applicability of chapter.

The provisions of this chapter apply to the design and construction of barriers for new or altered swimming pools located on the premises of Group R, Division 3 Occupancies and are in addition to the requirements of Chapter 11.50.

(Ord. 95-0039 § 1 (part), 1995.)

11.51.015 Standards of quality.

In addition to the other requirements of this code, safety covers for spas shall meet the requirements as set forth in ASTM F 1346: Standard Performance Specification for Safety Covers and Labeling Requirement for All Covers for Swimming Pools, Spas and Hot Tubs.

(Ord. 96-0017 § 1 (part), 1996.)

11.51.020 Definitions.

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

A. "Above-ground/on-ground pool." See definition of "swimming pool."

B. "Barrier" is a fence, wall, building wall, or a combination thereof, which completely surrounds the swimming pool and obstructs access to the swimming pool.

C. "Dwelling unit" shall have the same meaning as that term is defined in Title 26 (Building Code) of the Los Angeles County Code.

D. "Group R, Division 3 Occupancies" shall have the same meaning as that term is defined in Title 26 (Building Code) of the Los Angeles County Code.

E. "Grade" is the underlying surface such as earth or a walking surface.

F. "Hot tub." See definition of "spa, nonself-contained" and "spa, self-contained."

G. "In-ground pool." See definition of "swimming pool."

H. "Pedestrian walkway" shall have the same meaning as that term is defined in Title 26 (Building Code) of the Los Angeles County Code.

I. "Spa, nonself-contained" is a hydromassage pool or tub for recreational or therapeutic use, not located in health-care facilities, designed for immersion of users and usually having a filter, heater and motor-driven blower. It may be installed indoors or outdoors, on the ground or on a supporting structure, or in the ground or in a supporting structure. It is intended for recreational bathing and contains water over 24 inches (610 mm) deep.

J. "Spa, self-contained" is a continuous-duty appliance in which all control, water-heating and water-circulating equipment are an integral part of the product, located entirely under the spa skirt. A self-contained spa is intended for recreational bathing and contains water over 24 inches (610 mm) deep.

K. "Swimming pool" is any structure intended for swimming or recreational bathing that contains water over 24 inches (610 mm) deep. This includes in-ground, above-ground and on-ground swimming and fixed-in-place wading pools.

L. "Swimming pool, indoor" is a swimming pool which is totally contained within a residential structure and surrounded on all four sides by walls of said structure.

M. "Swimming pool, outdoor" is any swimming pool which is not an indoor pool.

(Ord. 96-0017 § 2, 1996; Ord. 95-0039 § 1 (part), 1995.)

11.51.030 Requirements.

A. Outdoor Swimming Pool. An outdoor swimming pool shall be provided with a barrier that shall be installed, and inspected and approved by the building official prior to plastering or filling with water. The barrier shall comply with the following:

1. The top of the barrier shall be at least 60 inches (1524 mm) above grade measured on the side of the barrier which faces away from the swimming pool.

EXCEPTION: Separation Fences (as defined herein) shall be at least 48 inches (1219 mm) above grade measured on the side of the barrier which faces away from the swimming pool.

2. The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches (51 mm) measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance at the bottom of the barrier may be increased to 4 inches (102 mm) when grade is a solid surface such as a concrete deck, or when the barrier is mounted on the top of the above-ground pool structure. When barriers have horizontal members spaced less than 45 inches (1143 mm) apart, the horizontal members shall be placed on the pool side of the barrier. Any decorative design work on the side away from the swimming pool, such as protrusions, indentations or cutouts, which render the barrier easily climbable, is prohibited.

3. Openings in the barrier shall not allow passage of a 1-3/4 inch diameter (44 mm) sphere.

EXCEPTIONS:

a. When vertical spacing between such openings is 45 inches (1143 mm) or more, the opening size may be increased such that the passage of a 4-inch-diameter (102 mm) sphere is not allowed.

b. For fencing composed of vertical and horizontal members, the spacing between vertical members may be increased up to 4 inches (102 mm) when the distance between the tops of horizontal members is 45 inches (1143 mm) or more.

4. Chain link fences used as the barrier shall not be less than 11 gage.

5. Pedestrian walkway access gates shall comply with the requirements of Items 1 through 4. Pedestrian walkway access gates shall be self-closing and have a self-latching device. Where the release mechanism of the self-latching device is located less than 54 inches (1372 mm) from the bottom of the gate, (a) the release mechanism shall be located on the pool side of the barrier at least 3 inches (76 mm) below the top of the gate, and (b) the gate and barrier shall have no opening greater than 1/2 inch (13 mm) within 18 inches (457 mm) of the release mechanism. Pedestrian walkway access gates shall swing away from the pool. Any gates other than pedestrian walkway access gates shall be equipped with lockable hardware or padlocks and shall remain locked at all times when not in use.

6. Where a building wall of a Group R, Division 3 Occupancy dwelling unit serves as a part of the barrier and the building wall has door opening(s) which provide direct access to the swimming pool, a wall or fence (herein referred to as a separation fence) shall be provided so as to prevent direct access from the house to the swimming pool. The separation fence shall comply with the requirements of Items 1, 2, 3, 4 and 5 of this Section.

EXCEPTION: When approved by the building official, one of the following may be used instead of a separation fence:

a. Self-closing and self-latching devices installed on all doors with direct access to the pool with the release mechanism located at a minimum of 54 inches (1372 mm) above the floor.

b. An alarm installed on all doors with direct access to the pool. The alarm shall sound continuously for a minimum of 30 seconds within seven seconds after the door and its screen, if present, are opened, and be capable of providing a sound pressure level of not less than 85 dBA when measured indoors at 10 feet (3048 mm). The alarm shall automatically reset under all conditions. The alarm system shall be equipped with a manual means, such as a touchpad or switch, to temporarily deactivate the alarm for a single opening. Such deactivation shall last no longer than 15 seconds. The deactivation switch shall be located at least 54 inches (1372 mm) above the threshold of the door.

c. Other means of protection may be acceptable so long as the degree of protection afforded is not less than that afforded by any of the devices described above.

7. Where an above-ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps, then (a) the ladder or steps shall be

capable of being secured, locked or removed to prevent access or (b) the ladder or steps shall be surrounded by a separation fence which meets the requirements of Items 1 through 5 above. When the ladder or steps are secured, locked or removed, any opening created shall be protected by a separation fence complying with Items 1 through 6 above.

B. Indoor Swimming Pool. For an indoor swimming pool, protection shall comply with the requirements of subsection (A)(6) of this section.

C. Existing Fencing. If portions of the barrier are comprised of pre-existing fencing which complies with the provisions of Chapter 11.50 of this code, except as noted below, such pre-existing fencing need not comply with the provisions of this chapter. If a building wall of a Group R, Division 3 Occupancy dwelling unit serves as part of the barrier and the building wall has door opening(s) which provide direct access to the swimming pool, then the provisions of subsection (A)(6) of this section shall apply.

D. Nonself-Contained and Self-Contained Spas. For outdoor and indoor spas, protection shall comply with the requirements of this section.

EXCEPTION: A lockable spa cover complying with ASTM F 1346, as determined by the building official, shall be provided in lieu of the separation fence required by subsection (A)(6) of this section.

(Ord. 96-0017 § 3, 1996; Ord. 95-0039 § 1 (part), 1995.)

Chapter 11.52 WATER HAZARDS

11.52.010 Hazardous bodies of water—Board findings.

The board finds that there are numerous bodies of water, both natural and man-made, throughout the unincorporated territory of this county, which are not included within the provisions of Chapters 11.48, 11.50 or 11.54, yet are a serious hazard to children and others because of their depth, size, vegetable growth therein, nature of soil, and for many other reasons. The board further finds that these bodies of water are attractive to children and that children will use them for boating, floating and bathing.

(Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 6 § 601, 1949.)

11.52.020 Areas declared nuisance when—Abatement—Statutory provisions incorporated by reference.

Whenever any body of water, whether natural or man-made, or partially natural and partially man-made, is a hazard to children because of its size, depth, vegetable growth therein, nature of soil, or for any other reason, the board may declare by resolution such body of water to be a public nuisance and abate such hazard as provided in Article 9 (beginning with Section 50230) of Chapter 1 of Part 1 of Division 1 of Title 5 of the Government Code, the provisions of which article are incorporated by reference as a portion of this Division 2.

(Ord. 9585 § 1 (part), 1968; Ord. 9415 § 1 (part), 1367; Ord. 5307 Art. 6 § 602, 1949.)

11.52.030 Areas in multiple ownership—Abatement responsibility.

If such body of water occupies more than one premises, the owner or person in possession of each such premises shall be responsible for the abatement of the nuisance which exists on his property.

(Ord. 9585 § 1 (part), 1968; Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 6 § 603, 1949.)

11.52.040 Gate requirements.

Gates shall be kept locked when not attended by an adult.

(Ord. 9585 § 1 (part), 1968; Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 6 § 604, 1949.)

11.52.050 Hazard areas designated.

The board finds that those bodies of water located as described in this section are a hazard to life and are subject to the provisions of this Division 2, including this chapter:

A. Between 135th Street on the south, 133rd Street on the north, Broadway on the east and the railroad which is parallel to Broadway on the west.

(Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 6 § 605, 1949.)

Chapter 11.54 WELLS, TEST HOLES, CESSPOOLS, CISTERNS AND SEPTIC TANKS

11.54.010 Closure, capping or filling in holes required when.

Every person who digs, drills, excavates, constructs, owns or controls, and every person owning or having possession of any premises on which exists any oil or water well, test hole, cesspool, cistern, septic tank, seepage pit or similar excavation, shall cap, close or otherwise protect the opening to such well, hole, cesspool, cistern, septic tank, seepage pit or similar excavation in such a manner as to prevent persons from falling therein, and in such a manner that such capping, closing or other protection cannot be removed by accident or inadvertence, or such persons shall fill such well, cesspool or pit.

(Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 4 § 401, 1949.)

11.54.020 County may perform work when.

Whenever any person fails or refuses to perform any act required by this chapter, the county may itself cap, cover or fill such well, or the county may follow the procedure provided for in Chapter 11.56 of this code and Article 9 of the Government Code cited in Section 11.52.020.

(Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 4 § 402, 1949.)

11.54.030 Exceptions to chapter applicability.

This chapter does not apply to:

A. Wells, cesspools, cisterns, septic tanks or seepage pits under construction, when constantly and immediately attended by workmen or other adult persons;

B. Wells, pits or shafts less than three feet in depth or with an opening not exceeding six inches in diameter;

C. Abandoned excavations covered by Sections 24400, 24401 or 24402 of the Health and Safety Code.

(Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 4 § 403, 1949.)

Chapter 11.56 HEARINGS AND ENFORCEMENT[35]

11.56.010 Statutory nuisance abatement provisions applicable when.

Whenever any person fails or refuses to perform any act required by Chapters 11.48, 11.50 or 11.54 of this Division 2, the board may proceed as provided in said Article 9 (beginning with Section 50230) of Chapter 1 of Part 1, of Division 1, of Title 5 of the Government Code.

(Ord. 9585 § 2 (part), 1968; Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 8 § 801, 1949.)

11.56.020 Change of wording to designate specific nuisance.

Whenever Section 50236 of the Government Code or any other provision in that same Article refers to "abandoned excavation," in the case of oil-well sumps, excavations covered by this Division 2 but not abandoned, swimming pools and water hazards, the appropriate word or words "oil well sump," "excavation," "swimming pool," "water hazard" or other appropriate word or words shall be substituted.

(Ord. 9585 § 2 (part), 1968; Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 8 § 802, 1949.)

11.56.030 Hearing—Referee appointed by board—Exception.

Except in the case of an abandoned excavation, as defined by Section 50230 of the Government Code, the board may appoint a referee to hold any hearing required by this chapter.

(Ord. 9585 § 2 (part), 1968; Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 8 § 803, 1949.)

11.56.040 Hearing—Compensation of referee.

If the board appoints a county officer or county employee to act as referee, all time spent as a referee shall be considered as time spent by such officer or employee at performing the duties of his position. His compensation for performing both the duties of his position and as referee shall be at the rate of compensation provided for by the salary ordinance set out at Title 6 of this code.

(Ord. 9585 § 2 (part), 1968; Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 8 § 804, 1949.)

11.56.050 Hearing—Board action on referee recommendations.

Where a referee has held a hearing pursuant to this chapter, the board may act upon the findings and recommendations of the referee.

(Ord. 9585 § 2 (part), 1968; Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 8 § 805, 1949.)

Division 3 MISCELLANEOUS REGULATIONS

Chapter 11.57 COVID-19 WORKER AND CONSUMER SAFETY

11.57.010 Purpose, Application and Findings.

On March 4, 2020, the Los Angeles County Board of Supervisors declared a Local Emergency, and the Los Angeles County Health Officer declared a Local Health Emergency, regarding the outbreak of the novel coronavirus (COVID-19), and on March 11, 2020, the World Health Organization officially declared the health crisis a pandemic. On March 21, 2020, the Los Angeles County Health Officer issued a revised Safer at Home Order, requiring all residents to stay at home unless performing certain essential activities.

Retail Grocery Stores and Retail Drug Stores remain open, and their workers have become "front-line responders" to the local health emergency. In addition, many of the most vulnerable County residents, including those 60 years and older or with underlying health conditions, have turned to "Food Delivery Platforms" as a result of the requirements under the Safer at Home Order to meet many basic activities, such as obtaining groceries, toiletries and other essential items.

Food and grocery delivery drivers and shoppers are an essential population of workers, not employed directly by Retail Grocery Stores and Retail Drug Stores, but in contractual relationship with Food Delivery Platforms. These businesses, along with Retail Grocery Stores and Retail Drug Stores, must provide their workers with the necessary supplies, tools, equipment and safety practices to protect the workers and the public they are serving.

In promoting the health, safety, and general welfare of its residents, the County of Los Angeles has a substantial interest in encouraging Retail Grocery Stores, Retail Drug Stores and Food Delivery Platforms to comply with federal, State, and local laws, and Health Officer Orders and recommendations of health authorities to limit the spread of COVID-19.

(Ord. 2020-0018U § 1, 2020.)

11.57.020 Definitions.

For the purpose of this interim urgency ordinance, the following words and terms shall have the following meaning:

A. "Employer" means any of the following:

1. Retail Grocery Store;
2. Retail Drug Store; or
3. A Food Delivery Platform.

B. "Food Delivery Platform" means a business that utilizes an online website or other similar presence to interact with customers and acts as an intermediary between its customers/consumers and a Retail Grocery Store, Retail Drug Store and/or Restaurant.

C. "Health Officer Order" means any order issued by the Los Angeles County Health Officer, as amended.

D. "Restaurant" shall have the same meaning as set forth in Section 8.04.400 of the Los Angeles County Code.

E. "Retail Drug Store" means a retail store that sells a variety of prescription and non-prescription medicines and miscellaneous items, including but not limited to drugs, pharmaceuticals, sundries, fresh produce, meats, poultry, fish, deli products, dairy products, canned foods, dry foods, beverages, and prepared foods.

F. "Retail Grocery Store" means a retail store that sells primarily food or household goods, including fresh produce, meats, poultry, fish, deli products, dairy products, canned foods, dry foods, beverages, baked goods, and/or prepared foods.

G. "Retaliation" means taking adverse action against a Worker, such as reduction of work hours or compensation, or discharging a Worker for exercising rights granted by this interim urgency ordinance, or for complying with any Health Officer Order.

H. "Worker" means any person working for a Retail Grocery Store, Retail Drug Store, or Feed Delivery Platform, including as an employee or an independent contractor, that either physically works at a retail location that is open to the public and sells groceries, or shops or picks up prepared foods, groceries and other orders from a Restaurant, Retail Grocery Store and/or Retail Drug Store to deliver to a consumer. For purposes of this interim urgency ordinance, a Worker is presumed to be an employee of an Employer, and an Employer has the burden to demonstrate that a Worker is not an employee.

I. "Social Distancing" means the practice of avoiding large gatherings and maintaining a physical distance of at least six (6) feet from other people, or as otherwise defined in a Health Officer Order, and any other guidance issued by a Health Officer.

(Ord. 2020-0018U § 2, 2020.)

11.57.030 Provision of Equipment and Supplies.

A. Retail Grocery Stores and Retail Drug Stores shall provide their Workers who touch products for sale or otherwise interact with customers, at the Employers' expense, the following:

1. Gloves (if commercially available).
2. Hand sanitizer (if commercially available).
3. Disinfecting cleaning products and any other necessary sanitary tools and supplies.
4. Face coverings (non-medical grade).
5. Plexiglass barriers at all point of sale stations between a customer and a Worker.
6. Appropriate training on the proper use, cleaning, and maintenance of items 1 through 5 above.

B. Retail Grocery Stores and Retail Drug Stores shall provide the following:

1. Dedicated handwashing or sanitizing stations available in all stores for use by Workers prior to beginning their shifts.
2. Sanitary restrooms stocked with necessary soap, towels, toilet seat covers and toilet paper.

C. Food Delivery Platforms shall provide either (1) a face covering (non-medical grade), and gloves and/or hand sanitizer, or (2) a stipend or other sufficient, available funds for the purchase of a face covering (non-medical grade), and gloves and/or sanitizers.

D. Retail Grocery Stores, Retail Drug Stores, and Food Delivery Platforms will follow all Health Officer Orders and guidance issued by the Los Angeles County Health Officer related to the work environment, Workers, and COVID-19.

(Ord. 2020-0018U § 3, 2020.)

11.57.040 Staffing.

A. Retail Grocery Stores and Retail Drug Stores shall be maintained in clean condition, and shall cause the shopping carts and baskets to be sanitized between each use.

B. Retail Grocery Stores and Retail Drug Stores shall not unreasonably withhold approval of a Worker's request to change a work schedule due to childcare/family needs arising from a Health Officer Order, or due to a Worker experiencing symptoms consistent with COVID-19.

(Ord. 2020-0018U § 4, 2020.)

11.57.050 Other Worker and Customer Protections.

A. Retail Grocery Stores and Retail Drug Stores shall permit their respective Workers to wash their hands at least every thirty (30) minutes.

B. Retail Grocery Stores and Retail Drug Stores shall require their respective Workers to wear face coverings (non-medical grade) while on premises.

C. Retail Grocery Stores and Retail Drug Stores shall provide the following:

1. Shopping time dedicated solely for customers age 60 and over.

2. Proper signage at entrances to stores informing customers of the requirements for Social Distancing and visible markers for customers in line, in accord with Social Distancing at point of sale stations.

3. Access for Food Delivery Platform Workers to the restrooms on the premises for handwashing purposes.

D. Retail Grocery Stores and Retail Drug Stores may refuse admission or service to any individual who is not wearing a face covering.

E. Food Delivery Platforms shall require their Workers to wash or sanitize their hands prior to handling any food for delivery.

F. Food Delivery Platforms shall offer to its customers "no-contact" delivery options so deliveries can be made without Workers coming into close physical contact with customers.

(Ord. 2020-0018U § 5, 2020.)

11.57.060 Retaliation Prohibited.

Retail Grocery Stores, Retail Drug Stores, and Food Delivery Platforms shall be prohibited from retaliating against a Worker for exercising rights granted by this interim urgency ordinance or for complying with any Health Officer Order.

(Ord. 2020-0018U § 6, 2020.)

11.57.070 Sunset Clause.

This interim urgency ordinance shall sunset upon the latter of either the Governor of the State of California lifting his emergency order declared on March 4, 2020, or the Board of Supervisors lifting the Local Emergency declared on March 4, 2020.

(Ord. 2020-0018U § 7, 2020.)

Chapter 11.58 ELECTRICAL MATERIALS AND APPLIANCES[37]

11.58.010 Compliance with chapter provisions required when.

No person, firm or corporation shall hereafter sell, offer for sale, loan, rent, dispose of by gift or premium, give or otherwise furnish, provide or make available for use any electrical material, device or appliance designed or intended for attachment, directly or indirectly, to any electrical system, circuit or electrical service for light, heat or power in the unincorporated area of the county of Los Angeles, unless such electrical material, device or appliance complies with the provisions of this chapter.

(Ord. 4388 § 1, 1944.)

11.58.020 Rating and other information to appear on all materials.

All electrical materials, devices and appliances, designed or intended for attachment, directly or indirectly, to any electrical system, circuit or electrical service for light, heat or power shall be only those which conform with the requirements of this chapter and of rules and regulations adopted pursuant hereto. Each such article shall bear or contain the maker's name, trademark or identification symbol, together with such rating by the manufacturer as may be necessary to determine the intended use. The correct volts and amperes, or volts and watts shall be stated, and no person, firm or corporation shall remove, alter, deface or obliterate any such marking.

(Ord. 4388 § 2, 1944.)

11.58.030 National Safety Standards applicable.

All electrical materials, devices and appliances covered by and intended to be regulated by this chapter shall conform with the National Safety Standards for such materials, devices and appliances on file in the office of the National Bureau of Standards, as such standards exist when any such material, device or appliance is submitted for approval, and such standards are declared to be the minimum standards required to provide an adequate degree of safety to life and property in the unincorporated area of the county of Los Angeles.

(Ord. 4388 § 3, 1944.)

11.58.040 County engineer designated as chief electrical inspector.

Whenever the term "chief electrical inspector" is used in any section of this chapter, other than this section, such term shall be construed to mean "county engineer," or his authorized representative.

(Ord. 9510 § 1 (part), 1968; Ord. 4388 § 4, 1944.)

11.58.050 Evidence of compliance with standards.

Listing or labeling of materials, devices and appliances by the Underwriters' Laboratory, or other testing laboratory approved by the chief electrical inspector as complying with standards on file with the United States Bureau of Standards, may be accepted by the chief electrical inspector as prima facie evidence of the conformity of such

materials, devices and appliances with corresponding provisions of the standards of the county, or of corresponding rules and regulations adopted under this chapter.

(Ord. 4388 § 5, 1944.)

11.58.060 Procedure when no standards exist—Electrical inspector authority.

Where no standards have been adopted for any such materials, devices or appliances, the chief electrical inspector may designate a standard for each such article submitted and tested, which designation shall be in writing and shall be adopted and promulgated in the manner provided in this chapter. Any such standards so prescribed shall be designed to provide, as a minimum, the degree of safety to life and property as is required by the standards adopted in this chapter for materials, devices or appliances of similar or related character or nature. Before the chief electrical inspector approves any such material, device or appliance, he may require that such article be submitted to a testing laboratory approved by him in order to show compliance with the designated standards.

(Ord. 4388 § 6, 1944.)

11.58.070 Replacement or repair parts—Compliance required.

In the rebuilding or repair of any electrical materials, devices or appliances described in Section 11.58.010, all parts replaced or repaired shall conform in all particulars with the standards hereby provided for.

(Ord. 4388 § 13, 1944.)

11.58.080 Exceptions—Materials regulated by Building Code or Electrical Code.

The provisions of this chapter shall not apply to electrical materials, devices and appliances which are the subject matter of regulation in the Los Angeles County Building Code and Electrical Code, set out at Title 26 and Title 27, respectively, of this code, heretofore adopted and in effect as of the date of the ordinance codified in this chapter.

(Ord. 4388 § 8, 1944.)

11.58.090 Exceptions—Materials used by electrical utilities.

The provisions of this chapter do not apply to electrical materials, devices and appliances installed by or for an electric utility for its use in the generation, transmission, distribution or metering of electrical energy.

(Ord. 4388 § 12, 1944.)

11.58.100 Exceptions—Low-voltage devices.

The provisions of this chapter do not apply to electrical materials, devices or appliances designed or intended for attachment, directly or indirectly, to any electrical system, circuit or electrical service for light, heat or power operating at a primary voltage of not more than 25 volts and consuming not more than 50 watts.

(Ord. 4388 § 10, 1944.)

11.58.110 Exceptions—Certain industrial appliances—Application requirements.

The provisions of this chapter do not apply to those industrial appliances which are to be used in a specific location and which have been submitted to a laboratory for approval to determine their conformity with the standards provided for in this chapter, but with respect to which final approval by such laboratory is still pending, providing that an exception is applied for and granted in the manner herein prescribed. The person desiring to make such installation shall submit an application in writing for such exception to the chief electrical inspector, accompanied by written evidence satisfactory to such inspector, indicating that laboratory approval has been applied for. Such exception, if granted by the chief electrical inspector, shall continue in force only during such time as the inspector believes that the testing laboratory will grant final approval certifying compliance to the prescribed standards. If for any reason the chief electrical inspector believes that the testing laboratory has not made an adequate test of materials, devices or appliances, he may require further tests by the laboratory or by another laboratory approved by him.

(Ord. 4388 § 11, 1944.)

11.58.115 Exceptions—Certain laboratory equipment.

The provisions of this chapter do not apply to electrical laboratory and biomedical equipment and appliances which are not available for purchase with a listing or labeling by the Underwriters Laboratories, Inc., or other nationally recognized testing laboratory approved by the chief electrical inspector, when such electrical laboratory and biomedical equipment and appliances are:

A. Used for spectrometry, chromatography, microscopy or related or ancillary medical, forensic or similar scientific purposes; and

B. Located in areas specifically designated for occupance by medical/technical employees only; and

C. Tested and maintained by either trained technicians or manufacturer's representatives.

(Ord. 84-0235 § 1, 1984.)

11.58.120 Exceptions—Motor vehicles and equipment.

The provisions of this chapter do not apply to motor vehicles or to motor vehicle equipment.

(Ord. 4388 § 9, 1944.)

11.58.125 Exceptions—Certain telecommunications equipment.

The provisions of this chapter do not apply to electrical telecommunications equipment not available for purchase with a listing or labeling by the Underwriters Laboratories, Inc., or other nationally recognized testing laboratory approved by the chief electrical inspector, when such electrical telecommunications equipment is:

A. Located in areas accessible only to trained technicians;

B. Certified by an electrical engineer licensed to practice in California as complying with California and national safety standards;

C. Tested and maintained by either trained technicians or manufacturer's representatives.

(Ord. 86-0150 § 1, 1986.)

11.58.130 Approval—Revocation conditions—Notice requirements.

Any approval granted by the chief electrical inspector may be revoked by him if the electrical materials, devices or appliances are found to be hazardous to life and property for the purpose used or intended, or do not conform with the standards under which they were approved for use. Before any approval may be withdrawn, the chief electrical inspector shall give notice in writing to the person to whom approval was granted. Such person, who has had approval withdrawn, shall be afforded an opportunity to be heard with respect thereto at a public hearing to be held thereon as specified in Section 11.58.160 of this chapter.

(Ord. 4388 § 7, 1944.)

11.58.140 Enforcement—Electrical inspector authority.

The enforcement of this chapter shall be within the building and safety division of the department of county engineer and under the jurisdiction of the chief electrical inspector of said department.

(Ord. 9510 § 1 (part), 1968; Ord. 4388 § 14, 1944.)

11.58.150 Delegation of electrical inspector powers.

The chief electrical inspector may delegate to any of his assistants any of his powers under this chapter, except the power to designate standards.

(Ord. 4388 § 15, 1944.)

11.58.160 Appeal procedures.

Any person who has had approval withdrawn, and any person who believes that enforcement of any of the provisions of this chapter will cause him a manifest injury, may appeal to the county engineer, in writing, for a hearing.

(Ord. 9510 § 1 (part), 1968; Ord. 4388 § 17, 1944.)

11.58.170 Liability for damages—Limitations.

This chapter shall not be construed as relieving or limiting in any way the responsibility or liability of any person owning or operating, controlling or installing any electrical materials, devices or appliances for personal injury or property damage resulting from the use thereof by reason of any defect therein, or for any other cause, nor shall it be construed as imposing upon the county or its officers or employees any responsibility or liability by reason of the approval of any materials, devices or appliances under the provisions of this chapter.

(Ord. 4388 § 16, 1944.)

11.58.180 Violation—Penalty.

Any person, firm or corporation, or any partner or officer, agent or employees thereof violating the provisions of this chapter or of the Standards for Electrical Materials, Devices and Appliances hereby adopted, or of any of the rules or regulations adopted pursuant to this chapter is guilty of a misdemeanor, and upon conviction thereof shall

be punished by fine of not more than $500.00 or imprisonment in the County Jail for not more than six months, or both such fine and imprisonment.

(Ord. 4388 § 18, 1944.)

11.58.190 Severability.

If any provisions of this chapter, or the application thereof to any person or circumstances, are held invalid, the remainder of the chapter, or the application of such provisions to other persons or circumstances, shall not be affected thereby.

(Ord. 4388 § 19, 1944.)

Chapter 11.59 INDIGENT HEALTH CARE FACILITIES UPGRADE

11.59.010 Policy statement.

The board of supervisors of the county of Los Angeles declares its intent to meet or exceed state upgrade standards and timetables concerning the safety of indigent health care facilities.

(Ord. 94-0086 § 1 (part), 1994.)

11.59.020 Definitions.

For purposes of this chapter, the terms set forth below shall mean:

A. "Damage" means physical harm to or destruction of all or portions of a structure, caused by one or a combination of the following: fire, lightning, windstorm, hail, water, snow, flood, earthquake or other ground movement, riot or civil commotion, aircraft or falling objects. Damage includes, but is not limited to, harm to or destruction of architectural, structural, mechanical, electrical, electronic low-voltage and plumbing systems.

B. "Health facility" means a structure which OSHPD determines is under its jurisdiction.

C. "Hospital Seismic Safety Act" means California's Alfred E. Alquist Hospital Facilities Seismic Safety Act of 1983, and subsequent amendments.

D. "Indigent health care facility" means a health facility, as defined in this section, which the board of supervisors declares to be operated for the principal purpose of providing indigent medical care pursuant to Section 17000 of the California Welfare and Institutions Code, or a successor statute.

E. "OSHPD" means the California Office of State Health Planning and Development, in its role as the state agency with lead responsibility for administration of hospital design and construction including the Hospital Seismic Safety Act, or any successor lead agency.

F. "Repair cost" means the cost of labor and materials estimated by the director of the internal services department to be required to restore a damaged structure in compliance with current codes and standards.

G. "Replacement cost" means the cost of labor and materials estimated by the director of the internal services department to be required to replace a damaged or destroyed structure with a new one conforming to current codes and standards.

H. "Structure" means an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

I. "Upgrade" means to modify an existing structure and its vital nonstructural components so that the entire structure and all vital nonstructural components conform to current building regulations, methods and standards established pursuant to the Hospital Seismic Safety Act, and to regulations, methods and standards established pursuant to SB 1953, Chapter 740 of the 1994 California Statutes.

J. "Upgrade plan" means a schedule of preliminary estimates, prepared by the directors of the internal services department and the department of health services, and submitted to the board of supervisors by the chief administrative officer, showing the costs required to upgrade indigent health care facilities in accordance with the standards and timetables established pursuant to SB 1953, enacted into law as Chapter 740 of the Statutes of 1994.

(Ord. 94-0086 § 1 (part), 1994.)

11.59.030 Upgrade plan submission.

Commencing with the 1995-96 budget cycle, an upgrade plan shall be submitted each year as an addendum to the county's capital projects budget proposal.

(Ord. 94-0086 § 1 (part), 1994.)

11.59.040 Upgrade of damaged facilities.

In the event that an indigent health care facility sustains damage for which the repair costs exceed either $2.5 million, or 15 percent of the structure's replacement cost, the facility shall be upgraded at the time of repair.

(Ord. 94-0086 § 1 (part), 1994.)

11.59.050 Enforcement responsibility.

The director of internal services shall enforce the provisions of this chapter in coordination with the jurisdictional agencies.

(Ord. 94-0086 § 1 (part), 1994.)

Chapter 11.60 FLOODWAYS, WATER SURFACE ELEVATIONS, AND AREAS OF SPECIAL FLOOD HAZARD

11.60.010 Establishment.

Floodways and water surface elevations are established over those lands subject to a severe flood hazard by reason of inundation, overflow, erosion or deposition of debris.

(Ord. 12114 § 1, 1980.)

11.60.020 Areas Designated—Provisions Added by Reference.

The following floodways are added by reference, together with all maps, water surface elevations, and provisions pertaining thereto:

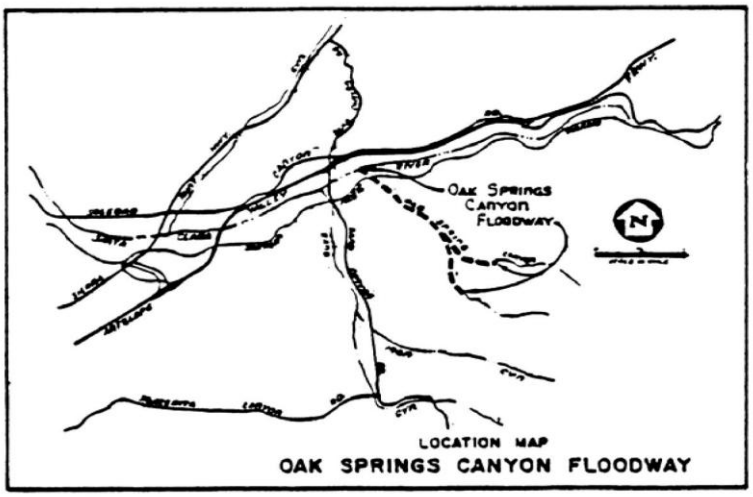
Floodway Name	Floodway Map No.
Oak Springs Canyon	382-ML1
Placerita Canyon	342-ML4
San Martinez-Chiquito	387-ML9 and ML10
Hasley Canyon	388-ML1, ML2, and ML3
Newhall Creek	340-ML9
Quigley Canyon	385-ML1
Railroad Canyon	386-ML1
Violin Canyon	39-ML1 Revised June 25, 1985, and ML2
Mint Canyon	366-ML9, ML10, 366-ML11, 366-ML12, 366-ML13, 366 ML14, 366-ML15, 366-ML16, 366-ML17, 366-ML18, 366 -ML19, 366-ML20
Plum Canyon	391-ML2 and ML3
Triunfo Canyon	154-ML1 and ML2
Zuma Canyon	413-ML1, ML2, and ML3
Lobo Canyon	425-ML1, ML2, and ML3
Texas Canyon	389-ML1
La Sierra Canyon	424-ML1 and 424-ML2
Las Virgenes	361-ML2, 361-ML3, and 361-ML4
Haskell Canyon	341-ML1 and ML2
Vasquez Canyon	390-ML1 and ML2
Cheeseboro	422-ML9 and 422-ML10
Palo Comado	423-ML1
Stokes Canyon	419-ML1 and 419-ML2
Solstice Canyon	416-ML1 and 416-ML2
Castaic Creek	335-ML1 through 335-ML4
Lopez Canyon	102-ML8 and 102-ML9
Agua Dulce Canyon	392-ML3, 392-ML4, 392 -ML5, 392-ML6, 392-ML7, 391-ML8 and 392-ML9
Liberty Canyon	420-ML and 420-ML2
Medea Creek	370-ML9, 370-ML10 and 370-ML11
Little Tujunga Canyon	12-ML2 and 12-ML3
Gavin Canyon—Rice Canyon	394-ML3
Santa Clara River	43-ML23, 43-ML24, 43-ML25, 43-ML26.2, 43-ML27.2, 43-ML28.1, 43-ML29, 43-ML40, 43-ML41, 43-ML42, 43-ML43, 43-ML44, 43-ML45, 43-ML46, 43-ML47, and 43-ML48
Escondido Canyon	415-ML2 and 415-ML3
Placerita Creek	342-ML5
Santa Maria Creek and Garapito Creek	73-ML21, 73-ML22, 73-ML23 and 73-ML31
Topanga Canyon	73-ML11, 73-ML12 and 73-ML13
Red Rock Canyon	73-ML29 and 73-ML30

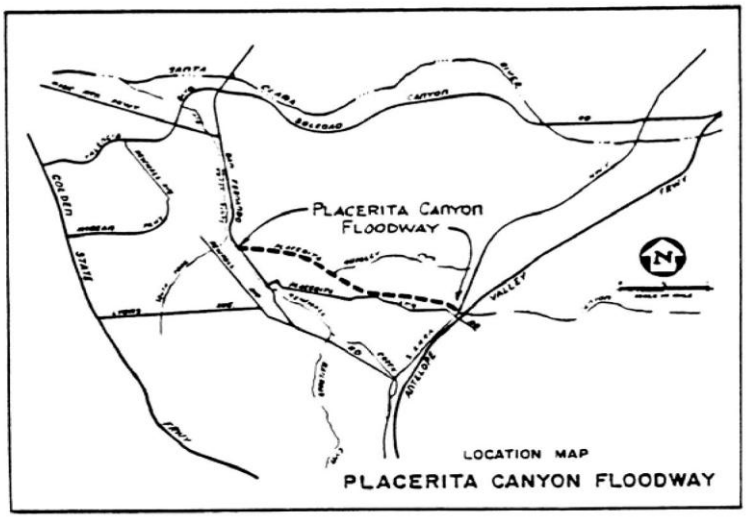
Latigo Canyon	720-ML1 and 720-ML2
Sierra Pelona Wash	881-ML1, 881-ML2 and 881-ML3
Red Rover Mine Canyon	441-ML1, 441-ML2, 441-ML3, 441-ML4 and 441-ML5
Crown Valley Drain	883-ML1, 883-ML2, 883-ML3, 883-ML4 and 883-ML5
Baker Canyon	410-ML24, 410-ML25, 410-ML26, 410-ML27 and 410-ML28
Jones Canyon	410-ML8, 410-ML9 and 410-ML10
Kashmere Canyon	410-ML4, 410-ML5, 410-ML6 and 410-ML7
Kentucky Springs Canyon	407-ML13, 407-ML14, 407-ML15, 407-ML16, 407-ML17, 407-ML18 and 407-ML19
Soledad Canyon	407-ML1, 407-ML2, 407-ML3, 407-ML4, 407-ML5, 407-ML6, 407-ML7, 407-ML8, 407-ML9, 407-ML10, 407-ML11 and 407-ML12
San Martinez Grande Canyon	748-ML1, 748-ML2, 748-ML3, 748-ML4 and 748-ML5
Spade Spring Canyon	366-ML21, 366-ML22
Letteau Canyon	392-ML10, 392-ML11, 392-ML12
Sloan Canyon	388-ML4, 388-ML5, 388-ML6
Romero Canyon	388-ML7, 388-ML8
Aliso Canyon	406-ML1, 406-ML-2 and 406-ML-3
Acton Canyon	403-ML3
Shannon Valley	410-ML1, 410-ML2
Browns Canyon	133-ML31, 133-ML33, 133-ML-34
Pasadena Glen	32-ML1, 32-ML2B, 32-ML3B and 32-ML4

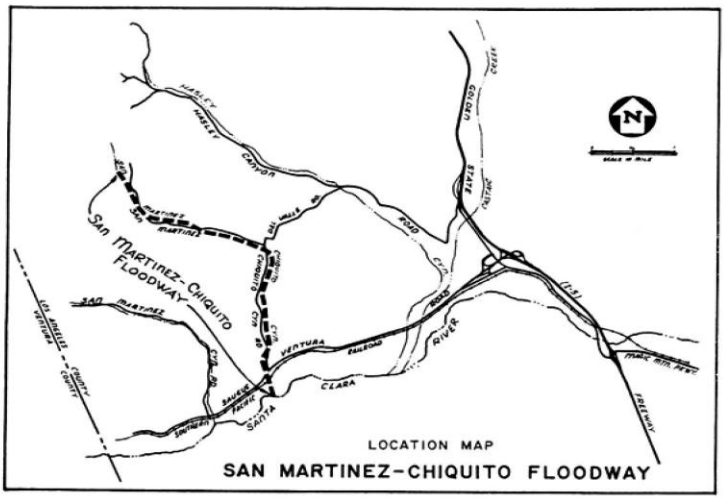
(Ord. 2022-0028 § 2, 2022; Ord. 2018-0005 § 2, 2018; Ord. 2016-0002 §§ 2, 3, 2016; Ord. 2011-0039 § 2, 2011; Ord. 94-0027 § 1, 1994; Ord. 91-0047 § 1, 1991; Ord. 90-0170 § 1, 1990; Ord. 90-0147 § 1, 1990; Ord. 90-0131 § 1, 1990; Ord. 90-0073 § 1, 1990; Ord. 90-0062 § 1, 1990; Ord. 90-0024 § 1, 1990; Ord. 90-0005 § 1, 1990; Ord. 89-0133 § 1, 1989; Ord. 89-0072 § 1, 1989; Ord. 89-0067 § 1, 1989; Ord. 87-0120 § 1, 1987; Ord. 86-0179 § 1, 1986; Ord. 86-0106 § 1, 1986; Ord. 86-0084 § 1, 1986; Ord. 86-0023 § 1, 1986; Ord. 86-0002 § 1, 1986; Ord. 85-0184 § 1, 1985; Ord. 86-0169 § 1, 1985; Ord. 85-0143 § 1, 1985; Ord. 85-0134 § 1, 1985; Ord. 85-0115 § 1, 1985; Ord. 84-0222 § 1, 1984; Ord. 84-0177 § 1, 1984; Ord. 84-0172 § 1, 1984; Ord. 84-0158 § 1, 1984; Ord. 84-0152 § 1, 1984; Ord. 84-0136 § 1, 1984; Ord. 84-0009 § 1, 1984; Ord. 84-0006 § 1, 1984; Ord. 84-0002 § 1, 1984; Ord. 83-202 § 1, 1983; Ord. 83-193 § 1, 1983; Ord. 83-0178 § 1, 1983; Ord. 83-0162 § 1, 1983; Ord. 83-0159 § 1, 1983; Ord. 83-0117 § 1, 1983; Ord. 83-0027 § 1, 1983; Ord. 81-0021 § 1, 1981; Ord. 12430 § 1, 1981; Ord. 12266 § 1, 1980; Ord. 12352 § 1, 1981; Ord. 12260 § 1, 1980; Ord. 12189 § 1, 1980; Ord. 12114 § 2, 1980.)

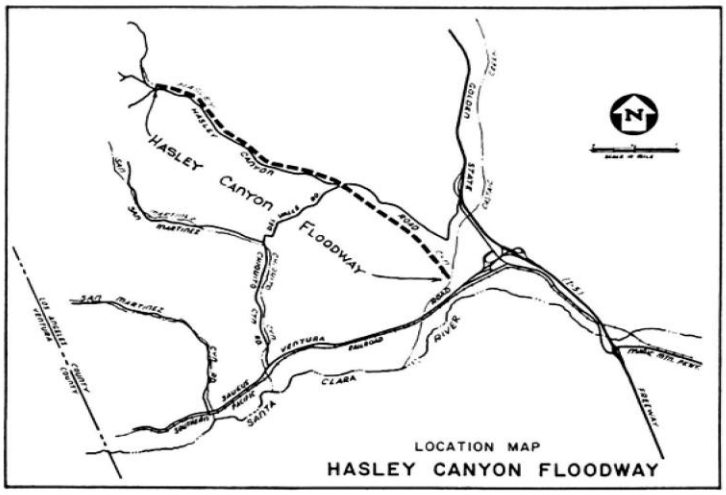
11.60.030 Maps.

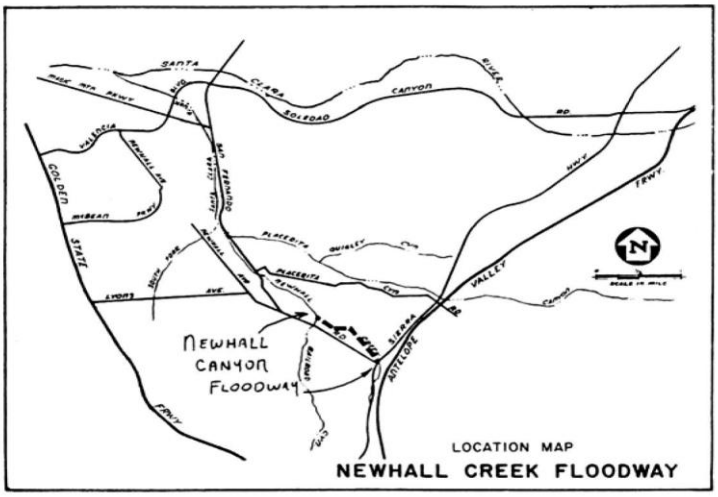
(**Editor's Note:** Maps were added by ordinances cited in Section 11.60.020.)

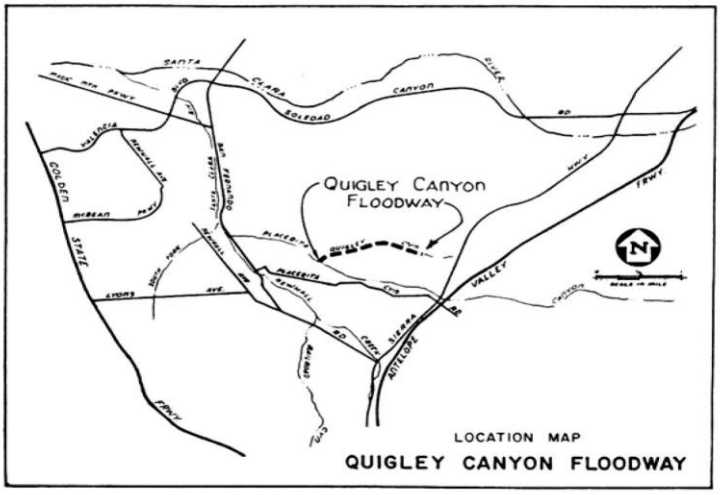

OAK SPRINGS CANYON FLOODWAY
LOCATION MAP
OAK SPRINGS CANYON FLOODWAY

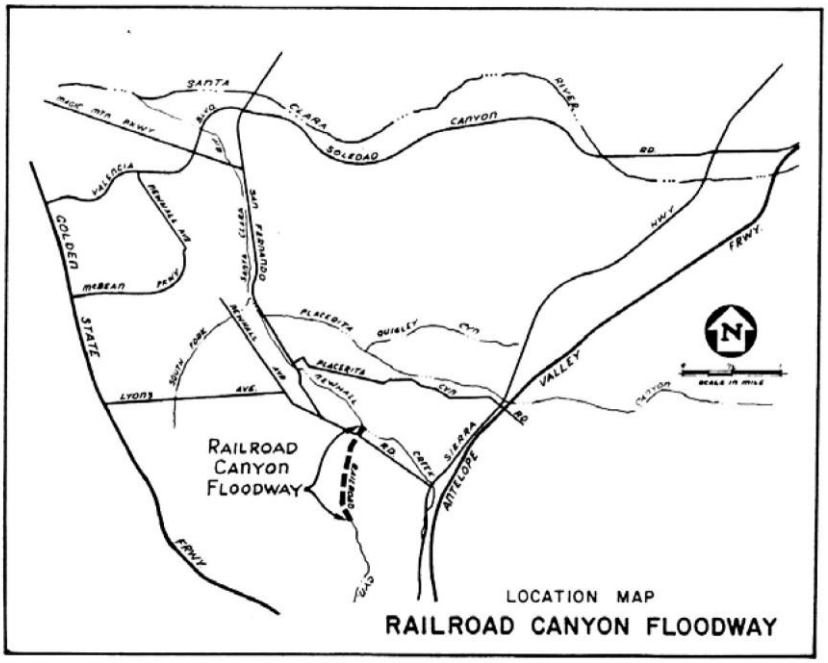

PLACERITA CANYON FLOODWAY
LOCATION MAP
PLACERITA CANYON FLOODWAY

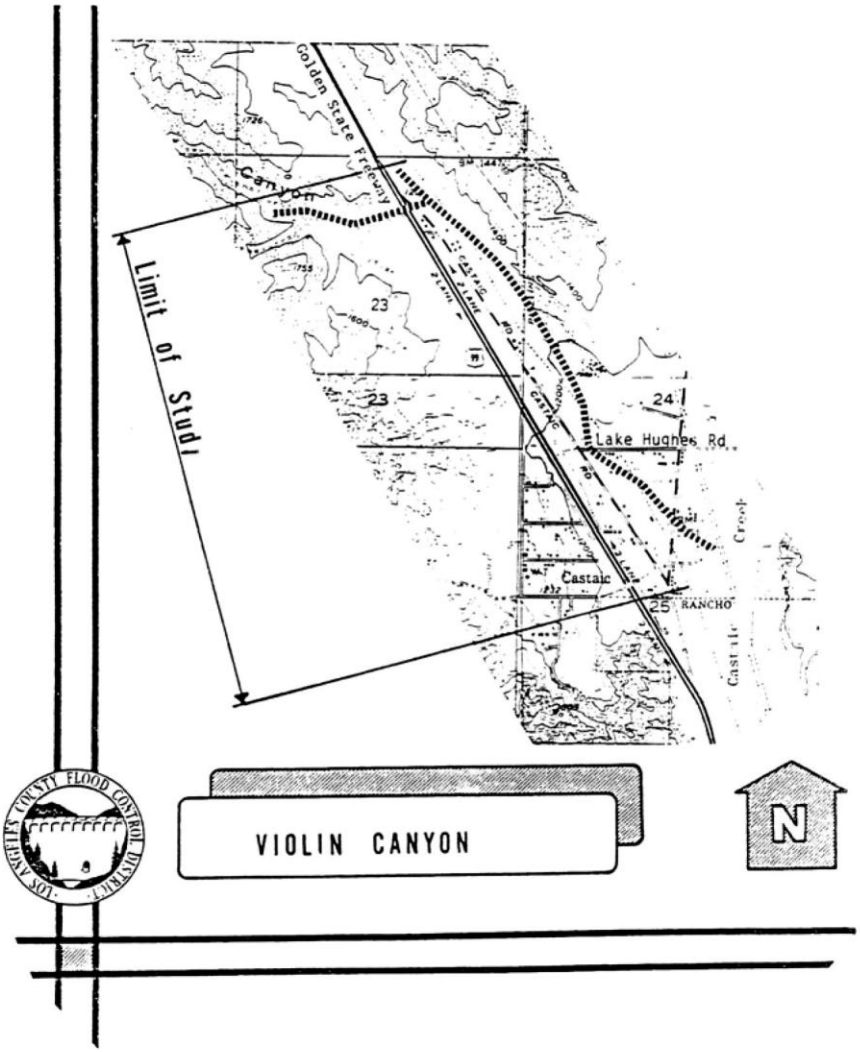

San Martinez-Chiquito Floodway
LOCATION MAP
SAN MARTINEZ-CHIQUITO FLOODWAY

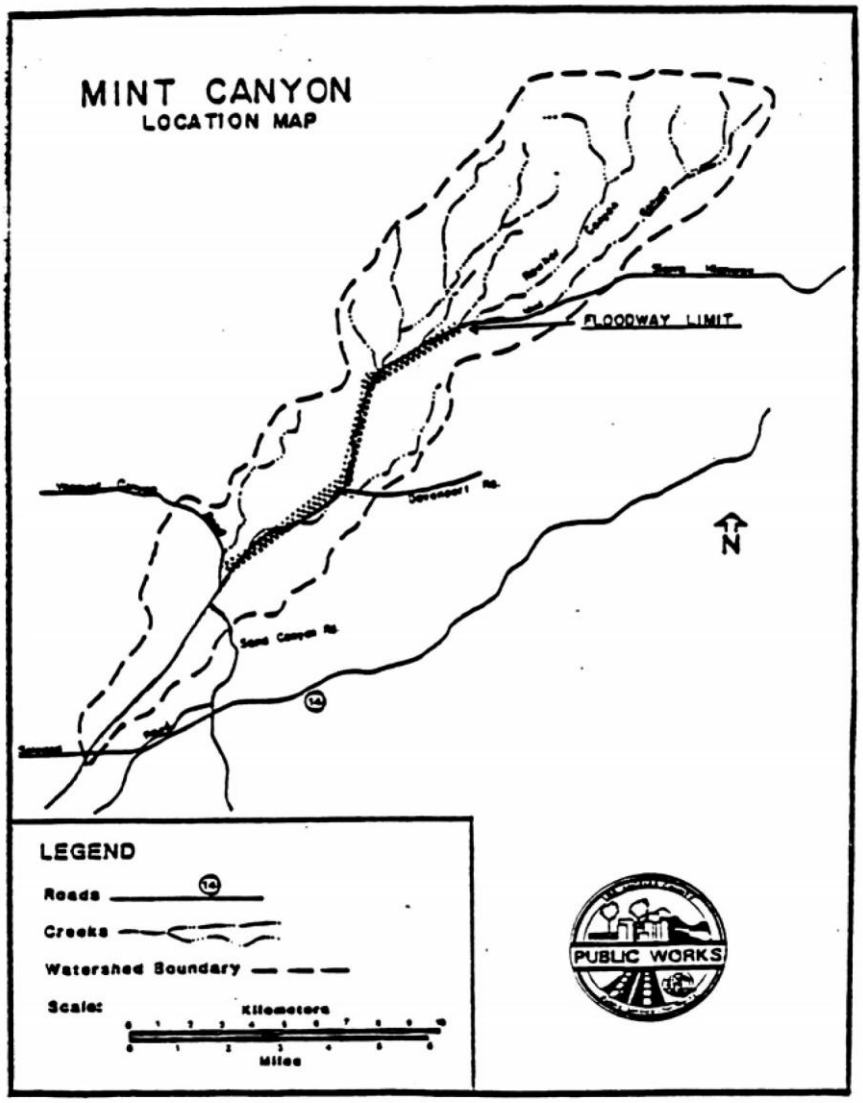

HASLEY CANYON FLOODWAY
LOCATION MAP
HASLEY CANYON FLOODWAY

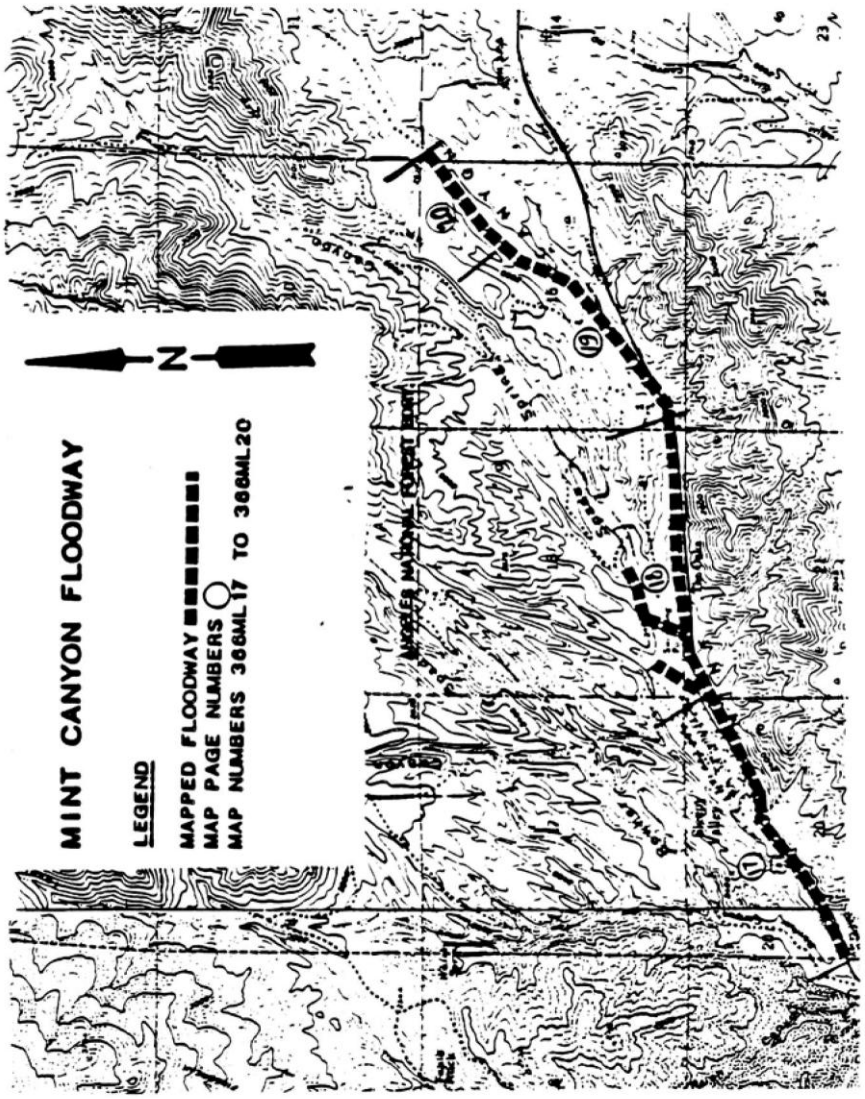

NEWHALL
CANYON
FLOODWAY
LOCATION MAP
NEWHALL CREEK FLOODWAY

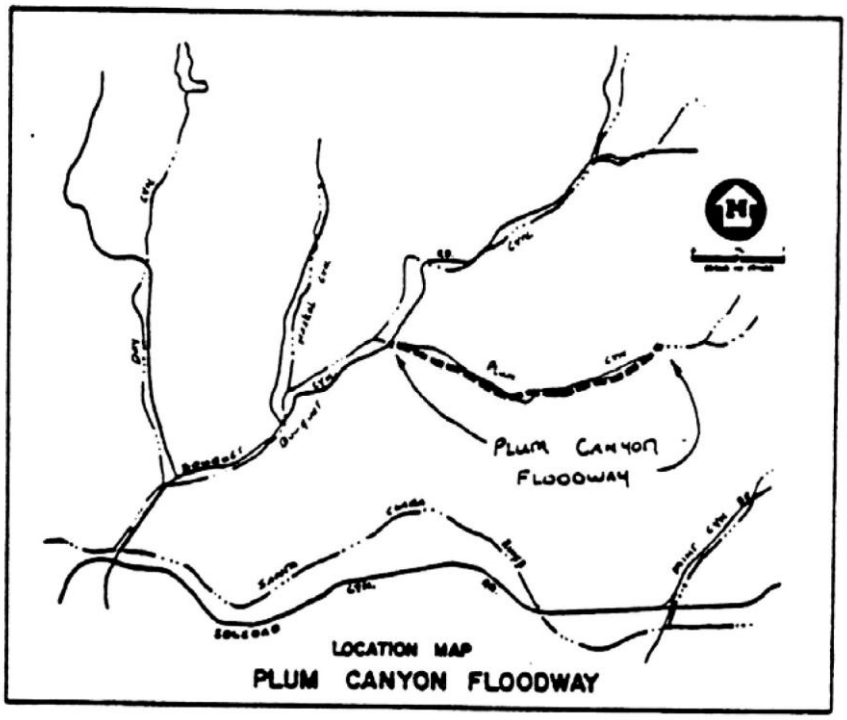

QUIGLEY CANYON
FLOODWAY
LOCATION MAP
QUIGLEY CANYON FLOODWAY

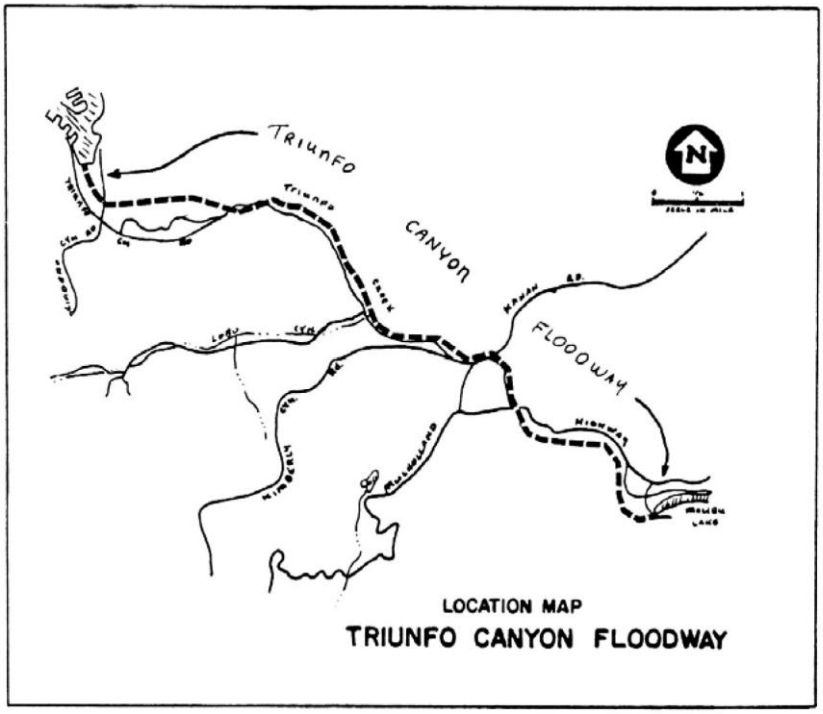

SANTA
CLARA
CANYON
SOLEDAD
VALENCIA
GOLDEN
STATE
McBEAN
PKWY
SAN FERNANDO
PLACERITA
QUIGLEY
CYN
SOUTH FORK
LYONS
AVE
VALLEY
SIERRA
HWY
FRWY
RAILROAD
Canyon
Floodway
ANTELOPE
LOCATION MAP
RAILROAD CANYON FLOODWAY

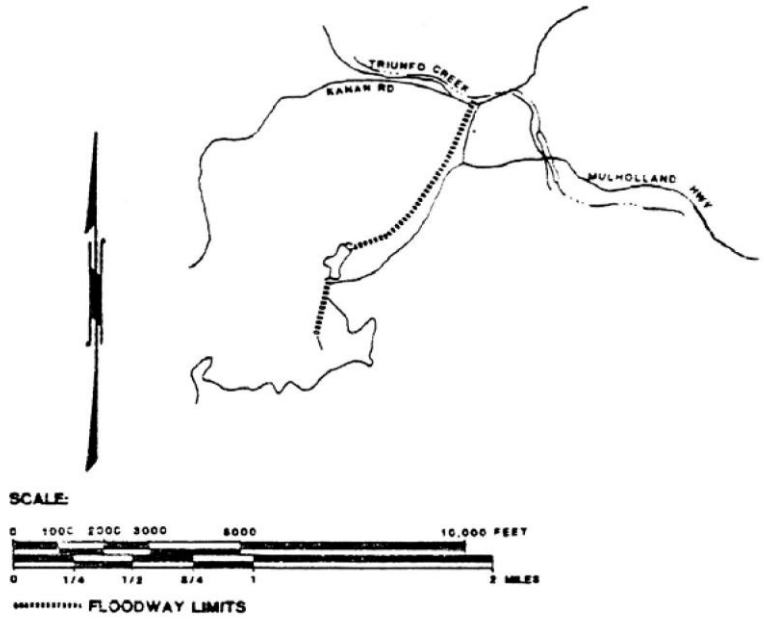

Golden State Freeway
Canyon
Limit of Study
23
23
24
25
Lake Hughes Rd.
Castaic
RANCHO
VIOLIN CANYON
N


MINT CANYON
LOCATION MAP
FLOODWAY LIMIT
N
LEGEND
Roads
Creeks
Watershed Boundary
Scale:
Kilometers
Miles
PUBLIC WORKS

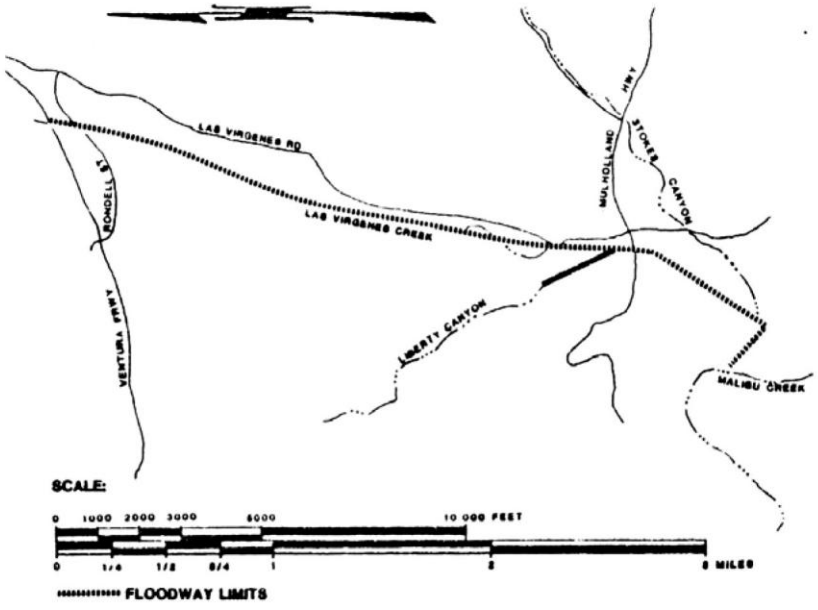

MINT CANYON FLOODWAY
LEGEND
MAPPED FLOODWAY
MAP PAGE NUMBERS
MAP NUMBERS 306ML17 TO 306ML20
N


PLUM CANYON
FLOODWAY
LOCATION MAP
PLUM CANYON FLOODWAY

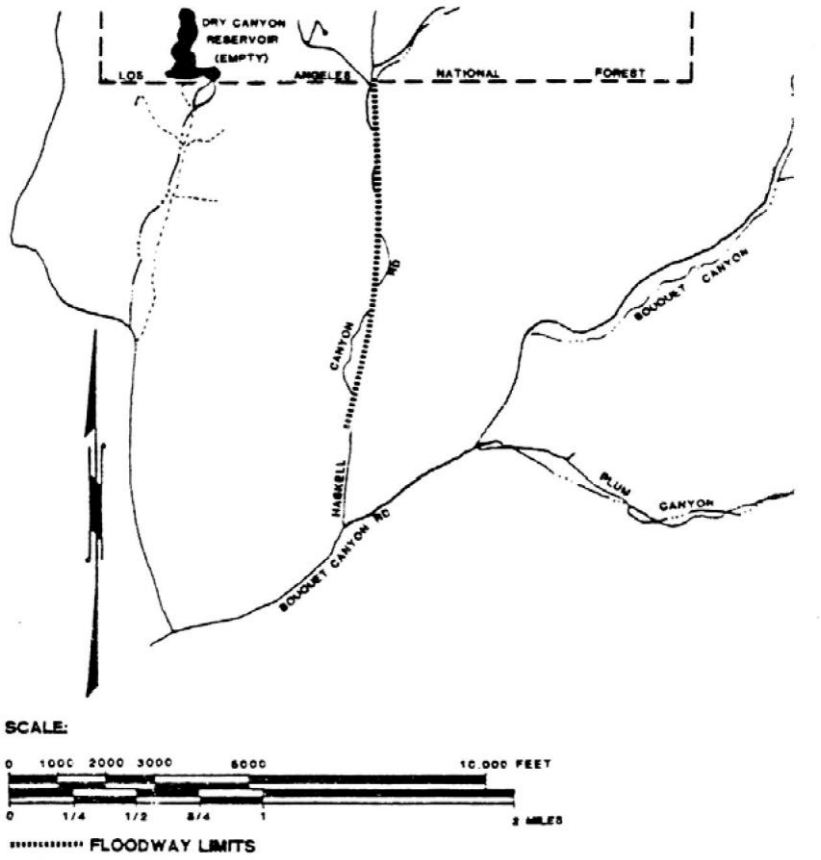

TRIUNFO
CANYON
FLOODWAY
LOCATION MAP
TRIUNFO CANYON FLOODWAY



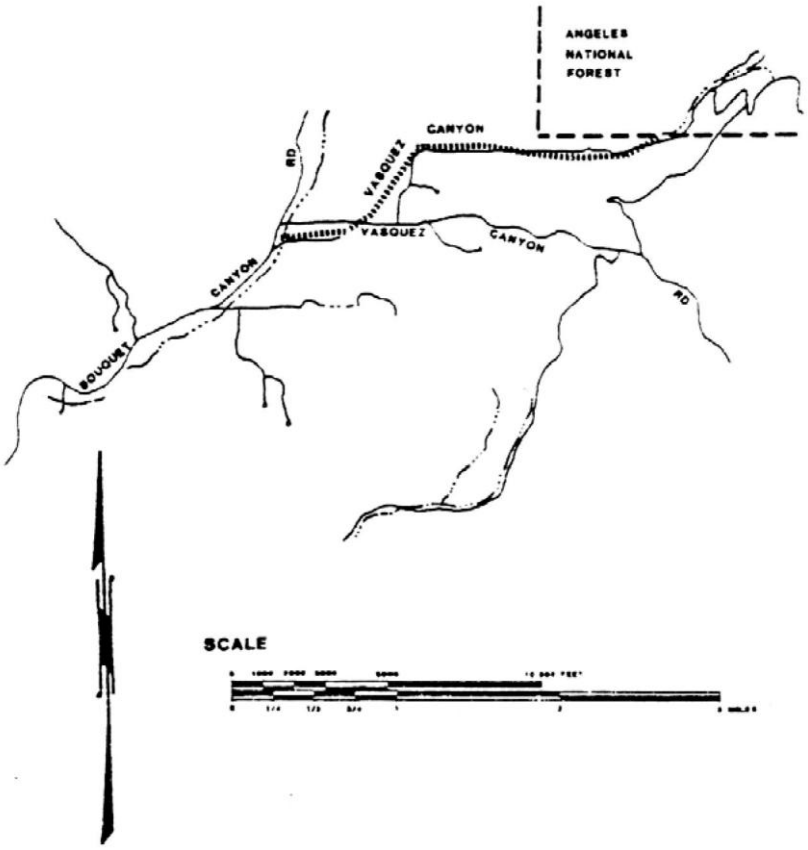
LA SIERRA CANYON FLOODWAY



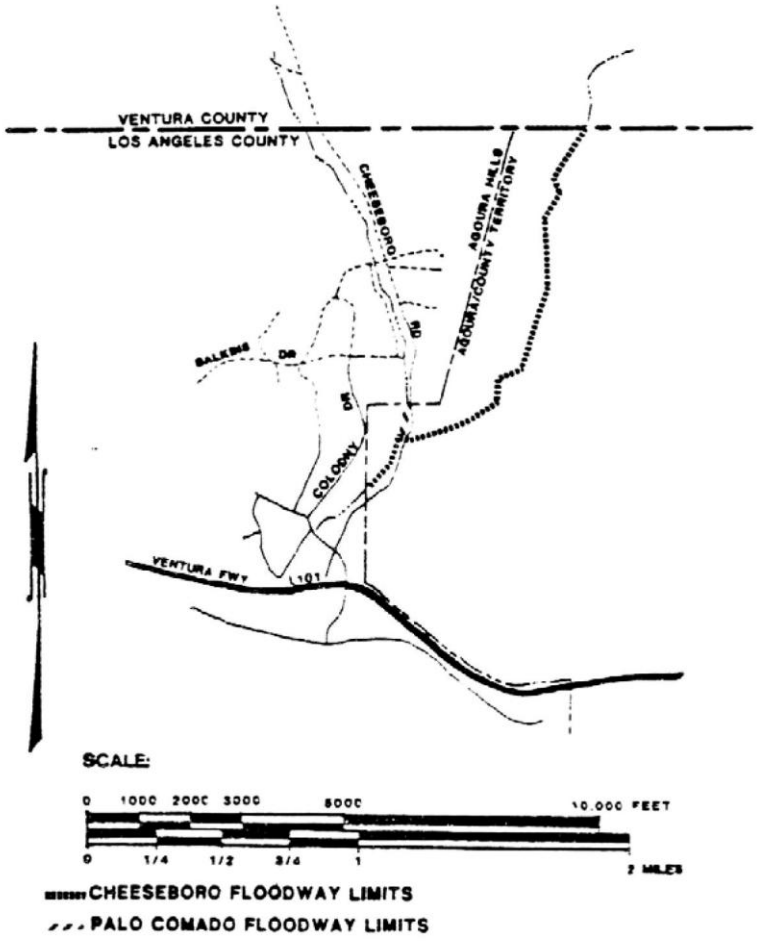
LAS VIRGENES FLOODWAY



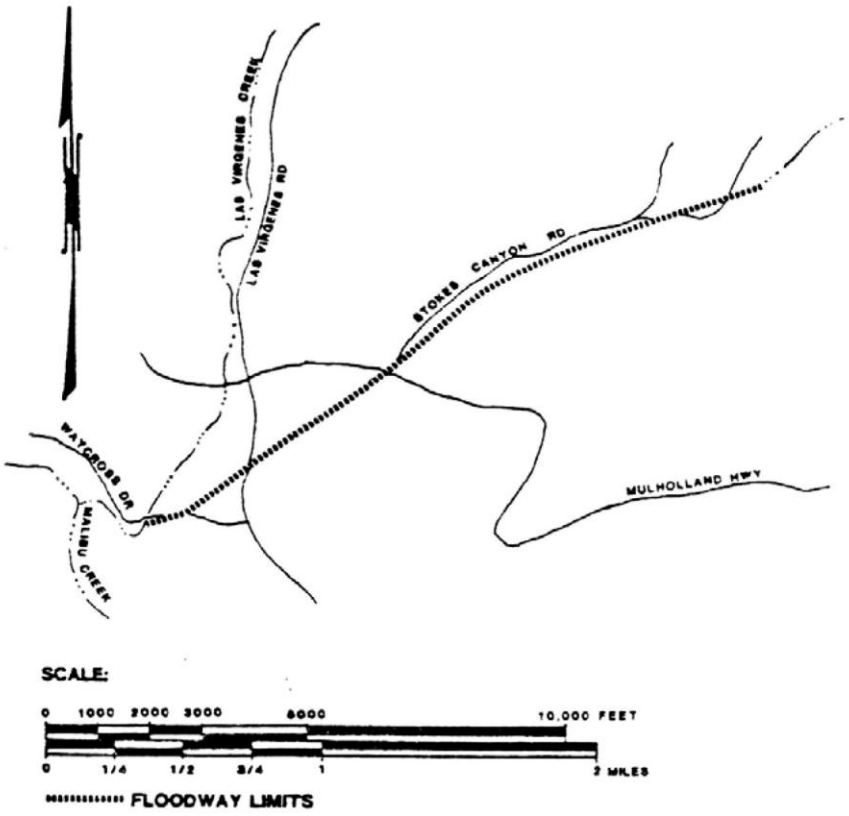
HASKELL CANYON FLOODWAY



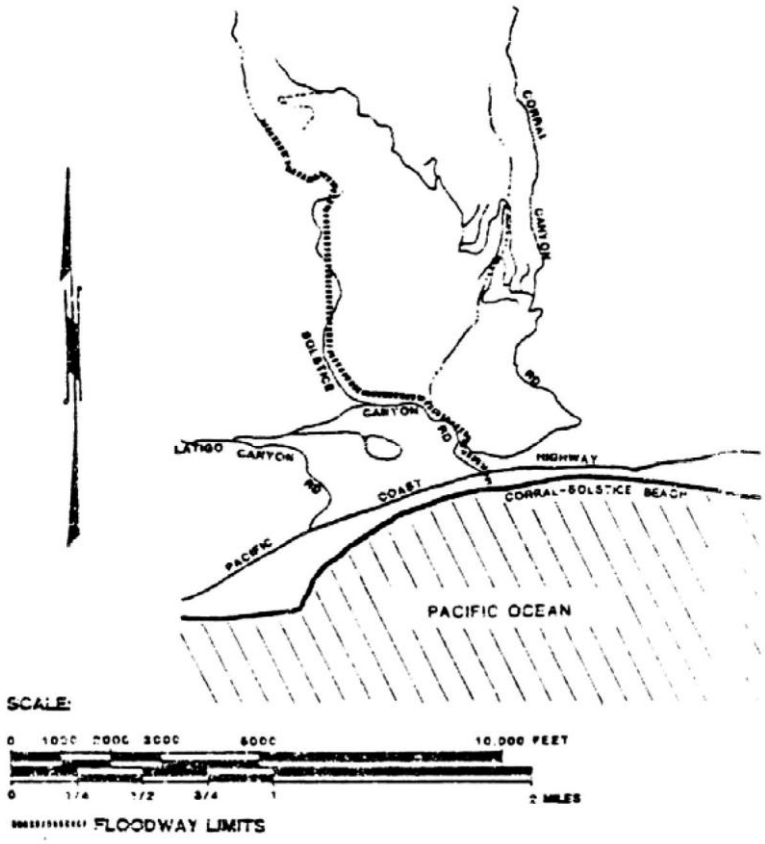
VASQUEZ CANYON FLOODWAY



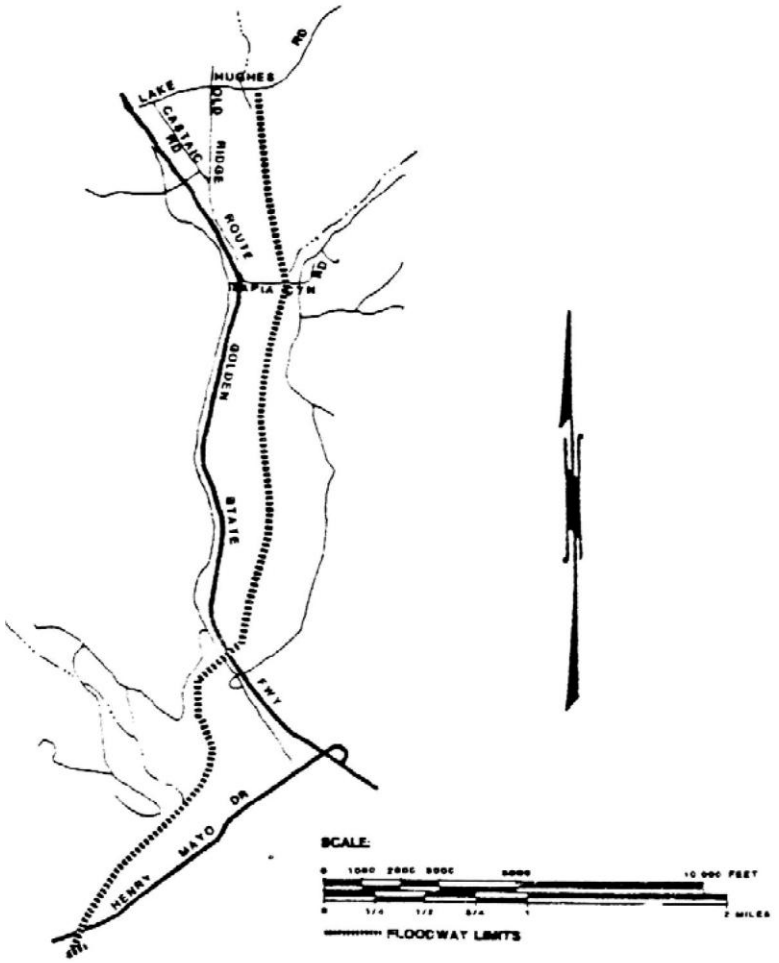
CHEESEBORO AND PALO COMADO FLOODWAYS



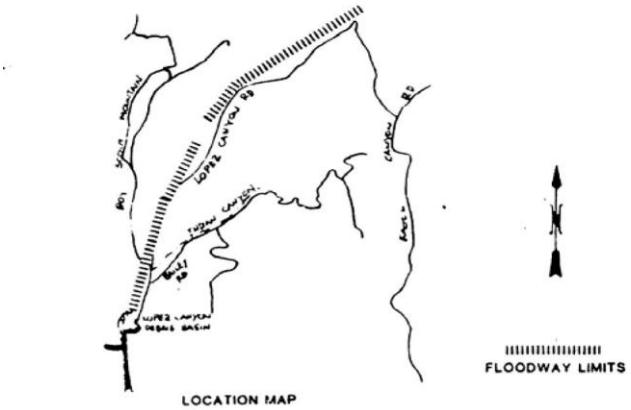
STOKES CANYON FLOODWAY



SOLSTICE CANYON FLOODWAY

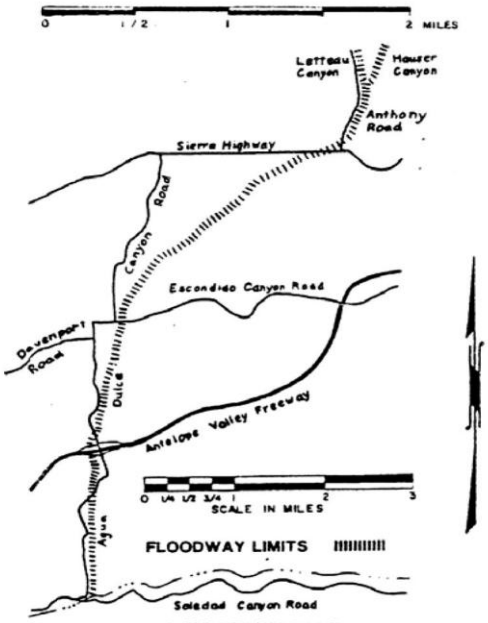


CASTAIC CREEK FLOODWAY



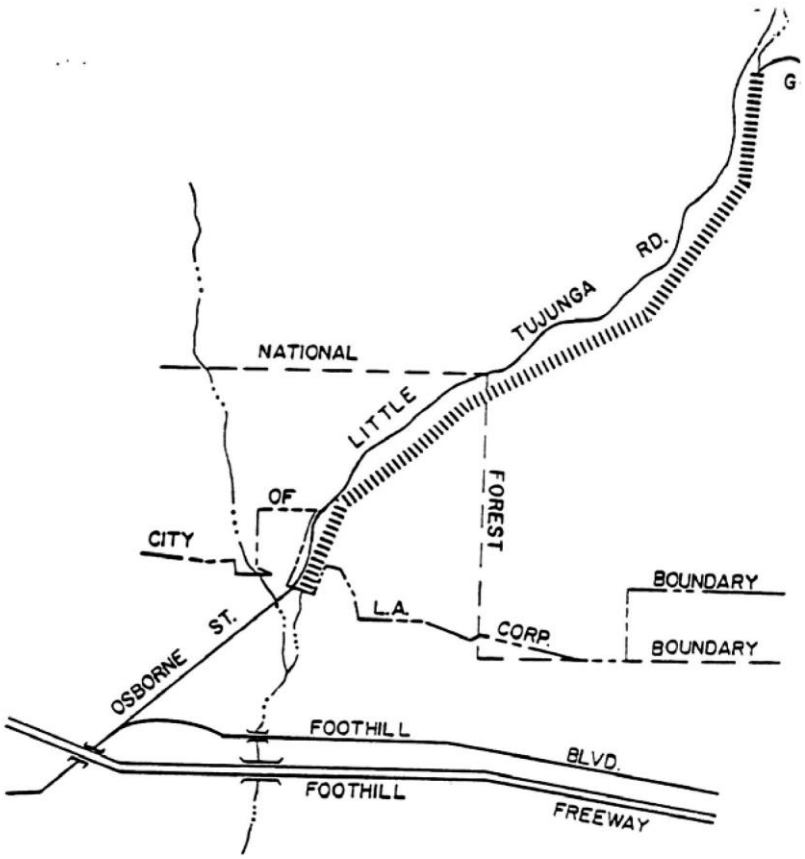
LOCATION MAP

LOPEZ CYN FLOODWAY



LOCATION MAP

AGUA DULCE CANYON FLOODWAY

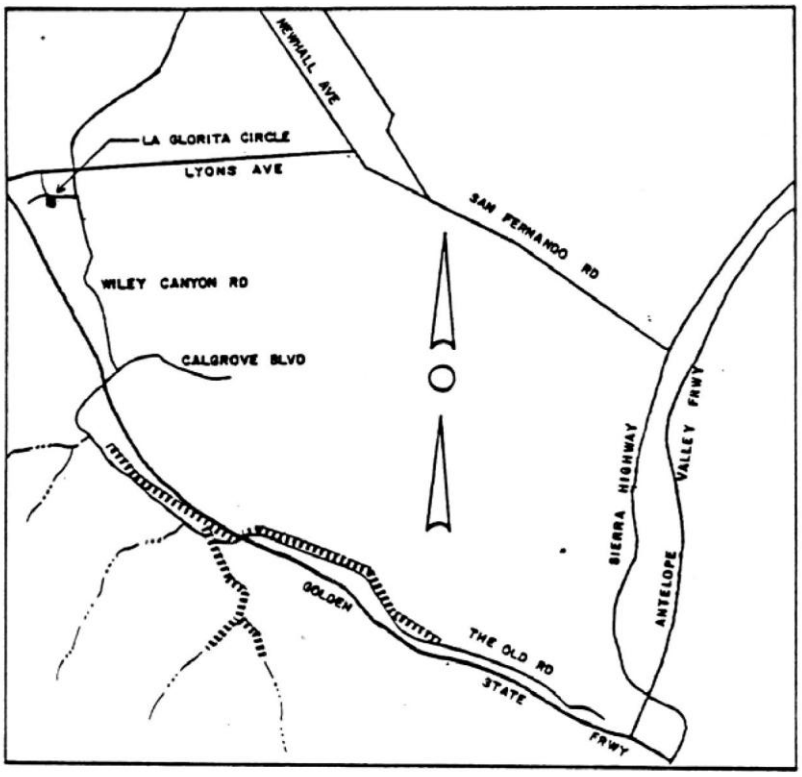


LITTLE TUJUNGA CANYON FLOODWAY

LOCATION MAP

FLOODWAY LIMITS

SCALE: 1"=2000'

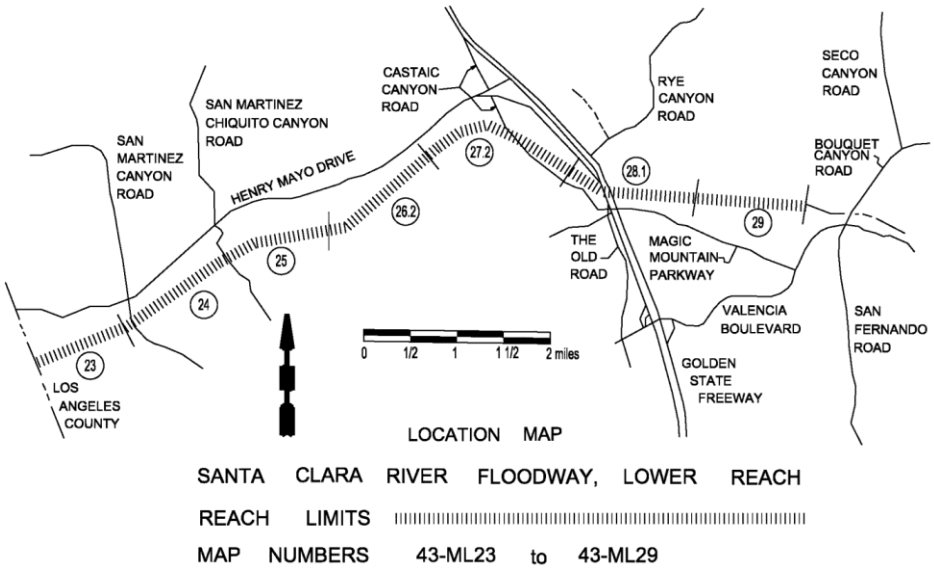


LOCATION MAP

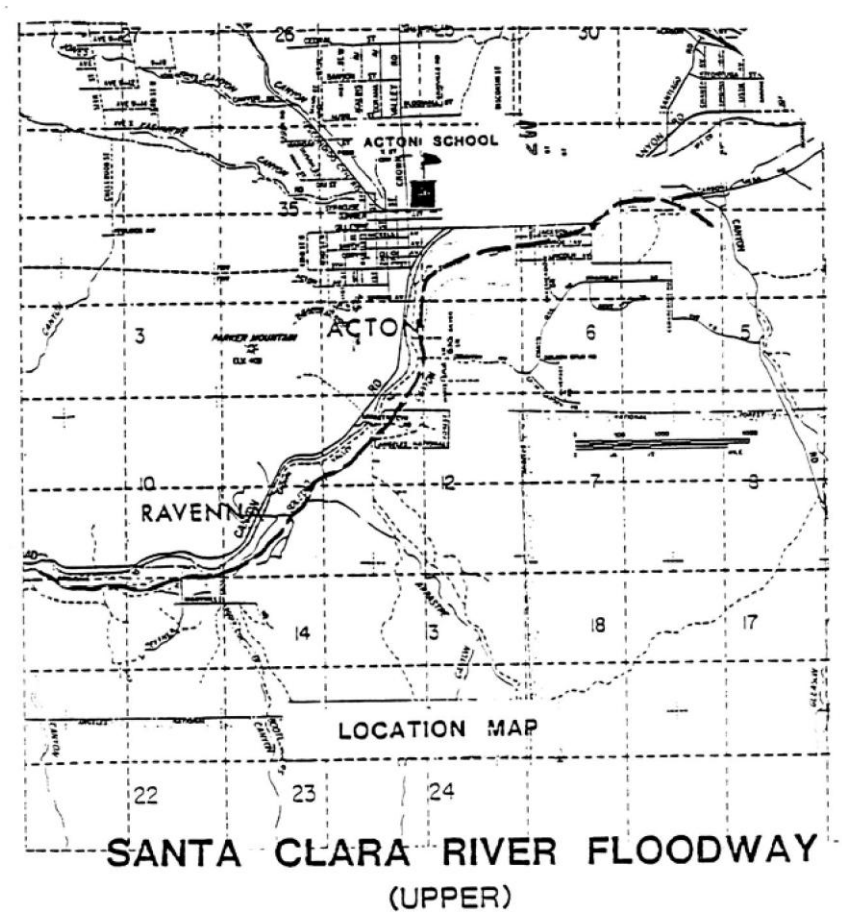
GAVIN CANYON FLOODWAY

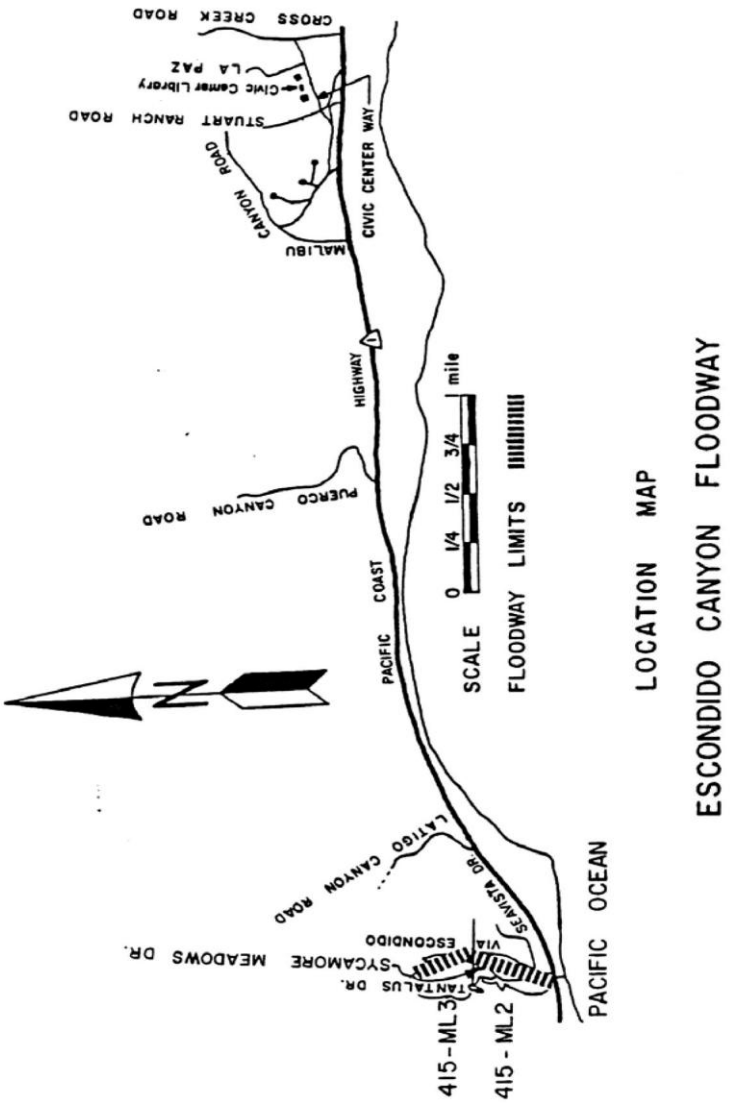
SCALE 0 1/4 1/2 3/4 1 mile

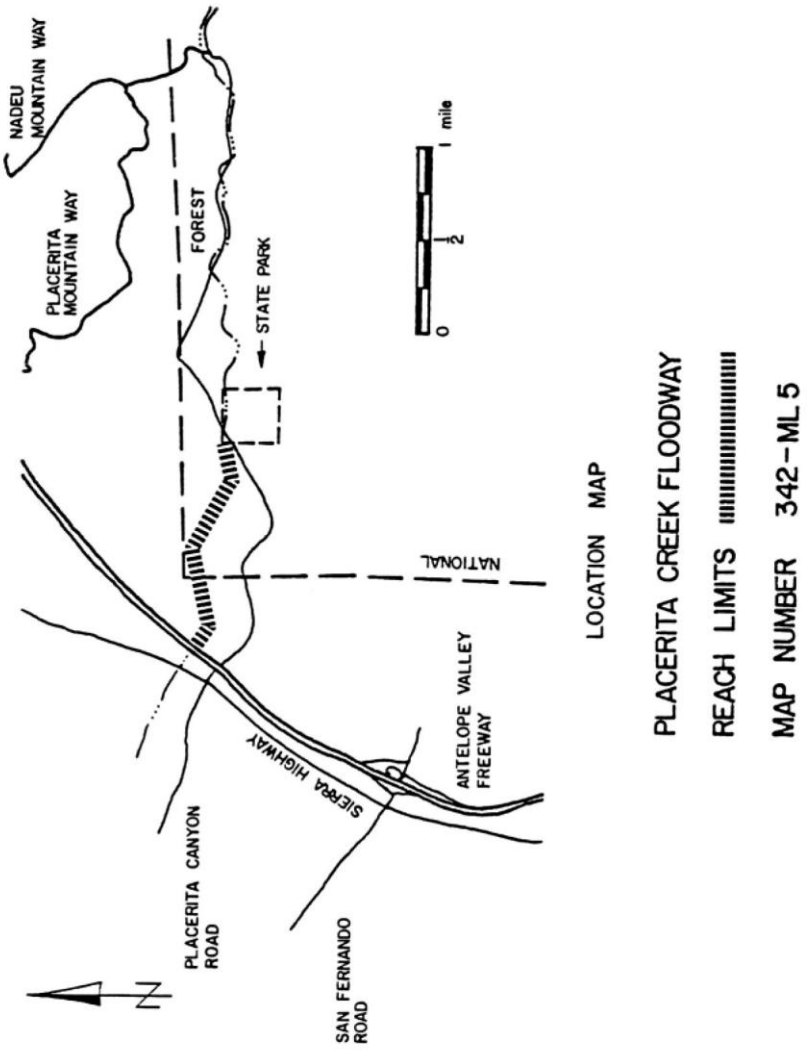
FLOODWAY LIMITS

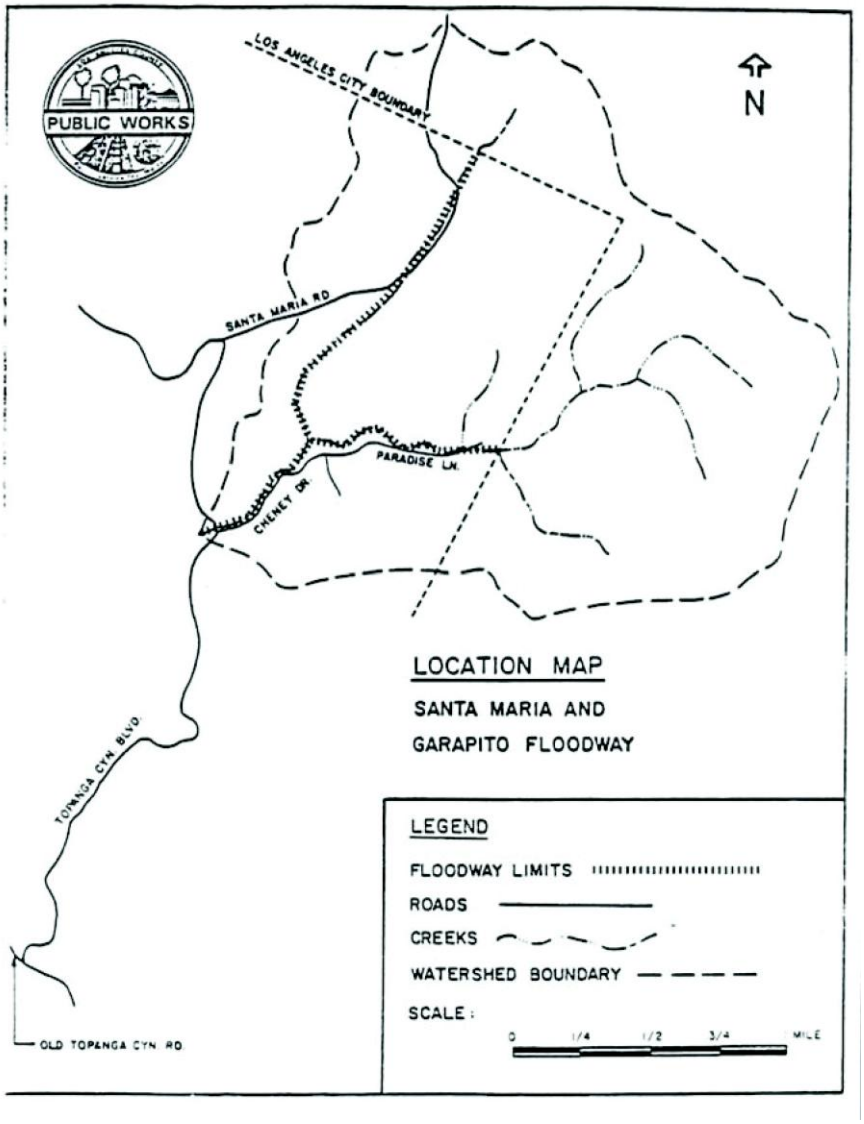


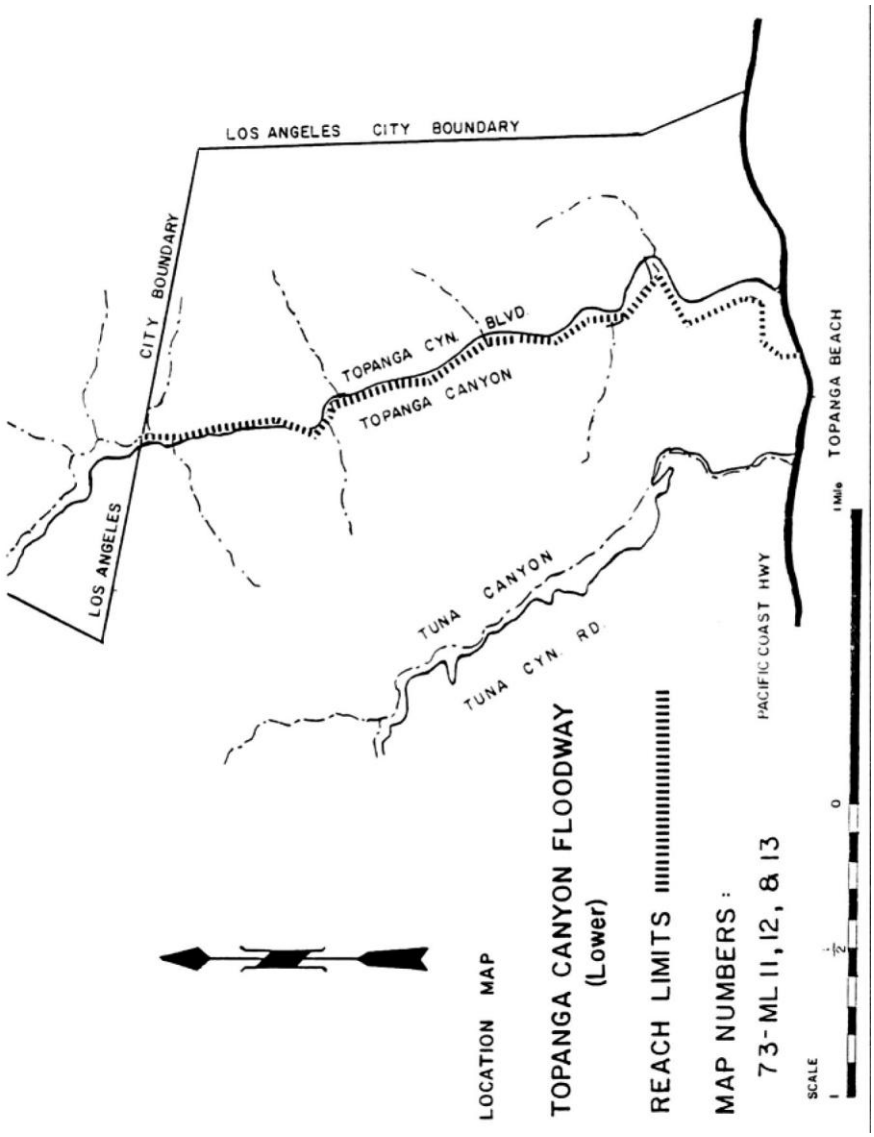
(Ord. 2022-0028 § 3, 2022; Ord. 2018-0005 § 3, 2018; Ord. 2016-0002 § 3, 2016.)

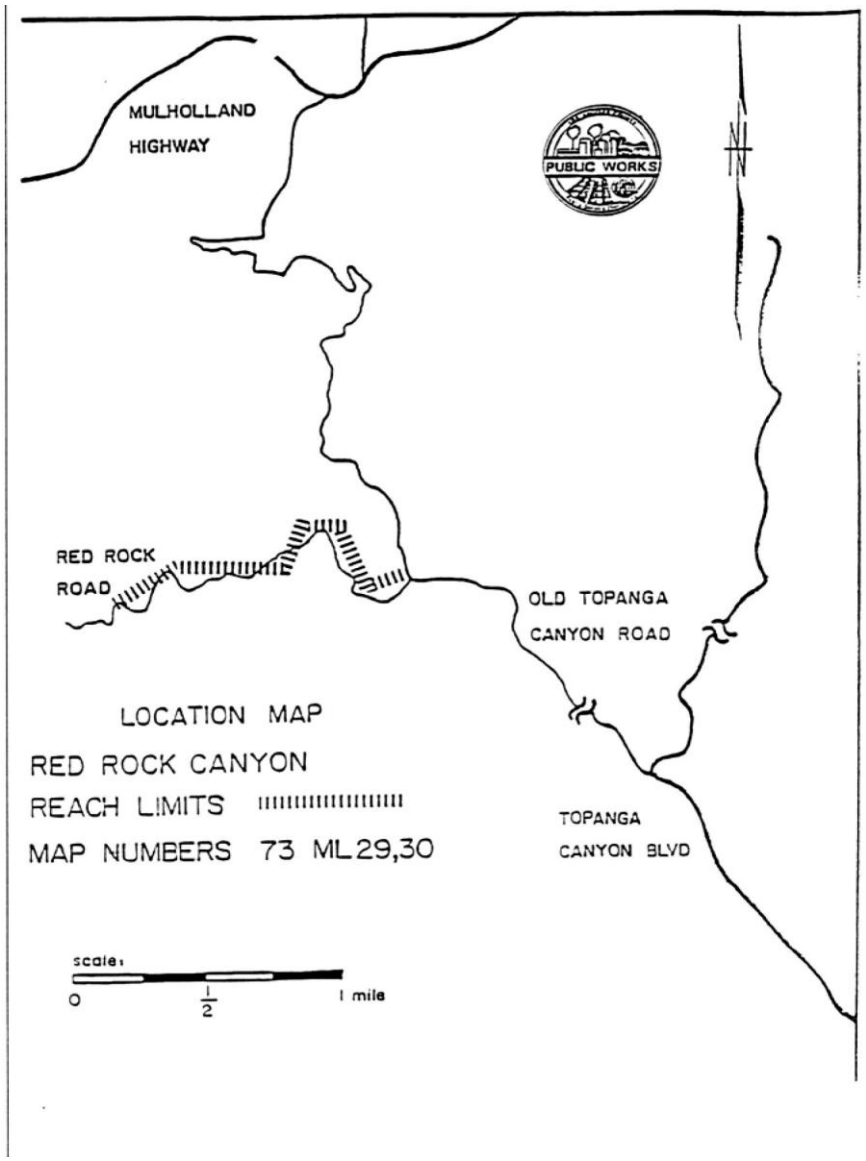

ACTON SCHOOL
ACTON
RAVENNA
LOCATION MAP
SANTA CLARA RIVER FLOODWAY
(UPPER)
PUBLIC WORKS
FLOODWAY LIMITS

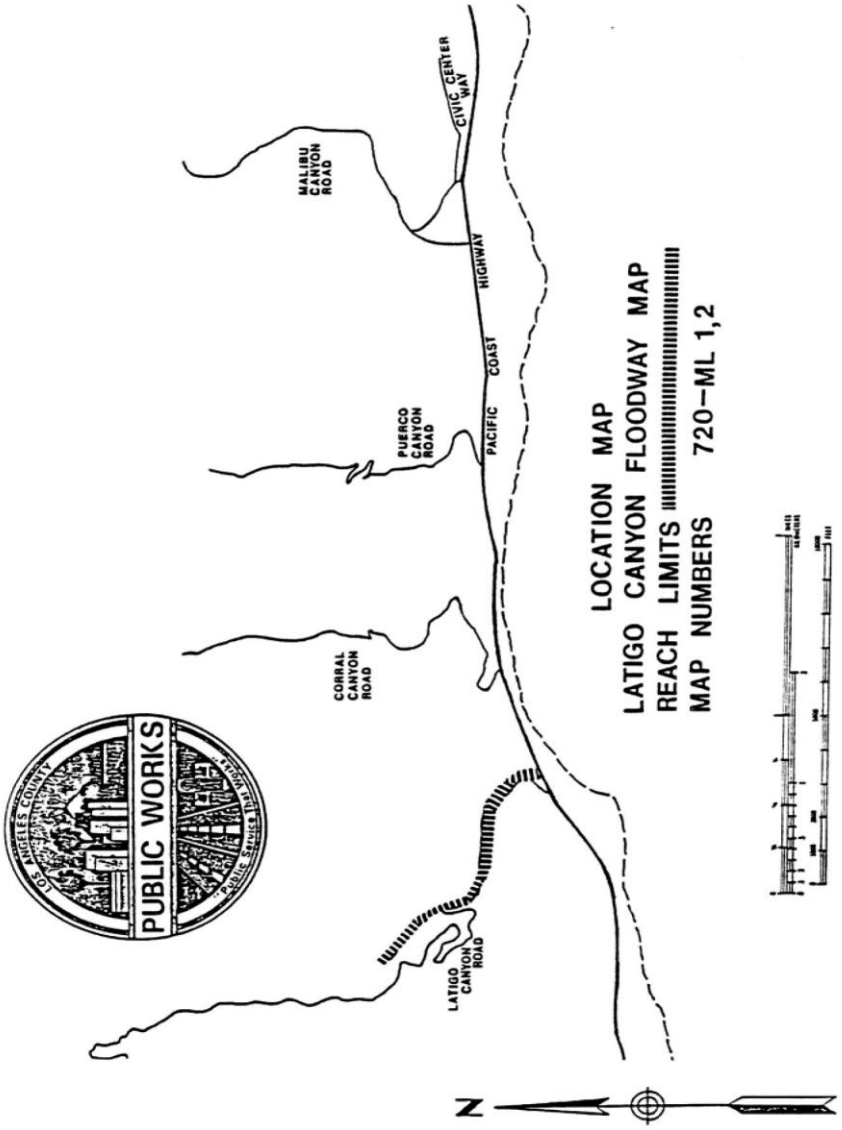

ESCONDIDO CANYON FLOODWAY
LOCATION MAP
FLOODWAY LIMITS
SCALE
0 1/4 1/2 3/4 mile
PACIFIC OCEAN
415 - ML2
415 - ML3
CROSS CREEK ROAD
LA PAZ
Civic Center Library
STUART RANCH ROAD
MALIBU CANYON ROAD
CIVIC CENTER WAY
HIGHWAY 1
PUERCO CANYON ROAD
PACIFIC COAST
LATIGO CANYON ROAD
SEAVISTA DR.
VIA ESCONDIDO
SYCAMORE MEADOWS DR.
TANTALUS DR.

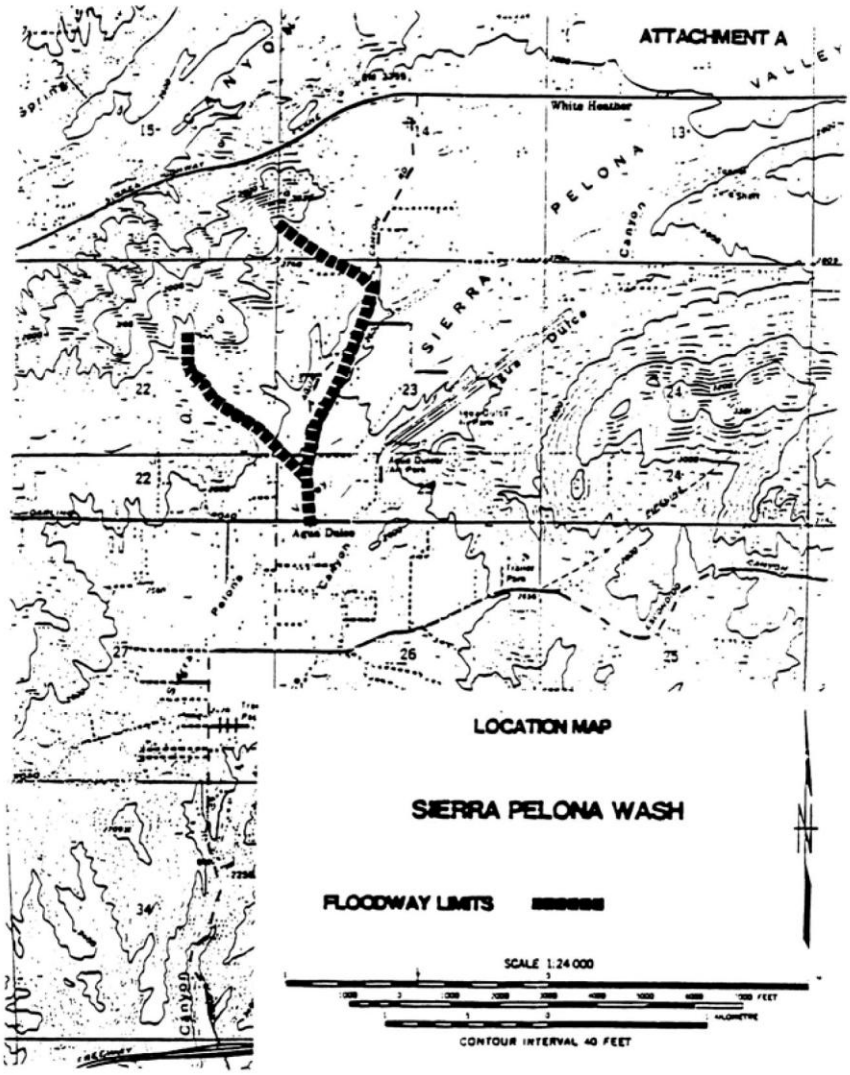

NADEU MOUNTAIN WAY
PLACERITA MOUNTAIN WAY
FOREST
STATE PARK
NATIONAL
0
1
2
mile
LOCATION MAP
PLACERITA CREEK FLOODWAY
REACH LIMITS
MAP NUMBER 342-ML 5
SIERRA HIGHWAY
ANTELOPE VALLEY FREEWAY
PLACERITA CANYON ROAD
SAN FERNANDO ROAD
N

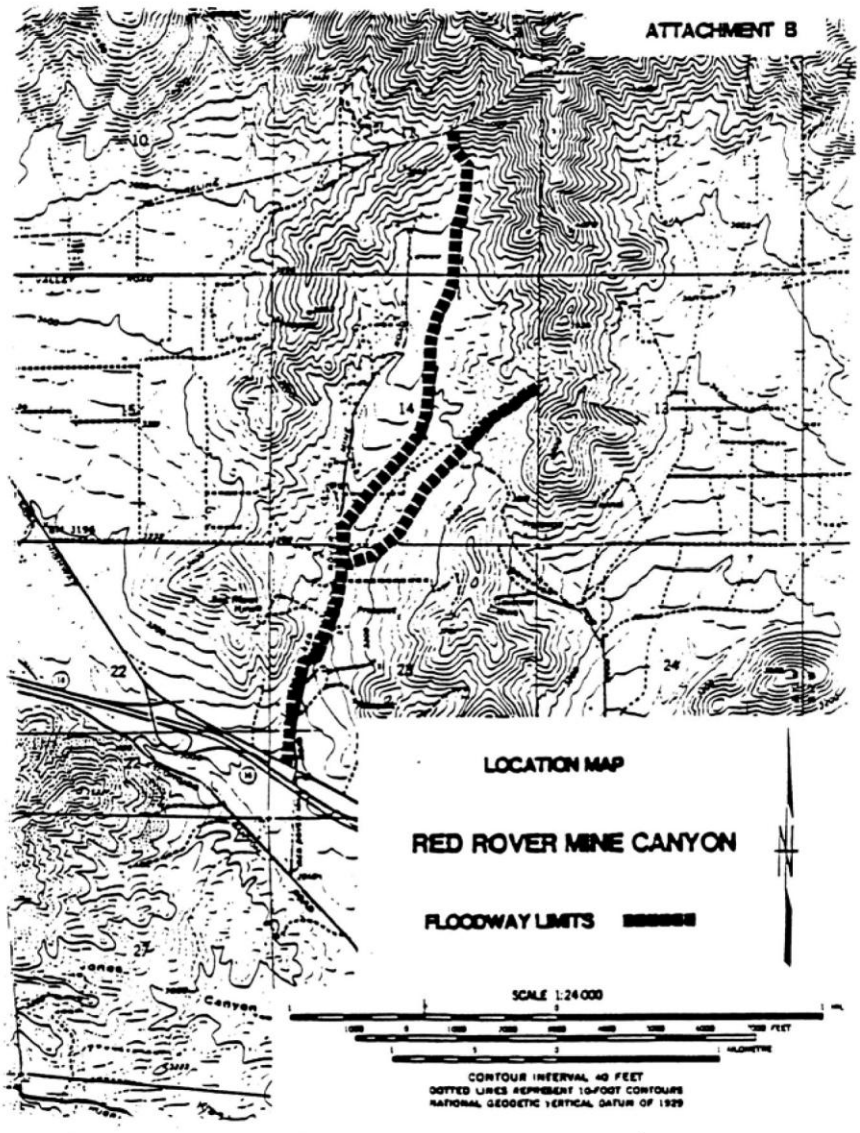

PUBLIC WORKS
LOS ANGELES CITY BOUNDARY
N
SANTA MARIA RD
PARADISE LN.
CHENEY DR.
TOPANGA CYN BLVD
OLD TOPANGA CYN. RD.
LOCATION MAP
SANTA MARIA AND
GARAPITO FLOODWAY
LEGEND
FLOODWAY LIMITS
ROADS
CREEKS
WATERSHED BOUNDARY
SCALE:
0
1/4
1/2
3/4
MILE

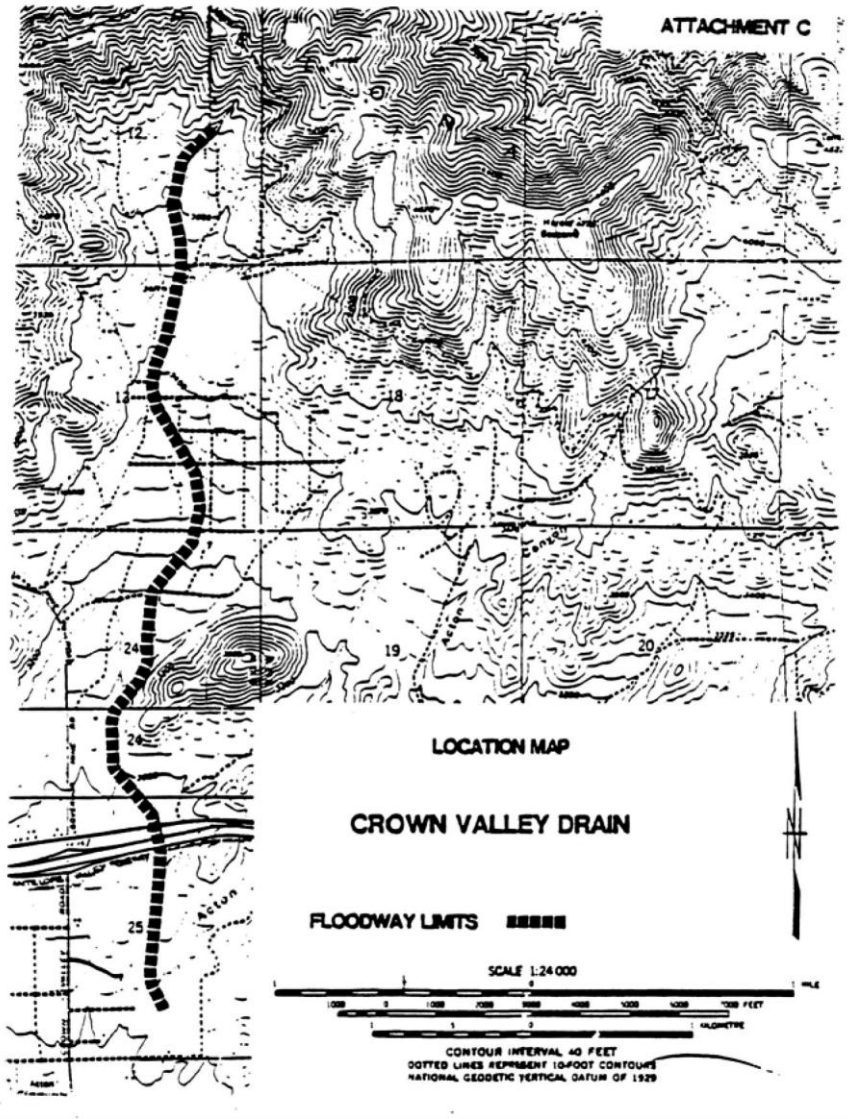

LOS ANGELES CITY BOUNDARY
CITY BOUNDARY
LOS ANGELES
TOPANGA CYN. BLVD
TOPANGA CANYON
TUNA CANYON
TUNA CYN. RD.
PACIFIC COAST HWY
TOPANGA BEACH
1 Mile
0
SCALE
LOCATION MAP
TOPANGA CANYON FLOODWAY
(Lower)
REACH LIMITS
MAP NUMBERS:
73-ML 11, 12, & 13

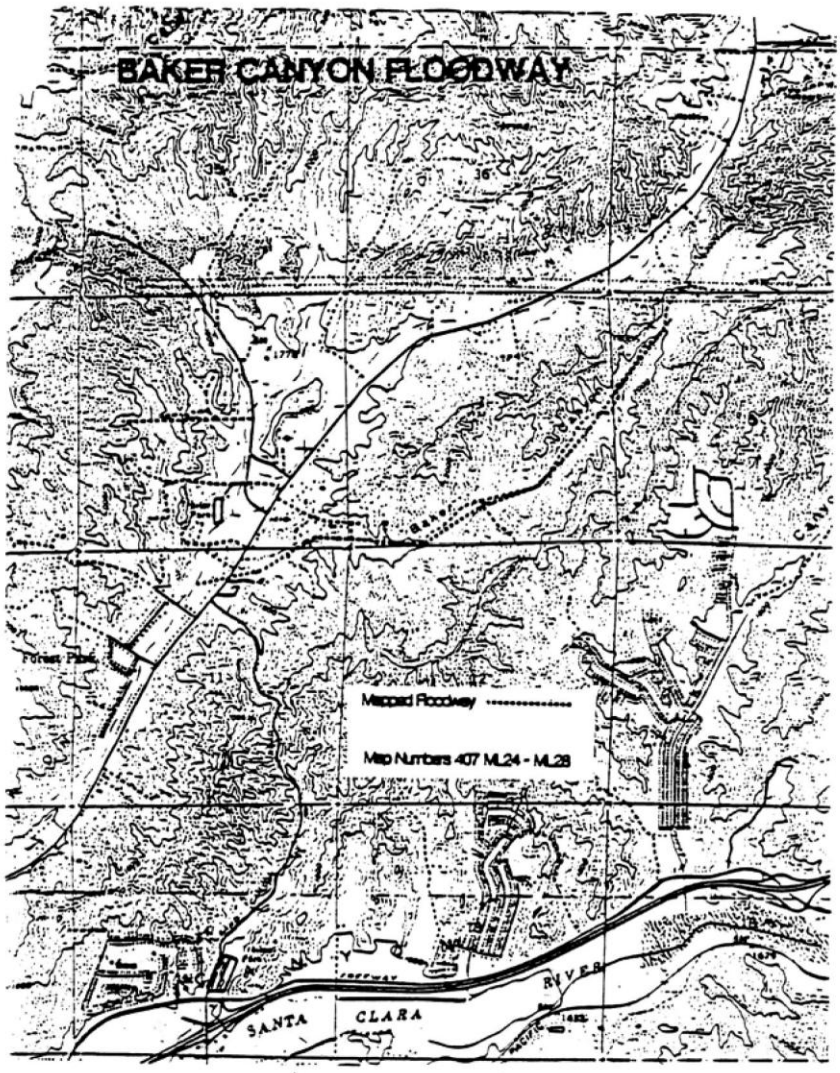

MULHOLLAND
HIGHWAY
PUBLIC WORKS
N
RED ROCK
ROAD
OLD TOPANGA
CANYON ROAD
LOCATION MAP
RED ROCK CANYON
REACH LIMITS
MAP NUMBERS 73 ML 29,30
TOPANGA
CANYON BLVD
scale:
0
1/2
1 mile

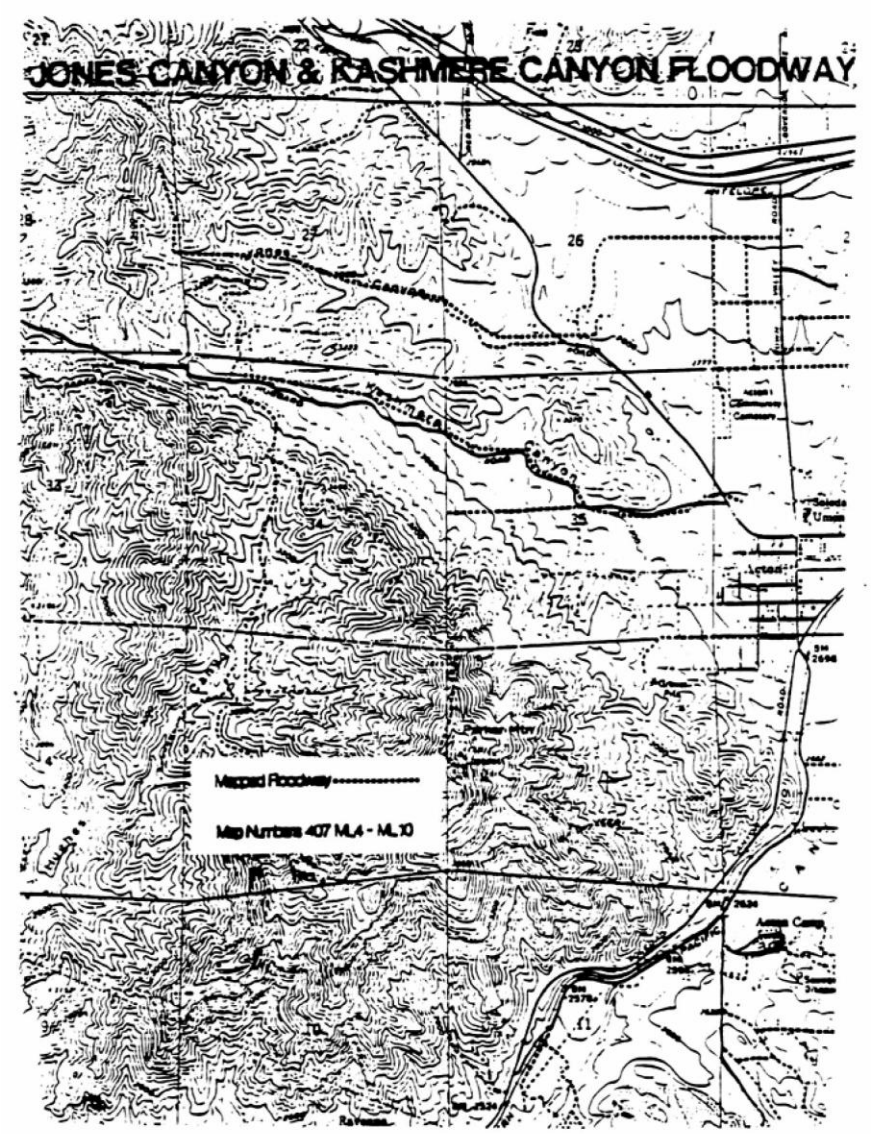

LOCATION MAP
LATIGO CANYON FLOODWAY MAP
REACH LIMITS
MAP NUMBERS 720-ML 1,2
PUBLIC WORKS
MALIBU CANYON ROAD
CIVIC CENTER WAY
PACIFIC COAST HIGHWAY
PUERCO CANYON ROAD
CORRAL CANYON ROAD
LATIGO CANYON ROAD
N

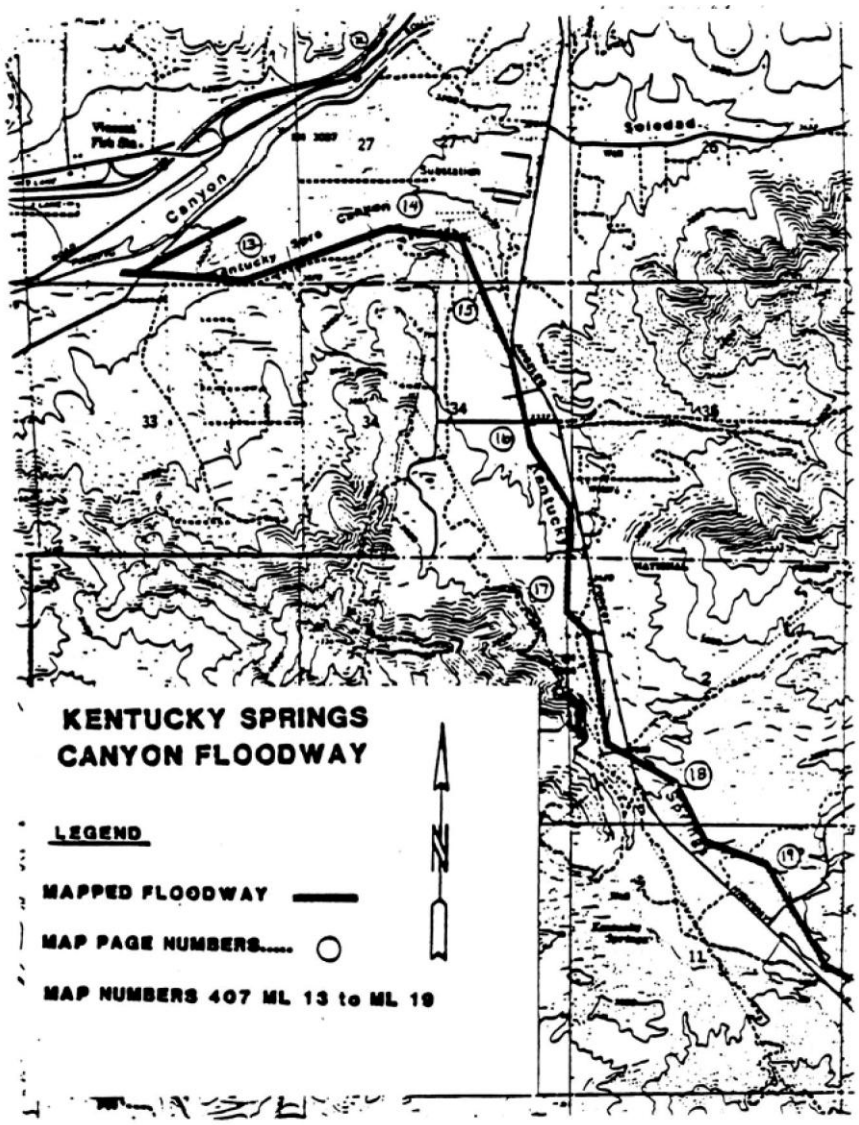

ATTACHMENT A
White Heather
PELONA
SIERRA
Agua Dulce
LOCATION MAP
SIERRA PELONA WASH
FLOODWAY LIMITS
SCALE 1:24 000
CONTOUR INTERVAL 40 FEET

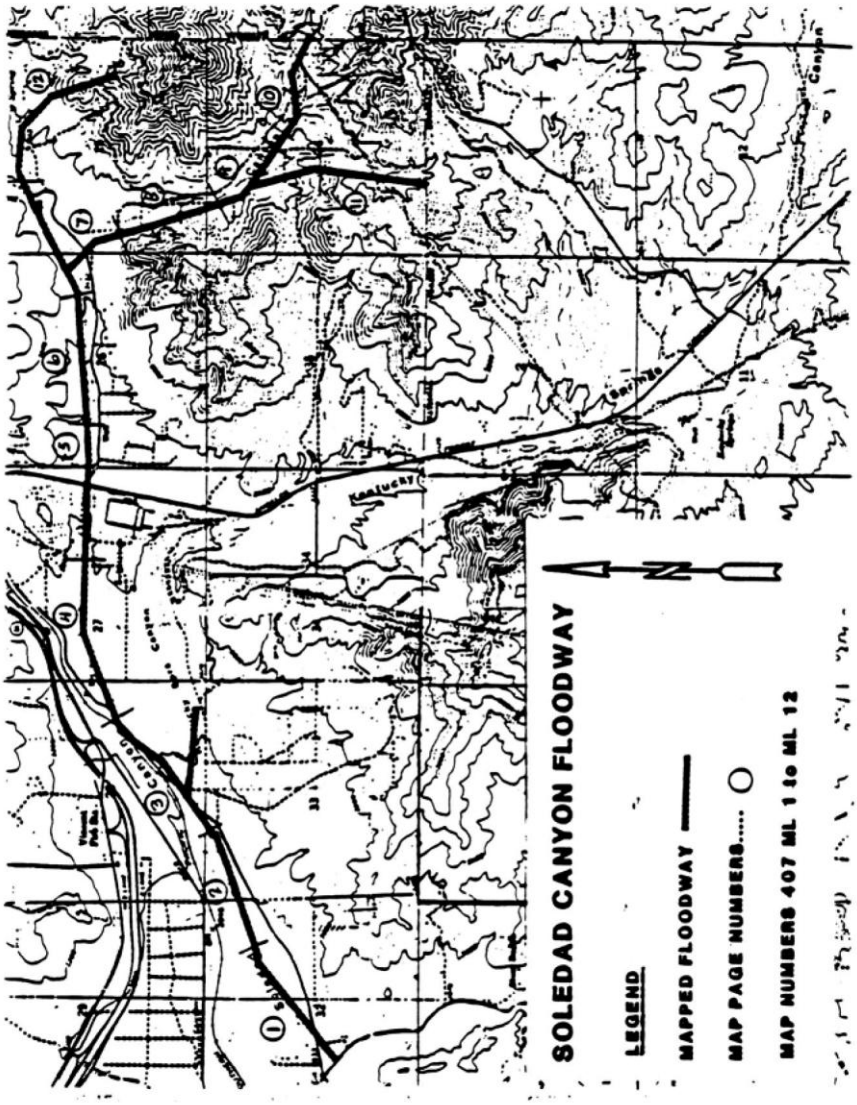

ATTACHMENT B
LOCATION MAP
RED ROVER MINE CANYON
FLOODWAY LIMITS
SCALE 1:24000
CONTOUR INTERVAL 40 FEET
DOTTED LINES REPRESENT 10-FOOT CONTOURS
NATIONAL GEODETIC VERTICAL DATUM OF 1929

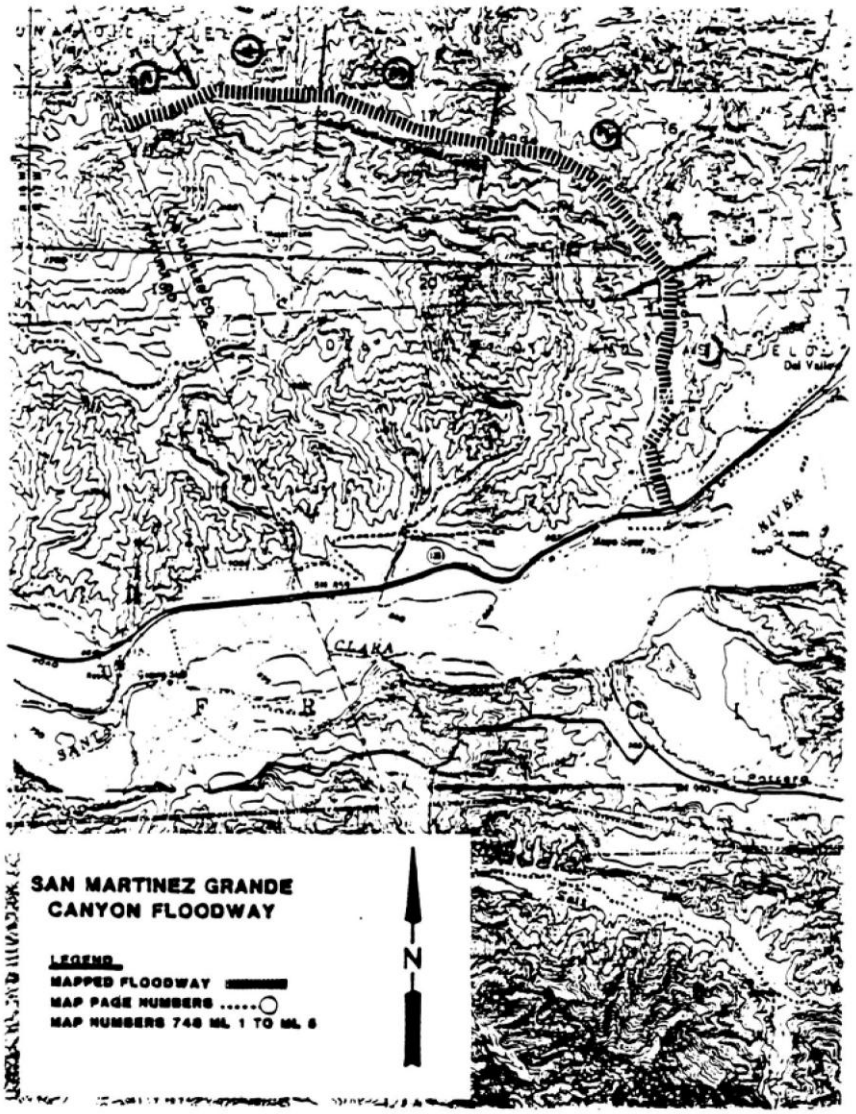

ATTACHMENT C
LOCATION MAP
CROWN VALLEY DRAIN
FLOODWAY LIMITS
SCALE 1:24 000
CONTOUR INTERVAL 40 FEET
DOTTED LINES REPRESENT 10-FOOT CONTOURS
NATIONAL GEODETIC VERTICAL DATUM OF 1929

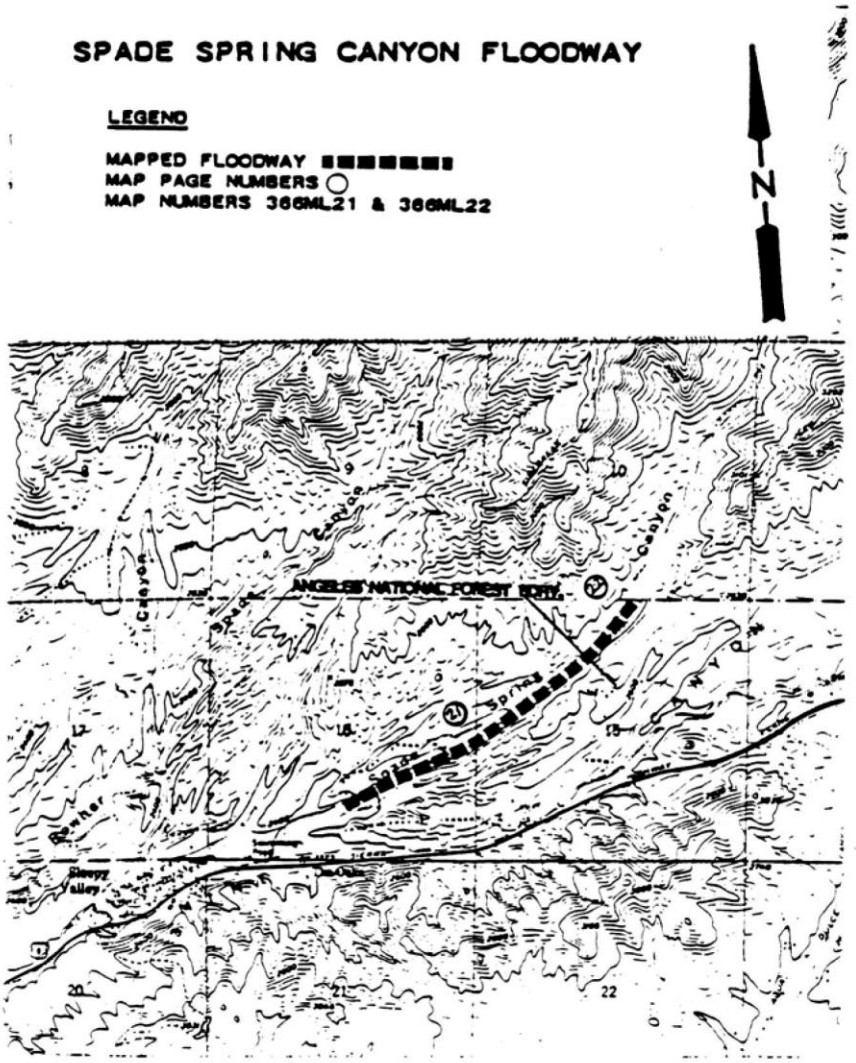

BAKER CANYON FLOODWAY
Mapped Floodway
Map Numbers 407 ML24 - ML28
SANTA
CLARA
RIVER

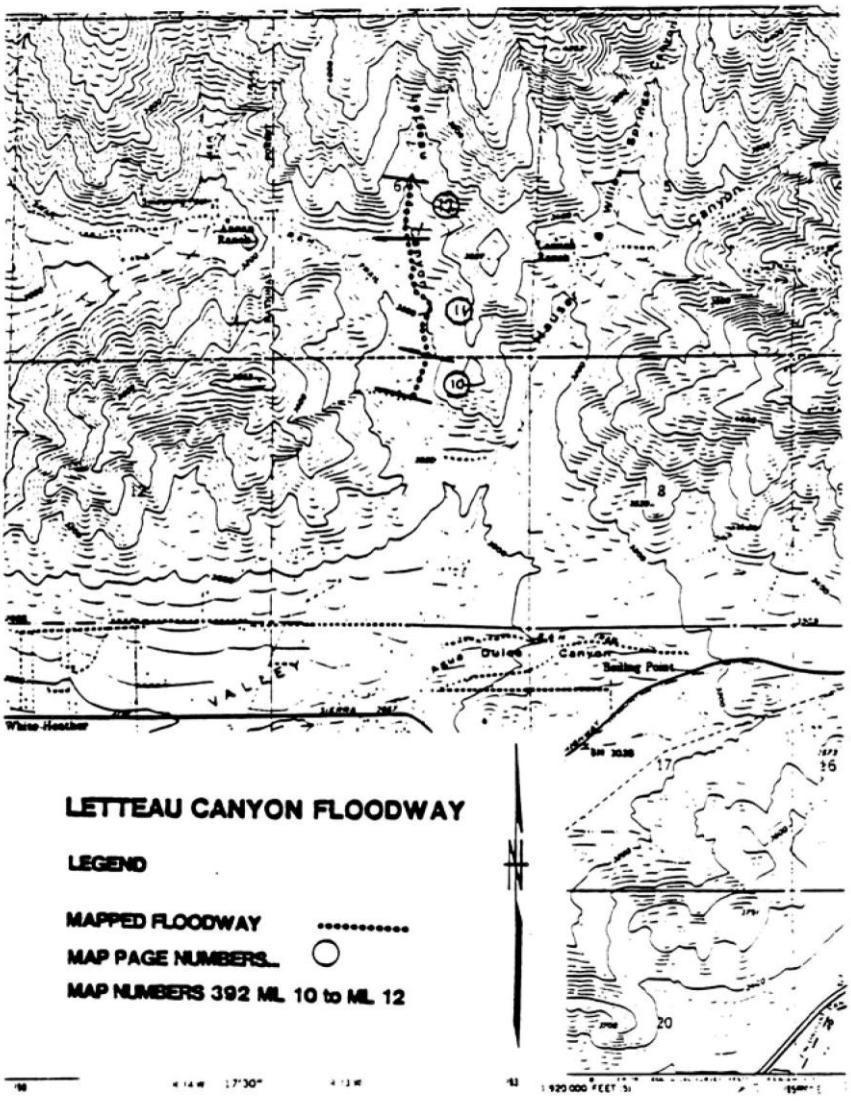

JONES CANYON & RASHMERE CANYON FLOODWAY
Mapped Floodway
Map Numbers 407 ML4 - ML10

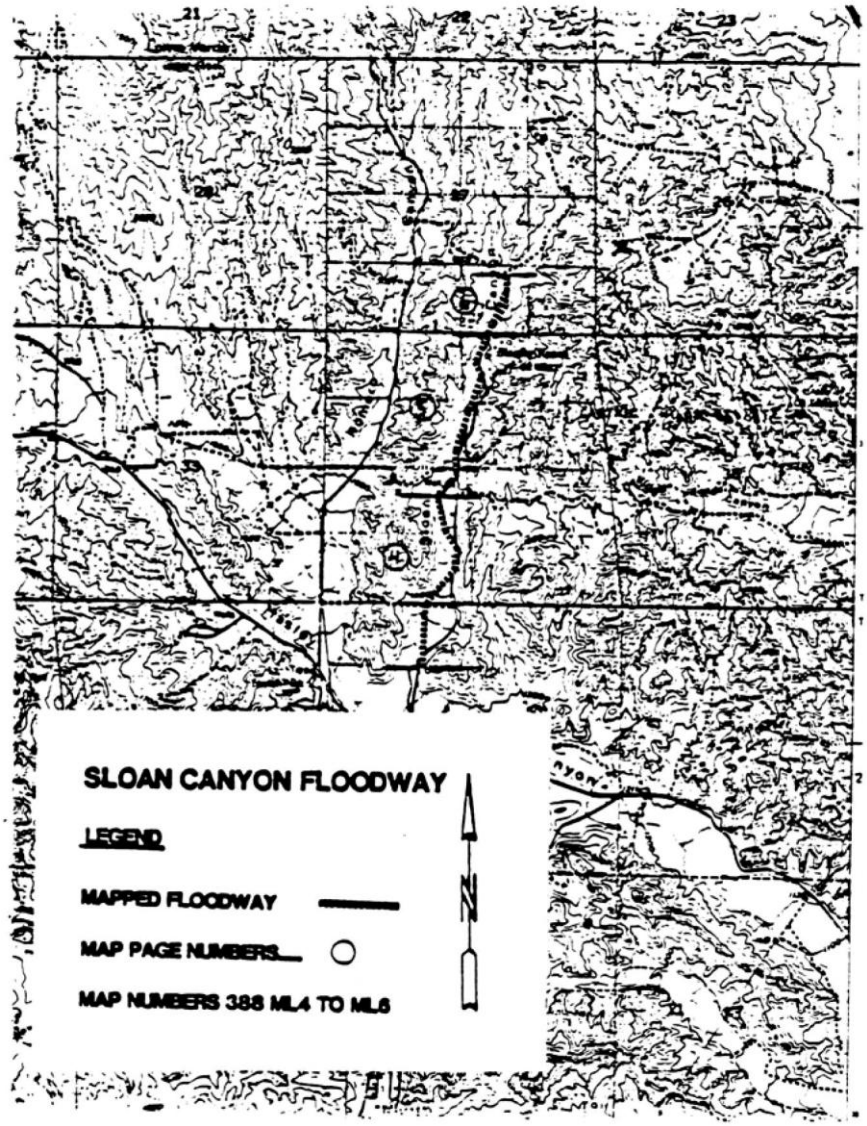

KENTUCKY SPRINGS
CANYON FLOODWAY
LEGEND
MAPPED FLOODWAY
MAP PAGE NUMBERS.....
MAP NUMBERS 407 ML 13 to ML 19
N
Canyon
Kentucky
Soledad
27
33
34
11

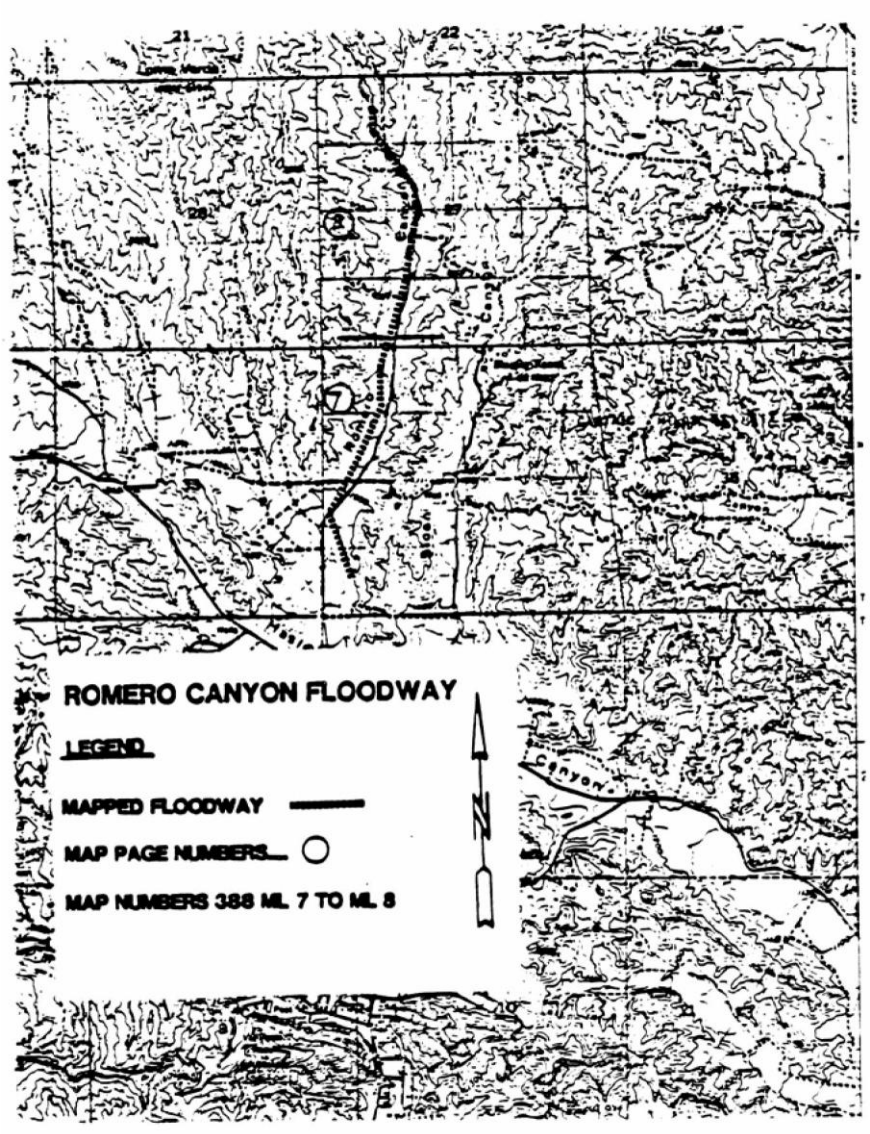

SOLEDAD CANYON FLOODWAY
LEGEND
MAPPED FLOODWAY
MAP PAGE NUMBERS
MAP NUMBERS 407 ML 1 to ML 12

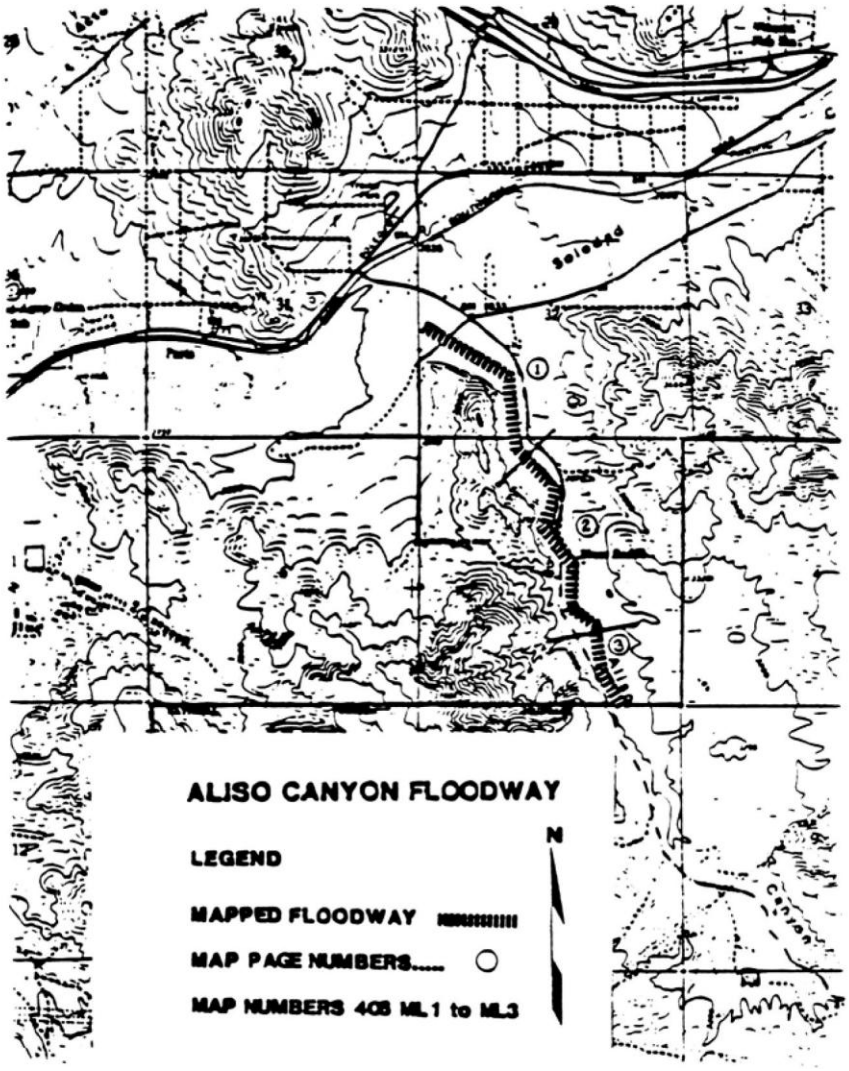

SAN MARTINEZ GRANDE
CANYON FLOODWAY
LEGEND
MAPPED FLOODWAY
MAP PAGE NUMBERS .....
MAP NUMBERS 748 ML 1 TO ML 6
N
RIVER

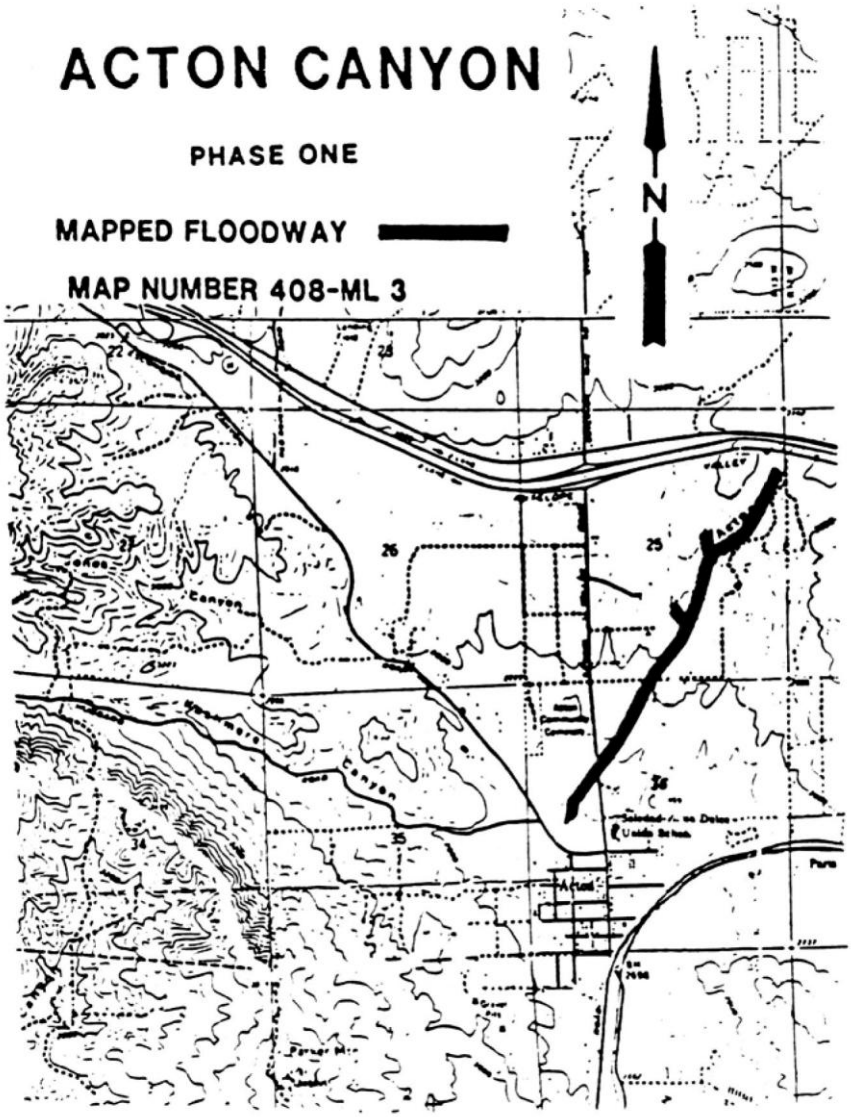

SPADE SPRING CANYON FLOODWAY
LEGEND
MAPPED FLOODWAY
MAP PAGE NUMBERS
MAP NUMBERS 366ML21 & 366ML22
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ANGELES NATIONAL FOREST BDRY.
Spring
Canyon
Rowher
Sleepy Valley
9
10
12
15
21
22

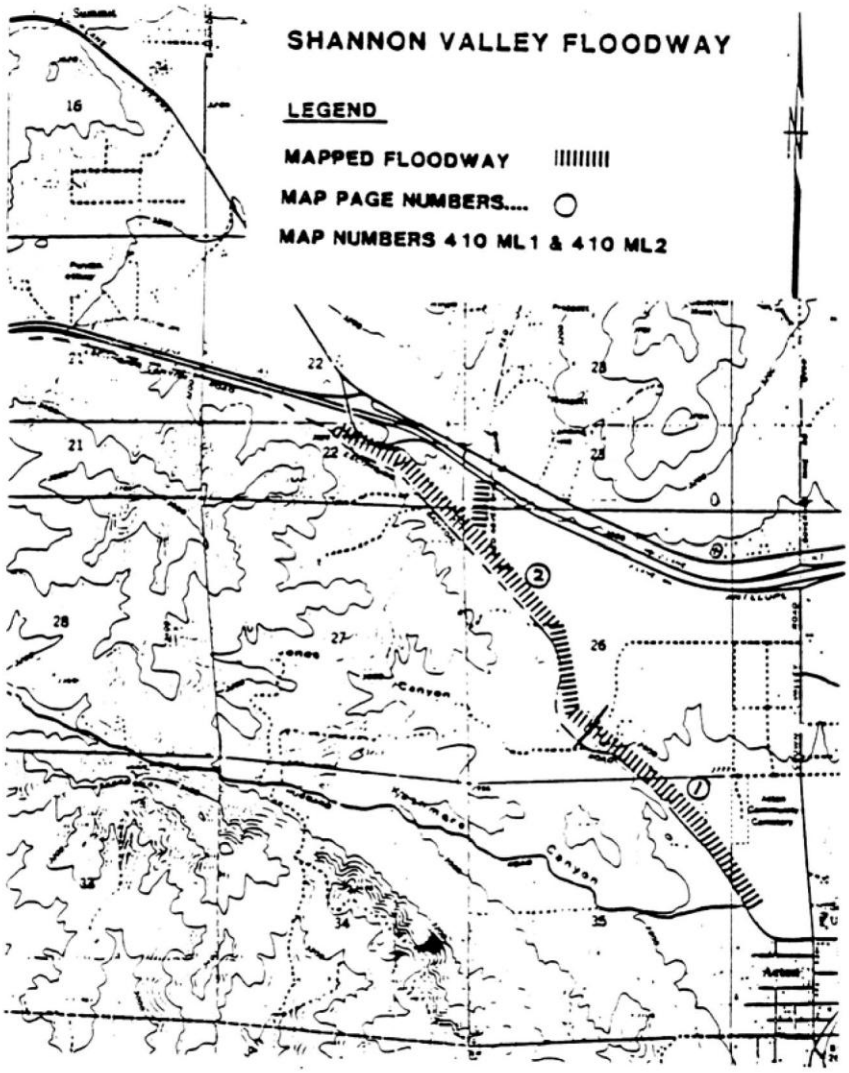

LETTEAU CANYON FLOODWAY
LEGEND
MAPPED FLOODWAY
MAP PAGE NUMBERS
MAP NUMBERS 392 ML 10 to ML 12
N

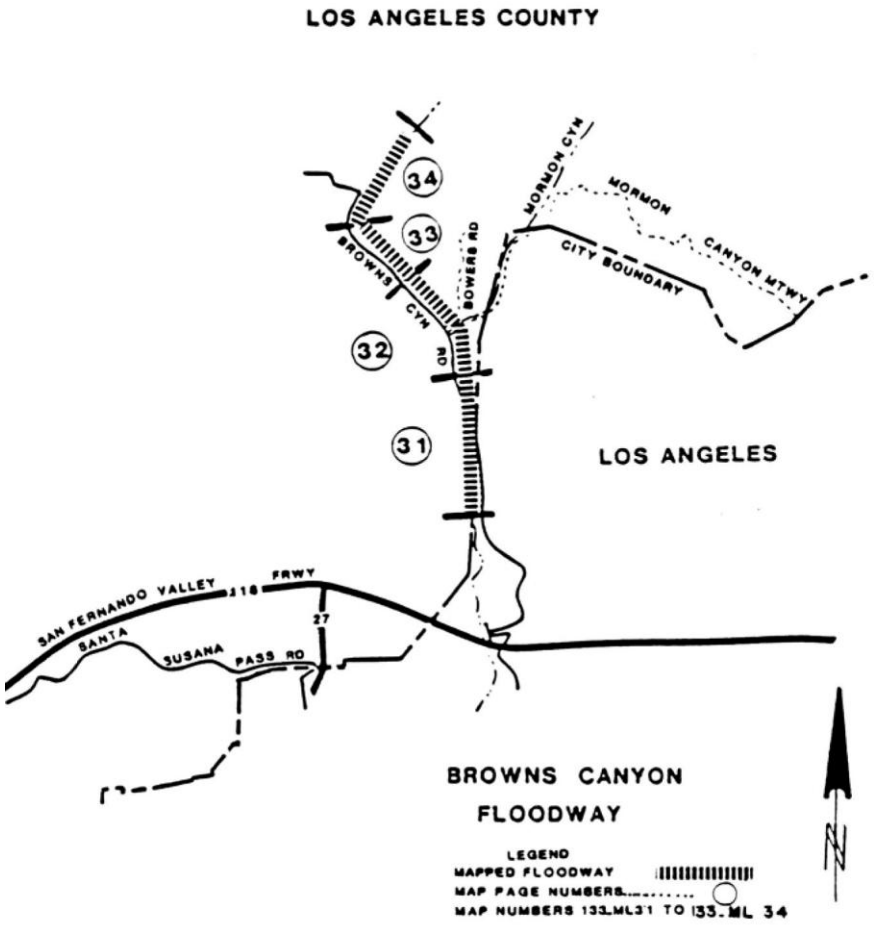

SLOAN CANYON FLOODWAY
LEGEND
MAPPED FLOODWAY
MAP PAGE NUMBERS
MAP NUMBERS 388 ML4 TO ML6
N

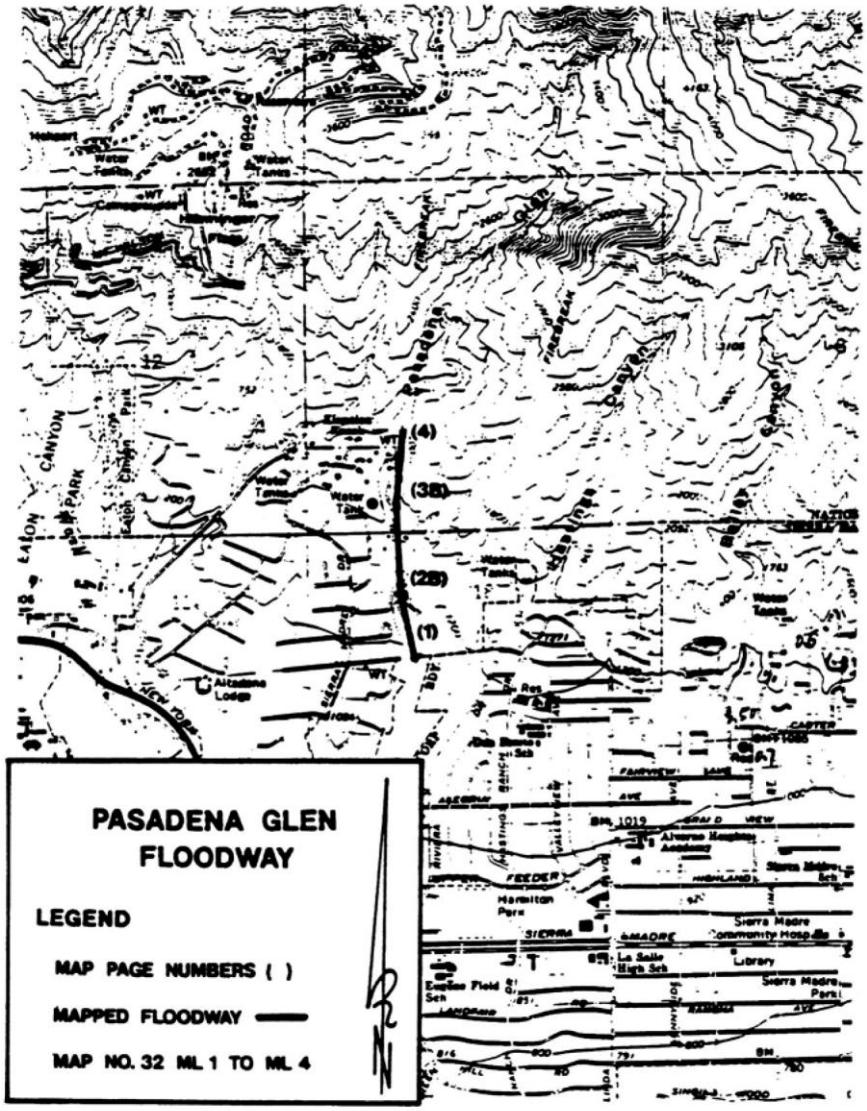

ROMERO CANYON FLOODWAY
LEGEND
MAPPED FLOODWAY
MAP PAGE NUMBERS
MAP NUMBERS 388 ML 7 TO ML 8
N


ALISO CANYON FLOODWAY
LEGEND
MAPPED FLOODWAY
MAP PAGE NUMBERS.....
MAP NUMBERS 405 ML1 to ML3
N


ACTON CANYON
PHASE ONE
MAPPED FLOODWAY
MAP NUMBER 408-ML 3
N


SHANNON VALLEY FLOODWAY
LEGEND
MAPPED FLOODWAY
MAP PAGE NUMBERS....
MAP NUMBERS 410 ML1 & 410 ML2
Canyon
Canyon


LOS ANGELES COUNTY
34
33
32
31
MORMON CYN
MORMON
CANYON MTWY
CITY BOUNDARY
BOWERS RD
BROWNS CYN RD
LOS ANGELES
SAN FERNANDO VALLEY
118 FRWY
27
SANTA SUSANA PASS RD
BROWNS CANYON
FLOODWAY
LEGEND
MAPPED FLOODWAY
MAP PAGE NUMBERS
MAP NUMBERS 133_ML31 TO 133_ML 34
N



11.60.040 Areas of Special Flood Hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in the "Flood Insurance Study for Los Angeles County, California and Incorporated Areas" dated September 26, 2008 (FIS), with accompanying Flood Insurance Rate Maps (FIRM's) and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this Code. The FIS, FIRM's and related amendments and revisions are on file at the County of Los Angeles Department of Public Works, 900 South Fremont Avenue, Alhambra, California.

(Ord. 2016-0062 § 2, 2016.)

Chapter 11.62 SMALL DAMS

11.62.010 Title for citation.

The ordinance codified in this chapter shall be known as the "small dams ordinance," and may be so cited.

(Ord. 8692 § 1, 1964.)

11.62.020 Definitions.

A. As used in this chapter, "small dam" means any barrier, embankment, levee, revetment, spillway or outlet which does, which is designed to, or intended to, or may impound more than one acre-foot of water or other fluids or fluid materials to a depth of more than three feet at the deepest part.

B. "Small dam" does not include:

1. Any obstruction in a canal used to raise or lower water therein or divert water therefrom;
2. Any railroad fill or other railroad structure;
3. Any fill or structure for public highway purposes;
4. Any dam included in the provisions of Division 3, Part 1 of the California State Water Code;
5. Any overnight storage reservoir used for the purpose of irrigation, or any small dam situated in an isolated, self-contained area, if the county engineer finds that, by reason of such isolation and self-containment, no danger to private or public property can now or thereafter result from the construction, failure or operation of the structure or appurtenances;
6. Any dam, under regulations of other public agencies, whose specific duties and obligations are the construction or maintenance of such appurtenances, or are regulated by other Los Angeles County ordinances.

(Ord. 8692 § 2, 1964.)

11.62.030 Permit—Required for construction, alteration or removal.

A person, firm, or corporation shall not construct, alter or remove, or cause or permit another person to construct, alter or remove a small dam until he first obtains a written permit from the county engineer.

(Ord. 8692 § 3, 1964.)

11.62.040 Permit—Application—Information required.

A. To obtain a permit, the owner or his agent shall first file an application in writing with the county engineer on the form provided for that purpose, and shall furnish the following:

1. Name and address of the property owner, and the name and address of the applicant if the applicant is not the owner;
2. A legal description of the property where the small dam is to be constructed and a plot plan showing the location;
3. A map of the drainage area;
4. Two sets of plans and specifications of the construction proposed, including a plan of the area to be flooded, with accurate contour lines showing the original topography;

5. Rainfall and runoff data, and computations necessary to determine the amount of water to be expected;

6. Accurate cross-sections and grade of the outlet channel;

7. Data concerning subsoil and foundation conditions; the county engineer may require a report prepared by a qualified engineering geologist or soils engineer, or both;

8. Plans and computations required for small dams under the provisions of this chapter shall conform to the Design Standards for Small Dams on file in the office of the county engineer and the clerk of the board of supervisors;

9. Plans and computations must be prepared and signed by a civil engineer registered by the state of California, unless the plans have been prepared under the direction of and approved by the United States Department of Agriculture or other governmental agency;

10. An estimate for the construction cost of the project;

11. Such other information and data the county engineer finds is necessary to properly evaluate the application.

B. In instances where the physical conditions are such that no engineering problems are involved in the design, and the size of the dam is such as to render the above requirements as to drainage area, rainfall data, subsurface investigation and plan preparation by a registered civil engineer unnecessary, the county engineer may waive one or all of the requirements, designated as 3, 5, 7 and 9 in subsection A.

(Ord. 8692 § 5, 1964.)

11.62.050 Permit—Application—Fee.

When application is made for a permit under this chapter, an application fee based on the estimated cost of the project as determined by the county engineer and as set forth in Table A in Section 11.64.080 for application fee, will be paid to the county engineer. This fee shall be separate and apart from any fees or deposits collected or imposed under this chapter or any other county ordinance or regulation, or by reason of any license, agreement or contract between the applicant and any other public agency.

(Ord. 8692 § 7, 1964.)

11.62.060 Permit—Application—Review by county engineer.

The county engineer shall review the application and data submitted therewith and within 30 days advise the applicant of his findings.

(Ord. 8692 § 6, 1964.)

11.62.070 Permit—Issuance and plan approval conditions.

The county engineer will approve plans and issue a permit for a small dam when he finds that:

A. A hazard to life and property will not be created;

B. Water supplies will not be polluted or endangered;

C. There will be no tendency or contribution toward the creation of a nuisance;

D. There will be no interference with the operations of other duly constituted agencies;

E. The proposed construction and resulting impoundment will not violate existing laws or ordinances;

F. All necessary permits from other agencies have been obtained and fees paid;

G. The fees required by this chapter have been paid and bonds posted.

(Ord. 8692 § 4, 1964.)

11.62.080 Fee schedule.

After the county engineer has approved the plans and before a permit is issued, the applicant shall pay, in addition to the application fee, a permit fee, the amount of which shall be based upon the estimated cost of the project, as determined by the county engineer and as set forth in Table A below for a permit fee.

Table A		
Estimated Construction Cost	Amount of Fee	
	Application	Permit
$ 0 to $ 5,000.00	$ 50.00	$ 25.00
$ 5,001 to $15,000.00	$150.00	$100.00
$15,001 to $25,000.00	$175.00	$125.00
$25,001 to $50,000.00	$200.00	$150.00
$50,001 to $100,000.00	$250.00	$200.00
$100,001 or over	$300.00	$250.00

(Ord. 8692 § 8, 1964.)

11.62.090 Exemptions from fees.

Neither the county of Los Angeles nor any public officer or body acting in his official capacity on behalf of this county shall pay or deposit any fee. This chapter does not require the payment of any fee where the collection of such fee is prohibited by Section 6103 of the Government Code or by any other statute.

(Ord. 8692 § 9, 1964.)

11.62.100 Refund of fees.

A. In the event the county engineer has performed no checking on the plans and computations submitted with the application, the applicant, upon written request to the county engineer for cancellation, is entitled to a refund of 50 percent of the total amount actually paid as the application fee.

B. In the event that any person shall have obtained a small dam permit, and no work or construction shall have been commenced, and the permit has been cancelled, the permittee, upon submitting a request in writing, shall be entitled to a refund in an amount equal to 80 percent of the permit fee actually paid for such permit.

(Ord. 8692 § 10, 1964.)

11.62.110 Plans and specifications—Submittal requirements.

A. Two complete sets of plans and specifications shall be submitted to the county engineer with the application for a permit. When the permit is issued, an approved set of plans and specifications will be returned to the permittee.

B. Should the county engineer waive the requirement for inspection by a registered civil engineer, three additional sets of plans and specifications shall be furnished to the county engineer without cost, showing any corrections, additions or changes which were required as a condition for issuance of the permit.

(Ord. 8692 § 11, 1964.)

11.62.120 Work authorized by permit—Liability limitations.

A. The issuance of a small dam permit shall constitute authorization to do only that work which is described or illustrated on the approved plans and application for the permit.

B. Permits issued under this chapter shall not relieve the permittee of the responsibility for securing permits or licenses that may be required for other agencies.

C. The time limit for completion of construction will be stated on the permit, and may be extended only on written request of the permittee and after investigation by the county engineer to determine if the extension is warranted.

D. The issuance or granting of a permit or approval of plans and specifications shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this chapter. No permit presuming to give authority to violate or cancel the provisions of this chapter shall be valid, except insofar as the work or use which it authorizes is lawful.

E. The issuance of a permit based upon plans and specifications shall not prevent the county engineer from thereafter requiring the correction of errors in said plans and specifications, or from preventing construction from being carried on thereunder when in violation of this chapter or other county ordinance or state law.

F. Any modifications or changes in plans after the issuance of a permit shall be approved in writing by the county engineer.

G. The issuance of a permit under this chapter or the compliance with the provisions thereof or of any conditions imposed in the permit shall not relieve any person from responsibility for damage to other persons or property, nor impose any liability upon the county or its agents for damage to other persons or property, or relieve the owner or operator of a small dam of the legal duties, obligations or liability incident to ownership or operation of the dam.

(Ord. 8692 § 12, 1964.)

11.62.130 Permit—Bond or assignment of securities required.

A. A permit shall not be issued for construction of a small dam until the permittee has posted with the county engineer a bond executed by the owner as principal and a corporate surety authorized to do business in this state as surety, or deposits a cash bond or deposits and assigns to the county as provided in Chapter 4.36 of this code and the Administrative Code, savings and loan certificates as shares, in the same amount as is required for a bond.

B. The amount of the bond shall be 50 percent of the estimated construction cost of the project, as shown on the permit.

(Ord. 8692 § 13, 1964.)

11.62.140 Bond conditions.

Each bond shall include the conditions that the permittee shall:

A. Comply with all of the provisions of applicable laws and ordinances;

B. Comply with all of the terms and conditions of the small dam permit;

C. Complete all of the work contemplated under the permit within the time limit shown on the permit, unless a time extension is granted; no such extension of time shall release the surety upon the bond.

D. Upon default by the permittee, the surety shall complete the work contemplated under the permit, or shall remove or demolish any partially completed structures constructed under the permit and clear, clean and restore the site to its original condition, or do such other work as required by the county engineer to assure that a dangerous condition or nuisance does not exist or will not be created.

(Ord. 8692 § 14, 1964.)

11.62.150 Water rights—Determination and compliance responsibility.

It shall be the full responsibility of the owner or permittee to determine and comply with state water laws governing the use of water and vested rights of others before starting any construction for impounding water under this chapter.

(Ord. 8692 § 16, 1964.)

11.62.160 Right of entry authorized when.

A. Any authorized representative of the county of Los Angeles in the performance of his official duties shall be granted access to the premises upon which a small dam is situated for the purpose of making such inspections as are necessary to insure compliance with the provisions of this chapter and the conditions of the permit issued under this chapter.

B. In the event of default by the permittee, the surety or any person employed or engaged on its behalf may go upon the premises to complete the required work or to remove or to demolish partially completed work or structures, and to clear, clean and restore the site, or to do such other work as is authorized by this chapter

(Ord. 8692 § 15, 1964.)

11.62.170 Construction—Supervision by civil engineer required when.

A. All construction work authorized by a permit issued under this chapter shall be supervised by a civil engineer employed by the permittee and licensed to practice by the state of California and experienced in the type of construction for which the permit was issued.

B. If the county engineer finds that either the extent of the construction work or the physical conditions, or both, are such as to make supervision by a registered civil engineer unnecessary or impractical, he may waive the requirement.

(Ord. 8692 § 21, 1964.)

11.62.180 Construction—Inspection by county engineer.

All work authorized by the permit issued under this chapter shall be subject to inspection by the county engineer, as necessary to assure compliance with the intent of the permit and this chapter.

(Ord. 8692 § 20, 1964.)

11.62.190 Construction—Sampling and testing of materials and soil samples.

The county engineer may require that material and soil samples be taken during construction, and that test reports evaluating the essential properties be filed in his office as construction proceeds. Such sampling and testing shall be performed by an approved testing laboratory, and shall be done at no expense to the county.

(Ord. 8692 § 23, 1964.)

11.62.200 Construction—Remedy of defective work.

Within 10 days after the county engineer notifies the permittee that any work is defective, either in its construction or material, or both, the permittee shall reconstruct or remove such work or materials, and make it conform to the provisions of the permit.

(Ord. 8692 § 24, 1964.)

11.62.210 Dangerous or hazardous conditions—Authority to stop or suspend work.

Should the county engineer determine that, prior to completion, a hazardous or dangerous condition exists or is impending because of weather or flood conditions, or for other reasons, the county engineer may order the work suspended or require that reasonable safeguards be maintained, or may order the work suspended and safeguards maintained until the hazard or dangerous condition has passed or has been relieved.

(Ord. 8692 § 17, 1964.)

11.62.220 Suspension of work—Notice required.

A. Notice of suspension of work or requirements as to safeguards shall be given in writing served on any persons engaged in the doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the county engineer to proceed, or shall provide such safeguards as are required.

B. Such suspension of work shall not relieve the permittee or the surety of their obligations and duties.

(Ord. 8692 § 18, 1964.)

11.62.230 Fencing and other protective measures.

Requirements for fencing and protection of the public shall conform to the requirements of Division 2 of this title, on General Hazards, as amended, or as required by other county ordinances or state law.

(Ord. 8692 § 19, 1964.)

11.62.240 Completion of work—As-built plans and civil engineer's certificate required.

At the completion of construction supervised by a registered civil engineer, the permittee shall file with the county engineer one complete set of as-built plans, together with a certificate by the civil engineer certifying that all work was completed in accordance with the approved plans and specifications. The filing of such plans and certificate shall be a condition precedent to release of the surety.

(Ord. 8692 § 22, 1964.)

11.62.250 Operation and maintenance—Remedies for unsafe conditions.

A. Responsibility for proper operation and maintenance of a small dam shall rest with the owner of the land upon which the dam is situated. At no time shall the owner operate or permit to be operated, or maintain or permit to be maintained any small dam, including the water or liquid impounded and the area adjacent, in such a manner as to create a nuisance or hazard to life and property.

B. Whenever the county engineer determines by inspection that any small dam is or is likely to become unsafe, or is not being properly maintained and operated, the owner shall, within 10 days of receipt of written notice from the county engineer, take the necessary steps to comply with the requirements set forth in the notice.

C. If the owner fails to rectify the unsafe or improper condition within 10 days of receipt of written notice, the county engineer shall take the necessary steps, in accordance with Section 11.62.270 to make the small dam safe and proper.

(Ord. 8692 § 25, 1964.)

11.62.260 Structural changes or other alterations—Permit required.

Any alteration, structural change, excavating or dredging, filling or reveting of a small dam or the appurtenances thereto requires that a permit be first obtained for a small dam under the provisions of Section 11.62.070 of this chapter.

(Ord. 8692 § 26, 1964.)

11.62.270 Emergency work authorized when—Costs.

A. The county engineer may immediately employ any remedial means necessary to protect life and property if he finds that the condition of any small dam is so dangerous to the safety of life and property as not to permit of time for the issuance and enforcement of an order relative to maintenance and operation or removal of a small dam.

B. The county engineer shall notify the owner in writing of the cost of such work. If the total cost is not paid within 30 days after receipt of such notice, or unless a request for a hearing has been filed with the board of supervisors, the county engineer shall record in the office of the county recorder the total balance still due and a legal description of the property. From the date of the recording, such balance due will be a lien on the property.

(Ord. 8692 § 27, 1964.)

11.62.280 Hearing—Request authorized when.

The applicant, permittee, owner, or the county engineer, may request, in writing, a hearing before the board of supervisors within 30 days of the date of any written notification concerning the denial of a permit, the requirement for special conditions relative to issuance of a permit, the suspension of work, the operation and maintenance of a small dam or the cost of emergency work. A request for hearing shall not delay or prevent emergency work ordered by or performed by the county.

(Ord. 8692 § 29, 1964.)

11.62.290 Hearing—Notice requirements.

Not less than 10 days prior to the hearing, the clerk of the board of supervisors shall serve or cause to be served, either in the manner required by law for the service of summons or by first class mail, postage prepaid, a copy of the notice of hearing upon all parties concerned, and to all persons who have requested within the past 60 days that they receive notice of such hearing or hearings.

(Ord. 8692 § 30, 1964.)

11.62.300 Notice of hearing—Service procedure.

Whenever in this chapter notice is to be served by personal service or by registered or certified mail, it shall be deemed that a reasonable effort has been made to serve such notice when registered and certified letters have been mailed to the address of the party being served, as shown on the official record or on the record of the county assessor. When an address is not so listed or a contact cannot be made, the service shall be by posting on the site of the small dam. Notice shall be deemed effective 10 days from the date of posting.

(Ord. 8692 § 28, 1964.)

11.62.310 Notice of hearing—Contents.

The notice of hearing shall state the address and a legal description of the property upon which the small dam is situated or proposed, sufficient for identification; the conditions or questions for which the hearing was requested; the date, hour and the place of the hearing; and the name and address of the owner or permittee.

(Ord. 8692 § 31, 1964.)

11.62.320 Notice of hearing—Posting on property.

Not less than 10 days prior to the hearing, the clerk of the board of supervisors shall cause a notice of the hearing to be posted in a conspicuous place on the property upon which the small dam is situated or proposed.

(Ord. 8692 § 32, 1964.)

11.62.330 Violation—Penalty.

A. A person shall not erect, construct, enlarge, alter, remove, demolish, use, operate or maintain any small dam in the unincorporated portion of the county, or cause same to be done, contrary to or in violation of any of the provisions of this chapter.

B. Any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed, continued or permitted, and upon conviction of any such violation, such person shall be punishable by a fine of not more than $500.00 or by imprisonment for not more than six months, or by both such fine and imprisonment.

(Ord. 8692 § 33, 1964.)

Chapter 11.64 SMOKING[43]

Part 1 REGULATIONS GENERALLY

11.64.010 Purpose of Part 1 provisions.

Because the smoking of tobacco or of any other weed or plant is a positive danger to health and a cause of material annoyance, inconvenience, discomfort and a health hazard to those who are present in confined places, and in order to serve public health, safety and welfare, the purpose of the ordinance codified in Part 1 of this chapter is to prohibit the smoking of tobacco, or any other weed or plant, in certain areas which are used by or open to the public.

(Ord. 11421 § 1, 1976.)

11.64.020 Definitions.

As used in Section 11.64.010 through 11.64.070:

A. "Person" means any individual, firm, copartnership, joint venture, association, official group, fraternal organization, corporation, estate, trust, receiver, syndicate, or any other group or combination acting as a unit.

B. "Smoke" means the gases, particles, or vapors released into the air as a result of combustion, electrical ignition, or vaporization, when the apparent or usual purpose of the combustion, electrical ignition, or vaporization is human inhalation of the byproducts, except when the combusting or vaporizing material contains no tobacco, nicotine, or cannabis and the purpose of inhalation is solely olfactory, such as, for example, smoke from incense. The term "smoke" includes, but is not limited to, tobacco smoke, vapors from an electronic smoking device, and the smoke of cannabis or any other like substance.

C. "Smoking" means inhaling, exhaling, burning or carrying any lighted, heated or ignited cigar, cigarette, any pipe, cigarillo, hookah, electronic smoking device, or plant products, or using any other method or device that delivers nicotine, cannabis or other like substances to a person.

D. "Cannabis" has the meaning set forth in California Business and Professions Code section 26001, as that section may be amended from time to time.

E. "Electronic smoking device" means an electronic device which can be used to deliver an inhaled dose of nicotine, cannabis, or other substance, including any component, part, or accessory of such a device, whether or not sold separately. The term "electronic smoking device" includes any such device, whether manufactured, distributed, marketed or sold as an electronic cigarette, electronic cigar or cigarillo, electronic pipe, electronic hookah or any other product name or descriptor.

(Ord. 2019-0011 § 4, 2019; Ord. 11421 § 2, 1976.)

11.64.030 Smoking Prohibited in Designated Areas.

Smoking, including the use of electronic smoking devices, or allowing smoking or the use of electronic smoking devices, is prohibited in the following places within the unincorporated area of the County of Los Angeles:

A. Elevators open to the public.

B. Buses and bus stops.

C. Museums and libraries.

D. Any indoor area of every private or public health-care facility, including but not limited to hospitals; and all outdoor areas of County owned or operated healthcare facilities, except that smoking by patients may be allowed in designated outdoor patient smoking areas in County owned or operated recuperative care facilities, facilities treating mental illness, and long-term health care facilities, including those defined in section 1250 of the Health and Safety Code, subject to the Director of the County department responsible for the facility.

E. Within the public portion of any building, not open to the sky, which is primarily used for or designated for the purpose of exhibiting any motion picture, stage drama, lecture, musical recital, or other similar performance, whenever open to the public (except when smoking is a part of the performance itself).

F. Within any meeting room, chamber or place of public assembly where public business is being conducted and which is open to members of the general public, either as participants or as spectators.

G. Within any area of a public beach, including parking areas designated for use by the public.

H. Within 40 feet of any mobile food or temporary food facility, including trucks and carts that serve food to patrons.

I. Within 25 feet of any outdoor area of an eating establishment or bar set aside for use by patrons.

(Ord. 2019-0011 § 5, 2019; Ord. 2005-0018 § 2, 2005; Ord. 2004-0034U § 2, 2004; Ord. 11421 § 3, 1976.)

11.64.040 Sign requirements.

Signs which designate smoking or no-smoking areas established by this chapter shall be clearly, sufficiently and conspicuously posted in every room, building or other place so covered by this chapter. The manner of such posting, including the wording, size, color, design and place of posting, whether on the walls, doors, tables, counters, stands or elsewhere, shall be at the discretion of the owner, operator, manager or other person having control of such room, building or other place so long as clarity, sufficiency and conspicuousness are apparent in communicating the intent of this chapter.

(Ord. 11421 § 4, 1976.)

11.64.050 Compliance—Responsibility of owners and operators.

The owner, operator or manager of any facility, business or agency within the purview of this chapter shall comply herewith. Such owner, operator or manager shall post or cause to be posted all no-smoking signs required by this chapter.

(Ord. 11421 § 5, 1976.)

11.64.060 Violation—Penalty.

Any person who violates any provision of this Part 1 by smoking in a posted no-smoking area, or by failing to post or cause to be posted a no-smoking sign required by this Part 1, or otherwise violates any provision of this Part 1, is guilty of an infraction and upon conviction thereof shall be punished by a fine of not less than $10.00 nor more than $100.00.

(Ord. 11421 § 6, 1976.)

11.64.070 Severability.

If any portion of this Part 1, or the application thereof to any person or circumstances is held invalid, the remainder of the provisions and the application of such provisions to other persons or circumstances shall not be affected thereby.

(Ord. 11421 § 7, 1976.)

Part 2 SMOKING AT POLLING PLACES

11.64.080 Smoking at polling places and while canvassing votes prohibited.

It is unlawful for any person to smoke any cigar, cigarette, pipe or any tobacco, in any form or by any means whatever, in any polling place at any time during an election or during the canvassing in any polling place of the votes cast at an lection.

(Ord. 411 § 1, 1915.)

11.64.090 Violation of Part 2 provisions—Penalty.

Violation of the provisions of this Part 2 is an infraction punishable by:

A. A fine not exceeding $50.00 for a first violation;

B. A fine not exceeding $100.00 for a second violation within one year;

C. A fine not exceeding $250.00 for each additional violation within one year.

(Ord. 12264 § 3, 1980; Ord. 411 § 2, 1915.)

Part 3 SMOKING ON BUSES

11.64.100 Smoking on motor buses and other vehicles prohibited when.

A person shall not smoke or possess any burning cigarette, cigar or pipe while on any streetcar, interurban car, motor bus or other vehicle operated for the purpose of transporting passengers for hire within the unincorporated territory of the county of Los Angeles along a regular route, and picking up or discharging such passengers along county highways, except in a compartment in such vehicle set apart for the use of smokers.

(Ord. 5063 § 1, 1948.)

11.64.110 Signs required.

Every person operating, and every person, firm or corporation in charge of any such streetcar, interurban car, motor bus or other vehicle, while such vehicle is operated in the unincorporated territory of the county of Los Angeles, shall maintain at all such times signs stating that smoking is prohibited, if there is no smoking compartment on such vehicle; or, if there is a smoking compartment on such vehicle, that smoking is prohibited except in such smoking compartment.

(Ord. 5063 § 2, 1948.)

11.64.120 Violation of Part 3 provisions—Penalty.

A. Violation of Part 3 of this chapter is an infraction punishable by:

1. A fine not exceeding $50.00 for a first violation;
2. A fine not exceeding $100.00 for a second violation within one year;
3. A fine not exceeding $250.00 for each additional violation within one year.

B. Each day during any portion of which any violation of any provision of this chapter is committed, continued or permitted is a separate offense.

(Ord. 12264 § 8, 1980; Ord. 5063 § 3, 1948.)

11.64.130 Severability.

If any portion of the ordinance set out in this Part 3, or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected thereby.

(Ord. 5063 § 4, 1948.)

Chapter 11.65 EPHEDRINE, PSEUDOEPHEDRINE AND PHENYLPROPANOLAMINE RECORDS AND STORAGE

11.65.010 Display and Storage.

No owner, manager or proprietor in charge of any business selling over-the-counter products which lists ephedrine, pseudoephedrine or phenylpropanolamine as an ingredient shall display said product where it is accessible by customers of said business. All products which list ephedrine, pseudoephedrine or phenylpropanolamine as an ingredient shall be kept behind the counter in a place that is not accessible to retail customers.

(Ord. 2007-0006 § 1 (part), 2007.)

11.65.020 Identification and Logging Required.

No owner, manager, proprietor or employee in charge of any business selling any over-the-counter products which list ephedrine, pseudoephedrine or phenylpropanolamine as an ingredient shall sell said product unless the buyer

of said product first produces valid photo identification. The purchaser must enter into a written log his/her name, address, and the date and time of sale, and must also sign the logbook. The seller shall determine that the name entered into the logbook corresponds to the name provided on the photo identification and that the date and time are correct. The seller shall also enter into the logbook the name of the product purchased and the quantity sold. The logbook must contain a notice to purchasers that entering false statements or misrepresentations in the logbook may subject the purchaser to criminal penalties pursuant to this ordinance. The seller must maintain each entry in the logbook for not fewer than two years after the date in which the entry is made. This requirement does not apply to any purchase by an individual of a single sales package if that package contains no more than 60 milligrams of ephedrine, pseudoephedrine or phenylpropanolamine.

(Ord. 2007-0006 § 1 (part), 2007.)

11.65.030 Inspection of Log.

The written log of buyers, maintained pursuant to Section 11.65.020 above, shall be provided to local law enforcement authorities pursuant to a lawful search warrant or subpoena issued by judicial process.

(Ord. 2007-0006 § 1 (part), 2007.)

11.65.040 Penalty.

Any person violating any provision of this article shall be guilty of a misdemeanor, and shall be punished by a fine not to exceed five hundred ($500) dollars for each offense or by imprisonment in the county jail for a period of not more than six (6) months, or by both such fine and imprisonment.

(Ord. 2007-0006 § 1 (part), 2007.)

Chapter 11.66 MEDICAL MARIJUANA PROGRAM IDENTIFICATION CARD

11.66.010 Medical marijuana program identification card—Applications.

The county health officer shall provide applications upon request to individuals seeking a medical marijuana program identification card pursuant to Division 10, Chapter 6, Article 2.5 of the Health and Safety Code.

(Ord. 2006-0038 § 1 (part), 2006.)

11.66.020 Medical marijuana program identification card—Initial application fee.

Every person seeking to obtain a medical marijuana program identification card shall submit a completed initial application to the county health officer, or his or her designee, and at such time pay the required initial application fee, as established by the Board of Supervisors, and the California Department of Health Services, as provided for in Section 11362.755 of the Health and Safety Code. Initial applicants that receive Medi-Cal benefits at the time of submission of their application shall pay a reduced rate as required by law.

(Ord. 2007-0065 § 1, 2007; Ord. 2006-0038 § 1 (part), 2006.)

11.66.030 Medical marijuana program identification card—Renewal application fee.

Every person seeking to renew his or her medical marijuana program identification card shall submit a completed application for renewal to the county health officer, or his or her designee, and at such time pay the required renewal application fee, as established by the Board of Supervisors, and the California Department of Health Services as provided for in Section 11362.755 of the Health and Safety Code. Applicants that receive Medi-Cal benefits at the time of submission of their renewal application shall pay a reduced rate as required by law.

(Ord. 2007-0065 § 2, 2007; Ord. 2006-0038 § 1 (part), 2006.)

11.66.040 Medical marijuana program identification card—County application fee.

The county health officer shall collect all application fees as required by the California Department of Health Services for each initial application and renewal application received. The county health officer shall charge an additional application fee, as established by the Board of Supervisors, for each initial application and renewal application received. This additional fee shall cover all costs incurred by the County of Los Angeles in administering the state's Medical Marijuana Program. The county's portion of the application fee shall be combined with the application fee required by the California Department of Health Services to create a single application fee and shall be collected from the applicant upon receipt of the completed application.

(Ord. 2007-0065 § 3, 2007; Ord. 2006-0038 § 1 (part), 2006.)

Chapter 11.68 TRANSPORT OF HYDROCYANIC ACID

11.68.010 Transport—Closed passenger vehicles prohibited—Number of operators.

It is unlawful for any person, firm or corporation to haul, carry or transport, or to cause or permit to be hauled, carried or transported, any liquid hydrocyanic acid (HCN) along, over or across any public highway or public way in the county of Los Angeles in or upon any closed vehicle which is used or designed or intended to be used as a passenger vehicle. No vehicle, while being used for the hauling, carrying or transporting of liquid hydrocyanic acid shall be operated upon any such highway or way unless such vehicle is in charge of some adult person who shall be accompanied by at least one other person of the age of 16 years or more.

(Ord. 1585 § 1, 1928.)

11.68.020 Transport vehicle—Specifications—Sign requirements.

Each vehicle or trailer in which liquid hydrocyanic acid is being hauled, carried or transported upon any such public highway or way shall be equipped with substantial side and tail boards not less than 20 inches in height, and each container containing any liquid hydrocyanic acid shall be firmly secured to the vehicle or trailer in which it is being transported in such a manner as to prevent such container from rolling or shifting within, or being thrown or pitched from, such vehicle or trailer. The rear end of any such vehicle or trailer shall be painted white and shall bear the legend "DANGER—INFLAMMABLE—KEEP YOUR DISTANCE" painted thereon in red letters of not less than three inches in height, or in lieu of such painting and lettering, each such vehicle or trailer shall have firmly and securely attached to the rear end thereof, and plainly visible from behind such vehicle or trailer, a white placard or sign bearing said legend in red letters of not less than three inches in height.

(Ord. 1585 § 2, 1928.)

11.68.030 Transport vehicle—Stops at railroad crossings.

Each vehicle, while transporting liquid hydrocyanic acid, shall be brought to a full stop at each railroad, interurban or streetcar crossing, and the driver thereof shall proceed across such crossing only after having made certain that such vehicle or trailer may be safely driven across the railroad, interurban or streetcar track.

(Ord. 1585 § 3, 1928.)

11.68.040 Transport vehicle—Trailer parking restrictions.

Each trailer, while being used for hauling, carrying or transporting any liquid hydrocyanic acid, shall be coupled to the vehicle to which it is attached by means of a substantial bracket attached to such trailer, at least two points, in such a manner as to effectually prevent the swaying or side whipping of such trailer. No hydrocyanic acid gas nor liquid hydrocyanic acid, nor any vehicle or trailer containing the same, shall be allowed to stand within a distance of 15 feet of the traveled portion of any public highway or way.

(Ord. 1585 § 4, 1928.)

11.68.050 Violation—Penalty.

Any person, firm or corporation violating any provision of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not to exceed $500.00 or by imprisonment in the County Jail for not to exceed six months, or by both such fine and imprisonment.

(Ord. 1585 § 5, 1928.)

Chapter 11.69 METALLIC BALLOONS

11.69.010 Metallic balloons.

A. Finding. The board of supervisors hereby finds and declares that metallic balloons, when released outdoors, have a propensity to get tangled in high voltage power lines and cause short circuiting, power outages, fire, explosions, and power lines falling to the ground. These interruptions of power disrupt and endanger the lives of the residents of the county. Therefore the use of metallic balloons is discouraged, especially when large quantities are used for advertising or other commercial use.

B. Ban. It shall be unlawful to allow one or more metallic balloons to float, rise or remain aloft outdoors at a height of five feet or more for any advertising, promotional or commercial purpose.

D. Duty to Warn. Any person or entity who sells metallic balloons shall cause a sign or notice to be posted or displayed on the premises where the balloons are sold which complies with each of the following requirements:

1. The sign or notice shall read substantially as follows:

WARNING. METALLIC BALLOONS ARE CONDUCTORS OF ELECTRICITY. DO NOT USE NEAR ANY SOURCE OF ELECTRIC POWER. DO NOT RELEASE OUTDOORS. CONTACT WITH TRANSMISSION LINES CAN CAUSE SHORT CIRCUITING, POWER OUTAGES AND FIRE.

2. In no event shall the sign or notice be smaller than eight inches wide and eight inches long, nor shall any lettering thereon be less than one inch in height.

3. At least one sign or notice shall be placed so as to assure that it can be read from all counter locations available to the public.

4. In the event a substantial number of the public patronizing the premises offering for sale or dispensing for consideration, metallic balloons, uses a language other than English as a primary language, the sign or notice shall be worded in both English and the primary language or languages involved.

(Ord. 89-0018 § 1, 1989.)

Division 4 UNDERGROUND STORAGE OF HAZARDOUS MATERIALS

Chapter 11.70 DEFINITIONS

11.70.010 Definitions Applicable to Division 4.

The definitions in Division 20, Chapter 6.7, of the California Health and Safety Code and Title 23, Division 3, Chapter 16, of the California Code of Regulations shall govern the construction of this division and any permits issued hereunder unless otherwise defined in this chapter or otherwise apparent from the context.

(Ord. 2015-0016 § 1, 2015; Ord. 97-0016 § 1, 1997; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.70.020 Abandoned.

"Abandoned," when referring to a facility, means out of service and not safeguarded in compliance with this division.

(Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.70.030 Appeals Board.

"Appeals board" means the appeals board established by the CUPA or the PA pursuant to Section 11.72.070 of this division.

(Ord. 2015-0016 § 2, 2015; Ord. 97-0016 § 2, 1997; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.70.040 Board.

"Board" means the Board of Supervisors of the County of Los Angeles.

(Ord. 2015-0016 § 3, 2015; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.70.043 Certified Unified Program Agency or CUPA.

"Certified unified program agency" or "CUPA" means the agency certified by the Secretary for Environmental Protection for the State of California to implement the unified program pursuant to Division 20, Chapter 6.11, of the California Health and Safety Code, commencing with section 25404. For purposes of this division, the CUPA is the Los Angeles County Fire Department.

(Ord. 2015-0016 § 4, 2015.)

11.70.050 County.

"County" means the county of Los Angeles.

(Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.70.060 Director.

"Director" means the Director of Public Works of the County acting as the PA for the implementation of the underground storage tank element of the unified program.

(Ord. 2015-0016 § 5, 2015; Ord. 97-0016 § 3, 1997; Ord. 86-0078 § 1, 1986; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.70.070 Facility.

"Facility" means any one of, or any combination of, underground storage tanks or underground storage tank systems used by a person at a single location, which are subject to the requirements of this division.

(Ord. 2015-0016 § 6, 2015; Ord. 97-0016 § 5, 1997.)

11.70.090 Forester and Fire Warden.

"Forester and Fire Warden" means the Forester and Fire Warden of the consolidated fire protection district of Los Angeles County and the Chief of the Los Angeles County Fire Department, or his/her authorized deputy, agent, representative or inspector.

(Ord. 2015-0016 § 7, 2015; Ord. 97-0016 § 7, 1997; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.70.100 Hazardous Substance.

"Hazardous substance" means any material, substance, or waste that is subject to regulation pursuant to Section 11.74.010 of this division.

(Ord. 2015-0016 § 8, 2015; Ord. 97-0016 § 8, 1997; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.70.105 Minor Repair.

"Minor repair" means maintenance, ordinary upkeep, or other work necessary to operate or maintain an underground storage tank without altering its approved operating capacity or functionality, and which does not require a license, manufacturer training, certification, or further testing to complete or implement.

(Ord. 2015-0016 § 9, 2015.)

11.70.110 Ordinance.

"Ordinance" means an ordinance of the County.

(Ord. 2015-0016 § 10, 2015; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.70.115 Participating Agency or PA.

"Participating Agency" or "PA" has the meaning set forth in Division 20, Chapter 6.11, of the California Health and Safety Code, subsection 25404(a)(1)(B). For purposes of this division, the PA is the Los Angeles County Department of Public Works.

(Ord. 2015-0016 § 11, 2015.)

11.70.120 Reserved.

11.70.130 Permit Quantity Limit.

"Permit quantity limit" means the maximum amount of any hazardous substance that can be stored in a facility. Separate permit quantity limits will be set for each underground storage tank listed on a uniform program facilities permit in accordance with the requirements of this division.

(Ord. 2015-0016 § 13, 2015; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.70.140 Permittee.

"Permittee" means any person to whom a permit is issued pursuant to this division and any authorized representative, agent, or designee of such person. Permittee may also refer to an applicant for a permit.

(Ord. 2015-0016 § 14, 2015; Ord. 86-0078 § 2, 1986; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.70.145 Person.

"Person" shall have the same meaning as in Division 20, Chapter 6.5, of the California Health and Safety Code, section 25118, and includes any individual, trust, firm, joint stock company, business concern, partnership, limited liability company, association, and corporation, including, but not limited to, a government corporation. "Person" also includes any city, county, district, commission, state, or any department, agency, or political subdivision thereof, any interstate body, and the federal government or any department or agency thereof to the extent permitted by law.

(Ord. 2015-0016 § 15, 2015.)

11.70.150 Red Tag.

"Red tag" means a red tag affixed to a non-compliant underground storage tank system in accordance with Division 20, Chapter 6.7, of the California Health and Safety Code, section 25292.3, and Title 23, Division 3, Chapter 16, Article 10.5, of the California Code of Regulations, commencing with section 2717.

(Ord. 2015-0016 § 16, 2015.)

11.70.160 Significant Violation.

A. "Significant violation" means the failure of a person to comply with any requirement of Division 20, Chapter 6.7, of the California Health and Safety Code, any regulation adopted thereunder, or any requirement of this division, that is any of the following:

1. A violation that is causing, or threatens to cause, a liquid release of hazardous substances from an underground storage tank system, including, but not limited to: the failure of any required overfill prevention system, where the failure is causing or threatens to cause a release; or the failure of a required spill containment structure, where the failure is causing or threatens to cause a release to the environment due to a spill or an overfill.

2. A violation that impairs the ability of an underground storage tank system to detect a liquid leak or contain a liquid release of hazardous substances in the manner required by law, including, but not limited to: tampering with leak detection equipment so that the equipment is no longer capable of detecting a leak at the earliest possible opportunity.

3. A chronic violation or a violation that is committed by a recalcitrant violator. In determining whether a violation is chronic or a violator is recalcitrant, the Director shall consider whether there is evidence indicating that the violator has engaged in a pattern of neglect or disregard with respect to any requirement of Division 20, Chapter 6.7, of the California Health and Safety Code or of any regulation adopted thereunder, not including the corrective action requirements in Division 20, Chapter 6.7, of the California Health and Safety Code, section 25296.10, and Title 23, Division 3, Chapter 16, Article 11, of the California Code of Regulations.

B. "Imminent threat to human health or safety or the environment" means a condition that, as determined by the Director, creates a substantial probability of harm, when the probability and potential extent of harm make it reasonably necessary to take immediate action to prevent, reduce, or mitigate the actual or potential damages to human health or safety or the environment.

C. Notwithstanding subsection A of this section, "significant violation" does not include a failure to comply with the corrective action requirements of Division 20, Chapter 6.7, of the California Health and Safety Code, section 25296.10, and Title 23, Division 3, Chapter 16, Article 11, of the California Code of Regulations.

(Ord. 2015-0016 § 17, 2015.)

11.70.170 Substantial Modification.

"Substantial modification" means an action which, in the determination of the Director, modifies the approved operating capacity or functionality of any portion of the underground storage tank system, rectifies an issue that would otherwise prevent the monitoring system from properly functioning, or corrects an issue that would otherwise prevent the underground storage tank system from safely storing hazardous substances and preventing water intrusion, in accordance with approved plans and applicable laws, regulations, and codes, or any action that requires testing, certification, retesting, or recertification, of the affected parts for the proper operation of an underground storage tank, as well as any state-mandated modifications or upgrades.

(Ord. 2015-0016 § 18, 2015.)

11.70.200 Tank.

"Tank" means a stationary device designed to contain an accumulation of hazardous substances that is constructed primarily of non-earthen materials that provide structural support, including, but not limited to, wood, concrete, steel, or plastic.

(Ord. 2015-0016 § 19, 2015.)

11.70.210 Trade Secret.

"Trade secret" may include, but is not limited to, any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information that is not patented, or that is known only to certain individuals within a commercial concern who are using it to fabricate, produce, or compound an article of trade; and any service having commercial value, which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it.

(Ord. 2015-0016 § 20, 2015; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.70.220 Unauthorized Release.

"Unauthorized release" means any release or emission of any hazardous substance that is not authorized by the provisions of this division, unless such release is in accordance with the release regulations of an Air Quality Management District and the California Air Resources Board, a national pollutant discharge elimination system permit, or waste discharge requirements established by a Regional Water Quality Control Board pursuant to the Porter Cologne Water Quality Act or Title 20, Division 2, of this code.

(Ord. 2015-0016 § 21, 2015; Ord. 97-0016 § 17, 1997; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.70.230 Underground Storage Tank.

"Underground storage tank" means any tank, including pipes connected thereto, that is used for the storage of hazardous substances and that is substantially or totally beneath the surface of the ground. For purposes of this division, the term "underground storage tank" does not exclude the following:

A. A farm tank.

B. A heating oil tank.

C. An industrial waste pretreatment or process tank containing hazardous substances while in a static flow condition and providing unit operations other than gravity separation.

(Ord. 2015-0016 § 22, 2015; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.70.235 Underground Storage Tank System.

"Underground storage tank system" means an underground storage tank and associated monitoring systems.

(Ord. 2015-0016 § 23, 2015.)

11.70.240 Unified Program Facility Permit.

"Unified program facility permit" means a permit issued by the CUPA pursuant to Division 20, Chapter 6.11, of the California Health and Safety Code, section 25404.2, incorporating one or more underground storage tanks, including any addenda thereto.

(Ord. 2015-0016 § 24, 2015; Ord. 97-0016 § 18, 1997.)

Chapter 11.72 GENERAL PROVISIONS

11.72.010 Title for Citation.

The ordinance codified in Division 4 of Title 11 of this code shall be known as the "Underground Storage of Hazardous Substances Ordinance," and may be referred to as such.

(Ord. 2015-0016 § 25, 2015; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.72.020 Purpose.

The purpose of this division is the protection of health, life, resources and property and the prevention of short- and long-term health hazards or environmental degradation through prevention and control of unauthorized releases of hazardous substances from underground storage tanks.

(Ord. 2015-0016 § 26, 2015; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.72.030 General Obligation—Safety and Care.

A. No person shall cause, suffer, or permit the storage of hazardous substances in underground storage tanks:

   1. In a manner that violates a provision of this division or any other local, federal, or state statute, code, rule, or regulation relating to hazardous substances; or

   2. In a manner that causes an unauthorized release of hazardous substances or poses a significant risk of such unauthorized release.

B. An applicant may apply to the Director for a site-specific variance from what is provided for in this division, allowing for an alternative method of construction or monitoring of an underground storage tank.

(Ord. 2015-0016 § 27, 2015; Ord. 97-0016 § 19, 1997; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.72.040 Specific Obligation.

A. Any person who owns or operates an underground storage tank shall obtain and keep current a unified program facility permit listing the underground storage tanks operated.

B. Any hazardous substances stored in such underground storage tank shall be stored in conformity with Chapter 11.74 of this division.

C. The storage of such hazardous substances shall be in conformance with the conditions and limitations of a unified program facility permit.

(Ord. 2015-0016 § 28, 2015; Ord. 97-0016 § 20, 1997; Ord. 84-0046 § 2, 1984; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.72.045 Conformance With State Law.

The provisions of Division 20, Chapter 6.7, of the California Health and Safety Code, and regulations promulgated thereunder, are hereby adopted by reference except as may be modified and extended by this division.

(Ord. 2015-0016 § 29, 2015; Ord. 97-0016 § 21, 1997.)

11.72.050 Enforcement—Director Powers.

The Director shall enforce all the provisions of this Division 4, and for such purpose shall have the powers of a peace officer. The Director shall implement Division 20, Chapter 6.7, of the California Health and Safety Code, as the PA to the CUPA pursuant to Division 20, Chapter 6.11, of the California Health and Safety Code, section 25404.1(b)(3). In accordance with Division 20, Chapter 6.7, of the California Health and Safety Code, section 25299.4, the Director may request State Water Resources Control Board authorization for additional design and construction standards other than those set by the California Health and Safety Code and regulations promulgated thereunder. In accordance with Division 20, Chapter 6.7, of the California Health and Safety Code, section 25299.2, the Director is further authorized to adopt and enforce a standard of performance that is more stringent than that provided in Division 20, Chapter 6.7, of the California Health and Safety Code, and regulations promulgated thereunder, consistent with the purposes of this division. The powers enumerated herein shall not limit or otherwise affect the powers and duties of the County Health Officer or the Forester and Fire Warden.

(Ord. 2015-0016 § 30, 2015; Ord. 97-0016 § 22, 1997; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.72.060 Professional Assistance for Director Determinations.

Whenever the approval or satisfaction of the Director may be required in this division for a design, monitoring, testing, or other technical submittal by an applicant or permittee, the Director may, in his/her discretion, require such applicant or permittee, at the applicant's or permittee's sole cost and expense, to retain a suitable qualified independent engineer, or chemist, or other appropriate professional consultant, acceptable to the Director, for the purpose of evaluating and rendering a professional opinion respecting the adequacy of such submittal to achieve the purposes of this division. The Director shall be entitled to rely on such evaluation and/or opinion of such engineer, chemist or professional consultant in making the relevant determinations provided for in this division.

(Ord. 2015-0016 § 31, 2015; Ord. 97-0016 § 23, 1997; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.72.065 Reserved.

11.72.070 Appeals Board.

Appeals provided for in this division shall be heard by an appeals board established by the CUPA or, if the CUPA declines to establish such appeals board, the PA. The composition of the appeals board will depend on the nature of the appeal, as determined by the PA or the CUPA, as applicable. The appeals board shall consist of at least three (3) members designated by the Forester and Fire Warden or the Director, as applicable, who are qualified to pass on matters pertaining to underground storage of hazardous substances. The CUPA or the PA, as applicable, shall

adopt reasonable rules for conducting hearings before the appeals board. The CUPA or the PA, as applicable, shall keep a record of all proceedings and notify all parties concerned of the findings and decisions of the appeals board.

(Ord. 2015-0016 § 33, 2015; Ord. 97-0016 § 25, 1997; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

Chapter 11.74 STANDARDS

11.74.010 Materials Regulated.

The materials regulated by this division shall consist of the following:

A. Any material defined as a hazardous substance by Division 20, Chapter 6.11, of the California Health and Safety Code, section 25281(h);

B. Any material that has been determined by the party storing it, through testing or other objective means, to be likely to create a significant potential or actual hazard to public safety or welfare. This subsection shall not establish a requirement to test for the purposes of this division.

(Ord. 2015-0016 § 34, 2015; Ord. 97-0016 § 26, 1997; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.74.020 Containment of Hazardous Substances.

A. No person shall store any hazardous substances regulated by this division in an underground storage tank until a unified program facility permit listing such underground storage tank has been issued in accordance with Section 11.80 of this division. No such permit shall be approved pursuant to this division unless the applicant demonstrates to the satisfaction of the Director, by the submission of appropriate plans and other information, that the design and construction of the facility will result in a suitable manner of underground storage for the hazardous substance or substances to be contained therein.

B. All installation, construction, repair, or modification, closure, and removal shall be to the satisfaction of the Director. The owner shall furnish the Director with certification that all underground storage tank systems were properly installed.

(Ord. 2015-0016 § 35, 2015; Ord. 97-0016 § 27, 1997; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.74.030 Facilities Installed After January 1, 1984.

A. Minimum Standards. All underground storage tanks installed after January 1, 1984 must, at a minimum, meet the design, construction and monitoring standards of Article 3 of Chapter 16 of Division 3 of Title 23 of the California Code of Regulations and Division 20, Chapter 6.7, of the California Health and Safety Code.

B. Monitoring Capability. All new underground storage tanks shall be designed and constructed with a monitoring system capable of detecting that the hazardous substance stored in the primary containment has entered the secondary containment. Visual inspection of the primary containment is the preferred method; however, other means of continuous monitoring may be required by the Director. Where secondary containment may be subject to the intrusion of water, a means of monitoring for such water shall be provided. Whenever monitoring devices are provided, they shall, where applicable, be connected to attention-getting visual and/or audible alarms.

C. Containment Requirements. Primary and secondary levels of containment shall be required for all new underground storage tanks, unless exempted by Division 20, Chapter 6.7, of the California Health and Safety Code.

1. All primary containment shall be "product tight" within the meaning of Division 20, Chapter 6.7, of the California Health and Safety Code, section 25290.1(a), and compatible with the stored product.

2. Secondary Containment.

a. All secondary containment shall be constructed of materials of sufficient thickness, density, and composition so as not to be structurally weakened as a result of contact with released hazardous substances and so as to be capable of containing hazardous substances released from a primary containment for a period of time equal to or longer than the maximum anticipated time sufficient to allow recovery of the released hazardous substance.

b. In the case of installation with one primary containment, the secondary containment shall be large enough to contain at least one hundred percent (100%) of the volume of the primary containment.

c. In the case of a facility with multiple primary containments, the secondary containment shall be large enough to contain one hundred fifty percent (150%) of the volume of the largest primary containment placed in it, or ten percent (10%) of the aggregate internal volume of all primary containments in the facility, whichever is greater.

d. If the facility is open to rainfall, then the secondary containment must be able to additionally accommodate the volume of a twenty-four (24)-hour rainfall as determined by a one-hundred (100)-year storm history.

3. Laminated, coated, or clad materials shall be considered single-walled and shall not be construed to fulfill the requirements of both primary and secondary containment.

4. The design and construction of underground storage tanks for motor vehicle fuels installed before January 1, 1997, need not meet the requirements of Section 11.74.030 C1-C3 of this division if all of the conditions of paragraph (7) of subdivision (a) of Section 25291 of Division 20, Chapter 6.7, of the California Health and Safety Code are met.

D. Spill and Overfill Protection. Means of spill and overfill protection shall be required for any primary containment. This may be an overfill prevention device and/or an attention-getting high level alarm.

E. Separation of Materials. Materials that in combination may cause fire or explosion, or the production of a flammable, toxic, or poisonous gas, or the deterioration of a primary, or secondary containment shall be separated in both the primary and secondary containment so as to avoid intermixing.

F. Drainage System. Drainage of precipitation from within a storage facility containing hazardous substances shall be controlled in a manner approved by the director so as to prevent hazardous substances from being released. No drainage system will be approved unless the flow of the drain can be controlled. Disposal of drainage shall comply with the requirements of Title 20, Division 2, of this code.

G. All underground storage tanks installed on or after July 1, 2004, shall comply with the design, construction, monitoring and maintenance requirements of Division 20, Chapter 6.7, of California Health and Safety Code, section 25290.1.

(Ord. 2015-0016 § 36, 2015; Ord. 97-0016 § 28, 1997; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.74.040 Facilities in Existence Before January 1, 1984.

Any facility in existence as of January 1, 1984, that does not meet the standards of Section 11.74.030, may be issued a unified program facility permit pursuant to Chapter 11.80 of this division as long as it is providing suitable underground storage for hazardous substances. In addition, such facility must be monitored in accordance with a plan approved by the Director as set forth in this section.

A. A monitoring plan for each such facility shall be submitted to the Director as part of the permit application.

B. Monitoring under such plan shall include visual inspection of the primary containment wherever practical; however, if the visual inspection is not practical, an alternative method of monitoring each facility on a semiannual or more frequent basis may be approved by the Director.

C. Alternative method(s) of monitoring may include but are not limited to: pressure testing of piping systems; groundwater monitoring well(s) where appropriate; and analysis of the soil boring(s) at the time of initial installation of the well(s). The number of well(s), depth of well(s), and sampling frequency shall be approved by the Director. All monitoring methods must meet the design standards of Article 4 of Chapter 16 of Division 3 of Title 23 of the California Code of Regulations.

D. The continued use of, and permit approval for, facilities in existence as of January 1, 1984, is subject to review and modification or termination by the Director whenever there has been any unauthorized release. In determining whether continued underground storage in such facility is suitable, the Director shall consider the age of the facility, the methods of containment, the methods of monitoring, the feasibility of the required retrofit, the concentration of the hazardous substances contained, the severity of potential unauthorized release, and the suitability of other long-term preventive measures which meet the intent of this division.

E. Facilities in existence as of January 1, 1984, that are not approved in accordance with this section must be closed in accordance with Section 11.80.070.

(Ord. 2015-0016 § 37, 2015; Ord. 97-0016 § 29, 1997; Ord. 86-0078 § 3, 1986; Ord. 84-0046 § 3, 1984; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.74.050 Out of Service Facilities.

A. No facility shall be abandoned.

B. Facilities that are temporarily out of service, and are intended to be returned to use, must continue to be monitored and inspected.

C. Any facility that is not being monitored and inspected in accordance with this division must be closed or removed in a manner approved by the Director in accordance with Section 11.80.070.

D. Any person having an interest, including a leasehold interest, in real property and having reason to believe that an abandoned facility is located upon such property shall make a reasonable effort to locate such facility and make a report to the Director.

E. Whenever an abandoned facility is located, a plan for the closing or removing or the upgrading and permitting of such facility shall be filed within ninety (90) days of its discovery. A closure plan shall conform to the standards specified in Section 11.80.070.

(Ord. 2015-0016 § 38, 2015; Ord. 97-0016 § 30, 1997; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.74.060 Monitoring, Testing and Inspection.

Every permittee under this division shall provide testing, monitoring, employee training, reporting, and inspections in compliance with the unified program facility permit and shall maintain records adequate to demonstrate compliance therewith to the Director.

(Ord. 2015-0016 § 39, 2015; Ord. 97-0016 § 31, 1997; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.74.070 Maintenance, Repair or Replacement.

A. Every permittee under this division shall carry out ordinary maintenance, upkeep, and minor repairs in a careful and safe manner. No permit addenda will be required for such maintenance, upkeep, or minor repairs.

B. Any substantial modification or repair of a facility other than minor repairs or emergency repairs shall be in accordance with plans to be submitted to the Director and approved in accordance with Section 11.80.010 as part of a permit addendum prior to the initiation of such work.

C. Permittee may make emergency repairs to a facility in advance of seeking a permit addendum whenever an immediate repair is required to prevent or contain an unauthorized release or to protect the integrity of the containment. However, within five (5) working days after such emergency repairs have been started, permittee shall apply for a permit addendum pursuant to Section 11.80.010 by submitting drawings and/or other information adequate to describe the repairs to the Director.

D. Replacement of any facility must be in accordance with the new installation standards set forth in Section 11.74.030

E. Any work performed on the underground storage tank system, including testing and certification, must be performed by licensed persons who are trained and certified in accordance with Title 23, Division 3, Chapter 16, Article 10, of the California Code of Regulations, section 2715.

(Ord. 2015-0016 § 40, 2015; Ord. 97-0016 § 32, 1997; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.74.080 Emergency Equipment.

Emergency equipment as may be required by the Forester and Fire Warden or other fire agency with jurisdiction over the facility shall be provided. Such equipment shall be regularly tested and adequately maintained.

(Ord. 2015-0016 § 41, 2015; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.74.090 Labeling and Posting of Facilities.

All underground storage tanks within a facility shall be labeled in accordance with local, state, and federal requirements.

(Ord. 2015-0016 § 42, 2015; Ord. 97-0016 § 33, 1997; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

Chapter 11.76 UNAUTHORIZED RELEASE OF HAZARDOUS SUBSTANCES

11.76.010 Responsibility for Unauthorized Release.

As soon as any person in charge of a facility or responsible for emergency response for a facility has knowledge of any confirmed or unconfirmed unauthorized release of a hazardous substance, such person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release and shall notify the Director of the occurrence as required by this section.

A. Confirmed Unauthorized Release.

1. Recordable Unauthorized Release. Any recordable unauthorized release shall be contained and safely disposed of in an appropriate manner by permittee and such occurrence and the response thereto shall be recorded in the permittee's monitoring records. A "recordable unauthorized release" is any unauthorized release of a hazardous substance that meets all of the following criteria:

a. The release is from a primary containment to a secondary containment or to a rigid aboveground surface covering capable of containing the release until cleanup of the hazardous substance is completed;

b. The permittee is able to adequately clean up the release before it escapes from such secondary containment or such aboveground surface, except that if the cleanup requires more than eight (8) hours, it becomes a reportable release in accordance with subdivision 2 of this subsection; and

c. There is no increase in the hazard of fire or explosion, nor is there any production of a flammable or poisonous gas, nor is there any deterioration of such secondary containment or such rigid aboveground surface covering.

2. Reportable Unauthorized Release. Any reportable unauthorized release must be reported to the Director immediately. The reporting party shall provide information to the Director relating to the ability of the permittee to contain and dispose of the hazardous substance, the estimated time it will take to complete containment and disposal, and the degree of hazard created. The Director may verify that the hazardous substance is being contained and appropriately disposed of. The Director, at any time upon a determination that the permittee is not adequately containing and disposing of such hazardous substance, shall have the power and authority to undertake and direct an emergency response in order to protect the public health and/or safety. A "reportable unauthorized release" is an unauthorized release of a hazardous substance that meets any of the following criteria:

a. The hazardous substances escapes from the secondary containment, or from the primary containment if there is no secondary containment;

b. The release increases the hazard of fire or explosion, or

c. The release causes any deterioration of the secondary containment of the underground storage tank.

B. Unconfirmed Unauthorized Release.

1. Indication of Loss in Inventory Records. Whenever a material balance or other inventory record, employed as a monitoring technique under the permit, indicates a loss of hazardous substance, and no unauthorized release has been confirmed by other means, permittee shall have five (5) working days to determine whether or not there has been an unauthorized release. If before the end of such period, it is determined that there has been no unauthorized release, an entry explaining the occurrence shall be made in permittee's monitoring records. Where permittee has not been able, within such period, to determine that there has been no unauthorized release, an unauthorized release is deemed confirmed

and permittee shall proceed in accordance with subdivision 2 of subsection A of Section 11.76.010 above.

2. Test Results. Whenever any test results suggest a possible unauthorized release, and no unauthorized release has been confirmed by other means, the permittee shall have five (5) working days to retest. If second test results obtained within that period establish that there has been no unauthorized release, the results of both tests shall be recorded in permittee's monitoring records. If it has not been established within such period that there has been no unauthorized release, an unauthorized release is deemed confirmed and permittee shall proceed in accordance with subdivision 2 of subsection A of Section 11.76.010 above.

(Ord. 2015-0016 § 44, 2015; Ord. 97-0016 § 34, 1997; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.76.020 Cleanup Responsibility.

Any person responsible for storing a hazardous substance in an underground storage tank shall institute and complete all actions necessary to remedy the effects of any unauthorized release, whether sudden or gradual, in accordance with the requirements of Article 5 of Chapter 16 of Division 3 of Title 23 of the California Code of Regulations, and Division 20, Chapter 6.7 and Chapter 6.75, of the California Health and Safety Code. The County may undertake actions to contain, remediate, and/or address such unauthorized release if it determines that it is reasonably necessary under the circumstances for the County to do so. The responsible party shall be liable to reimburse the County for all costs incurred by the County in containing, remediating, and/or addressing such unauthorized release, including the costs of fighting fires, to the extent allowed by law. This responsibility is not conditioned upon evidence of negligence of the party storing the hazardous substances(s) in causing or allowing such release.

(Ord. 2015-0016 § 45, 2015; Ord. 97-0016 § 35, 1997; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.76.030 Indemnification.

A permittee shall indemnify, hold harmless, and defend the PA, the CUPA, and the County against any claim, cause of action, disability, loss, liability, damage, cost or expense, howsoever arising, which occurs by reason of an unauthorized release or containment and cleanup of an unauthorized release in connection with permittee's operations under any unified program facility permit, issued in accordance with this division, except as arises from the PA's, the CUPA's, or the County's sole willful act or sole active negligence.

(Ord. 2015-0016 § 46, 2015; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.76.040 Financial Responsibility.

Every owner and operator of an underground storage tank shall establish and maintain evidence of financial responsibility as provided by Division 20, Chapter 6.75, of the California Health and Safety Code, sections 25299.30 and 25299.31 and Division 20, Chapter 6.7, of the California Health and Safety Code, section 25292.2. Unless otherwise exempt by law, the owner or operator shall furnish evidence of such financial responsibility to the Director.

(Ord. 2015-0016 § 47, 2015; Ord. 97-0016 § 36, 1997.)

Chapter 11.78 INSPECTIONS AND RECORDS

11.78.010 Inspections by the Director.

The Director may conduct inspections, at his/her discretion, for the purpose of ascertaining compliance with this division and causing to be corrected any conditions that would constitute any violation of this division or of any other statute, code, rule or regulation affecting the underground storage of hazardous substances. Such inspections may be in conjunction with or in addition to inspections conducted by the CUPA as required by the unified program.

(Ord. 2015-0016 § 48, 2015; Ord. 97-0016 § 37, 1997; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.78.020 Right of Entry.

Whenever necessary for the purpose of investigating or enforcing the provisions of this division, or whenever the Director or authorized deputy, agent, representative, or inspector of the CUPA (collectively "officer") has reasonable cause to believe that there exists in any structure or upon any premises any condition which constitutes a violation of this division, said officer may enter such structure or premises at all reasonable times to inspect the same, or to perform any duty imposed upon the PA by law; provided, that if such structure or premises be occupied, the officer shall first present proper credentials and request entry; and further provided, that if such structure or premises is unoccupied, the officer shall first make a reasonable attempt to contact an authorized representative of the owner or operator of the property or facility and request entry, except in emergency circumstances. If such entry is refused, the officer seeking entry shall have recourse to every remedy provided by law to secure entry.

(Ord. 2015-0016 § 49, 2015; Ord. 97-0016 § 38, 1997; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.78.030 Inspections and Training by Permittee.

The permittee shall conduct regular inspections of its own facilities as specified in its unified program facility permit to assure compliance with this division and shall maintain logs or file reports in accordance with its permit. In no event shall the permittee inspect its facility less than monthly. The person conducting such inspections shall be qualified to conduct such inspections pursuant to Title 23, Division 3, Chapter 16, Article 10, of the California Code of Regulations, section 2715. Persons with responsibility for the facility systems operation and maintenance shall be trained within thirty (30) days of hire and at least annually thereafter, in accordance with Title 23, Division 3, Chapter 16, Article 10, of the California Code of Regulations, section 2715.

(Ord. 2015-0016 § 50, 2015; Ord. 84-0046 § 4, 1984; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.78.040 Special Inspections.

In addition to or in lieu of the inspections specified in Sections 11.78.010 and 11.78.030, the Director may require the permitee to periodically employ special inspectors to conduct an audit or assessment of permittee's facility to make a hazardous substance safety evaluation and to determine compliance with the provisions of this division.

A. The special inspector shall be a qualified person or firm who shall demonstrate expertise to the satisfaction of the Director.

B. The special inspection report shall include an evaluation of the facilities and recommendations consistent with the provisions of this division where appropriate. A copy of the report shall be filed with the Director at the same time that it is submitted to the permittee.

C. Permittee shall, within thirty (30) days of said report, file with the Director a plan to implement all recommendations, or shall demonstrate to the satisfaction of the Director why such recommendations should not be implemented.

(Ord. 2015-0016 § 51, 2015; Ord. 97-0016 § 39, 1997; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.78.045 Inspections in Presence of the Director.

The Director may require that any regular or special inspection by the permittee pursuant to this chapter be made in the presence of the Director. The Director may further require advance notice of not less than seventy-two (72) hours as to the availability of equipment, material, and personnel required to conduct such inspection.

(Ord. 2015-0016 § 52, 2015; Ord. 97-0016 § 40, 1997; Ord. 84-0046 § 5, 1984.)

11.78.050 Maintenance of Records.

All records required by this division shall be maintained by the permittee as provided by state regulations but in no case for less than six and a half (6-1/2) years for cathodic protection maintenance records, five (5) years for written performance claims pertaining to release detection systems and calibration and maintenance records for such systems, and three (3) years for all other records. Said records shall be made available to the Director or the CUPA during normal working hours and at any time upon reasonable notice.

(Ord. 2015-0016 § 53, 2015; Ord. 97-0016 § 41, 1997; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

Chapter 11.80 PERMITS

11.80.010 Permit.

Any person who owns or operates an underground storage tank shall obtain and keep current a unified program facility permit issued by the CUPA in accordance with this division that lists such underground storage tank. One such permit shall be issued for a single facility. A permittee shall obtain a permit addendum for a facility for any change or addition not in accordance with the existing permit to connect, install, construct, substantially modify, or replace an underground storage tank or to change or increase the hazardous substances permitted to be stored. A person shall obtain a closure addendum for any underground storage tank that is to be closed or removed as required by Section 11.74.070.

(Ord. 2015-0016 § 54, 2015; Ord. 97-0016 § 42, 1997; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.80.020 Application for Permit.

A. Application for a new unified program facility permit or an addendum shall be made to the Director on the form provided by the Director or the CUPA. The application shall include, but not be limited to, all information required by Division 20, Chapter 6.7, of the California Health and Safe Code, section 25286.

B. In addition to the above information provided by such form, applicant shall submit such additional information as may be required by the Director or the CUPA and construction plans, if any, in conformity with Section 11.74.020. Applicant shall specify the permit quantity limit to be permitted for each facility where the proposed monitoring, spill prevention, or overfill protection system does not allow use of the full tank capacity.

(Ord. 2015-0016 § 55, 2015; Ord. 97-0016 § 43, 1997; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.80.030 Investigation.

Upon receipt of an application for a unified program facility permit, the Director may make such investigation of the applicant and the proposed facility or activity as he or she deems necessary to carry out the purposes of this division.

(Ord. 2015-0016 § 56, 2015; Ord. 97-0016 § 44, 1997; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.80.040 Conditions for Approval.

No unified program facility permit or addendum shall be approved for the operation, alteration, transfer, or closure of an underground storage tank until the Director has determined that all requirements of this division for said tank have been met.

(Ord. 2015-0016 § 57, 2015; Ord. 97-0016 § 45, 1997; Ord. 91-0072 § 11, 1991; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.80.050 Reserved.

11.80.060 Issuance of Permits.

A. Upon the approval of an application for a unified program facility permit or addendum by the Director and upon the payment of any applicable fees, the CUPA shall issue and deliver to the applicant a unified program facility permit or addendum. Such unified program facility permit shall contain, but is not limited to, the information required by Division 20, Chapter 6.7, of the California Health and Safety Code, and regulations promulgated thereunder.

B. The Director shall keep a record of all permits issued and all conditions attached thereto.

(Ord. 2015-0016 § 59, 2015; Ord. 97-0016 § 47, 1997; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.80.070 Closure of a Facility.

A person shall apply for an addendum to close a facility not less than thirty (30) days prior to the termination of the underground storage of hazardous substances at the facility. Such closure shall be in accordance with a closure plan that describes procedures for terminating the storage of hazardous substances in each underground storage tank in a manner that:

1. Minimizes the need for further maintenance; and
2. Minimizes or eliminates any threat to public health or safety or to the environment from residual hazardous substances in the facility; and
3. Demonstrates that hazardous substances that were stored in the facility and/or contaminated soils or groundwater caused by any unauthorized release, will be removed, disposed of, neutralized, or reused in an appropriate manner. The demonstration shall be in the form of reports by a state certified laboratory, professional civil engineer, registered geologist, engineering geologist, or as required by the Director. The Director, in his or her discretion, may extend the time for a permittee to apply for a closure addendum upon a showing of special circumstances.

(Ord. 2015-0016 § 60, 2015; Ord. 97-0016 § 48, 1997; Ord. 84-0046 § 6, 1984; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.80.080 Term of Permit.

The term of a unified program facility permit may not exceed one (1) year.

(Ord. 2015-0016 § 61, 2015; Ord. 97-0016 § 49, 1997; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.80.090 Permit Renewal.

A valid unified program facility permit applicable to any facility regulated under this division may be renewed each year upon payment of the annual fee, state service charge, and any penalties due, provided the underground storage tanks or facilities listed on the permit are operated in compliance with all conditions and limitations of such permit.

(Ord. 2015-0016 § 62, 2015; Ord. 97-0016 § 50, 1997; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.80.100 Decision by Director.

The Director shall approve or deny a permit application or application for a permit addendum, within ninety (90) days after the application has been completed, all required fees have been paid, and all applicable provisions of the California Environmental Quality Act (CEQA) have been complied with. This time limit may be further extended by mutual agreement between the Director and the applicant. The Director shall give the applicant written notice of his or her decision.

If an applicant submits a permit application that is incorrect or incomplete, the Director may return the application with a notice of correction that provides the applicant with instructions on how to correct or complete the application. The applicant may resubmit the application with the requested corrections or additional information requested by the Director. If the applicant resubmits an incomplete or incorrect application, then such

applicant will be charged a resubmittal fee in accordance with Section 11.82.016 of this division the second time such applicant resubmits its application.

(Ord. 2015-0016 § 63, 2015; Ord. 97-0016 § 51, 1997; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.80.110 Grounds for Denial.

A permit shall be denied if the applicant fails to demonstrate adequate conformity to the provisions of this division. In addition, a permit can be denied for any of the grounds upon which the permit would be subject to revocation pursuant to Chapter 11.84.

(Ord. 2015-0016 § 64, 2015; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.80.120 Appeal to Appeals Board.

Any person dissatisfied with a decision of the Director to deny a permit or addendum pursuant to Section 11.80.100 may appeal the decision, in writing, to the appeals board, setting forth with particularity the ground or grounds for the appeal. Such appeal shall be submitted within ten (10) days after notice of the decision has been given pursuant to Section 11.80.150.

(Ord. 2015-0016 § 65, 2015; Ord. 97-0016 § 52, 1997; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.80.130 Notice of Hearing.

The appeals board shall set a time and place for the hearing on the appeal and shall notify the applicant or permittee, and any other interested persons who have requested such notice, in writing, of such date and time not less than ten (10) days prior to the hearing.

(Ord. 2015-0016 § 66, 2015; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.80.140 Hearing by Appeals Board.

At the hearing, the appeals board shall consider all competent evidence offered by any person pertaining to the decision being appealed. At the hearing, the appeals board may also continue the hearing for a reasonable time for the convenience of a party, a witness, or the appeals board, and no further notice shall be required.

(Ord. 2015-0016 § 67, 2015; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.80.150 Hearing Notices.

All notices required by this chapter shall be sent by first class mail to the applicant or permittee at the address given on the application or permit or delivered to the applicant or permittee personally. Notices to other interested persons who have requested notice shall be sent by first class mail to the address provided by such persons or delivered to such persons personally.

(Ord. 2015-0016 § 68, 2015; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.80.160 Disposition of Appeal.

After the hearing on the appeal, the appeals board may refer the matter back to the Director for a new investigation and decision, may affirm the decision of the Director, or may approve the application with or without conditions. The decision of the appeals board shall be final.

(Ord. 2015-0016 § 69, 2015; Ord. 97-0016 § 53, 1997; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.80.170 Transfer of Permit.

The unified program facility permit may be transferred to new owners of the same business only if the new owners accept responsibility for all obligations under this division at the time of the transfer of the business, document such transfer on a form provided by the Director or the CUPA within thirty (30) days of transfer of ownership of the business, and pay all fees as required by Chapter 11.82. Such transfer shall be subject to the approval of the Director.

(Ord. 2015-0016 § 70, 2015; Ord. 97-0016 § 54, 1997; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.80.180 Authority After Suspension, Revocation or Expiration.

The suspension, revocation, or expiration of any unified program facility permit shall not prevent any proceedings to investigate such permit, any administrative action against such permittee, or any other proceeding against such permittee.

(Ord. 2015-0016 § 71, 2015; Ord. 97-0016 § 55, 1997; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.80.190 Return of Permit.

In the event that a unified program facility permit issued under the provisions of this division is suspended or revoked, the permittee shall forward it to the CUPA not later than the end of the third business day after notification of such suspension or revocation.

(Ord. 2015-0016 § 72, 2015; Ord. 97-0016 § 56, 1997; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

Chapter 11.82 FEES AND DEPOSITS

11.82.010 Operating Permit Application Fee.

The Director shall collect an operating permit application fee, as set forth in Section 11.82.040, for each new application for a unified program facility permit listing one or more underground storage tanks. At the time of a new operating permit application submittal, the Director shall collect, in addition to the operating permit application fee, an annual permit maintenance fee in accordance with Section 11.82.012, pro-rated as set forth below for the remainder of the annual permit period:

Days Remaining in the Annual Permit Period	Percentage of Annual Fee
1 to 30	0
31 to 121	25
122 to 211	50
212 to 302	75
303 to 365	100

Upon payment, no operating permit application fee or permit maintenance fee shall be refunded even though the application is denied or the permit is issued for a term of less than one (1) year or the permittee discontinues the activity or use of a facility prior to the expiration of the term, or otherwise.

(Ord. 2015-0014 § 1, 2015; Ord. 2001-0034 § 1, 2001; Ord. 97-0016 § 57, 1997; Ord. 91-0072 § 1, 1991; Ord. 86-0078 § 4, 1986; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.82.012 Annual Permit Maintenance Fee.

The CUPA shall collect an annual permit maintenance fee, as set forth in Section 11.82.040, for each facility listed on the unified program facility permit as a part of the unified program single fee system. The annual permit maintenance fee shall be payable annually, thirty (30) days prior to the yearly anniversary date of the operating permit or on a date established by the CUPA. Such fee shall include a state-imposed service charge, payable to the CUPA, as required by Division 20, Chapter 6.11, of the California Health and Safety Code, section 25404.5(b). Applicants for new unified program facility permits shall pay a prorated annual permit maintenance fee for the remainder of the current annual permit period as set forth in Section 11.82.010. If a permittee with an existing unified program facility permit listing one (1) or more underground storage tanks applies for an addendum to add additional underground storage tank(s), such permittee shall pay the prorated amount of any additional maintenance fee applicable to such additional underground storage tank(s). Upon payment, no annual maintenance fee shall be refunded unless the request for refund is made prior to commencement of the annual period for which the fee is paid. No prorated annual maintenance fee submitted as part of an application for a new unified program facility permit or addendum shall be refunded.

(Ord. 2015-0014 § 2, 2015; Ord. 2001-0034 § 2, 2001; Ord. 97-0016 § 58, 1997; Ord. 91-0072 § 2, 1991.)

11.82.013 Operating Permit Transfer Fee.

The Director shall collect an operating permit transfer fee, as set forth in Section 11.82.040, upon submittal of each application to transfer an operating permit. No portion of the operating permit transfer fee shall be refunded if the Director has commenced any portion of the review of the transfer application.

(Ord. 2015-0014 § 3, 2015; Ord. 97-0016 § 59, 1997; Ord. 91-0072 § 3, 1991.)

11.82.014 Permit Noncompliance Fee.

If the Director determines that a significant violation exists for any underground storage tank, and affixes a Red Tag to such underground storage tank, he or she shall collect from the permittee a permit noncompliance fee as set forth in Section 11.82.040. The permit noncompliance fee is separate from, and in addition to, any civil or criminal fines or penalties that may also be imposed for a violation.

(Ord. 2015-0014 § 4, 2015.)

11.82.015 New Construction Plan Clearance Fee.

A. The Director shall collect a new construction plan clearance fee as set forth in Section 11.82.040 for each application for an operating permit or addendum requiring new construction plan clearance. Such fee shall be applied to: submittals for new construction where no underground storage tank previously existed, submittals for replacement of existing underground storage tanks with new underground storage tanks, and other submittals requiring review of engineered plans for construction permits.

B. No portion of the new construction plan clearance fee shall be refundable if the Director has commenced any portion of the review of the plan. The Director may further impose a reinstatement fee equal to one-half (1/2) of the new construction plan clearance fee if the applicant fails to comply with all conditions and limitations made a part of plan approval by the Director or if the applicant has not commenced work within one hundred eighty (180) days from the date of issuance of plan approval. If construction work has not commenced within three hundred sixty (360) days from the date of plan approval issuance, such plan approval shall be null and void and the applicant shall reapply for a new construction plan clearance and pay all required fees.

(Ord. 2015-0014 § 5, 2015; Ord. 97-0016 § 60, 1997; Ord. 91-0072 § 4, 1991; Ord. 86-0078 § 5, 1986; Ord. 84-0046 § 7, 1984.)

11.82.016 Resubmittal of Plan Clearance Fee.

If a person submits an application requiring new construction plan clearance that is returned by the Director twice with a notice of correction, then the second time that the applicant resubmits the application, the applicant will be charged a resubmittal of plan clearance fee as set forth in Section 11.82.040. If the applicant fails to respond to a notice of correction for more than one hundred eighty (180) days, the application will be deemed canceled and the applicant will be required to submit a new application.

(Ord. 2015-0014 § 6, 2015.)

11.82.020 Closure Fee.

A. The Director shall collect a fee as set forth in Section 11.82.040 for each application for closure, pursuant to Section 11.80.070. Such fee shall provide for the initial review of closure activities that may include: issuance of a closure authorization, inspections, review of preliminary closure reports as may be required by the closure authorization, and issuance of closure certification where no unauthorized release of hazardous substances has occurred requiring further cleanup of said contaminates at this site as provided by Chapter 11.76 of this division.

B. No portion of the closure fee shall be refundable if the Director has commenced any portion of the review of the closure proposal. The Director may further impose a reinstatement fee equal to one-half (1/2) of the closure fee if the applicant fails to notify the Director to allow inspections as may be required by the closure authorization or has not commenced work on such a closure within one hundred eighty (180) days from the date of issuance of a closure authorization. If work on closure has not commenced within three hundred sixty (360) days from the date of issuance of a closure authorization, the closure authorization shall be null and void and the applicant shall reapply for a closure authorization and pay all required fees.

(Ord. 2015-0014 § 7, 2015; Ord. 97-0016 § 61, 1997; Ord. 91-0072 § 5, 1991; Ord. 86-0078 § 6, 1986.)

11.82.021 Reinspection Fee.

The Director shall collect a fee as set forth in Section 11.82.040 for the reinspection of any facility.

(Ord. 2015-0014 § 8, 2015.)

11.82.025 Permit Addendum Fee.

The Director shall collect a fee as set forth in Section 11.82.040 for any permit addendum required pursuant to Section 11.80.010 with the exception of an addendum required because of the closure of a facility that is subject to a closure fee pursuant to Section 11.82.020. No portion of the permit addendum fee shall be refundable if the Director has commenced any portion of the review of the permit addendum application.

(Ord. 2015-0014 § 9, 2015; Ord. 97-0016 § 62, 1997; Ord. 91-0072 § 6, 1991; Ord. 86-0078 § 7, 1986.)

11.82.030 Permit Fees—Payment Time—Penalties for Delinquency.

Annual permit maintenance fees required by Section 11.82.012 of this code shall be due and payable on the billing date established by the CUPA. Fees not paid within thirty (30) calendar days from the billing date shall be considered delinquent. Delinquent fees shall be subject to a late payment penalty set forth in Section 12.50.060. Permits for which the annual permit maintenance fee is delinquent for ninety (90) days or more are subject to suspension as provided in Sections 11.84.010 and 11.84.030 and a lien against the permittee in accordance with Section 12.50.065.

(Ord. 2015-0014 § 10, 2015; Ord. 98-0049 § 1, 1998; Ord. 97-0016 § 63, 1997; Ord. 86-0078 § 8, 1986; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.82.035 Reserved.

11.82.040 Schedule of fees.

Fees for services provided by the Director under this division are established as follows:

Schedule of Fees	
Fee	**Amount (Effective July 1, 2024)**
Operating permit application fee	$526.00*, plus $111.00* for each underground storage tank
Annual permit maintenance fee	$1,486.00*, plus $288.00* for each underground storage tank
Operating permit transfer fee	$873.00*
Permit noncompliance fee	$3,716.00
New construction plan clearance	$1,596.00, plus $470.00 for each underground storage tank
Resubmittal of new plan clearance	$786.00*
Closure application fee	$1,009.00, plus $298.00 for each underground storage tank
Reinspection fee	$920.00*
Permit addendum fee	$858.00*

(Ord. 2015-0014 § 12, 2015; Ord. 2001-0034 § 3, 2001; Ord. 97-0016 § 65, 1997; Ord. 91-0072 § 8, 1991.)

* **Editor's note:** Starting July 1, 2024, fee amounts in this section marked with an asterisk (*) will be adjusted by the Department of Public Works based on increases in the Consumer Price Index in accordance with Section 11.82.045.

11.82.045 Annual Review of Fees.

With the exception of fee amounts that are specifically adjusted pursuant to the fee schedule set forth in Section 11.82.040 (i.e., those fee amounts not marked with an asterisk (*)), beginning on July 1, 2016, and thereafter on each succeeding July 1, the amount of each fee in this division will be adjusted by the percentage movement between January of the previous year and January of the current year in the Consumer Price Index (CPI) for all urban consumers in the Los Angeles, Riverside-Orange County, California areas, as published by the United States Government Bureau of Labor Statistics, and rounded up to the nearest one dollar ($1), except that no adjustment shall increase any fee by more than two percent (2%) in any year as a result of an increase in the CPI. Notwithstanding the foregoing, no such adjustment shall decrease any fee, except that no fee shall exceed the reasonable cost of providing the services for which the fee is collected.

(Ord. 2015-0014 § 13, 2015; Ord. 97-0016 § 66, 1997; Ord. 91-0072 § 9, 1991.)

11.82.050 Fees Separate From Other Fees.

All fees required by this chapter shall be separate and in addition to any fee collected or imposed under provisions of the County Code, federal or state law, or by reason of any license, agreement or contract between the permittee and any other public agency.

(Ord. 2015-0014 § 14, 2015; Ord. 91-0072 § 10, 1991.)

11.82.055 Disputes and Appeals of Fees.

Should an owner or operator of a facility dispute the amount or applicability of any fee charged under this division, such owner or operator may contest the fee in accordance with Section 12.50.140.

(Ord. 2015-0014 § 15, 2015.)

Chapter 11.84 ADMINISTRATIVE ACTION[44]

11.84.010 Grounds for Administrative Action.

A permittee or the owner or operator of a facility operating without a valid unified program facilities permit may be subjected to administrative action for any of the following causes:

A. Fraud, willful misrepresentation, or any willful, inaccurate or false statement in applying for a new or renewed permit;

B. Fraud, willful misrepresentation, or any willful, inaccurate or false statement in any report required by this division;

C. Failure to abate, correct or rectify any noncompliance within the time specified in the notice of noncompliance;

D. Failure to correct conditions constituting an unreasonable risk of an unauthorized release of hazardous substances within a reasonable time after notice from a governmental entity other than the County;

E. Engaging in conduct that constitutes a significant violation;

F. Failure to abide by any administrative action imposed by the Director;

G. Failure to pay fees as established by Chapter 11.82; or

H. Failure to abide by any compliance dates established by this division or state or federal law.

(Ord. 2015-0016 § 73, 2015; Ord. 97-0016 § 68, 1997; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.84.020 Notice of Noncompliance.

A. Unless the Director finds that an immediate suspension under Section 11.84.050 or a red tag is necessary to protect the public health or safety from imminent danger, the Director shall issue a notice of noncompliance to a permittee, owner or operator of a facility that fails to comply with the provisions of this division or any conditions or limitations of the permit before instituting administrative action pursuant to Section 11.84.010. Such notice shall specify the ground or grounds upon which the notice is based, the pertinent code section or sections with which the facility is not in compliance, and the correction period by which time the violation must be remedied. The correction period shall be thirty (30) days unless the Director determines that a shorter correction period is necessary to protect the public health or safety. Such notice shall be sent by first class mail to the permittee, or if no permit has been issued or applied for, to the owner or operator of the facility. If the violation is not remedied to the satisfaction of the Director prior to the expiration of the correction period, the Director may institute administrative action.

B. Within five (5) days of the Director's issuance of a notice of noncompliance, the permittee, owner, or operator may make a written request to the Director to reconsider such notice. Such request for reconsideration shall specify the reasons why such permittee, owner, or operator believes the notice of noncompliance should not have been issued or should be modified. The Director shall assign the task of reviewing and responding to such request for reconsideration to a member of the Director's staff whose position is at least at the level of a supervisor of the inspector who prepared the notice of noncompliance, and such person shall undertake an independent review of the written record of the notice of noncompliance. Based upon this independent review, the Director shall either affirm, modify, or rescind the notice of noncompliance and notify the person requesting reconsideration of his or her decision in writing within ten (10) days of receiving the request for reconsideration. Failure of the Director to provide a response within ten (10) days will not invalidate the notice of noncompliance. Unless the Director determines that a shorter correction period is necessary to protect public health or safety, if the Director takes longer than ten (10) days to respond to a request for reconsideration, the Director shall extend the correction period as necessary to provide the permittee, owner or operator sufficient time to correct the violation once the Director issues a response to the request for reconsideration. If the Director declines to extend the correction period, the permittee, owner or operator shall correct the violation within the correction period without waiving its right to a response to the request for reconsideration.

(Ord. 2015-0016 § 74, 2015; Ord. 97-0016 § 69, 1997; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.84.030 Issuance of Administrative Action.

A. If an owner or operator of a facility fails to correct a violation within the time period specified in a notice of correction issued pursuant to Section 11.84.020 or such additional time allowed by the Director, or if the Director determines that an immediate suspension under Section 11.84.050 or a red tag is warranted, the Director may institute administrative action.

B. Administrative action may include:

1. An order to correct the particular noncompliance specified in the notice issued pursuant to Section 11.84.020;

2. Affixing a red tag or immediate suspension under Section 11.84.050;

3. A revocation of the unified program facility permit and approval of a provisional permit specifying corrective actions required and a timetable to accomplish compliance;

4. Suspension of the permit for the facility for a specified period not to exceed six (6) months;

5. Modification or addition of conditions of the permit;

6. Revocation of the unified program facility permit. If the grounds for administrative action are based on subsection C, D, or E of Section 11.84.010, and if such grounds are limited to one (1) or more underground storage tanks, the remedial action taken shall be limited to those underground storage tanks; and

7. An administrative enforcement order pursuant to Division 20, Chapter 6.11, of the California Health and Safety Code, section 25404.1.1.

C. Notice of administrative action shall be served by personal service or certified mail on the permittee, or if no permit has been issued or applied for, on the owner or operator of the facility.

(Ord. 2015-0016 § 75, 2015; Ord. 97-0016 § 70, 1997; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.84.040 Hearings Following Administrative Action.

Any person who disputes an administrative action other than administrative enforcement order pursuant to Division 20, Chapter 6.11, of the California Health and Safety Code, section 25404.1.1, may make a written request for a hearing before the appeals board to review the decision. The request shall be made within fifteen (15) calendar days of the issuance of the notice of the administrative action being disputed, shall include the address of the person making the request for the purpose of correspondence by the Director, and shall also include all the information and evidence that the requestor wants the Director to consider. The failure to submit a written request for a hearing within the fifteen (15) calendar day period shall constitute a waiver of the right to a hearing, and, upon such failure, the administrative action shall become final.

Upon receipt of a request for hearing, the Director shall issue a written notice of hearing to the person making the request setting forth the time and place of the hearing. The notice shall be given at least ten (10) days prior to the hearing date.

Hearings to review administrative enforcement orders issued pursuant to Division 20, Chapter 6.11, of the California Health and Safety Code, section 25404.1.1, shall be conducted in accordance with the requirements of that statute.

(Ord. 2015-0016 § 76, 2015; Ord. 97-0016 § 71, 1997; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.84.050 Suspension Prior to Hearing.

Whenever the Director finds that suspension of a permit prior to a hearing for administrative action is necessary to protect the public health or safety from imminent danger, the Director may immediately suspend any permit pending the hearing for administrative action. The Director shall immediately notify the permittee of such suspension by having a written notice of the suspension personally served on the permittee and/or by posting such notice at the facility in noncompliance or by other appropriate means.

(Ord. 2015-0016 § 77, 2015; Ord. 97-0016 § 72, 1997; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.84.060 Reserved.

11.84.070 Decision of Appeals Board.

The appeals board shall conduct hearings in conformance with the rules adopted pursuant to Section 11.72.070. After the hearing, the appeals board may affirm, reverse or modify the administrative action taken by the Director. The appeals board shall render a written decision, stating the findings upon which the decision is based and the action taken, if any. The decision of the appeals board shall be final.

(Ord. 2015-0016 § 79, 2015; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

Chapter 11.86 ENFORCEMENT

11.86.010 Civil Penalties.

A. In addition to any other remedies provided in this division or provided by other law, any operator of an underground storage tank shall be liable for a civil penalty of not less than five hundred dollars ($500) or more than five thousand dollars ($5,000) for each underground storage tank for each day of violation for any of the following violations:

   1. Operating an underground storage tank that has not been issued a unified program facility permit, in violation of this division;

   2. Violation of any of any applicable requirements of the unified program facility permit issued for the operation of the underground storage tank(s);

   3. Failing to maintain records, as required by this division;

   4. Failing to report an unauthorized release, as required by Section 11.76.010;

   5. Abandoning or failing to properly close an underground storage tank in accordance with the provisions of this division;

   6. Violation of any applicable requirement of this division or any requirements of Division 20, Chapter 6.7, of the California Health and Safety Code or any regulations promulgated thereunder;

   7. Failure to permit inspection or to perform any monitoring, testing, or reporting required pursuant to this division; or

   8. Making any false statement, representation, or certification in any application, record, report, or other document submitted or required to be maintained pursuant to this division.

B. In addition to any other remedies provided in this division or provided by other law, any owner of an underground storage tank(s) shall be liable for a civil penalty of not less than five hundred dollars ($500) or more than five thousand dollars ($5,000) per day for each underground storage tank, for each day of violation, for any of the following violations:

1. Failure to obtain a unified program facility permit as specified by this division;
2. Failure to repair or upgrade an underground tank in accordance with the provisions of this division;
3. Abandonment or improper closure of any underground tank subject to the provisions of this division;
4. Knowing failure to take reasonable and necessary steps to assure compliance with this division by the operator of an underground tank(s);
5. Violation of any applicable requirement of the unified program facility permit issued for the operation of the underground tank(s);
6. Violation of any applicable requirement of Division 20, Chapter 6.7, of the California Health and Safety Code or any regulations promulgated thereunder;
7. Failure to permit inspections or to perform any monitoring, testing, or reporting required pursuant to this division;
8. Making any false statement, representation, or certification in any application, record, or other document submitted or required to be maintained pursuant to this division.

C. Any person who intentionally fails to notify the CUPA or the Director when required to do so by this division or who submits false information in an application for a unified program facility permit, addenda, or renewal, pursuant to Chapter 11.80, is liable for a civil penalty of not more than five thousand dollars ($5,000) for each underground storage tank for each day for which notification is not given or false information is submitted.

D. Any person who violates Division 20, Chapter 6.7, of the California Health and Safety Code, section 25292.3, by depositing or allowing the deposition of petroleum into an underground storage tank system that has a red tag affixed to the fill pipe or by removing, defacing, altering or otherwise tampering with a red tag is liable for a civil penalty of not more than five thousand dollars ($5,000) for each underground storage tank for each day of violation.

E. Any person who violates any corrective action requirement established by, or issued pursuant to, section 25296.10 of Division 20, Chapter 6.7, of the California Health and Safety Code is liable for a civil penalty of not more than ten thousand dollars ($10,000) for each underground storage tank for each day of violation.

F. When any person has engaged in, is engaged in, or is about to engage in any acts or practices that violate this division, the District Attorney or the Attorney General may apply to the Superior Court for an order enjoining such acts or practices, or for an order directing compliance. The court may grant a permanent or temporary injunction, restraining order, or other order.

G. Every civil action brought under this division shall be brought by the District Attorney or the Attorney General in the name of the people of the State of California, and any actions relating to the same violations may be joined or consolidated.

(Ord. 2015-0016 § 80, 2015; Ord. 97-0016 § 74, 1997; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.86.020 Violation a Misdemeanor.

A. Any person who violates any provision of this division, or who fails to take corrective action upon becoming aware of an unauthorized release, or who fails to comply with a notice of noncompliance within the time specified or who continues to operate a facility upon suspension or revocation of a permit shall be guilty of a misdemeanor, and the Director may refer such violation to the Los Angeles County District Attorney or other appropriate prosecuting authority for prosecution. Each day that the conditions in this section continue to exist shall be a separate violation.

B. Any person who falsifies any monitoring records required by this division, knowingly fails to report an unauthorized release, or intentionally tampers with an automatic leak detection system in a manner that would prevent the automatic leak detection system from detecting a leak or alerting the owner or operator of the leak shall, upon conviction, be punished by a fine of not less than five thousand dollars ($5,000) or more than ten thousand dollars ($10,000), or by imprisonment in the County Jail for a period not to exceed one (1) year, or by both that fine and imprisonment.

(Ord. 2015-0016 § 81, 2015; Ord. 97-0016 § 74, 1997; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.86.030 Penalties Not Exclusive.

Each civil penalty or civil fine imposed pursuant to this chapter for any violation shall be separate, and in addition to, and does not supersede or limit, any and all other administrative actions or remedies, civil penalties or criminal fines imposed pursuant to this chapter or any other provisions of law.

(Ord. 2015-0016 § 82, 2015; Ord. 97-0016 § 76, 1997; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

Chapter 11.88 MISCELLANEOUS

11.88.010 Disclaimer of Liability.

The degree of protection required by this division is considered reasonable for regulatory purposes. The standards set forth herein are minimal standards and this division does not imply that compliance will ensure that there will be no unauthorized release of hazardous substances. This division shall not create liability on the part of the County, or any officer or employee thereof for any damages that result from reliance on this division or any administrative decision lawfully made hereunder. All persons handling, storing, using, processing, and disposing of hazardous substances within the County should be and are advised to determine to their own satisfaction the level of protection in addition to that required by this division necessary or desirable to ensure that there is no unauthorized release of hazardous substances.

(Ord. 2015-0016 § 83, 2015; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.88.020 Guidelines and Standards.

Guidelines and standards may be established by the Director and shall be maintained in the office of the Director and shall be available to the public. Such guidelines and standards, in the areas addressed therein, shall serve as an interpretation of this division.

(Ord. 2015-0016 § 84, 2015; Ord. 97-0016 § 77, 1997; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.88.030 Trade Secrets.

A. If an applicant or permittee believes that a request for information made by either the application form or otherwise pursuant to this division involves the release of a trade secret, the applicant or permittee shall so notify the Director in writing.

B. Subject to the provisions of this section, the Director shall protect from disclosure any trade secret coming into his or her possession when requested to do so in writing by the applicant or permittee. No such trade secret shall be disclosed to anyone without the consent of the applicant or permittee except:

    1. To an officer or employee of the County, the CUPA, the State of California, or the United States of America, in connection with the official duties of such officer or employee under any law for the protection of health, or to contractors of the County and their employees, if in the opinion of the Director such disclosure is necessary and required for the satisfactory performance of a contract for performance of work or for protection of health;

    2. To any physician where the physician determines that such information is necessary to the medical treatment of his or her patient;

    3. To the extent that the Director reasonably determines that disclosure is required by the California Public Records Act, section 6250 et seq., of the California Government Code; or

    4. Upon a valid court order.

C. Information certified by appropriate officials of the United States, as necessarily kept secret for national defense purposes, shall be accorded the full protection against disclosure as specified by such official or in accordance with the laws of the United States.

D. The provisions of this section shall not permit an applicant or permittee to refuse to disclose information required pursuant to this division to the Director.

E. The confidential treatment of the identity of such trade secret disclosed to the County does not apply where there has been any unauthorized release related to such trade secret material which is reportable in compliance with Chapter 11.76 or where such disclosure arises out of any official emergency response relating to the facility involving such trade secret information by public safety personnel of the County.

(Ord. 2015-0016 § 85, 2015; Ord. 97-0016 § 78, 1997; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.88.040 Reporting Requirements.

Every permittee shall comply with the reporting requirements of the Director, including the electronic submission requirements set forth in Chapter 6.7 and Chapter 6.11, Division 20, of the California Health and Safety Code and related regulations.

(Ord. 2015-0016 § 86, 2015.)

11.88.050 Conflict With Other Laws.

Notwithstanding any other provision of this division:

A. If the facility is required to have an industrial waste disposal permit pursuant to Title 20, Division 2, of this code, an industrial wastewater discharge permit pursuant to the wastewater ordinance of the sanitation districts of Los Angeles County, or an industrial waste disposal permit from any other sewering agency within the County of Los Angeles, it shall be exempted from the provisions of this division provided the conditions and limitations of such permit satisfy the requirements of this division and the Director finds that the facility does not pose a threat to water quality.

B. No provision of this division shall be construed to supersede any other provisions of this County code.

(Ord. 2015-0016 § 87, 2015; Ord. 97-0016 § 80, 1997; Ord. 84-0046 § 8, 1984; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

FOOTNOTES FOR TITLE 11

3. For statutory provisions on communicable disease, see Health and Saf. Code § 3000 et seq.

For department of health services Rules and Regulations on communicable disease control, see Part 1 of Appendix 1 of Title 11 of this code.

5. For additional rabies-control measures, see Division 1 of Title 10 of this code, on animals.

9. For statutory provisions on restaurant sanitation, see Health and Saf. Code § 28520 et seq.; for provisions on local regulation of restaurant sanitation, see Health and Saf. Code § 28693; for provisions on retail food establishments, see Health and Saf. Code § 28800 et seq.

For licensing and regulation of food-handlers and food preparation businesses, see Division 1 of Title 8 of this code on public health licenses.

11. For statutory provisions on retail food production and marketing establishments, see Health and Saf. Code § 28800 et seq.

13. For provisions on solid waste collection and disposal, see provisions in Title 20 of this code.

15. For statutory provisions on housing, see Health and Saf. Code § 17910 et seq.

For provisions on rent regulation and condominium conversion, see Division 3 of Title 8 of this code.

19. For other county provisions on water supply, see Division 1 of Title 20 of this code.

23. For statutory provisions on rodent control, see Health and Saf. Code § 1800 et seq.

25. For statutory provisions on the sanitation of public swimming pools, see Health and Saf. Code § 24100 et seq.

For provisions on protecting swimming pools from general hazards, see Ch. 11.54 of this code.

27. For other provisions on county water supply, sanitary sewers and industrial waste, and sewer maintenance districts, see Title 20 of this code.

29. **Editor's Note:** Ordinance 5307 on general hazards, originally enacted in 1949, was later amended in its entirety by Ord. 9415. Because Ord. 9415 changed the section numbers entirely, amendments to Ord. 5307 passed before 9415 could not be shown in legislative history notes; the following table sets out this information:

Section	Amendments
7	Added by 7333 § 2, 1958.
Art. 2	Title amended by 5847 § 1, 1951.
10	Amended by 5847 § 2, 1951; 5971 § 1, 1952; 6081 § 1, 1952.

10.3	Added by 7101 § 2 (part), 1957; amended by 7160 § 1, 1957.
10.5	Added by 7101 § 2 (part), 1957.
10.7	Added by 7101 § 2 (part), 1957.
12	Amended by 5847 § 3, 1951; 9313 § 1, 1967.
13	Amended by 5847 § 4, 1951; 7101 § 3, 1957.
14	Amended by 7333 § 3, 1958.
14.5	Added by 7160 § 2, 1957.
15	Amended by 5847 § 5, 1951; renumbered to be § 20.
15—19	Added by 7333 § 5, 1958.
20	Renumbered from § 15 and amended by 7333 § 4, 1958; amended by 7709 § 1 (part), 1960.
34	Amended by 7709 § 1 (part), 1960.
41	Amended by 7709 § 1 (part), 1960.
44	Added by 7709 § 2, 1960.

31. For excavations in county highways, see Title 16 of this code.

33. For other provisions on swimming pools, see Ch. 11.32 of this code.

35. For statutory provisions on the abatement of abandoned excavations, see Gov. Code § 50230 et seq.; for provisions on the abatement of nuisances by counties, see Gov. Code § 25845.

37. For county electrical code provisions, see Title 27 of this code; for building code provisions, see Title 26 of this code.

39. The Los Angeles County Flood Control District Code may be found at the back of Volume 5 of this code.

Ordinance 12266 amended and corrected Ordinance 12189 by attaching certain floodway maps and making them a part of Ordinance 12189.

41. For provisions on parks, beaches and harbors, see Titles 17 and 19 of this code.

43. For statutory provisions on smoking in public places, see Health and Saf. Code § 25940 et seq.; for provisions on smoking on common carriers, see Pub. Util. Code § 561. For provisions restricting smoking in county facilities, see Ch. 2.126 of this code.

44. The title of Ch. 11.84 was changed by Ord. 97-0016 § 67, 1997.

APPENDIX 1 RULES AND REGULATIONS OF THE COUNTY OF LOS ANGELES DEPARTMENT OF HEALTH SERVICES COMMUNITY HEALTH SERVICE

PART 1 COMMUNICABLE DISEASE CONTROL MEASURES

**A Manual of Departmental Rules,
Regulations and Control Procedures**

**COUNTY OF LOS ANGELES
DEPARTMENT OF HEALTH SERVICES**

As revised 4/79

PART I
RESPONSIBILITY FOR COMMUNICABLE DISEASE CONTROL

The Chiefs of Acute Communicable Disease, Tuberculosis and Venereal Disease Control are responsible for the control of communicable disease in the County of Los Angeles and the setting of policy which regulates these controls.

The District Health Officer is responsible for the control of communicable disease in his jurisdiction. The term "District Health Officer" used in this manual means any physician authorized to act in that capacity. The District Health Officer may call upon any employee for necessary communicable disease control. He, or his representative, investigates cases or suspected cases of communicable disease within the time frame indicated in Part IV of this manual under the specific disease.

The Chief of Public Health Investigation is responsible for certain legal areas of communicable disease control.

PART II
REPORTING COMMUNICABLE DISEASE

(Reference: Sections 2500, 2502, 2503, 2504, and 2508, Title 17, California Administrative Code)

SEC. 1 REPORTING DISEASES (Section 2500)

Every person must report to the Health Officer any diagnosed or suspected case of any of the following diseases or conditions:

Amebiasis

Anthrax

Botulism

Brucellosis (Undulant Fever)

Chancroid

Cholera

Coccidioidomycosis

Conjunctivitis, Acute Infectious of the Newborn

(Gonorrheal Ophthalmia, Ophthalmia Neonatorum, and Babies' Sore Eyes in the first 21 days of life)

Dengue

Diarrhea of the Newborn

Diphtheria

Disorders Characterized by Lapses of Consciousness

Dysentery, Bacillary (See Shigella infections)

Encephalitis, viral

Food Poisoning (other than Botulism)

German Measles (Rubella)

Gonococcal Infections

Granuloma Inguinale

Hepatitis, Infectious (A)

Hepatitis, Serum (B)

Hepatitis, unspecified

Leprosy (Hansen's Disease)

Leptospirosis (including Weil's Disease)

Lymphogranuloma Venereum (Lymphogranuloma Inguinale)

Malaria

Measles (Rubeola)

Meningitis, Viral

Meningococcal Infections

Mumps

Paratyphoid Fever, A, B, and C (see Salmonella infections)

Pertussis (Whooping cough)

Plague

Poliomyelitis, paralytic

Psittacosis

Q Fever

Rabies, Human or Animal

Relapsing Fever

Rheumatic Fever, Acute

Rocky Mountain Spotted Fever

Salmonella, Infectious (exclusive of typhoid fever)

Scarlet fever

Shigella infections

Smallpox (Variola)

Streptococcal Infections, hemolytic (including Scarlet Fever, and Streptococcal Sore Throat)

Syphilis

Tetanus

Trachoma

Trichinosis

Tuberculosis

Tularemia

Typhoid fever, cases and carriers

Typhus fever

Viral Exanthem in Pregnant Women

Yellow fever

Unusual outbreaks of any disease

The report should include the person's full name, race, sex, age or date of birth, address, disease, date of onset, date of diagnosis, date of death, and name of person reporting.

The director of any clinical laboratory must report laboratory evidence suggestive of the diseases listed below to the District Health Officer on the same day that the physician who submitted the specimen is notified.

Diphtheria

Gonorrhea

Syphilis

Tuberculosis

Typhoid

The laboratory reports, which may be telephoned or written, must include the date, the result of the test, name, address, age of the patient and the name and address of the referring physician. Laboratory reports for tuberculosis received in the district should be sent to the Tuberculosis Register, Administrative Headquarters.

A laboratory report alone is not sufficient for the District Health Officer to contact the patient or his potential contacts. The diagnosis of the attending physician is essential before such a contact is made. The District Officer should make every effort to discuss the case and the laboratory report with the physician to facilitate the diagnosis. (Exceptions: In venereal disease cases, the professional staff in Venereal Disease Control may contact the attending physician.)

SEC. 2 TELEPHONE REPORTS

Acute Communicable Disease Control staff may be reached during working hours at 974-7944. After working hours, on weekends or holidays, appropriate staff can be reached through the County operator at 974-1234.

A. The District Health Registrar immediately telephones reports of the following cases or suspected cases to the Morbidity Unit:

Anthrax

Botulism

Cholera

Dengue

Diphtheria

Food Poisoning

Meningitis, Meningococcal

Plague

Poliomyelitis

Rabies in humans/animals

Relapsing Fever (Louse-borne)

Smallpox

Typhoid Fever

Typhus Fever (Louse-borne)

Yellow Fever

Unusual Outbreak of Any Disease

B. The Morbidity Unit immediately delivers the CONFIRMATION OF NOTIFICATION OF COMMUNICABLE DISEASE INFORMATION, H-24, on cases listed above to the Chief, Acute Communicable Disease Control. In botulism and food poisoning, the TELEPHONE REPORT OF FOOD POISONING EPISODE, H-26, is immediately delivered to the Chief, Food and Drug Section.

C. The District Public Health Registrar immediately telephones reports of communicable disease, related to either dairy or to persons with or in contact with communicable diseases who are employed in sensitive occupations, to the Chief, Public Health Investigation. (See Sec. 13.)

D. The Morbidity Unit immediately notifies the Chief, Occupational Health when a communicable disease arises out of and in the course of employment, when the place of employment is in the County of Los Angeles jurisdiction. This includes, but is not limited to: anthrax, botulism, brucellosis, coccidioidomycosis, food poisoning, leptospirosis, psittacosis, Q fever, tetanus, and tularemia.

E. The Morbidity Unit telephones reports of deaths from quarantinable diseases to the Chiefs, Acute Communicable Disease Control and Public Health Investigation.

F. The Chief, Acute Communicable Disease Control, telephones or telegraphs reports of the following diseases to the State Department of Health: botulism, cholera, dengue, plague, relapsing fever (louse-borne), smallpox, typhus fever (louse-borne), yellow fever.

SEC. 3 CONFIDENTIAL MORBIDITY REPORTS (CMR)—PM 110

The CMR is a standard report form on which tuberculosis, venereal disease and other communicable diseases must be reported within 24 hours of the diagnosis. This report form, PM 110, was formerly SDH 262-222.

SEC. 4 EPIDEMIOLOGIC CASE HISTORY

Certain communicable diseases required an epidemiologic investigation and must be reported on forms specific for the disease entity. The forms required are in Part IV of this manual under the "reporting procedures" for each disease. For diseases not requiring specific forms, the CD INVESTIGATION, H-1138 is used. This form may also be used for supplemental data in any disease. Examples of epidemiologic case history forms and the processing of these forms are covered in the ACUTE COMMUNICABLE DISEASE FORMS MANUAL, B-160.

NOTE: All Epidemiologic Case History forms must be filled out completely. This information is vital for decision-making at all levels, local, state and federal.

SEC. 5

(Reference: Section 2502, Title 17, California Administrative Code)

A. Definition:

An outbreak is defined as an unusually high incidence of a disease in excess of normal expectancy in a given area or population group. One case of smallpox constitutes an outbreak, while several cases of measles, mumps or hepatitis in the population at large could be considered a normal occurrence. However, when these cases occur in a localized area of the community, a classroom, industry, apartment complex, hospital, etc., they would be considered outbreaks.

B. General Procedures:

Knowledge of an outbreak of infectious or parasitic disease or infestation, whether or not reportable, is investigated by the District Health Officer and reported to the Chief, Acute Communicable Disease Control. When the outbreak occurs anywhere other than in a health care facility, it is reported on the GENERAL INVESTIGATION RECORD, SDH-262501.

C. Health Care Facility Outbreaks:

Whoever receives knowledge of an outbreak initiates the CD OUTBREAK NOTICE—HEALTH CARE FACILITY, H-1163 and additionally, telephones Acute Communicable Disease Control when outbreak occurs in an acute care hospital.

1. Acute Care Hospital. Because of complex licensure requirements and the involvement of multiple districts, the Acute Communicable Disease Control staff is responsible for the epidemiological investigation in these facilities.
2. Convalescent Care Facility. The district Health Officer investigates and reports on the CD OUTBREAK INVESTIGATION—HEALTH CARE FACILITY, H-1164.

SEC. 6 REPORTING OF UNUSUAL DISEASES

(Reference: Section 2503, Title 17, California Administrative Code)

When the District Health Officer encounters an unusual disease which warrants an investigation, he reports on the CD INVESTIGATION, H-1138.

Unusual diseases include but are not limited to cat scratch fever, echinococcosis, giardiasis, herpangina, histoplasmosis, rickettsialpox, toxoplasmosis and any unusual tropical infectious disease.

SEC. 7 REPORTING A CONTACT OR POSSIBLE SOURCE OF INFECTION, OTHER THAN TUBERCULOSIS OR VENEREAL DISEASE, LOCATED OUTSIDE THE HEALTH DISTRICT OF THE CASE

A. When the case and contact or possible source of infection reside in different districts in Los Angeles County, the Public Health Registrar in the district of the case notifies the district where the contact or possible source of infection resides

B. When either the contact or possible source of infection is in another health jurisdiction out of Los Angeles County:

1. The Public Health Registrar in the district of the case telephones the Morbidity Unit, who then notifies the other health jurisdiction.
2. The Chief, Acute Communicable Disease Control, prepares any required correspondence.

SEC. 8 CHANGE OF RESIDENCE OF PERSONS IN STRICT ISOLATION OR QUARANTINE INCLUDING COMMUNICABLE TUBERCULOSIS

When it is necessary for persons in strict isolation or quarantine to move, written permission is first obtained from the owner of the new premises or his agent. Inspection of the proposed residence must establish that it is or can be made suitable for isolation or quarantine. Moving into a multiple dwelling is evaluated individually considering the disease and situation; any change of residence is under the supervision of the District Health Officer of the Chief, Public Health Investigation.

All cases covered by this section must be reported immediately to the District Health Officer, and in cases of legal isolation and quarantine, to the Chief, Public Health Investigation.

SEC. 9 CHANGE OF RESIDENCE OF PATIENTS WITH COMMUNICABLE DISEASE WHO ARE NOT ISOLATED OR QUARANTINED

A. TUBERCULOSIS PATIENTS (Under treatment or needing further evaluation)

1. Moving out of Los Angeles County. The District Nursing Director or her representative notifies the Tuberculosis Register. Where time is important, the District Nursing Director directly notifies the other health jurisdiction of the new residence.

Arrangements for continued care may be made by the District Nursing Director or District Director Public Health Social Worker by telephone or by a brief written statement.

2. Moving to another health district in Los Angeles County. The District Nursing Director notifies the Tuberculosis Register. Arrangements for continued care are telephoned to the new health district and the chart transferred. (See Order 0603.)

B. VENEREAL DISEASE PATIENTS

1. Moving out of Los Angeles County. When a possibly contagious patient moves to another health jurisdiction, the responsible venereal disease interviewer records the new address on the VENEREAL DISEASE EPIDEMIOLOGICAL REPORT, CDC 9.2936. Venereal Disease Control forwards this report to the other health jurisdiction of the new residence.

2. Moving to another health district in Los Angeles County. Continued care is arranged by telephone and the chart transferred. The responsible venereal disease interviewer forwards VENEREAL DISEASE EPIDEMIOLOGICAL REPORT, CDC 9.2936, to the new district and INTER-DISTRICT TRANSFER, NOTICE—VDER (2936), to Venereal Disease Control for syphilis cases and/or suspects. Whenever arrangements for patients described in B-1. and 2. have been made by telephone, this information, with the date of the call, is recorded on the reverse side of VENEREAL DISEASE EPIDEMIOLOGICAL REPORT, CDC 9.2936.

3. Non-infectious venereal disease cases. If a non-contagious patient in the venereal disease clinic moves to a new address in or out of Los Angeles County, his name will not be reported on VENEREAL DISEASE EPIDEMIOLOGICAL REPORT, CDC-9.2936, unless his follow-up is indicated. If requested, these patients may be given information of facilities in the area of new residence.

C. OTHER PATIENTS (Except tuberculosis or venereal disease patients).

1. Moving out of Los Angeles County. Morbidity Unit is responsible for notifying the appropriated health jurisdiction.

2. Moving to another health district in Los Angeles County. For cases previously reported, the District Public Health Registrar notifies only the new district. For cases not previously reported, the District Public Health Registrar telephones the new address to MORBIDITY UNIT and notifies the new district.

PART III
COMMUNICABLE DISEASE CONTROL MEASURES

SEC. 10 EXAMINATION FOR COMMUNICABLE DISEASE

Persons suspected of having a communicable disease are requested to contact their physicians or appear at a Department of Health Services clinic for examination. Failure to comply with this request must be reported to the Chief, Public Health Investigation.

SEC. 11 SURVEILLANCE ORDERS ON INTERNATIONAL TRAVELERS

A. Issuance

The United States Public Health Service may issue a SURVEILLANCE ORDER, HSM-13.17. (Center for Disease Control), to any traveler from a foreign country infected with smallpox, cholera, yellow fever, or plague, who meets any of the following criteria:

1. Travelers who have an illness of unusual or severe nature which might possibly be a quarantinable disease. Suspicious signs and symptoms include:
    a. Temperature of 100°F (38°C) or greater, accompanied or followed by rash, jaundice, or lymphadenopathy, or which has persisted for two days or more.
    b. Diarrhea severe enough to interfere with work or normal activities.
2. Persons who have traveled on a conveyance with, or have otherwise been in close contact with, a person diagnosed or suspected of having a quarantinable disease.
3. Persons who arrive on a conveyance on which there are two or more unrelated persons with the same disease symptoms.
4. Persons arriving from a smallpox-infected country who do not have a valid international smallpox vaccination certification.

When an ill person is denied immediate quarantine clearance upon arrival, a United States Public Health Service consultant physician will be called to examine, diagnose and clear the traveler. If diagnostic tests or further observation are required, a SURVEILLANCE ORDER, HSM-13.17, will be issued allowing the person entry, subject to the condition that he remain under observation of the appropriate District Health Officer for a specified period of time. Similar surveillance orders may be issued to exposed contacts who are not ill. A copy of each SURVEILLANCE ORDER, HSM-13.17, is sent to the District Health Officer. Where urgency exists, the District Health Officer is informed by telephone or telegraph.

Since there is no inspection for travelers from Canada, Canadian ports of entry send a similar NOTICE OF SURVEILLANCE, QS24, on travelers under surveillance with ultimate destinations in the United States.

When such notices are received, the Chief, Public Health Investigation, should be immediately notified.

B. General Procedures

Public Health Investigation immediately contacts the traveler, and obtains the following information:

1. Address and telephone where the traveler can be contacted until surveillance order expires.
2. Detailed itinerary for 21 days preceding interview, and for the duration of the surveillance order.
3. History of fever, rash, jaundice, diarrhea, or glandular swelling within preceding 21 days.

4. Any information released by quarantine station or examining physician regarding diagnosis or laboratory tests.

This information is telephoned immediately to the District Health Officer, and a specific surveillance plan developed. These arrangements are reported to the Chief, Acute Communicable Disease Control.

If the detailed itinerary shows that the traveler plans to leave Los Angeles County before the expiration of the surveillance period, the further itinerary is reported to the Chief, Public Health Investigation, who notifies the State Department of Health.

C. Special Procedures

1. Smallpox. Persons under surveillance orders because of illness suspicious of (or exposure to) smallpox are examined immediately by the District Health Officer and continue to be examined daily until surveillance is completed. If specimens were taken for diagnosis at the port of entry, no laboratory diagnosis is generally required. Telephone the Chief, Acute Communicable Disease Control immediately.

Persons under surveillance orders only because of lack of valid small pox immunization are contacted immediately by Public Health Investigation. The specific surveillance plan developed is individualized; if the traveler is completely healthy, telephone surveillance may be instituted on approval by the District Health Officer. If any illness develops, the traveler is examined immediately by the District Health officer, who telephones findings immediately to the Chief, Acute Communicable Disease Control.

2. Plague. Persons under surveillance orders for plague are examined daily by the District Health Officer until surveillance order expires. If fever, cough or adenopathy develop during surveillance, telephone the Chief, Acute Communicable Disease Control, immediately.

3. Cholera. Persons under surveillance for cholera are contacted daily by telephone by Public Health Investigation until surveillance order expires. If diarrhea is present, the District Health Officer examines the person and obtains a feces specimen (special media required). This specimen is immediately carried to the Public Health Laboratory by the Public Health Investigator; simultaneously the Chief, Acute Communicable Disease Control is notified by telephone.

4. Yellow Fever. Persons under surveillance for yellow fever are contacted daily by telephone by the Public Health Investigator until the surveillance order expires. If fever, jaundice, rash, nosebleed, vomiting, or blood in stool are reported, the District Health Officer immediately examines the person and telephones findings to the Chief, Acute Communicable Disease Control.

SEC. 12 SCHOOL EXCLUSION AND READMISSION

(References: Administrative Code, Title 5, Education, Article 7, Section 65; California Health and Safety Code, Division 4, Chapter 3, Section 3118)

A. EXCLUSION: State law requires officials of the public, private and Sunday schools to exclude persons with communicable disease or contacts of a communicable disease which is subject to strict isolation or quarantine. The school may exclude any nonimmune contact of a communicable disease case for the full or last portion of the incubation period. The County of Los Angeles Department of Health Services procedures will not abrogate that right.

If the disease in question is tuberculosis or venereal disease, the decision as to communicability is the responsibility of the Chiefs, Tuberculosis Control or Venereal Disease Control.

In an urban area, the closing of schools has not been shown to be an effective means of controlling an outbreak of any communicable disease. This procedure is, therefore, not generally recommended.

The SCHOOL EXCLUSION, H-451, is sent only to the school principal or his representative. This District Public Health Registrar immediately telephones the notice of exclusion to the proper school authority and confirms by sending the H-451 when the following diseases occur: cholera, diphtheria; plague, smallpox; typhus (louse-borne).

B. READMISSION: Upon release from strict isolation or quarantine, the SCHOOL READMISSION NOTICE, H-447, signed by the District Health Officer must be given to pupils or their parents or guardian.

Pupils or school employees with any other communicable disease may be readmitted by written notice, signed by the attending physician, school physician, nurse superintendent, principal or the District Health Officer.

Students with non-communicable forms of tuberculosis may be readmitted if recommended by the chest clinician. However readmission to the Los Angeles City Schools must be referred to the Unit for Control of Tuberculosis, 625-4003, for clearance.

SEC. 13 SENSITIVE OCCUPATIONS: PROCEDURES AND DEFINITIONS

Persons with or in contact with communicable disease may be a threat to the community by virtue of their work duties. Reports of such cases or contacts in sensitive occupations are immediately telephoned to the Chief, Public Health Investigation. (See Sec. 2) If necessary, these persons will be removed from work.

A. SENSITIVE OCCUPATIONS—DEFINITIONS. Persons employed in sensitive occupations may include commercial food and milk handlers, child care workers, those treating, caring or cooking for others, or persons whose duties appreciably increase the risk of disease transmission. Preschool and early elementary aged children may need to be considered as sensitive occupations, in some circumstances.

1. FOOD HANDLERS—SPECIAL DEFINITIONS. A commercial food handler prepares, processes, serves or sells food commercially, unless such food is completely packaged before being handled and reaches the consumer with the wrapping intact. For example, a route man handling entirely wrapped bread is not a food handler. A bakery route salesman handling unwrapped bakery products from open trays is a food handler.

2. MILK HANDLERS—SPECIAL DEFINITION. A milk handler processes or distributes milk or handles milk containers. Those whose only contact is with (1) double-capped milk bottles or (2) packaged milk products are not milk handlers.

B. STATE DISABILITY INSURANCE BENEFITS. A case or contact in a sensitive occupation removed from work may apply for State disability insurance benefits by completing and submitting STATE DISABILITY INSURANCE BENEFITS, DE 2501. Consult Chief, Public Health Investigation, for assistance in completing form.

C. LABORATORY SPECIMENS. Laboratory slips for specimens submitted for cases or contacts in sensitive occupations must be marked with a red "SO" (Sensitive Occupation) to alert the laboratory of the need for urgent report.

SEC. 14 HOSPITALIZATION AT LOS ANGELES GENERAL MEDICAL CENTER

When referring persons with communicable disease, other than tuberculosis or venereal disease, to Los Angeles General Medical Center, a direct telephone call to the Communicable Disease Admitting Room (226-3703) is preferable. For routine referrals use REFERRAL SLIP, H-354. The District Health Officer is responsible for the tentative diagnosis and follow up, when necessary.

In quarantinable disease cases, arrangements for transportation and hospitalization are made by the Chief, Acute Communicable Disease Control. The person transporting the patient is instructed to:

A. Go directly to the Communicable Disease Unit, ambulance entrance, 1129 North State Street, Los Angeles, California, without contacting other persons enroute.

B. Keep the patient in a vehicle until examined by hospital personnel. In other communicable disease cases, the District Health Officer arranges for transportation and hospitalization directly with the Communicable Disease Admitting Room personnel.

In other communicable disease cases, the District Health Officer arranges for transportation and hospitalization directly with the Communicable Disease Admitting Room personnel.

(Ord. 2024-0001 § 4, 2024.)

SEC. 15 QUARANTINE

(Reference: Sections 2514 and 2520, California Administrative Code)

A. Any reportable communicable disease may be quarantined at the discretion of the District Health Officer. (Section 3110, Health and Safety Code.) Quarantine will be routinely employed only for the diseases or circumstances listed in this section. The District Health Officer determines which contacts require quarantine, specifies the place of quarantine and issues appropriate instructions.

There are several types of quarantine; each one includes specific diseases and measures to be followed.

B. Violations: Violations of quarantine or of pass privileges must be reported immediately to the Chief, Public Health Investigation.

C. Classifications:

1. Complete quarantine

a. The limitation of freedom of movement or confinement of persons or domestic animals exposed to a communicable disease, for a period of time not longer than the longest usual incubation period of the disease, in such a manner as to prevent effective contact with unexposed persons.

b. Diseases requiring complete quarantine:

1) Lassa Fever

2) Marburg Virus Disease and African Hemorrhagic Fever

3) Plague (until treated with insecticide)

4) Relapsing Fever, louse-borne (until louse-free)

5) Smallpox

6) Typhus Fever, louse-borne (until louse-free)

c. Measures:

1) Post QUARANTINE PLACARD, H-734 (See Sec. 17)

2) While the patient is on the premises, no passes are issued.

3) The district Health Officer provides for daily observation of the contacts, arranges for delivery of groceries and other necessities and supervises the release of contacts from quarantine.

4) When the patient is off the premises, follow the procedures as indicated under the specific disease in PART IV.

2. Modified Quarantine:

a. Definition: A selective, partial limitation of freedom of movement of persons or domestic animals, based on known or presumed differences in susceptibility and/or because of disease transmission.

b. Diseases requiring modified quarantine:

1) Diarrhea of the Newborn (Hospital nurseries only)

2) Diphtheria

3) Staphylococcal Disease (Hospital only)

c. Measures:

1) When diphtheria occurs, post QUARANTINE PLACARD, H-734 (See Sec. 17)

2) For release from quarantine, follow procedure as indicated under the specific disease in PART IV.

3. Personal Surveillance:

a. Definition: The practice of close medical or other supervision of contacts in order to promote prompt recognition of infection or illness but without restricting their movements.

b. Diseases requiring surveillance: (See specific disease, PART IV, regarding duration of surveillance)

1) Cholera

2) Plague (following disinfestation)

3) Smallpox (International Travelers)

4) Yellow Fever (International Travelers)

4. Other Classifications

a. Animal quarantine

1) This quarantines biting animals, those having rabies, suspected rabies or exposed to rabies.

2) Post ANIMAL QUARANTINE PLACARD, H-733. (See Sec. 17.)

3) It is illegal to be in possession of pet skunks in the State of California (Sec. 2606, Title 17, California Administrative Code).

b. Mussel quarantine. This seasonal quarantine is established on all species of mussels from the ocean shore of California and is usually effective from May 1 to October 31. It prohibits the taking, sale or offering for sale of mussels, except for use as fish bait. Mussels for the use of fish bait shall be broken open at time of taking or prior to sale.

c. Bird quarantine. Birds with or suspected of having a disease transmissible to man are quarantined and placed on medicated feed for 45 days.

For specific details, consult with Acute Communicable Disease Control.

d. Turtle quarantine. Turtles offered for sale must be certified to be free from salmonella and Arizona organisms. Any not so certified must be quarantined pending appropriate dispositions.

5. Dairy quarantine.

1) This quarantine is imposed when:

a) A milk supply is suspected as the source of an infection transmitted through milk or

b) A patient who resides on a dairy premises has or is suspected of having a disease transmitted through milk.

2) The County health Office as agent for the Department of Food and Agriculture prohibits the use, sale or disposal of milk until the following measures are observed:

a) The patient must be isolated.

b) The water used in milk processing must be free of infection.

c) Household members must be free of infection and must not contact dairy workers or any dairy facility used in processing milk.

d) The milk must be pasteurized off the premises until (1) the patient is removed and the household contacts cleared according to specific disease requirements; (2) the producing herd is declared free of infection by the Department of Food and Agriculture.

SEC. 16 ISOLATION

(Reference: Sections 2516 and 2518, Title 17, California Administrative Code)

A. Any reportable communicable disease may be isolated at the discretion of the District Health Officer (Section 3110, Health and Safety Code).

Legal isolation is accomplished by posting a placard and/ or serving a written order by Public Health Investigation personnel.

B. Violations

1. Violations of isolation orders must be reported immediately to the District Health Officer.
2. Violations of strict isolation and special isolation must also be reported immediately to the Chief, Public Health Investigation.

C. Classifications:

General definition:

Isolation is the separation of infected persons from others, for the period of communicability, in places and under conditions that will prevent the transmission of the infectious agent. There are several types of isolation, each one encompassing particular diseases and measures to be followed.

1. Strict isolation (Section 2516)

a. Diseases requiring strict isolation

1) Anthrax—inhalation

2) Cholera

3) Diarrhea of the Newborn (Hospital nurseries only)

4) Diphtheria

5) Gonococcal Ophthalmia Neonatorum

6) Lassa Fever

7) Marburg Virus Disease

8) Plague-pneumonic

9) Pneumonia, (Staphylococcus aureus or Group A streptococcus)

10) Smallpox

b. Measures

1) The severity of these diseases and/or potential hazard to others warrants immediate hospitalization.

2) Pending hospitalization the following measures are taken:

a) Post ISOLATION PLACARD, H-734 (See Sec. 17)

b) A private room

c) Those caring for patient must wear gowns, gloves and masks and must follow proper handwashing procedures

d) Visitors are excluded

e) For disinfection and cleaning, refer to the State Health Department Communicable Disease Manual

f) In the absence of a sanitary sewage system and if the disease is one in which the infectious agent may be present in the feces or urine, the District Health Officer issues instructions for the disposal of feces and urine.

2. Modified Isolation

a. Diseases subject to modified isolation:

Anthrax—wound

Chancroid

Congenital Rubella Syndrome

Dengue

Encephalitis, Post infectious & Post vaccination

German measles

Gonococcus Infection

Granuloma Inguinale

Hepatitis, Viral (Types A, B, Unspecified)

Lymphogranuloma Venereum (Lymphogranuloma Inguinale)

Measles (Rubeola)

Meningitis, Aseptic Syndrome

Meningitis, Meningococcal

Mumps

Pertussis (Whooping Cough)

Plague—bubonic

Poliomyelitis

Psittacosis

Rabies, Human and Animal

Salmonellosis

Shigellosis

Staphylococcal Disease

Streptococcal Infections Hemolytic (including Scarlet Fever and Streptococcal Sore Throat)

Syphilis

Trachoma

Tuberculosis

Tularemia

Typhoid Fever

Whooping Cough

b. Measures. Isolation measures depend upon the mode of transmission of the disease and the potential threat to susceptible persons (See specific disease in PART IV). These may range from:

1) exclusion from school

2) exclusion from work of persons in sensitive occupation

3) avoidance by pregnant women of contact to a case of rubella

4) secretion, excretion and blood precautions

5) abstinence from sexual contact

3. Typhoid Fever Carrier isolation. The District Health Officer issues specific written orders to the patient or contact who must adhere to all requirements.

The TYPHOID CARRIER AGREEMENT, SDH 262-516 (Spanish, SDH 262-517), is issued by the District Health Officer to typhoid carriers (convalescent and chronic).

4. Isolation in nursing homes. In general, patients, with communicable diseases are not permitted to remain in nursing homes. Asymptomatic carriers, such as salmonella or typhoid carriers, are not permitted in nursing homes unless prior written approval is obtained from the Chief, Acute Communicable Disease Control.

5. Special isolation. This isolation confines a patient with communicable disease, including tuberculosis and venereal disease, to his home, a hospital, sanitarium, jail facility or other specified location. Cooperative patients may be on voluntary isolation (home and hospital). Others may need an ORDER OF ISOLATION, H-474.

SEC. 17 QUARANTINE AND ISOLATION PLACARDS

Quarantine or isolation (see Sections 15 and 16) is not established until a placard is posted and/or written instructions given to the patient or contact. The courts only recognize quarantine by placard or written instruction. Oral notice is not legally recognized.

When a residence is quarantined, the District Health Officer or his representative attaches the placard(s) at the front or principal entrance. More than one placard may be posted.

Placards must contain the name of the disease or suspected disease, the name of the District Health Officer, signature of deputy posting, date of posting, address and telephone number of the district health center.

The employee who establishes a quarantine or isolation by placard or issues passes reports the details to the Chief of Acute Communicable Disease Control and Public Health Investigation.

All correspondence with other Health Departments, relative to violations of quarantine or legal orders of isolation, is handled by Chief, Public Health Investigation.

SEC. 18 HOSPITAL VISITS BY QUARANTINED PERSONS

Upon approval by the Los Angeles General Medical Center medical staff (226-3703), quarantined persons may visit the patient in the hospital. Persons under quarantine must travel by private conveyance to and from home. They are permitted to enter the Communicable Disease Unit under the supervision of the hospital staff. Persons under modified quarantine, who hold quarantine passes do not have to travel by private conveyance.

In emergencies, and when other means of patient transportation are not available, Public Health Investigation personnel are called to assist.

(Ord. 2024-0001 § 5, 2024.)

SEC. 19 RELEASE FROM ISOLATION OR QUARANTINE

A. When laboratory tests are required for release from isolation or quarantine of cases, contacts or carriers, exclusive of tuberculosis patients, the specimens must be submitted to a Public Health Laboratory approved by the State Department of Health. Within the geographic area of Los Angeles County, Public Health Laboratories approved by the State Department of Health are those of the County of Los Angeles Community Health Services, the City of Pasadena Health Department, and the City of Long Beach Health Department.

B. A NOTICE OF RELEASE TO RETURN TO WORK, H-1066, is issued by the District Health Officer, his representative, or the Public Health Investigator.

C. Release from an order of isolation is by written notice from the Chief, Public Health Investigation. For additional procedure, consult with Tuberculosis Control.

SEC. 20 TERMINAL CLEANING, VERMIN CONTROL AND DELOUSING

A. Terminal Cleaning. Quarantine is not lifted until terminal cleaning of the residence is completed to the satisfaction of the District Health Officer. The isolation area and fomites should be washed with soap and water or suitable disinfectant solution. (See chart at back of California State Department of Health Control of Communicable Diseases Manual.)

B. Vermin Control. Where a quarantinable vector-borne disease is suspected or known, a licensed pest control operator should properly treat, spray, or fumigate the premises, as necessary. This would be done under the direction of appropriate personnel of Environmental Management.

C. Delousing. When infestation is evident and personal treatment is involved, treat the patient as outlined in PART IV—PEDICULOSIS. All suspected infested clothing, bedding, and personal articles, should be thoroughly washed in hot water (140°F) or dry cleaned, whichever is appropriate. The interior of the premises suspected to be infested should be thoroughly cleaned and vacuumed. If needed, a licensed pest control operator should treat the interior and exterior premises under the direction of appropriate personnel of Environmental Management.

PART IV
SPECIFIC COMMUNICABLE DISEASES

SEC. 21 DISEASES

AMEBIASIS

ANTHRAX

BOTULISM

BRUCELLOSIS

CHANCROID (Soft Chancre)

CHICKEN POX (Varicella)

CHOLERA

COCCIDIOIDOMYCOSIS

DIARRHEA OF THE NEWBORN

DIPHTHERIA

ENCEPHALITIS (Arthropod-borne)

ENCEPHALITIS (Post infectious and Encephalitis of undetermined etiology)

FOOD POISONING

GONORRHEA

GONORRHEAL OPHTHALMIA NEONATORUM

GRANULOMA INGUINALE

HEPATITIS (Type A)

HEPATITIS (Type B)

HERPES SIMPLEX

INFLUENZA

LEGIONNAIRE'S DISEASE

LEPROSY (Hansen's Disease)

LEPTOSPIROSIS

LYMPHOGRANULOMA VENEREUM

MALARIA

MEASLES (Rubeola)

MENINGITIS ASEPTIC SYNDROME

MENINGOCOCCAL INFECTIONS

MUMPS (Infectious Parotitis)

PEDICULOSIS

PLAGUE

POLIOMYELITIS

PSITTACOSIS

Q FEVER

RABIES

RELAPSING FEVER (Louse-borne: Tick-borne)

RINGWORM OF THE SCALP (Tinea Capitis)

ROCKY MOUNTAIN SPOTTED FEVER

RUBELLA, ACUTE

RUBELLA (Congenital Syndrome)

SALMONELLOSIS (Salmonella and Paratyphoid infections, other than Typhoid)

SCABIES

SHIGELLOSIS (Dysentery, Bacillary)

SMALLPOX

STAPHYLOCOCCAL DISEASE (Local and general excluding food poisoning)

STREPTOCOCCAL INFECTIONS

SYPHILIS

TETANUS

TOXOPLASMOSIS

TRACHOMA

TRICHINOSIS

TUBERCULOSIS

TUBERCULOSIS (including other mycobacterial diseases)

TULAREMIA

TYPHOID FEVER

TYPHUS (Flea-borne, Endemic)

TYPHUS (Louse-borne, Epidemic Type)

WHOOPING COUGH (Pertussis)

YELLOW FEVER

PART V
REGULATIONS FOR COMMUNICABLE DISEASE ADMISSIONS AND INFECTION CONTROL IN HEALTH CARE FACILITIES

SEC. 22 REGULATIONS FOR COMMUNICABLE DISEASE ADMISSIONS IN HEALTH CARE FACILITIES

Patients with the following diagnoses or suspected diseases may not be admitted to any health facility nor treated in any health facility other than the Communicable Disease Unit of the Los Angeles General Medical Center:

1. Cholera
2. Diphtheria
3. Lassa Fever

4. Marburg Virus

5. Plague

6. Relapsing Fever (louse-borne)

7. Smallpox

8. Typhus Fever (louse-borne)

9. Yellow Fever

In addition, hospitalization at the Communicable Disease Unit, Los Angeles General Medical Center is urged for patients with the following diseases:

Botulism

Chicken pox (with complications)

Encephalitis, including VEE and other arbovirus encephalides

Measles (Rubeola with complications)

Meningococcal Meningitis

Mumps (with complications)

Poliomyelitis

Rabies

Scarlet Fever (severe)

Tetanus

Typhoid Fever

*Vaccinia, Generalized and Progressive: Eczema Vaccinatum

Whooping Cough (Pertussis, if severe and under 3 years of age)

*Important only if smallpox not suspected

(Ord. 2024-0001 § 6, 2024.)

SEC. 23 SUSPECTED OR DIAGNOSED COMMUNICABLE DISEASE WHICH MAY BE ADMITTED TO AND REMAIN IN ACUTE CARE HOSPITALS OR OTHER HEALTH FACILITIES

Any patient with a communicable disease listed as a Reportable Disease may remain in the facility providing Title 22 regulations are met for adequate isolation except those specifically listed in Sec. 22. In addition, patients who are asymptomatic carriers of salmonella, typhoid or shigella must not be discharged to skilled nursing or intermediate care facilities unless prior written approval has been obtained from the Chief, Acute Communicable Disease Control.

SEC. 24 REGULATIONS REGARDING COMMUNICABLE DISEASES IN SKILLED NURSING FACILITIES

Persons with a communicable disease shall not be admitted or cared for unless the following are met:

1. Any patient diagnosed as having a reportable, communicable disease or being in a carrier state, who the attending physician determines is a potential danger to other patients or personnel, shall be accommodated in a room provided with a separate toilet, handwashing facility, soap dispenser and individual towels.
2. The skilled nursing facility shall adopt and observe written procedures approved by the local health officer. Such procedures shall be posted at the nurses' station or other appropriate location. The procedures shall outline the technique to be used in the care of patients with a communicable disease, and shall include:
    a. Handwashing upon entering and leaving patient's room.
    b. Proper handling and disposal of infectious material.
    c. Procedures for medical and nursing personnel providing for proper techniques.
    d. Health education provided to the patient.
    e. Proper handling of dishes.
    f. Proper handling of patient care equipment.
3. Patients who are asymptomatic carriers of salmonella, typhoid, or shigella are not to be admitted to nor remain in these facilities unless prior written approval has been obtained from the Chief, Acute Communicable Disease Control.

SEC. 25 REGULATIONS REGARDING COMMUNICABLE DISEASE IN INTERMEDIATE CARE FACILITIES

No patient with a communicable disease may be admitted to nor permitted to remain in an Intermediate Care Facility.

Patients acquiring a communicable disease while in the facility shall be transferred to an appropriate facility as soon as possible. While awaiting transfer, the following requirements shall be met:

1. Any patient diagnosed as having a reportable communicable disease or being in a carrier state who the attending physician determines is a potential danger to other patients or personnel, shall be accommodated in a room provided with a separate toilet, handwashing facility, soap dispenser and individual towels.
2. The intermediate care facility shall adopt and observe written procedures approved by the local health officer. Such procedures shall be posted at the nurses' station or other appropriate location. The procedures shall outline the technique to be used in the care of patients with a communicable disease and shall include:
    a. Handwashing upon entering and leaving patient's room.
    b. Proper handling and disposal of infectious material.
    c. Procedures for medical and nursing personnel providing for proper isolation techniques.
    d. Health education provided to the patient.
    e. Proper handling of dishes.
    f. Proper handling of patient care equipment.

SEC. 26 INFECTION CONTROL POLICIES

The Infection Control Committee should establish the facility's isolation polices, based on guidelines, A through H, in Sec. 27, enforce their implementation and approve all procedures. Policies and procedures should be reviewed annually and revised as necessary.

An employee health program, outlining routine communications, should be developed by the committee. Immunizations available to all hospital personnel should include diphtheria-tetanus, measles, influenza, and rubella. All employees, especially women of child-bearing age, should be tested for rubella susceptibility, appropriately counseled, and offered rubella immunizations. Rubella susceptible individuals should not be employed in high risk areas unless immunized. High risk personnel, such as those working in the renal dialysis units, should be informed of the risk of hepatitis and related infections and health services should be available to them. Tuberculin non-reactors in a health care facility should be skin tested at least every 6 months and more often if in a high risk area. An x-ray should be obtained if the skin test is positive. Consideration for antituberculous treatment should be given to all reactors an definitely to convertors. If antituberculous treatment is refused, yearly check x-ray is advisable routinely and as necessary for respiratory symptoms.

Stool examinations are strongly recommended pre-employment for food handlers to rule out amoeba, salmonella, etc. Periodic examinations to detect asymptomatic carriers, in general, are unnecessary. Rather, employee education, stressing personal hygiene, and removal of the employee from work when ill with diarrhea, etc., should be strictly enforced. Personnel with cutaneous lesions or other overt infections should not be allowed to care for patients, especially those in nurseries, on the burn unit, or in areas where there are patients with decreased host resistance, nor should such personnel be allowed to prepare or serve food.

SEC. 27 REFERENCES

A. A Manual for the Control of Communicable Diseases in California, California State Department of Health.

B. American Hospital Association: Infection Control in the Hospital.

C. Benenson, A.S. (ed).: Control of Communicable Diseases in Man, American Public Health Association.

D. General Acute Care Hospital Regulations, Title 22, Division 5, Chapter 1.

E. Guidelines for Infection Control Programs, Skilled Nursing Facility, California State Department of Health.

F. Intermediate Care Facilities Regulations, Title 22, Division 5, Chapter 4.

G. Isolation Techniques for Use in Hospitals, U.S. Department of Health, Education and Welfare, Public Health Service, Center for Disease Control.

H. Skilled Nursing Facilities Regulations, Title 22, Division 5, Chapter 3.

PART VI
MORTICIANS AND CEMETERIES

SEC. 28 INSTRUCTIONS TO FUNERAL DIRECTORS

A. GENERAL

The Department of Health Services assist funeral directors in compliance with State Laws. Consult the Public Health Registrar for advice and assistance. Funeral directors must apply for burial permits within five days from date of death (Section 10377, Health and Safety Code).

B. DEPARTMENT OF MEDICAL EXAMINER'S CASES (Section 27491, Health and Safety Code)

1. Any funeral Director or embalmer called in a death from an unknown cause or suspected communicable disease must immediately notify the Department of Medical Examiner and be guided by its order. (Section 7300, 7301, 10225 and 10250, Health and Safety Code.)

2. Among those cases requiring inquiry by the Department of Medical Examiner are: "… deaths known or suspected as due to contagious disease and constituting a public hazard …" A Department of Medical Examiner referral will not be necessary for diagnosed cases of contagious disease, since the local procedures and the action of the Department of Health Services after notification will be the defense against any public hazard.

3. Cases of possible but not diagnosed contagious diseases, such as possible meningitis or possible pulmonary tuberculosis when an autopsy is not contemplated, shall be referred to the Department of Medical Examiner for diagnosis following which notification of proper authorities will be made.

4. Deaths from the following reportable diseases shall be Department of Medical Examiner cases:

Botulism

Food or metal poisoning

Hepatitis (Type B, serum)

Rabies

Tetanus

C. QUARANTINABLE DISEASE REGULATIONS

1. Funeral directors who serve the territory of the County of Los Angeles Department of Health Service (both unincorporated areas and cities under contract) must observe rules and regulations for the control of quarantinable diseases (Section 3110, Health and Safety Code).

2. Hearse or Mortuary Car. Only a hearse or mortuary car can convey the body of any person dead of a communicable disease except when that person died while being transported. An exception is made when the body is prepared for burial and enclosed in a casket and transportation case.

3. Embalming. The funeral director or embalmer must immediately report to the District Health Officer the name and address of the deceased person and all known facts relating to the cause of death, if cause is a suspected communicable disease.

Funeral directors are urged to determine the cause of death whenever possible and to adhere to careful hand washing and other protective techniques.

4. Transportation—Common Carrier

   a. Except as provided in subdivision (b), the bodies of persons who have died from any cause shall not be received for transportation by a common carrier unless the body has been embalmed and prepared by a licensed embalmer and placed in a sound casket and enclosed in a transportation case.

   b. A dead body, which cannot be embalmed or is in state of decomposition, shall be received for transportation by a common carrier if the body is placed in an airtight metal casket enclosed in a strong transportation case or in a sound casket enclosed in an airtight metal or metal-lined transportation case. (Section 7355, Health and Safety Code.)

5. Funeral Services. The funeral director or the District Public Health Registrar will immediately notify the Chief, Public Health Investigation, when a death from any quarantinable disease is certified. The Chief, Public Health Investigation, or his representative, will supervise these funerals.

a. Plague, Smallpox. No services are permitted and interment is under strict supervision of the Department of Health Services for these diseases.

b. Typhus Fever (louse-borne). There are no restrictions if patient had been hospitalized and deloused before death and family contacts have been deloused. Otherwise, funeral services are "Private."

c. Cholera, Diphtheria.

Deaths in quarantinable household.

Private funerals may be required.

The following will apply:

1) No restrictions are imposed where there is no attendance by quarantined contacts provided casket remains closed.

2) In suspected diphtheria without bacteriological diagnosis, funeral directors must immediately notify the District Health Officer. Refrain from using formaldehyde or any disinfectant until the District Health Officer or Coroner obtains a specimen for laboratory examination.

3) All funeral directors must notify the cemetery that such funerals are "Private" and the cemeteries must assist in carrying out these regulations.

4) After the body is prepared for burial, the parents or immediate family members over age 15 may identify the body but without contacting it. Immediately after identification, the casket will be closed and fastened permanently. A glass "sealer" may be used if the family desires. If there is no identification, the casket must be closed and fastened permanently before being transported.

5) Only members of a quarantined household over 15 years of age may attend services to be held only at the grave. Passes for this attendance must be signed by the District Health Officer or his representative. (Section 10376, Health and Safety Code.) Trips to and from the quarantined premises must be made in a private conveyance. Family members must remain apart from others who attend the services.

(Ord. 2023-0032 § 15, 2023.)

SEC. 29 INSTRUCTIONS TO CEMETERY AUTHORITIES

A. GENERAL

The County of Los Angeles, Department of Health Services, will assist cemetery authorities in compliance with State laws.

B. STATE STATUTES

Cemetery authorities in the territory served by the County of Los Angeles, Department of Health Services, must adhere to the following statutes:

1. Interment or cremation or other disposition of any body (including a fetus of 20 or more weeks uterogestation) requires a burial or cremation permit. (Section 10375 and 10175, Health and Safety Code.)

2. Interment of the body of a person dead of a quarantinable disease requires a burial permit marked by the words "Private Funeral."

3. All cemetery authorities will immediately report to the District Health Officer all requests from funeral directors or others for interment of a body dead of a quarantinable disease.

4. In graveside services of persons of a quarantinable disease, all cemetery authorities will be governed by the rules and regulations for funeral directors.

5. Questions regarding the shipment of bodies to foreign countries should be directed to the Public Health Investigation unit of the Department of Health Services.

PART 2 ENVIRONMENTAL MANAGEMENT

RULES AND REGULATIONS NUMBER 1 OF THE LOS ANGELES COUNTY HEALTH DEPARTMENT ADOPTING NATIONAL SANITATION FOUNDATION STANDARDS FOR NEW COMMERCIAL FOOD SERVICE EQUIPMENT

The following Rules and Regulations are adopted effective April 1, 1965 by the Los Angeles County Health Officer pursuant to Section 321 of Ordinance No. 7583, Public Health Code (Los Angeles County Code Section 11.02.160) as a guide to interpret requirements governing the sanitary design and performance of equipment for food establishments.

Standard No. 1—Revised April, 1964
"Soda Fountain and Luncheonette Equipment"

Standard No. 2—Reprinted with revisions April, 1964
"Food Service Equipment"

Standard No. 3—May, 1953 with revisions 1956
"Spray-type Dishwashing Machines"

Standard No. 4—January 1, 1958 as amended, July, 1963
"Commercial Cooking and Warming Equipment"

Standard No. 5—January 1, 1959
"Commercial and Hot Water Generating Equipment"

Standard No. 6—January 1, 1959
"Dispensing Freezers"

C-1—August, 1958
"Basic and Special Criteria for Food Vending Machines"

C-2—Revised April, 1964
"Basic Criteria for the evaluation of Special Equipment and/or Devices"

Copies of such standards shall be kept available for public examination at the Los Angeles County Health Services, 313 North Figueroa, Room 326, Los Angeles.

The following exceptions and modifications are adopted:

GENERAL EXCEPTION:

The installation requirements of "National Sanitation Foundation" standards are not adopted except when specifically stated herein. Installation shall generally conform to the requirements outlined in the drawings and specifications of the Department's latest "Food Equipment Installation Guide" or to standards which the Health Officer determines to be equivalent.

SPECIFIC EXCEPTIONS:

Standard No. 2, dated April, 1964, "Food Service Equipment" is adopted except that Sections 4.19, 4.38 and 4.48 are changed to read as follows:

Section 4.19—Metal doors to enclose openings and provide access to interior compartments shall be fabricated in two basic types of construction; that is, by means of single panel or double panel walls, with or without intermediate insulation. Hinges shall be kept to a minimum. Hinges required in the food zones, shall be easy to clean and of simple take-apart design and construction. Piano-type or fixed pin hinges are not permissible in the food zone. All sliding doors are to be removable. Doors other than metal are to be in accordance with "MATERIALS" specifications and of flush-panel type.

Section 4.38 DRAWERS AND BINS: All drawers, bins, and drawer carriages shall be made readily removable for cleaning. Bins for food ingredients are to be in a totally enclosed space, or when not enclosed, to be provided with a tight-fitting cover. Food ingredient containers, including portable food containers, shall have tight fitting covers and comply with Items 3.01 and 4.03. Square corners and smooth galvanized metal are permitted for containers intended for the storage of dry, unpackaged foods and for dishwashing and pot-washing sinks.

Section 4.48 TOPS OF COUNTERS, TABLES, AND BACK BARS: Tops, if exposed, shall be in one piece, or all seams shall be welded, ground and made smooth, provided that field joints shall comply with Item 4.21. Provided all corners are tight, smooth and tight-jointed laminated hard maple or equivalent topped baker's tables and meat blocks are permitted for bakery and butcher-shop type food preparation.

Standard No. 5, January 1, 1959, "Commercial Hot Water Generating Equipment" is adopted except that Sections 3.04, 5.02, 5.04, 5.06, 5.07, 5.08, 5.09 and 5.15 are deleted and Sections 4.00, 4.01, 5.03, 5.09 are changed to read as follows:

Section 4.00 GENERAL: Hot water generating equipment shall be so designed and installed as to make cleaning of the external surfaces of various units and parts easy, and to minimize places where dirt will collect and where vermin may find shelter.

Section 4.01 SPACE BENEATH: "Where installed in areas where food is processed, stored or prepared, self-supported hot water generating equipment mounted on legs shall have a clear space underneath at least 6" high to provide for proper cleaning. Base mounted units shall provide access for proper cleaning, and shall be designed to be easily cleaned."

Installation requirements of Standard No. 5 are hereby modified to read as follows:

Section 5.03 WATER SUPPLY PRESSURE CONTROL: In order to assure a uniform required volume of hot water for the fresh water rinses of dishwashing machines, when the flow pressure exceeds 25 pounds, either a flow control valve should be installed, that will maintain the prescribed minimum rate of flow under all probable variations in flow pressure, or a reliable pressure reducing valve should be installed and so set as to give 15 to 25 pounds flow pressure on the fresh water rinse line at the dishwashing machine. (It is suggested that 20 pounds flow pressure is the ideal operating pressure.) The flow control valve or the pressure reducing valve should be installed as close to the machine as possible, and outside the recirculation line is used. Each installation should include a suitable gauge cock installed where the flow pressure may be conveniently measured. Flow or pressure control valves should be adjusted with provision for the adjustment to be locked so it cannot be changed without tools.

Section 5.09 RECIRCULATION PUMPS: "Where the length of piping from the heater to a dishwasher designed for intermittent use exceeds 20' an approved means of circulation shall be provided for the 180° F. sanitizing rinse water."

APPENDIX TO STANDARD No. 5

The appendix and the charts and tables of Standard No. 5 are hereby adopted for guidance in determining the quantity of hot water required for various commercial, spray-type dishwashing machine installations.

Criteria C-2 dated April 5, 1961 and revised April, 1962, "Evaluation of Special Equipment and/or Devices" is adopted except that Section 4.03 is amended to read as follows:

Section 4.03 is amended: INTERNAL CORNERS OR ANGLES OF FOOD CONTACT SURFACES:

An internal angle formed by the intersection of surfaces at 135° or less, and to be manually cleaned, shall have a minimum continuous and smooth radius of 1/8 inch. Square corners and smooth galvanized metal are permitted for containers intended for the storage of dry, unpackaged foods and for dishwashing and pot-washing sinks, provided all corners are tight.

Section 4.031 LESSER RADII: Lesser radii may be used where necessary for proper functioning of parts (such as sealing ring grooves, holes, or grooves), provided that they can be readily cleaned.

Section 4.032 GREATER RADII: Greater radii may be required where cleaning, product flow and maintenance requirements indicate.

RULES AND REGULATIONS NUMBER 2 OF THE LOS ANGELES COUNTY HEALTH DEPARTMENT GOVERNING SANITARY PREPARATION AND HANDLING OF SALAD-TYPE SANDWICHES

The following Rules and Regulations are adopted effective April 1, 1965 by the Los Angeles County Health Officer, pursuant to Section 321 of Ordinance 7583, Public Health Code (Los Angeles County Code Section 11.02.160) to provide specific standards governing sanitary protection and handling of salad-type sandwiches.

These Rules and Regulations shall apply to the preparation of salad-type wrapped sandwiches which include, but are not limited to ham salad, tuna salad, egg salad, chicken salad, turkey salad, and sandwiches prepared with similar types of food ingredients which may support the rapid and progressive growth of organisms that may cause food illness.

1. Handwashing facilities with hot and cold running water, discharging through a mixing-type outlet so the user may adjust the temperature, a soap dispenser and sanitary towels, shall be provided and maintained in room or area where sandwiches are prepared and shall be used by all food handlers upon coming to work, after use of toilets and whenever the hands have been subject to contamination.
2. All employees handling unwrapped sandwiches or their ingredients shall wear clean outer garments and head covers, and shall practice sanitary techniques and methods to preserve the purity and sanitary quality of the product and to avoid contamination of the product. Management shall supervise the sanitary preparation of sandwiches and require that no employee with cuts, sores, infections or other conditions with might cause food contamination handles unwrapped sandwiches or ingredients therefor.
3. All utensils and equipment which come in contact with the food shall be of such material, construction and design as to be readily cleanable and shall be kept in a clean and sanitary condition. All equipment which comes in contact with salad-type sandwich ingredients shall be washed in warm water containing a detergent and rinsed by immersion in hot water at 170° F. or above exposed for 1/2 minute to a sanitizing solution approved for multi-use utensils at least once each shift.
4. No mixing, blending, or other processing of ingredients shall be done with hands in contact therewith except where the Health Officer determines it is not practical to handle with implements, such as egg

shelling, handling meat for grinding. Mixing salad ingredients and handling after mixing shall be by clean implements only.

5. Boiled, shelled eggs shall be sanitized before further processing for salad sandwich ingredients. This may be done by dipping in boiling water for 10 seconds or sanitized as approved by the Health Officer.

6. If the ingredients are such as can support the rapid growth of organisms which may cause food-borne illness, those ingredients shall have been kept refrigerated at all times until ready for use in sandwich preparation, except when being processed or as allowed herein.

7. The amount of salad ingredients kept out of refrigeration for making into sandwiches and the sandwich preparation procedures shall be so conducted that no such ingredients will warm to above 50° F. prior to use in preparation.

8. All ingredients for salad-type sandwich fillers shall have been brought to a temperature of 50° F. or below before being placed in the sandwiches. When quantities of such food which have not previously been chilled are placed in the refrigerator for chilling they shall be placed in shallow layers not more than 3" deep and so arranged as to promote rapid and effective chilling or in other containers if their size and shape and the cooling conditions are such as to chill to 50° F. or below as rapidly as a large mass is chilled in a 3" deep container under normal, approved refrigerator conditions.

9. No ingredients shall be used as ingredients for salad-type sandwich unless they have been at all times handled and treated in full compliance with refrigeration and handling requirements applicable to all other sandwich ingredients.

10. Wrapped salad-type sandwiches shall be placed in a refrigerator as each unit box or rack is filled and in no case in more than one hour after preparation.

RULES AND REGULATIONS NUMBER 3 OF THE COUNTY OF LOS ANGELES HEALTH DEPARTMENT GOVERNING INSTALLATION AND USE OF WATER TREATMENT MECHANISMS ON CONSUMER DOMESTIC WATER SUPPLY LINES

The following Rules and Regulations of the County of Los Angeles Health Officer Governing the Installation and Use of Water Treatment Mechanisms on Consumer Domestic Water Supply Lines are established in furtherance and clarification of Section 501 of the Public Health Code, (Ordinance No. 7583) (Los Angeles County Code Section 11.38.030) dealing with cross-connections. Authority: Section 321, Ordinance No. 8588. (Los Angeles County Code Section 11.02.160.) Effective: July 13, 1970.

It is the position of the Health Officer that:

(a) public water supplies as delivered to consumer premises are or should be of such character as to be in the greatest degree acceptable for domestic use without further treatment,

(b) the unwarranted addition of chemicals to the domestic water supply is not in the public health interest,

(c) the uncontrolled addition of chemicals to the domestic water supply is contrary to public health and safety,

(d) the burden of proof in establishing a need for and beneficial effect of water treatment rests with the proponent,

(e) chemicals proposed for use shall be unequivocally safe in dosage and manner applied to the satisfaction of the Health Officer,

(f) violation of these rules and regulations constitutes a cross-connection violation and is subject to abatement as such.

1. No person shall install, maintain, or use any water treatment mechanism, device or contrivance on any domestic water line to or within any consumer premises without prior written approval and authorization by the Health Officer. Exception: This section shall not apply to:

   (a) the installation of water treatment equipment to industrialized water systems protected against backflow by the proper installation of approved backflow prevention devices,

   (b) salt (sodium chloride) regenerated zeolite softeners.

2. No person shall add or introduce any chemical into any domestic water supply line to or within any consumer premise in any manner without prior written approval and authorization by the Health Officer. Exception: This section shall not apply to the salt (sodium chloride) regeneration of zeolite softeners.

3. The following criteria shall be used in evaluating an application for installing a water treatment mechanism or applying chemical treatment to a domestic water system.

A. Need: Documentation shall be provided establishing that a water problem exists and is subject to control by the treatment proposed.

B. Safety:

   (1) Each formulation proposed for use shall be registered with the Health Officer, giving complete chemical analysis and percentage composition as prepared by a recognized laboratory.

   (2) Each mechanism, device, or contrivance proposed for use shall be registered with the Health Officer, with detailed mechanical drawings and materials specifications.

   (3) Each such unit shall be of durable construction and protected from unauthorized entry by a locking mechanism.

C. Dosage: Chemicals shall applied at the lowest level to accomplish intended purpose.

D. Feed:

   (1) Chemical feed shall be proportionate to water flow through the system treated.

   (2) Accuracy of the feed mechanism shall be such as to maintain applied dosage within the intended range.

   (3) Each mechanism, contrivance, or device shall be designed and/or equipped so as to prevent the back siphonage of treatment chemicals into downstream piping in conflict with the foregoing.

   (4) Certified reports from reputable chemical and mechanical testing laboratories shall be submitted to the Health Officer documenting

      (a) proportionality of feed,

      (b) accuracy of the feed mechanism over the full range of anticipated water flow,

      (c) prevention of siphonage.

E. Identification: Each assembly of any water treatment mechanism, device, or contrivance shall bear a permanently affixed and durable nameplate, decal, label or similar identification with the following information in easily readable form and size: manufacturer, model, size, and where appropriate, serial number.

In addition thereto, each assembly shall bear a permanently affixed and durable plate, decal, label or similar identification, mounted in a position readily in view of a person charging the unit, bearing the following information in easily readable form and size: Caution: This unit has been approved for the application of (formulators name and compound identification) only.

4. Chemicals shall be stored and dispensed in a sanitary manner from original containers bearing descriptions of materials, manufacturer/formulator, and address, or repackaged or dispensed in a sanitary manner from similarly identified containers.

5. Control of treatment at each installation shall be based upon the laboratory findings of a reputable laboratory. The permittee shall submit semi-annual chemical, physical or other laboratory test results to the Health Officer to substantiate the beneficial effect of treatment.

6. Upon finding by the Health Officer that a permittee is unable to establish the effect of water treatment in accordance with need declared in application, authorization for said treatment may be revoked.

7. Upon revocation of authorization by the Health Officer, a permittee shall immediately discontinue water treatment and shall within 30 days thereafter dismantle and remove any water treatment mechanism, device, or contrivance associated therewith from the water system.

8. Upon cessation of water treatment, for any cause whatever, any water treatment mechanism, device or contrivance associated therewith shall within 30 days be dismantled and removed from the water system by the permittee.

RULES AND REGULATIONS NUMBER 4 OF THE COUNTY OF LOS ANGELES DEPARTMENT OF HEALTH SERVICES GOVERNING PASS-THROUGH OPENINGS TO THE OUTSIDE OF RESTAURANTS AND OTHER FOOD ESTABLISHMENTS, EXCEPT TEMPORARY FOOD STANDS AND MOBILE FOOD PREPARATION VEHICLES

The following Rules and Regulations are adopted effective December 1, 1976 by the Los Angeles County Health Officer pursuant to Sections 321, 352, and 374 of the Public Health Code, Ordinance No. 7583, as amended, to (Los Angeles County Code Sections 11.02.160, 11.12.010 and 11.12.230) to provide for the protection of foods from contamination by flies and other insects and from dust, dirt or other contamination. Violation of these rules and regulations constitutes a violation of Sections 352 and/or 374 of Ordinance No. 7583 (Los Angeles County Code Sections 11.12.010 and/or 11.12.230), and may be prosecuted as such.

1. All pass-through food service openings to the outside of restaurants and other food establishments shall comply with the following:
    a. The counter surfaces at the openings shall be smooth and cleanable.
    b. As an integral part of the opening, a closure shall be provided to exclude the entry of dust and vermin.
    c. Openings shall remain closed when not in use.
    d. Openings shall not be closer together than 18 inches.
    e. When flies, insects, or other vermin or dust, dirt, or other contaminants are present, additional control measures shall be provided.
2. Food service pass-through opening size requirements for new restaurants or food establishments:
    a. Pass-through openings without fly exclusion devices shall be limited to a maximum size of 216 square inches.
    b. Openings exceeding 216 square inches, up to a maximum of 432 square inches (3 square feet), shall be equipped with an effective fly exclusion device.
    c. In order to construct an opening larger than 3 square feet, a unique or necessary need must be demonstrated and a written variance must be obtained from the Health Officer. Such openings

shall be limited to a maximum size of 6 square feet and shall be provided with an effective fly exclusion device.

3. Restaurants and food establishments existing on the effective date of these rules and regulations shall comply with the following:

    a. No food service pass-through opening shall exceed 6 square feet.

    b. Existing pass-through openings without effective fly exclusion devices shall be limited to a maximum size of 3 square fee. All existing openings in excess of 3 square feet and up to 6 square feet shall be provided with an effective fly exclusion device.

4. Restaurant and food establishment food service pass-through openings in excess of 6 square feet existing on the effective date of these rules and regulations shall be modified to comply with one of the following:

    a. Pass-through openings without effective fly exclusion devices shall be limited to a maximum size of 216 square inches.

    b. Openings exceeding 216 square inches, up to a maximum of 432 square inches (3 square feet), shall be equipped with an effective fly exclusion device.

    c. In order to construct an opening larger than 3 square feet, a unique or necessary need must be demonstrated and a written variance must be obtained from the Health Officer. Such openings shall be limited to a maximum size of 6 square feet and they shall be provided with an effective fly exclusion device.

5. Fly exclusion devices referred to by these rules and regulations shall be of a type prescribed by or acceptable to the Los Angeles County Health Officer and shall be effective in their operation. Installation, operation, and maintenance of fly exclusion devices shall be in a manner prescribed by or acceptable to the Health Officer.

RULE AND REGULATIONS NUMBER 5 OF THE LOS ANGELES COUNTY DEPARTMENT OF HEALTH SERVICES ADOPTING SCHEDULE FOR FEES FOR SERVICES RENDERED BY THE HEALTH OFFICER

The following Rule and Regulation is adopted effective October 19, 1979, by the County of Los Angeles Health Officer pursuant to Section 751 of Ordinance 7583, Public Health Code (Los Angeles County Code Section 11.06.020) as a schedule of fees for the granting of permits and on-site inspections to determine compliance to all codes and regulations for the drilling, modifying, converting or destroying of water wells; for plot plan review, investigation, soil porosity testing, and on-site inspections as necessary to determine requirements for and approval of private sewage disposal systems; and to include fees for technical services provided to applicants by the department for the on-site inspection and approval of existing private sewage disposal systems and to determine the adequacy and safety of water supplies, waste disposal and structure of cabins for occupancy within the boundaries of the United States Forest Service.

Failure to pay said fees as provided for in Chapter 8.04 of Title 8 shall constitute violation of Section 751 of Ordinance 7583 (Los Angeles County Code Section 11.06.020), and may be prosecuted as such.

(Ord. 2005-0053 § 17, 2005; Ord. 88-0106 § 30, 1988; Ord. 87-0064 § 3, 1987; Ord. 86-0099U § 3, 1986; Ord. 85-0111U § 3, 1985; Ord. 84-0099 § 3, 1984; Ord. 84-0097U § 3, 1984.)

PART 3 OCCUPATIONAL HEALTH RULES AND REGULATIONS OCCUPATIONAL HEALTH DIVISION

The following Rules and Regulations are adopted effective July 1, 1968, by the Los Angeles County Health Officer, in accordance with Section 32 I, Ordinance No. 7583, Public Health Code (Los Angeles County Code Section 11.02.160), to interpret Sections 1151, 1153, 1154, 1155, 1159, 1160, 1162, 1163, 1173, 1174, 1175, 1189, 1190 and 1191 of said ordinance (Los Angeles County Code Sections 11.22.500, 11.22.610, 11.22.620, 11.22.630, 11.22.640, 11.22.650, 11.22.690, 11.22.720, 11.22.740, 11.22.750, 11.22.760, 11.22.770, 11.22.890 and 11.22.900).

PART I. DEFINITIONS

Section 1. Definition of Terms

For the purposes of these rules and regulations the following definitions shall apply.

1.1 Breathing zone—The area or zone of a worker's head during normal operation of a process or while at work.

1.2. Capture velocity—The velocity of air at specified points or zones which causes air contaminants to flow to an exhaust system.

1.3. Conveying velocity—The air speed determined to be necessary to convey a contaminant through a duct or system.

1.4. Corrosive—Any substance which on contact will cause destruction or damage to living tissue by chemical action. This term shall not refer to action on inanimate surfaces.

1.5. Gassing—The rate of generation of a contaminant.

1.6. General ventilation—Introduction of uncontaminated air into an area, room or building or exhausting air therefrom by other than local exhaust ventilation systems.

1.7. Hood—Any air intake device connected to an exhaust ventilation system or duct to capture and remove dusts, fumes, gases, vapors, mists, smoke, heat or otherwise provide local exhaust ventilation.

1.8. Irritant—Any substance not necessarily corrosive as defined in Section 1.4., but which on either immediate, prolonged or repeated contact with normal living tissue will induce an inflammation or irritation.

1.9. Lateral exhaust—Local exhaust ventilation designed with slots at the periphery or along the midsection of a surface or tank for the purpose of preventing escape of significant amounts of contaminants to the breathing zone.

1.10. Local exhaust ventilation—A ventilating system intended to capture air contaminants at or near their point of origin and transport them to an approved exhaust system.

1.11. Natural ventilation—General ventilation without the aid of mechanical air moving devices.

1.12. Non-ionizing radiation—As related to industrial sources comprises electromagnetic radiation within the spectral range of approximately 50 to 3 X 1010; including ultraviolet, coherent light, visible infrared and microwave radiation.

1.13. Strong sensitizer—A substance which will cause on normal living tissue through an allergic or photodynamic process a hypersensitivity which becomes evident on reapplication of the same substance.

1.14. Maximum Acceptable Concentration—Exposure to dust, fumes, mists, vapors or gases of such concentration as to produce effects herein defined as harmful. Concentrations which are considered to be the Maximum Acceptable Concentrations for various substances are listed in Part IX Supplement, Appendix C, Maximum Acceptable Concentrations.

1.15. Toxic substance—A toxic chemical as defined by Section 1124 of Ordinance No. 7583 (Los Angeles County Code, Section 11.22.250).

PART II. GENERAL REQUIREMENTS

Section 2.1. Duct System

2.2. When the space under, above, behind or beside duct systems must be regularly cleaned, a clear space of at least six (6) inches for cleaning or maintenance shall be provided.

2.3. Where materials may accumulate in an approximately horizontal duct and thereby reduce the system's efficiency significantly below design requirements, access openings for cleaning shall be provided therein at least every ten (10) feet in ducts smaller than one hundred and ninety (190) square inches in cross sectional area and at least every twenty (20) feet in larger ducts.

2.4. Cleanout openings shall be at least as large as the duct they serve or one hundred and ninety (190) square inches, whichever is the smaller.

2.5. Cleanout openings in the duct or fan shall provide ready access to the fan housing and blade.

2.6. Suitable shut-off devices or caps shall be installed on all openings to the system which are not intended and used for ventilation and such openings shall be kept closed except when in actual use for access or maintenance.

Section 3. Confined Space

3.1. Whenever a worker enters a confined space or works where concentrations of gases, vapors, dusts, mists, fumes or smoke are likely to produce conditions potentially hazardous to health, the following shall apply.

3.2. Persons engaged in the operation shall be advised of hazards they may encounter.

3.3. Lines which may convey toxic substances to the confined space shall be disconnected and "blinded off" or other positive means shall be used to prevent such substances from entering the confined space while occupied by workers.

3.4. Before entering the confined space it shall be emptied, flushed and purged of toxic substances. Workers entering such space shall be adequately protected by one of the following means,

(a) Approved oxygen or supplied air respiratory equipment.

(b) If respirators other than described in 3.4(a) are used, they be approved and sufficient make-up air shall be continuously supplied to mitigate any potential hazard due to oxygen deficiency or excess contamination as stated on the canister. Appropriate tests shall be made prior to entering and while working in confined spaces.

(c) In addition to (a) and (b) above, workers shall be provided with such protection as may be necessary to prevent a health hazard from contact or by skin absorption.

3.5. Persons entering tanks, vessels or confined spaces shall wear an approved safety belt with a life line attached, or another approved device shall be used. At least one person shall be able and ready to give assistance in case of emergency and shall stand by on the outside when any person is on the inside. When conditions require the wearing of respiratory equipment in a confined space, the person ready to give assistance shall have such approved respiratory equipment instantly available.

3.6. Wherever work is to be performed in a confined space, provisions shall be made to permit ready entry and exit of the worker and of the rescuing person.

3.7. All work periods in a confined space shall be only as long as the worker can reasonably endure such conditions without serious discomfort and without hazard to health.

Section 4. Illumination.

4.1. For purposes of this code, the recommended lighting standards should conform with those recommended and approved September, 1962 by the Illuminating Engineering Society

Section 5. Non-ionizing Radiation

5.1. Workmen shall not be exposed to hazardous levels of non-ionizing radiations.

Section 6. Protection Against Light Radiation

6.1. All employees who are engaged in gas or arc cutting and welding or similar operations employing fuel gas torches or electric arc equipment and other employees who are in the immediate vicinity of such operations and exposed to radiant energy, heat energy or excessive brightness shall be shielded or be provided with and required to wear properly shaded goggles for eye protection or face masks or helmets equipped with properly shaded eye protection to protect the exposed portions of the face.

6.2. Where practicable, permanent or portable shields or curtains shall be provided that will surround the actual operations sufficiently to shield other employees in the area from the rays. Where such shields are employed, they shall be made of fire resistive materials or may be of heavy canvas construction treated with fire resistive solutions. Such curtains or enclosures shall be open at the bottom and only high enough to accomplish their purpose without unduly interfering with the general ventilation of the area.

6.3. Employees exposed to radiant energy from gas cutting, welding, flame heating and hardening and brazing operations shall be provided with and required to wear properly fitted and shaded goggles to protect the eyes, and such goggle protection devices which meet the minimum current requirements of the United States of American Standards Institute Safety Code Z2-1-1959 shall be deemed compliance with this rule.

6.4. Employees directly engaged in arc cutting and welding shall be provided with and required to use a shield or helmet that protects the face; such shield or helmet shall be provided with one or two windows and fitted with the proper shaded glass for eye protection. Such shields and helmets which meet the minimum current requirements of the United States of America Standards Institute Safety Code Z2-1-1959 shall be deemed compliance by the employer with this rule. Helpers or other employees in the immediate vicinity of such operations, but not necessarily exposed to skin injuries due to radiation, shall be provided with and required to wear properly shaded goggles to protect the eyes against radiation; such goggles which meet the minimum requirements of the United States of America Standards Institute Safety Code Z2-1-1959 shall be deemed compliance by the employer with this rule.

PART III. STORAGE OF TOXIC SUBSTANCES

Section 7. Storage Area

7.1. Toxic substances kept in open containers shall be stored in a special storage area separated from the rest of the plant and under conditions not potentially hazardous to health. Such area shall be accessible only to especially authorized personnel.

7.2. The floor shall be kept in good repair and designed to permit removal or disposal of spillage without creating a hazard to health.

7.3. The storage area for toxic substances in opened containers shall be well ventilated. Such areas shall have ventilating openings to the outside air equivalent to at least 5% of the floor area and such additional ventilation as necessary to prevent the accumulation of toxic substances significantly above their threshold limit values.

7.4. Mechanical exhaust ventilation shall be provided as may be necessary to accomplish the requirements of Section 7.3.

Section 8. Emergency Precautions

8.1. In storage areas where a spill, rupture or break of containers may create a hazard to health, adequate approved personal protective equipment shall be kept conveniently available.

8.2. Standard operating procedures for mitigating situations described in Section 8.1. shall be posted at the entrance to the storage area.

Section 9. Empty Containers

9.1. Empty containers which have held toxic substances shall be properly drained, have all openings tightly closed and shall remain in controlled storage (as in Section 7.1.) until returned to the supplier, safely disposed, reused as authorized under Section 12.3 or all residue of such toxic chemicals is removed therefrom.

PART IV. HANDLING OF TOXIC SUBSTANCES

Section 10. General

10.1. Toxic substances shall be handled in such a manner as to eliminate or minimize the discharge into a working environment of dusts, fumes, mists, gases, vapors, or smoke.

10.2. When toxic substances are handled manually, the handlers shall wear adequate personal protective clothing and equipment as specified in Part V.

10.3. Persons who handle toxic substances shall be instructed as to the hazardous nature and proper handling procedures for such substances.

Section 11. Transfer

11.1. Insofar as practical, the transfer of toxic or corrosive materials shall be accomplished in self-contained, enclosed systems.

11.2. Transfer of toxic substances from one container to another by mouth pipettes, mouth siphon or mouth suction shall be prohibited.

Section 12. Containers

12.1 All toxic substance containers shall be equipped with tight closures, shall be designed and constructed to be resistant to shock incident to normal handling, and shall be of materials that will not react dangerously with or be significantly deteriorated by the substance packed therein.

12.2. All containers of toxic substances shall be properly labeled as specified in Part VI.

12.3. A container which has been used for toxic substance shall not be used for any other substances unless the requirements of Part III, Section 9, of these rules and regulations are satisfied.

Section 13. Carboys

13.1. Carboys shall be emptied only by the following methods:

(a) By suction from a vacuum pump or aspirator.

(b) By starting a siphon with a rubber or plastic bulb ejector.

(c) By using a carboy incinerator which hold the carboy firmly by the top and sides and automatically returns to the neutral position when released.

13.2. When carboys must be moved from one location to another within the plant, a long-handled carboy truck shall be used. It shall pick up the boxed carboys under the handle cleat or by the bottom cleat provided on all standard 12- or 13-gallon boxed carboys.

Section 14. Piping

14.1. All piping containing toxic substances shall be adequately labeled as to its contents.

Section 15. Personal Hygiene

15.1. There shall be no smoking, eating, drinking or storage of food in areas where toxic substances are stored, handled or used.

15.2. Adequate convenient facilities for personal cleanliness shall be provided where toxic substances are handled.

Section 16. Emergency Procedures

16.1. Standard operating procedures for dealing with an accidental spill or splash of a toxic substance shall be posted in working areas. Personnel shall be instructed regarding the provisions thereof

16.2. Adequate emergency equipment and protective clothing shall be readily available.

16.3. Adequate first-aid facilities shall be provided and kept in a clean and sanitary condition.

PART V. PERSONAL PROTECTIVE EQUIPMENT

Section 17. Respirators

17.1. Use.

17.2. Respirators shall not be used as a substitute for effective ventilation or process controls. They may be used only as follows:

(a) As a necessary adjunct to other controls.

(b) Where the operation is infrequent and of short duration.

(c) Under emergency conditions only until effective ventilation or process controls are installed.

17.3. Workers shall be provided with a clear understanding of the reasons for and limitations of respirator usage and management shall see that they are used, as necessary.

17.4. Selection.

17.5. Only respirators which have been tested and approved by the United States Bureau for Mines or California Division of Industrial Safety may be used. They shall be used only for purposes and under conditions for which such approval has been granted.

17.6. The respirators shall be of a type and so used as to insure proper fit and a minimum of discomfort and resistance to breathing.

17.7. Maintenance.

17.8. Respirators used by one person shall be cleaned and sanitized with an effective germicidal agent prior to use by another person.

17.9. All respirators shall be so maintained and filters, cartridges and canisters shall be checked regularly and replaced as often as necessary to provide the intended protection without excessive resistance to passage of air.

17.10. Storage.

17.11. All respirators not regularly in use shall be cleaned, sanitized and checked to assure that they are in good condition prior to storage and then kept in a clean, dry place.

Section 18. Gloves, Aprons, Boots, and Eye Protection

18.1. Persons who work in areas where their clothing, skin or eyes may be sprayed or splashed with corrosives, irritants, allergens or skin absorbent materials shall wear impervious gloves, aprons, boots, or clothing and suitable goggles as are necessary for protection against the particular hazard(s).

18.2. Such personal protection equipment shall be stored and maintained in a good and sanitary condition.

Section 19. Emergency Eye Fountains and Showers

19.1. Where toxic substances are stored, handled or used, emergency flood showers and eye wash fountains or other emergency water supply acceptable to the Health Officer shall be provided in the immediate area. However, if in the opinion of the Health Officer, toxic substances other than corrosives are used and the hazard to skin and clothing is a minimum then eye wash fountains only need be provided.

19.2. Shower and eye fountains shall be connected to a potable water supply line and shall be supplied with adequate pressure and quantity of water at all times.

PART VI. LABELING

Section 20. Containers

20.1. All containers of toxic substances shall be labeled in accordance with Article 85 of the California General Industry Safety Orders, California Administrative Code or with the general principles outlined in "Guide to Precautionary Labeling of Hazardous Chemicals," Manufacturing Chemists' Association, Inc., Sixth Edition, 1961, whichever is most restrictive.

PART VII. LOCAL EXHAUST VENTILATION

Section 21. Design

21.1. Local exhaust ventilator systems required to control air contaminants shall be designed, installed, maintained and operated to meet the minimum requirements in the tables in Part VIII, Appendix A, unless specified elsewhere in the Rules and Regulations or unless otherwise approved in writing by the Health Officer

21.2. Such systems shall be designed so contaminants are not brought to worker's breathing zones on their way to the exhaust hood.

21.3. Rooms or areas in which such systems are installed shall be provided with properly located air inlets to provide as much make-up as is exhausted.

21.4. Air from local exhaust ventilation systems shall not be recirculated if the contaminant is a toxic substance.

Section 22. Air Filters for Paint Spray Booths

22.1. Air filters shall be maintained in such a manner as to prevent excessive pressure drop.

22.2. Resistance of the air filters shall not exceed the point where blower cfm is reduced below the required quantity for proper operation of the equipment involved.

22.3. A gauge indicating air filter resistance in tenths of inch (0.1”) of water column shall be part of all equipment requiring air filters. Gauge shall be located on the outside wall of the air filter compartment and easily accessible for reading.

PART VIII. SUPPLEMENT
APPENDIX A
TABLES
OPEN SURFACE TANKS—GENERAL DESIGN FACTORS

Table I. DETERMINATION OF GAS, VAPOR OR MIST HAZARD POTENTIAL*			
Maximum Acceptable Concentration			
Hazard Potential	Gas & Vapor	Mist	Flash Point
A	0-100 ppm	0-0.1 mg/M^3	under 100 F.
B	101-500 ppm	0.101-0.5 mg/M^3	100*200 F.
C	Over 500 ppm	over 0.5 mg/M^3	over 200 F.
* Note: "Hazard Potential" is based upon either maximum acceptable concentration or flash point, whichever produces the highest hazard potential.			

Table II. DETERMINATION OF RATE OF GAS VAPOR OR MIST EVOLUTION				
Rate	Temperature of liquid degrees F.	Degrees below boiling point degrees F.	Relative Evaporation (time for 100% evaporation)	Gassing
1	over 200	0-20	Fast (0-3 hrs.)	High
2	150-200	21-50	Medium (3-12 hrs.)	Medium
3	94-149	51-100	Slow (12-50 hrs.)	Low
4	under 94	over 100	Nil (over 50 hrs.)	Nil

Table III. MINIMUM CAPTURE VELOCITY (FPM) FOR UNDISTURBED LOCATIONS					
	Enclosing Hood		Canopy Hoods		
Class I (See Tables I & II)	One open side	Two open sides	Lateral Exhaust	Three open sides	Four open sides
A-1,A-2,B-l	75	100	100	125	175
A-3,B-2,C-1	65	90	75	100	150
B-3, C-2	50	75	50	75	125
A4, B-4, C-4	Adequate general room ventilation sufficient				

Use of Tables I, II and III.

1. Classify open surface tank operations by (a) hazard potential (letter designation A to C from Table 1 and (b) rate of gas, vapor or mist evolution (number designation 1 to 4 from Table II).

2. (a) Determine class of open surface tank operations by (1) the substance(s), which may be released into the atmosphere and (2) the nature of such substance(s). When more than one substance is involved, base the class of operation on the substance having the highest hazard potential.

   (b) Determine rate of gas, vapor or mist evolution (1 to 4 from Table II.)

Reference for "Rate of Gassing" is Table 5-5-2, Appendix Industrial Ventilation, American Conference of Governmental Hygienists, Ninth Edition, 1966.

3. Design of local exhaust ventilation systems should conform to the most hazardous condition that might occur, i.e., an operation shall be classified according to the highest hazard potential (Table I) and highest rate of evolution (Table II) that might occur—use strictest criteria in each table for determining classification.

Table IV. MINIMUM CAPTURE VELOCITY FOR DUST CONTROL	
Condition of dispersion of contaminant Minimum capture velocity (FPM)	
Released with practically no velocity into quiet air	50
Released at low velocity into moderately still air	100
Active generation into zone of rapid air motion	200
Released at high initial velocity into zone of rapid air motion	300

Table V. MINIMUM CONVEYING VELOCITY	
Material Conveyed	Minimum conveying velocity in ducts (FPM)
Vapor, gases, fumes, very fine dusts	1500
Average industrial dusts	3500
Coarse particles, heavy loads, moist	4500

APPENDIX B
REFERENCE LIST

1. INDUSTRIAL VENTILATION—A MANUAL OF RECOMMENDED PRACTICE, published by the American Conference of Governmental Industrial Hygienists, Ninth edition, 1966.

2. METAL FINISHING GUIDEBOOK, published by Finishing Publications, Inc., 1960.

3. GUIDE TO PRECAUTIONARY LABELING OF HAZARDOUS CHEMICALS, Manufacturing Chemists' Association, Inc., Sixth edition, 1961.
4. "Proposed Revision to the 1955 American Standard Minimum Requirements for Sanitation in Places of Employment"—For California, Metropolitan Directors of Environmental Sanitation, March 1959.
5. GENERAL INDUSTRIAL SAFETY ORDER'S, State of California, Department of Industrial Relations.
6. EXHAUST HOODS, J. M. Dalla Valle, Industrial Press, New York, New York, 1952.
7. ACCIDENT PREVENTION MANUAL FOR INDUSTRIAL OPERATIONS, National Safety Council, 4th edition, Chicago, Illinois, 1959.
8. Federal Hazardous Substances Labeling Act.
9. California Hazardous Substances Labeling Act (excerpt from the California Health and Safety Coded.
10. Manuals of Stand and Recommended Practice Nos. C-1, C-2, D-31 and D-40, Manufacturing Chemists' Association, Inc.
11. Threshold Limit Values for 1967 (adopted at the 29th Annual Meeting of the American Conference of Governmental Industrial Hygienists).
12. Recommended Lighting Standards, Illuminating Engineering Society, September 1962.
13. United States of America Standards Institute Safety Code Z2-1-1959.

PART IX. SUPPLEMENT
APPENDIX C
MAXIMUM ACCEPTABLE CONCENTRATIONS

Acetaldehyde	200	360
Acetic acid	10	25
Acetic anhydride	5	20
Acetone	1,000	2,400
Acetonitrile	40	70
Acetylene dichloride, see 1, 2-Dichloroethylene	—-	—-
Acetylenetetrobromide	1	14
2-Tetrachloroethane	—-	—-
Acetylene tetrochloride, see 1, 1, 2, Acrolein	0.1	0.25
Acrylamide-Skin	—-	0.3
Acrylonitrile-Skin	20	45
Aldrin-Skin	—-	0.25
Allyl alcohol-Skin	2	5
Allyl chloride	1	3
Allyl glycidyl ether (AGE)	10	45
Allylpropyldisulfide	2	12
Aminodimethylbenzene, see Xylidine	—-	—-
2-Aminoethanol, see Ethanolamine	—-	—-
2-Aminonaphthalene, see B-Naphthylamine	—-	—-
2-Aminopyridine	0.5	2
Ammonia	50	35
Ammonium sulfamate (Ammate)	—-	15
n-Amylacetate	100	525
sec-Amylacetate	125	650

Aniline-Skin	5	19
Anisidine (o, p-isomers)Skin	—-	0.5
Antimony and compounds (as Sb)	—-	0.5
ANTU (Alpha naphthyl thiourea	—-	0.3
Arsenic and compounds (as As)	—-	0.5
Arsine	0.05	0.2
Azinphos-methyl-Skin	—-	0.2
Barium (soluble compounds)	—-	0.5
Benzene-Skin	25	80
Benzidine-Skin	—-	A[1]
p-Benzoquinone, see Quinone	—-	—-
Benzol, see Benzene	—-	—-
Benzoyl peroxide	—-	5
Benzyl chloride	1	5
Beryllium	—-	0.002
Boronoxide	—-	15
Boron triflouride	1	3
Bromine	0.1	0.7
Bromoform-Skin	0.5	5
Butadiene (1, 3-butadiene)	1,000	2,200
Butanethiol, see Butyl mercaptan	—-	—-
Butanol, see Butyl alcohol	—-	—-
2-Butanone	200	590
2-Butoxy ethanol-Skin	50	240
Butylacetate (n-butyl acetate)	150	710
n-Butyl acetate	150	710
sec-Butyl acetate	200	950
tert-Butyl acetate	200	950
Butyl alcohol	100	300
tert-Butyl alcohol	100	300
Butylamine—Skin	5	15
Butyl cellosolve, see 2-Butoxy ethanol	—-	—-
tert-Butyl chromate (as CrO3)-Skin	—-	0.1
n-Butyl glycidyl ether (BGE)	50	270
Butyl mercaptan	10	35
p-tert Butyltoluene	10	60
Cadmium (Metal dust and soluble salts)	—-	0.1
Cadmium oxide fume	—-	0.1
Calcium arsenate	—-	1
Calcium oxide	—-	5
Camphor	—-	2
Cabaryl (Sevin) (R)	—-	5
Carbolic acid, see Phenol	—-	—-
Carbon black	—-	3.5
Carbon dioxide	5,000	9,000
Carbon disulfide-Skin	20	60
Carbon monoxide	50	55

Carbontetrachloride-Skin	10	65
Cellosolve, see 2-Ethoxyethanol	—-	—-
Chlordane—Skin	—-	0.5
Chlorinated camphine-Skin	—-	0.5
Chlorinated diphenyl ether, see Chlorinated diphenyl oxide	—-	—-
Chlorinated diphenyl oxide	—-	0.5
Chlorine	1	3
Chlorine dioxide	0.1	0.3
Chlorine trifluoride	0.1	0.4
Chloroacetaldehyde	1	3
Chlorobenzene (monochlorobenzene)	75	350
o-Chlorobenzylidene malononitrile (OCBM)	0.05	0.4
Chlorobromonethane	200	1,050
2-Chloro-1, 3-butadiene, see Choloroprene	—-	—-
Chlorodiphenyl (42% chlorine)-Skin	—-	1
Chlorodiphenyl (54% chlorine)-Skin	—-	0.5
1-Chloro-2, 3-exposypropane, see Epichlorohydrin	—-	—-
2-Chloroethanol, see Ethylene chlorohydrin	—-	—-
Chloroform (trichloromethane)	50	240
1-Chloro-1-nitropropane	20	100
CMropicrin	0.1	0.7
Chloroprene-Skin	25	90
Chloropropylene oxide, see Epichlorohydrin	—-	—-
Chromic acid and chromates (as Cr03)	—-	0.1
Coal tar pitch volatiles (benzene soluble fraction) (anthracene, BaP, phenanthrene, acridine, chrysene, pyrene)	—-	0.2
Cobalt	—-	0.5
Copper fume	—-	0.1
dusts and mists	—-	1.0
Cotton dust (raw)	—-	1
Crag (R) herbicide	—-	15
Cresol (all isomers)-Skin	5	22
Crotonaldehyde	2	6
Cumene-Skin	50	245
Cyanide (as CN)-Skin	—-	5
Cyclohexane	300	1,050
Cyclohexanol	50	200
Cyclohexanone	50	200
Cyclohexene	300	1,015
Cyclophentadiene	75	200
2, 4-D	—-	10
DDH, see 1, 3-Dichloro-5, 5-dimethyl hydrantoin	—-	—-
DDT-Skin	—-	1
DDVP-Skin	—-	1
Decaborane-Skin	0.05	0.03
Demeton (R)-Skin	—-	0.1
Diacetone alcohol (4-hydroxy-4-methyl-2-pentanone	50	240

1, 2-Diaminoethane, see Ethylenediamine	—-	—-
Diazomethane	0.2	0.4
Dibenzoyl peroxide, see Benzoyl peroxide	—-	—-
Diborane	0.1	0.1
1, 2-Dibromoethane (ethylene dibromide)-Skin	25	190
o-Dichlorobenzene	50	300
p-Dichlorobenzene	75	450
Dichloromonofluoromethane	1,000	4,200
1, 3-Dichloro-5, 5-dimethyl hydrantoin	—-	0.2
1, 1-Dichloroethane	100	400
1, 2-Dichloroethane	50	200
1, 2-Dichloroethylene	200	790
Dichloroethylether-Skin	15	90
Dichloromethane, see Methylenechloride	—-	—-
Dichloromonofluoromethane	1,000	4,200
1, 1-Dichloro-1-nitroethane	10	60
2, 4-Dicholorphenoxyacetic acid, 2, 4-D	—-	—-
1, 2-Dichloropropane, see Propylenedichloride	—-	—-
Dichlorotetrafluoroethane	1,000	7,000
Dieldrin-Skin	—-	0.25
Diethylamine	25	75
Dlethylamino ethanol-Skin	10	50
Diethylether, see Ethyl ether	—-	—-
Di-2-ethylhexylphthalate, see Di-sec, octy phthalate	—-	—-
Difluorodibromoethane	100	860
Diglycidyl ether (DGE)	0.5	2.8
Dihydroxybenzene, see Hydroquinone	—-	—-
Diisobutyl ketone	50	290
Dimethoxymethane, see Methylal	—-	—-
Dimethylacelimide-Skin	10	35
Dimethylamine	10	18
Dimethylaminobenzene, see Xylidene	—-	—-
Dimethylaniline (N-dimethylaniline)-Skin	5	25
Dimethylbenzene, see Xylene	—-	—-
Dimethyl, 1, 2-dibromo-2, 2-dichloroethyl phosphate (Dibrom)(R)	—-	3
Dimethyl dichlorovinyl phosphate, see DDVP	—-	—-
Dimethylformamide-Skin	10	30
2, 6-Dimethylheptanone, see Diisobutyl ketone	—-	—-
1, 1-Dimethylhydrazine-Skin	0.5	1
Dimethyl ketone, see Acetone	—-	—-
Dimethylsultate-Skin	1	5
Dinitrobenzene (all isomers)-Skin	—-	1
Dinitro-o-cresol-Skin	—-	0.2
Dinitrotoluene-Skin	—-	1.5
Dioxane (Diethylene dioxide)-Skin	100	360
Diphenyl chloride, see Chlorodiphenyl	—-	—-
Diphenylmethane diisocyanante, see Methylene bisphenyl isocyanate (MDI)	—-	—-

Dipropylene glycol methyl ether-Skin	100	600
Di-sec, octyl phthalate	—-	5
DMF, see Dimethylformamide	—-	—-
DMH, see 1, 1-Dimethylhydrazine	—-	—-
DOP, see Di-sec octyl phthalate	—-	—-
Endrin-Skin	—-	0.1
Epichlorohydrin-Skin	5	19
EPN-Skin	—-	0.5
1, 2-Epoxypropane, see Propyleneoxide	—-	—-
2, 3-Epoxy 1-propanol, see Glycidol	—-	—-
Ethanethiol, see Ethyl mercaptan	—-	—-
Ethanol, see ethyl alcohol	—-	—-
Ethanolamine	3	6
2-Ethoxyethanol-Skin	200	740
2-Ethoxyethlacetate (Cellosolve acetate)-Skin	100	540
Ethyl acetate	400	1,400
Ethyl acrylate-Skin	25	100
Ethyl alcohol	1,000	1,900
Ethylamine	10	18
Ethylsec-amyl ketone (5-methyl-3-Heptanone)	25	130
Ethyl benzene	100	435
Ethyl bromide	200	890
Ethyl butyl ketone (e-Heptanone)	50	230
Ethyl chloride	1,000	2,600
Ethyl ether	400	1,200
Ethyl formate	100	300
Ethyl mercaptan	10	25
Ethyl silicate	100	850
Ethylene chlorohydrin-Skin	5	16
Ethylenediamine	10	25
Ethylene dibromide, see 1, 2-Dibromoethane	—-	—-
Ethylene dichloride, see 1, 2-Dichloroethane	—-	—-
Ethylene glycol dinitrate-Skin	0.2	1.2
Ethylene glycol monoethyl ether, see 2-Ethoxy ethanol	—-	—-
Ethylene glycol monomethyl ether, see Methyl cellosolve	—-	—-
Ethylene glycol monomethyl ether acetate, see Methyl cellosolve acetate	—-	—-
Ethylene imine-Skin	0.5	1
Ethylene oxide	50	90
Ethylidine chloride, see 1, 1-Dichloroethane	—-	—-
Ethyl methyl ketone, see 2-Butanone	—-	—-
N-Ethylmorpholine-Skin	20	94
Ferbam	—-	15
Ferrovanadium dust	—-	1
Fluoride (as F)	—-	2.5
Fluorine	0.1	0.2
Fluorotrichloromethane	1,000	5,600
Formaldehyde	5	6

Formic acid	5	9
Freon, see 1, 1, 1, 2-Tetrachloro-2, 2-difluoroethane	—-	—-
1, 1, 2, 2-Tetrachloro-1, 2-difluoroethane	—-	—-
Freon 12, see Dicholoromonofluoromethane	—-	—-
Freon 114, see Dichlorotetrafluoroethane	—-	—-
Furfural-Skin	5	20
Furfuryl alcohol	50	200
Gasoline	—-	A[6]
Glycidol (2, 3-Epoxy-l-propanol)	50	150
Glycol monobutyl ether, see 2-Butoxy ethanol	—-	—-
Glycol monoethyl ether, see 2-Ethoxy-ethanol	—-	—-
Guthion, see Azinphos-methyl	—-	—-
Hafnium	—-	0.5
Heptacholor-Skin	—-	0.5
Heptane (n-heptane)	500	2,000
Hexachlorocyclorhexane, see Lindane	—-	—-
Hexacholoroethane-Skin	1	10
Hexane (n-hexane)	500	1,800
2-Hexanone	100	410
Hexone	100	410
sec-Hexyl acetate	50	300
Hydrazine-Skin	1	1.3
Hydrobromic acid, see Hydrogen bromide	—-	—-
Hydrochloric acid, see Hydrogen chloride	—-	—-
Hydrocyanic acid, see Hydrogen cyanide	—-	—-
Hydrofluoric acid, see Hydrogen fluoride	—-	—-
Hydrogen bromide	3	10
Hydrogen chloride	5	7
Hydrogen cyanide-Skin	10	11
Hydrogen fluoride	3	2
Hydrogen peroxide, 90%	1	1.4
Hydrogen selenide	0.05	0.2
Hydrogensulfide	10	15
Hydroquinone	—-	2
Iodine	0.1	1
Iron oxide fume	—-	10
Isoamyl alcohol	100	360
Isoamylacetate	100	525
Isobutylacetate	150	700
Isophorone	25	140
Isopropyl acetate	250	950
Isopropylalcohol	400	980
Isopropylamine	5	12
Isopropylether	500	2,100
Isopropyl glycidyl ether (IGE)	50	240
Ketene	—-	0.9
Lead	—-	0.2

Lead arsenate	—-	0.15
Lime, see Calcium oxide	—-	—-
Lindane-Skin	—-	0.5
Lithium hydride	—-	0.025
L.P.G. (Liquified petroleum gas)	1,000	1,800
Magnesium oxide fume	—-	15
Malathion-Skin	—-	15
Manganese	—-	5
Mercury-Skin	—-	0.1
Mercury (organic compounds)-Skin	—-	0.01
Mesityl oxide	25	100
Methanethiol, see Methyl mercaptan	—-	—-
Methoxychlor	—-	15
2-Methoxyethanol, see Methyl cellosolve	—-	—-
Methyl acetate	200	610
Methylacetylene(propyne)	1,000	1,650
Methyl acetylene-propadiene mixture (MAPP)	1,000	1,800
Methyl acrylate-Skin	10	35
Methylal (dimethoxymethane)	1,000	3,100
Methyl alcohol (Methanol)	200	260
Methylamine	10	12
Methyl amyl alcohol, see Methyl isobutyl carbinol	—-	—-
Methyl (n-amyl) ketone (2-Heptanone)	100	465
Methyl bromide-Skin	20	80
Methyl butyl ketone, see 2-Hexanone	—-	—-
Methyl cellosolve-Skin	25	80
Methyl cellosolve acetate-Skin	25	120
Methyl chloride	100	210
Methyl chloroform	350	1,900
Methyl cyanide, see Acetonitrile	—-	—-
Methylcyclohexane	500	2,000
Methylcyclohexanol	100	470
o-Methylcyclohexanone-Skin	100	460
Methyl ethyl ketone (MEK), see 2-Butanone	—-	—-
Methyl formate	100	250
Methyl iodide-Skin	5	28
Methyl isobutyl carbinol-Skin	25	100
Methyl isobutyl ketone, see Hexone	—-	—-
Methyl isocyanate-Skin	0.02	0.05
Methyl mercaptan	10	20
Methylmethacrylate	100	410
Methyl propyl ketone, see 2-Pentanone	—-	—-
o-Methylstyrene	100	480
Methylsulfate, see Dimethylsulfate	—-	—-
Methylene bisphenyl isocyanate (MDI)	0.02	0.2
Methylene chloride (Dichloromethane)	500	1,740
Molybdenum (soluble compounds)	—-	5

(insoluble compounds)	—-	15
Monomethyl aniline-Skin	2	9
Monomethyl hydrazine-Skin	0.2	0.35
Morpholine-Skin	20	70
Muriatic acide, see Hydrogen chloride	—-	—-
Naphtha (coal tar)	200	800
Naphthalene	10	50
B-Naphthylamine	—-	A[2]
1-naphthyl N Methylcarbamate, see Carbaryl	—-	—-
NickelCarbonyl	0.001	0.007
Nickel, metal and soluble compounds	—-	1
Nicotine-Skin	—-	0.5
Nitric acid	2	5
Nitriles, see Cyanide	—-	—-
p-Nitroaniline-Skin	1	6
Nitrobenzene-Skin	1	5
p-Nitrochloro-benzene-Skin	—-	1
Nitroethane	100	310
Nitrogen dioxide	5	9
Nitrogen tetraoxide, see Nitrogen dioxide	—-	—-
Nitrogentrifluoride	10	29
Nitroglycerin-Skin	0.2	2
Nitromethane	100	250
1-Nitropropane	25	90
2-Nitropropane	25	90
N-Nitrosodimethyl-amine (Dimethyl nitrosoamine)-Skin	—-	A[3]
Nitrotoluene-Skin	5	30
Nitrotrichloromethane, see Chloropicrin	—-	—-
Octane	500	2,350
Oil mist (mineral)	—-	5
ortho-aminotoluene, see o-Toluidine	—-	—-
Osmium tetroxide	—-	0.002
Oxalic acid	—-	1
Oxygen difluoride	0.05	0.1
Ozone	0.1	0.2
Parathion-Skin	—-	0.1
PCP, see Pentachlorophenol	—-	—-
Pentaborane	0.0005	0.01
Pentachloronaphthelene-Skin	—-	0.5
Pentachlorophenol-Skin	—-	0.5
Pentane	1,000	2,950
2-Pentanone	200	700
Perchloroethylene	100	670
Perchloromethyl mercaptan	0.1	0.8
Perchloryl fluoride	3	13.5
Petroleum distillates (naphtha)	500	2,000
Phenol-Skin	5	19

p-Phenylene diamine-Skin	—-	0.1
Phenyl ether (vapor)	1	7
Phenyl ether-Biphenyl mixture (vapor)	1	7
Phenylethylene, see Styrene	—-	—-
Phenylglycidylether(PGE)	50	310
Phenylhydrazine-Skin	5	22
Phosdrin (Mevinphos) (R)-Skin	—-	0.1
Phosgene (carbonyl chloride)	0.1	0.4
Phosphine	0.3	0.4
Phosphorus pentasulfide	—-	1
Phosphorus trichloride	0.5	3
Phthalic anhydride	2	12
Picric acid-Skin	—-	0.1
Pival (2-Pivalyl-1, 3-indandione)	—-	0.1
Platinum (Soluble salts)	—-	0.002
Polytetrafluoroethylene decomposition products	—-	A[4]
Propane	1,000	1,800
Propane oxide, see Prophylene oxide	—-	—-
B Propiolactone	—-	A[5]
n-Propyl acetate	200	840
n-Propyl nitrate	25	110
Propylene dichloride	75	350
Propylene imine-Skin	2	5
Propylene oxide	100	240
Propyne, see Methylacetylene	—-	—-
Pyrethrum	—-	5
Pyridine	5	15
Quieklime, see Calcium oxide	—-	—-
Quinone	0.1	0.4
Rhodium, Metal fume and dusts	—-	0.1
Soluble salts	—-	0.001
Rotenone (commercial)	—-	5
Selenium compounds(asSe)	—-	0.2
Selenium hexafluoride	0.05	0.4
Sevin (R), see Carbaryl	—-	—-
Silver, metal and soluble compounds	—-	0.01
Sodium fluoroacetate (1080)-Skin	—-	0.05
Sodium hydroxide	—-	2
Stibine	0.1	0.5
Stoddard solvent	500	2,900
Strychnine	—-	0.15
Styrene monomer (phenylethylene)	100	420
Sulfur dioxide	5	13
Sulfur hexafluoride	1,000	6,000
Sulfuric acid	—-	1
Sulfur monochloride	1	6
Sulfur pentafluoride	0.025	0.25

Sulfuryl fluoride	5	20
Systox, see Demeton	—-	—-
2, 4, 5T	—-	10
Tantalum	—-	5
TCP, see Triorthocresyl phosphate	—-	—-
TDI, see Toluene-2, 4-diisocyanate	—-	—-
TEDP-Skin	—-	0.2
Teflon (R) decomposition products	—-	A[4]
TEL, see Tetraethyl lead (as Pb)	—-	—-
Tellurium	—-	0.1
Tellurium hexafluoride	0.2	0.2
TEPPSkin	—-	0.05
1, 1, 2, 2-Tetrabromoethane, see Acetylene tetrabromide	—-	—-
1, 1, 1, 2-Tetrachloro-2-difluoroethane	500	4,170
1, 1, 2, 2-Tetrachloro-1, 2-difluoroethane	500	4,170
1, 1, 2, 2-Tetrachloroethane-Skin	5	35
Tetrachloroethylene, see Perchloroethylene	—-	—-
Tetrachloromethane, see Carbon tetrachloride	—-	—-
Tetraethyl lead (as Pb)-Skin	—-	0.075
Tetraethyl pyrophosphate, see TEPP	—-	—-
Tetrahydrofuran	200	590
Tetramethyl lead (TML)(as lead)-Skin	—-	0.075
Tetramethyl succinonitrile-	0.5	3
Tetramethyl thiuram disulfide, see Thiram	—-	—-
Tetranitromethane	1	8
Tetryl (2, 4, 6trinitropheynylmethylnitramine) Skin	—-	1.5
Thallium (Soluble compounds)-Skin	—-	0.1
THF, see Tetrahydrofuran	—-	—-
Thiram	—-	5
Tin (inorganic compounds, except oxide)	—-	2
Tin (organic compounds)	—-	0.1
Titanium dioxide	—-	15
TMTD, see Thiram	—-	—-
TNT, see Trinitrotoluene	—-	—-
Toluene(toluol)	200	750
Toluene-2, 4-diisocyanate	0.02	0.14
o-Toluidine-Skin	5	22
Toxaphene, see Chlorinated camphene	—-	—-
TPP, see Triphenyl phosphate	—-	—-
1, 1, 1-trichloro-2, 2-di(p-chlorophenyl) ethane, see DDT	—-	—-
1, 1, 1-Trichloroethane, see Methyl chloroform	—-	—-
1, 1, 2-Trichloroethane-Skin	10	45
Trichloroethylene	100	535
Trichloromethane, see Chloroform	—-	—-
Trichloromethylsulfenyl chloride, see Perchloromethyl mercaptan	—-	—-
Trichloronaphthalene-Skin	—-	5
Trichloronitro-methane, see Chloropicrin	—-	—-

2, 4, 5-Trichlorophenoxyacetic acid, see 2, 4, ST	—-	—-
1, 2, 3-Tichloropropane	50	300
1, 1, 2-Trichloro-1, 2, 2 trifluoroethane	1,000	7,600
Triethylamine	25	100
Trifluoromonobromomethane	1,000	6,100
2, 4, 6-Trinitrophenol, see Picric acid	—-	—-
2, 4, 6-Trinitrophenylmethylnitramine, see Tetryl	—-	—-
Trinitrotoluene-Skin	—-	1.5
Triorthocresyl phosphate	—-	0.1
Triphenyl phosphate	—-	3
Turpentine	100	560
Uranium (Soluble compounds)	—-	0.05
(Insoluble compounds)	—-	0.25
Vanadic acid anhydride		
see Vanadium (V205 dust)	—-	—-
see Vanadium (V205 fume)	—-	—-
Vanadium (V205 dust)	—-	0.5
(V205 fume)	—-	0.1
VC, see Vinyl chloride	—-	—-
Vinyl benzene, see Styrene	—-	—-
Vinyl chloride	500	1,300
Vinylcyanide, see Acrylonitrile	—-	—-
Vinyl toluene	100	480
Warfarin	—-	0.1
Wood alcohol, see Methyl alcohol	—-	—-
Xylene (xMl)	100	435
Xylidine-Skin	5	25
Yttrium	—-	1
Zinc oxide fume	—-	5
Zirconium compounds (as Zr)	—-	5

RESPIRABLE DUSTS EVALUATED BY COUNT

Substance	MPPCF
SILICA	
Crystalline	
Quartz, Maximum Acceptable Concentration calculated from the formula	250 / (%SiO_2 + 5)
Cristobalite	" " " "
Amorphous, including natural diatomaceous earth	20
Tremolite	5
SILICATES (less than 1% crystalline silica),	
Asbestos	5
Mica	20
Soapstone	20

Talc	20
Portland Cement	50
GRAPHITE (natural)	15

"Inert" or Nuisance Particulates 50 (or 15 mg/m3 whichever is the smaller), see Note B

Conversion factors

mppcf X 35.3 = million particles per cubic meter = particles per c.c.

NOTE A

A[1] Benzidine. Because of high incidence of bladder tumors in man, any exposure, including skin, is extremely hazardous.

A[2] B-Naphthylamine. Because of the extremely high incidence of bladder tumors in workers handling this compound and the inability to control exposures, B-naphthlyamine has been prohibited by the State of Pennsylvania from manufacture, use and other activities that involve human contact.

A[3] N-Nitrosodimethylamine. Because of extremely high toxicity and presumed carcinogenic potential of this compound, contact by any route should not be permitted.

A[4] Polytetrafluoroethylene* decomposition products. Thermal decomposition of the fluorocarbon chain in air leads to the formation of oxidized products containing carbon, fluorine and oxygen. Because these products decompose in part by hydrolysis in alkaline solution, they can be quantitatively determined in air as fluoride to provide an index of exposure. No MAC is recommended pending determination of the toxicity of the products, but air concentrations should be minimal.
*Trade Names: Algoflon, Fluon, Halon, Teflon, Tetran.

A[5] B-Propiolactone. Because of high acute toxicity and demonstrated skin tumor production in animals, contact by any route should be avoided.

A[6] Gasoline. The composition of gasoline varies greatly and thus a single MAC for all types of gasoline is no longer applicable. In general, the aromatic hydrocarbon content will determine what MAC applies. Consequently the content of benzene, other aromatics and additives should be determined to arrive at the appropriate MAC.

NOTE B

Some "Inert" or Nuisance Particulates*

Alumdum (Al_2O_3)

Calcium Carbonate

Cellulose

Portland Cement

Corundum (Al_2O_3)

Emery

Glycerine Mist

Graphite (synthetic)

Gypsum

Limestone

Magnesite

Marble

Plaster of Paris

Rouge

Silicone Carbide

Starch

Sucrose

Tin oxide

Titanium Dioxide

Vegetable oil mists (except castor, cashew nut, or similar irritant oils)

*When toxic impurities are not present

APPENDIX 2 CROSS REFERENCE TABLE FOR ORDINANCE 7583

Sections of Ord. 7583 are listed alongside Los Angeles County Code Section numbers in which ordinance sections are codified.

Ord. 7583	LACC
Part 1	
100	11.02.100
101	11.02.110
102	11.02.040
103	11.02.020
104	11.02.060
105	11.02.120
106	11.02.140
107	11.02.070
108	11.02.090
109	11.02.010
110	11.02.080
111	11.02.130
112	11.02.030
113	11.02.050
Part 2	
200	11.04.010
201	11.04.020
202	11.04.030
203	11.04.040
204	11.04.050
205	11.04.060
206	11.04.070
207	11.04.080

208	11.04.090
209	11.04.100
210	11.04.110
211	11.04.120
212	11.04.130
213	11.04.140
214	11.04.150
215	11.04.160
216	11.04.170
217	11.04.180
218	11.04.200
219	11.04.210
220	11.04.220
221	11.04.230
222	11.04.240
223	11.04.250
224	11.04.260
225	11.04.270
226	11.04.280
227	11.04.290
228	11.04.190
Part 3	
Ch.1	
301	11.02.150
302	11.02.310
303	11.02.150
304	11.02.270
305	11.02.290
306	11.02.350
307	11.02.320
308	11.02.280
309	11.02.340
310	11.02.260
311	11.02.210
311.1	11.02.220
312	11.02.240
313	11.02.330
314	11.02.230
315	11.02.200
316	11.02.170
317	11.02.190
318	11.02.300
319	11.02.180
320	11.36.010—11.36.080

321	11.02.160
Ch. 2	
350	11.12.210
351	11.12.030
352	11.12.010
353	11.12.040
354	11.12.050
355	11.12.120
356	11.12.090
357	11.12.100
358	11.12.160
359	11.12.190
360	11.12.110
361	11.12.180
362	11.12.200
364	11.12.060
365	11.12.250
366	11.12.260
367	11.12.220
368	11.12.300
369	11.12.320
370	11.12.330
371	11.12.290
372	11.12.070
373	11.12.080
374	11.12.230
375	11.12.240
376	11.12.270
377	11.12.390
378	11.12.370
378.1	11.12.380
379	11.12.130
380	11.12.170
381	11.12.280
382	11.12.020
383	11.12.140
384	11.12.150
385	11.12.350
386	11.12.340
387	11.12.360
388	11.12.310
Ch. 3	
400	11.14.020

401	11.14.010
402	11.14.010
404	11.14.030
Ch. 4	
450	11.18.010
451	11.18.010
452	11.18.060
453	11.18.040
454	11.18.080
455	11.18.030
456	11.18.050
457	11.18.070
Ch. 5	
500	11.38.450
500.1	11.38.590
501	11.38.030
502	11.38.050
503	11.38.090
504	11.38.110
504.1	11.38.120
504.2	11.38.040
504.3	11.38.010
504.4	11.38.060
504.5	11.38.070
505	11.38.400
506	11.38.410
507	11.38.130
508	11.38.140
509	11.38.360
510	11.38.430
511	11.38.440
512	11.38.350
513	11.38.280
514	11.38.370
515	11.38.320
516	11.38.190
517	11.38.210
518	11.38.200
519	11.38.290
520	11.38.230
520.1	11.38.240
521	11.38.250
522	11.38.300

523	11.38.150
523.1	11.38.260
523.2	11.38.160
523.3	11.38.170
523.4	11.38.180
524	11.38.330
524.1	11.38.340
525	11.38.220
525.1	11.38.270
526	11.38.310
527	11.38.380
528	11.38.390
528.1	11.38.420
528.2	11.38.480
529	11.38.100
530	11.38.080
531	11.38.020
532	11.38.570
532.1	11.38.580
533	11.38.560
534	11.38.520
535	11.38.500
535.1	11.38.540
536	11.38.510
537	11.38.490
538	11.38.530
539	11.38.550
540	11.38.600
541	11.38.470
542	11.38.460
543	11.38.610
Ch. 6	
550	11.32.010
551	11.32.020
552	11.32.020
553	11.32.030
554	11.32.020
555	11.32.010
556	11.32.100
557	11.32.120
558	11.32.130
559	11.32.020
560	11.32.150
561	11.32.160

561.1	11.32.180
561.2	11.32.170
562	11.32.020
563	11.32.020
564	11.32.050
565	11.32.040
566	11.32.140
567	11.32.070
568	11.32.060
569	11.32.090
570	11.32.080
Ch. 7	
600	11.16.050
601	11.16.030
602	11.16.040
603	11.16.060
604	11.16.110
605	11.16.020
606	11.16.100
607	11.16.120
608	11.16.090
609	11.16.080
610	11.16.070
611	11.16.010
Ch. 8	
625	11.30.020
626	11.30.040
627	11.30.050
628	11.30.010
629	11.30.030
630	11.30.080
631	11.30.070
632	11.30.060
Ch. 9	
700	11.08.010
701	11.08.020
702	11.08.050
703	11.08.060
704	11.08.070
705	11.08.090
706	11.08.080
707	11.08.100

708	11.08.040
709	11.08.030
Ch. 10	
750	Repealed by 98-0037
751	11.06.020
Ch. 11	
800	11.20.150
801	11.20.030
802	11.20.060
803	11.20.050
804	11.20.040
804.1	11.20.010
804.2	11.20.070
804.3	11.20.080
804.4	11.20.110
805	11.20.090
806	11.20.130
807	11.20.250
808	11.20.340
809	11.20.140
810	11.20.020
811	11.20.120
812	11.20.100
813	11.20.330
814	11.20.280
815	11.20.290
816	11.20.300
817	11.20.180
818	11.20.260
818.5	11.20.270
819	11.20.190
820	11.20.160
821	11.20.210
821.1	11.20.200
822	11.20.220
823	11.20.230
824	11.20.240
825	11.20.310
826	11.20.170
827	11.20.410
828	11.20.390
829	11.20.350
830	11.20.380

831	11.20.320
832	11.20.370
833	11.20.400
834	11.20.360
Ch. 12	
850	11.24.010
851	11.24.020
852	11.24.020
853	11.24.020
854	11.24.020
855	11.24.020
856	11.24.020
857	11.24.020
858	11.24.170
859	11.24.030
860	11.24.140
861	11.24.160
862	11.24.150
863	11.24.110
864	11.24.180
865	11.24.120
866	11.24.090
867	11.24.080
868	11.24.040
869	11.24.050
870	11.24.070
871	11.24.130
872	11.24.060
873	11.24.370—11.24.430
874	11.24.300—11.24.360
875	11.24.200
876	11.24.210
877	11.24.220—11.24.290
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879	11.24.100
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900	11.10.010
901	11.10.020
902	11.10.120
903	11.10.110
904	11.10.060
905	11.10.060
906	11.10.080

907	11.10.070
908	11.10.050
909	11.10.090
910	11.10.100
911	11.10.030
912	11.10.130
Ch. 14	
1000	11.34.030
1000.1	11.34.100
1001	11.34.010
1002	11.34.010
1003	Repealed by 91-0099
1004	Repealed by 91-0099
1005	Repealed by 91-0099
1006	Repealed by 91-0099
1007	Repealed by 91-0099
1008	11.34.040
1009	11.34.050
1010	Repealed by 91-0099
1011	11.34.060
1012	11.34.070
1013	11.34.080
1014	11.34.140
1015	11.34.090
1016	11.34.130
1017	Repealed by 91-0099
1018	11.34.110
1019	11.34.150
1020	11.34.160
1021	11.34.170
1022	11.34.120
1023	11.34.180
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1025	11.34.200
1026	11.34.210
1027	11.34.220
1028	11.34.230
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1071	11.26.020
1072	11.26.030
1073	11.26.040

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1102	11.22.030
1103	11.22.040
1104	11.22.050
1105	11.22.060
1106	11.22.070
1107	11.22.080
1108	11.22.090
1109	11.22.100
1110	11.22.110
1111	11.22.120
1112	11.22.130
1113	11.22.140
1114	11.22.150
1115	11.22.160
1116	11.22.180
1117	11.22.190
1118	11.22.200
1119	11.22.210
1120	11.22.220
1121	11.22.170
1122	11.22.230
1123	11.22.240
1124	11.22.250
1125	11.22.260
1126	11.22.270
1127	11.22.280
1128	11.22.310
1129	11.22.300
1130	11.22.320
1131	11.22.330
1132	11.22.340
1133	11.22.290
1134	11.22.350
1135	11.22.360
1136	11.22.370
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1139	11.22.400
1140	11.22.390
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1142	11.22.460
1143	11.22.480

1144	11.22.470
1145	11.22.490
1146	11.22.420
1147	11.22.440
1148	11.22.430
1149	11.22.700
1150	11.22.710
1151	11.22.720
1152	11.22.730
1153	11.22.740
1154	11.22.610
1155	11.22.650
1156	11.22.660
1157	11.22.670
1158	11.22.680
1159	11.22.630
1160	11.22.640
1161	11.22.510
1162	11.22.690
1163	11.22.500
1164	11.22.520
1165	11.22.550
1166	11.22.530
1167	11.22.540
1168	11.22.590
1169	11.22.560
1170	11.22.580
1171	11.22.570
1172	11.22.600
1173	11.22.750
1174	11.22.760
1175	11.22.770
1176	11.22.800
1177	11.22.810
1178	11.22.830
1179	11.22.820
1180	11.22.840
1181	11.22.780
1182	11.22.790
1183	11.22.850
1184	11.22.860
1185	11.22.870
1186	11.22.910
1187	11.22.920
1188	11.22.880

1189	11.22.890
1190	11.22.900
1191	11.22.620
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1201	11.28.010
1202	11.28.010
1203	11.28.010
1204	11.28.010
1205	11.28.020
1206	11.28.030
1207	11.28.040
1208	11.28.050
1209	11.28.060
1210	11.28.010
Part 10	
10001	Not codified
10002	Not codified
10003	Not codified

ATTACHMENT 2
Draft MPMC Chapter 6

EXHIBIT A
AMENDED AND RESTATED MONTEREY PARK MUNICIPAL CODE CHAPTER 6.04

"CHAPTER 6.04 INCORPORATION OF LOS ANGELES COUNTY HEALTH AND SAFETY CODE

§ 6.04.010 **Incorporation of Los Angeles County Code Title 11.**

Pursuant to Government Code Section 50022.9, the city council incorporates into this code Title 11 of the Los Angeles County Code entitled "Health and Safety, including, without limitation Division 1, subject to the amendments, additions and deletions set forth in this Chapter. The provisions of this code take precedence over any conflicting provisions in Title 11 of the Los Angeles County Code.

§ 6.04.020 **Amendments to the Los Angeles County Code.**

Los Angeles County Code Title 11, as adopted by Ordinance No. 7583, is amended as follows:

(1) Section 601, Section 603, and Section 608 are repealed.
(2) Section 555 is amended to read: "every person maintaining a wading pool which is open to the public must provide constant supervision at all times when such wading pool is open to the public, by an adult or person 16 years or older who is credentialed as a qualified Life Saver."

§ 6.04.030 **Additions to the Los Angeles County Code.**

Section 113 is added to the Los Angeles Public Health Code to read as follows: "any person dissatisfied with any decision or order of the Health Officer, under the provisions of this Code, may appeal said decision or order, within five days after the effective date of such decision or order, to the City Council. The decision of the City Council is final."

§ 6.04.040 **General Penalty.**

Any person violating any provision of this Chapter is guilty of a misdemeanor unless otherwise provided in this Title."

ATTACHMENT 3
Los Angeles County Code Title 11

Title 11
HEALTH AND SAFETY

Divisions:

Division 1 HEALTH CODE

Chapter 11.01 PREVENTING RETALIATION FOR REPORTING PUBLIC HEALTH VIOLATIONS

11.01.010 Title.

The Ordinance codified in this Chapter shall be known as the "Preventing Retaliation for Reporting Public Health Violations Ordinance."

(Ord. 2020-0065U § 1, 2020.)

11.01.020 Definitions.

Whenever used in this Chapter, the following words and phrases shall be defined as set forth in this Section.

A. "Worker" means any employee who performs work for an Employer within the unincorporated areas of the County of Los Angeles or within any city that incorporates the entirety of this ordinance into its municipal code.

B. "Employer" means any person, as defined in section 18 of the California Labor Code, including a corporate officer or executive, who directly or indirectly, or through an agent or any other person, including through the services of a temporary service or staffing agency or similar entity, employs any Workers or exercises control over the wages, hours, duties, or working conditions of any Workers. This Chapter and the definition of "Employer" do not apply to federal, State, or local government entities.

C. "Health Officer Order" means any order or protocol issued by the Los Angeles County Health Officer.

D. "Public Health Council" means a group of Workers, not including supervisors or managers, whose purpose is to educate and inform other Workers for the same Employer regarding any Health Officer Order, any protections for Workers under Title 11 of this Code, any local emergency related to public health proclaimed by the Board of Supervisors, or any public health emergency declared by the Los Angeles County Health Officer.

(Ord. 2023-0035 § 2, 2023; Ord. 2020-0065U § 1, 2020.)

11.01.030 Retaliation Against Workers Prohibited.

A. No Employer may discriminate in any manner or take adverse action, including but not limited to termination, constructive termination, demotion, pay reduction, or reduction in hours, against any Worker in retaliation for:

1. Reporting to the County of Los Angeles, its Department of Public Health, any other County departments or designees, non-County agencies or entities, the Worker's Employer, other Workers, or Public Health Councils about the Employer's or another Worker's perceived noncompliance with a Health Officer Order, this Chapter, or any other Chapter of Title 11 of this Code;

2. Discussing with the County of Los Angeles, its Department of Public Health, any other County departments or designees, non-County agencies or entities, the Worker's Employer, other Workers, or Public Health Council the Employer's, or another Worker's, perceived noncompliance with a Health Officer Order, this Chapter, or any other Chapter of Title 11 of this Code;

3. Belonging to or forming a Public Health Council;

4. Informing any Worker of his or her rights under this Chapter or any other Chapter of Title 11 of this Code, or assisting such Worker in exercising such rights;

5. Exercising any right provided under this Chapter; or

6. Discussing with another Worker a local emergency related to public health proclaimed by the Board of Supervisors or a public health emergency declared by the Los Angeles County Health Officer.

B. The protections of this Section shall apply to all communications and actions of a Worker set forth above in subsections A.1 through and including A.6 that are made in good faith.

C. Taking adverse action against a Worker within 90 days of the Worker's exercise of rights protected under this Section shall raise a rebuttable presumption of having done so in retaliation for the exercise of such rights.

(Ord. 2023-0035 § 3, 2023; Ord. 2020-0065U § 1, 2020.)

11.01.035 Worker Notification Requirement.

A. The Department of Consumer and Business Affairs ("DCBA") shall prepare and provide a notice informing workers of their rights under this Chapter for posting in order for employers to comply with this Section. The DCBA shall make available electronic and hardcopy versions of such notice.

B. Every employer shall post in a conspicuous place at any workplace or jobsite within the geographic boundaries of the County of Los Angeles ("the County") where any Worker works, excluding cities with their own Health Officer, the notice provided by the DCBA informing Workers of their rights under this Chapter. Employers who do not have a physical jobsite within the geographic boundaries of the County must provide a copy of the notice to each worker who performs work within the geographic boundaries of the County, excluding cities with their own Health Officer.

C. If, during the course of an investigation or compliance check, the DCBA determines that there is a violation of this provision, the DCBA may issue and serve a Correction Order on the employer immediately requiring them to post the notice. The Correction Order shall identify the violation to be corrected and allow a reasonable amount of time to correct the violation.

D. An administrative fine of up to $500 payable to the County may be assessed for a violation of this provision. The fine may be assessed and communicated to the employer according to the rules developed by the DCBA under section 11.01.060 of this Chapter. Each day of a continuing violation constitutes a new and separate violation.

(Ord. 2022-0064 § 1, 2022.)

11.01.040 Investigation of Complaints.

A. Any complaints alleging a violation of this Chapter must be lodged with the Department of Public Health or any of its agents or designees.

B. The Department of Consumer and Business Affairs shall act as an agent for the Department of Public Health to investigate any complaint under this Chapter.

C. The Department of Consumer and Business Affairs may issue a finding that an Employer has violated this Chapter no later than one year after receiving the corresponding complaint.

(Ord. 2020-0065U § 1, 2020.)

11.01.050 Administrative Fine for Violation.

Any Employer who violates this Chapter may be subject to an administrative fine not to exceed $10,000 per violation per day pursuant to Chapter 1.25 of this Code.

(Ord. 2020-0065U § 1, 2020.)

11.01.060 Adoption of Rules.

The Department of Consumer and Business Affairs may develop rules for the administration and implementation of this Chapter. A copy of such rules shall be filed with the Executive Officer of the Board and shall be in effect immediately thereafter.

(Ord. 2020-0065U § 1, 2020.)

11.01.070 Right of Action to Enforce Violations.

A. Any Worker aggrieved by an act made unlawful by this Chapter, or County Counsel on behalf of such Worker, may, within three years of an Employer's last act made unlawful by this Chapter, bring an action in the Superior Court of the State of California against that Employer for violations of this Chapter, and the aggrieved Worker may be awarded:

   1. Where applicable, hiring or reinstatement to the position(s) sought or held before the alleged unlawful act, or front pay in lieu thereof.

   2. All actual damages (including, but not limited to, lost pay and benefits and noneconomic damages) suffered by the Worker, or statutory damages in the sum of $10,000 per violation, whichever is greater.

   3. Punitive damages pursuant to California Civil Code section 3294.

B. The court shall award reasonable attorneys' fees and costs to the prevailing party, including to a Worker, to County Counsel, or to an Employer who prevails in a lawsuit by a Worker and demonstrates that the Worker's lawsuit was frivolous.

(Ord. 2020-0065U § 1, 2020.)

11.01.080 Notice Before Initiating Suit.

A. Before a civil action is filed by a Worker or County Counsel under Section 11.01.070, the following requirements must be met:

1. The Worker or County Counsel must provide written notice to the Employer of the provisions of this Chapter alleged to have been violated and the facts to support the alleged violations; and

2. The Employer fails to cure the alleged violations of this Chapter within fifteen (15) business days of receiving such written notice.

(Ord. 2020-0065U § 1, 2020.)

11.01.090 Severability.

If any section, subsection, sentence, clause, or phrase of this urgency ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion(s) of this urgency ordinance. The Board hereby declares that it would have passed this urgency ordinance and every section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

(Ord. 2020-0065U § 1, 2020.)

Chapter 11.02 GENERAL PROVISIONS AND DEFINITIONS

Part 1 GENERAL PROVISIONS

Article 1 REGULATIONS

11.02.010 Continuation of provisions.

The provisions of the ordinance codified in Division 1 of this Title 11, insofar as they are substantially the same as existing ordinance provisions relating to the same subject matter, shall be construed as restatements and continuations, and not as new enactment.

(Ord. 2006-0040 § 68, 2006; Ord. 7583 Part 1 § 109, 1959.)

11.02.020 Director of public health—Statutory authority.

The duties of the director of public health are those set forth in the Health and Safety Code of the state of California, and particularly, but not limited to, those set forth in Chapter 2 of Part 3 of Division 101 of said Code.

(Ord. 2006-0040 § 69, 2006; Ord. 7583 Part 1 § 103, 1959.)

11.02.030 Director of public health—Powers and duties generally.

The director of public health shall have the authority and duty to make periodic and routine surveys and inspections of all buildings, lots, camps, areas, tracts of land, tents, mobilehome parks, mobilehomes, vehicles, and other premises and places used or intended for use for living quarters, and shall enforce:

A. Division 1 of this Title 11;

B. All other ordinances of this county pertaining to the public health and sanitary matters;

C. Ordinances pertaining to the public health and sanitary matters of those cities which have entered into contracts with the county for such enforcement;

D. Within the unincorporated territory of the county, and within those cities the governing bodies of which have consented thereto pursuant to Section 101375 of the Health and Safety Code:

    1. Orders, quarantine regulations and rules prescribed by the California Department of Health Services, and other rules and regulations issued under the provisions of the Health and Safety Code,

    2. Statutes relating to the public health.

(Ord. 2006-0040 § 70, 2006; Ord. 8588 § 2 (part), 1964; Ord. 7583 Part 1 § 112, 1959.)

11.02.040 Powers of deputies.

Whenever a power is granted to or a duty imposed upon the director of public health in this Division 1, the power may be exercised or the duty performed by a duly authorized representative of the director unless this Division 1 expressly provides otherwise.

(Ord. 2006-0040 § 71, 2006; Ord. 7583 Part 1 § 102, 1959.)

11.02.050 Arrests for violations—Penal Code provisions adopted.

The director, and his delegated subordinates pursuant to the provisions of Section 836.5 of the Penal Code, may arrest a person without a warrant whenever he has reasonable cause to believe that the person to be arrested has committed a misdemeanor in his presence which is a violation of any statute or ordinance referred to by Section 11.02.030. Upon making such an arrest, the director or his subordinate may release the person arrested pursuant to the provisions of Section 853.6 of the Penal Code, the provisions of which are hereby adopted by reference as part of this section.

(Ord. 10238 § 1, 1971; Ord. 7583 Part 1 § 113, 1959.)

11.02.060 Interfering with director's duties prohibited.

No person shall refuse, resist or attempt to resist the entrance of the director of public health into any railway car, stage, vehicle, building, room, lot or other place or portion thereof in the county of Los Angeles in the performance of his duty, or shall refuse to obey any lawful order of the director of public health made in the performance of his duties within the power conferred upon him by state law or by Division 1 of this title.

(Ord. 2006-0040 § 72, 2006; Ord. 7583 Part 1 § 104, 1959.)

11.02.070 Severability.

If any provision of this Division 1 or the application thereof to any person or circumstance is held invalid, the remainder of this Division 1, and the application of such provision to other persons or circumstances, shall not be affected thereby.

(Ord. 7674 § 1, 1960; Ord. 7583 Part 1 § 107, 1959.)

11.02.080 Violation—Penalty.

Violation of Division 1 of Title 11 is punishable by a fine of not more than $500.00, or by imprisonment in the County Jail for not more than six months, or by both such fine and imprisonment. Each day during any portion of which any violation of any provision of this Division 1 is committed, continued or permitted makes such violation of a separate offense.

(Ord. 7583 Part 1 § 110, 1959.)

11.02.085 Applicability.

Unless otherwise expressly set forth in this Code, the provisions under Title 11 shall apply only to the unincorporated areas of the County and any incorporated city which adopts this Title 11, in whole or in part, into its municipal code by adoption or resolution.

(Ord. 2024-0048 § 1, 2024.)

Article 2 DEFINITIONS

11.02.090 Interpretation of language.

In this Division 1, the present tense includes the past and future tenses, and future tense includes the present; the masculine gender includes the feminine and neuter; the singular number includes the plural and the plural includes the singular.

(Ord. 7583 Part 1 § 108, 1959.)

11.02.100 County health officer.

"County health officer" means the director of public health of the county of Los Angeles, or his duly authorized representative.

(Ord. 2006-0040 § 73, 2006; Ord. 7583 Part 1 § 100, 1959.)

11.02.110 Health officer and director.

For the purposes of Title 11, "health officer" and "director" both mean the director of public health of the county of Los Angeles, or his duly authorized representative, as provided for in Section 2.77.050 of this code.

(Ord. 2006-0040 § 74, 2006; Ord. 10728 § 1 (part), 1973; Ord. 7583 Part 1 § 101, 1959.)

11.02.120 Person.

"Person" means and includes any individual or his heirs, agents or assigns, any company, firm, corporation, association, business trust, joint adventure, or group or combination acting as a unit, any political subdivision, governmental department or agency, municipal or public corporation or district, governing body of a school district, or any employee, officer, or any other kind of representative of any thereof, acting either under personal appointment or pursuant to law.

(Ord. 92-0078 § 4, 1992; Ord. 7583 Part 1 § 105, 1959.)

11.02.130 Section.

Unless otherwise indicated by the context, "section" means a section of the Health Code set out in Division 1 of this title.

(Ord. 8095 § 1, 1961; Ord. 7583 Part 1 § 111, 1959.)

11.02.140 Shall and may.

The word "shall" is mandatory; the word "may" permissive.

(Ord. 7583 Part 1 § 106, 1959.)

Part 2 PROVISIONS FOR CHAPTERS 11.06 THROUGH 11.38

Article 1 REGULATIONS

11.02.150 Purpose of provisions—Statutory definitions incorporated when.

Part 2 of Chapter 11.02 and Chapters 11.06 through 11.38 of this title are intended to supplement the provisions of the laws and regulations of the state of California by prescribing higher standards of sanitation, health and safety. Whenever any technical words or phrases are not defined herein, but are defined in such laws and regulations of the state, such definitions are incorporated in this part and shall be deemed to apply as though set forth herein in full.

(Ord. 7583 Part 3 Ch. 1 § 301, 1959.)

11.02.160 Rules and regulations—Promulgation and enforcement authority.

The director may make and enforce such rules and regulations as may be necessary or proper to enforce Part 2 of this Chapter and Chapters 11.06 through 11.38 of this code.

(Ord. 8588 § 2 (part), 1964; Ord. 7583 Part 3 Ch. 1 § 321, 1959.)

11.02.170 Classification of food service operations.

It shall be the responsibility and authority of the director to classify food service operations for the purpose of ascertaining and establishing compliance with the provisions of this Division 1, including the licensing and permit provisions.

(Ord. 7583 Part 3 Ch. 1 § 316, 1959.)

11.02.180 Food, water and milk—Authority to purify or destroy.

The director shall have the authority to destroy, or render noninfectious, any food, drink or other substance threatening the public health. During emergencies, he may take steps to purify the water by appropriate disinfection. When necessary for the protection of public health, he shall have the authority to pasteurize milk, or order milk pasteurized, when such milk is suspected of carrying the agents of any communicable disease.

(Ord. 7583 Part 3 Ch. 1 § 319, 1959.)

11.02.190 Nuisance abatement—County to perform work when—Costs.

Whenever a nuisance or condition endangering the public health shall be ascertained to exist on any premises, or in any house, or any other place, the director shall notify in writing the person having control of or acting as agent for such premises, house or other place, to abate or remove such nuisance or condition within a reasonable time, to be stated on such notice. Upon the neglect or refusal of such person to comply with such notice, the director may abate such nuisance or condition, and the person having control of such house, premises or place, in addition to the penalties provided by this Division 1, shall be liable to the county of Los Angeles for the cost of such abatement, to be recovered in a civil action in any court of competent jurisdiction.

(Ord. 81-0037 § 1, 1981; Ord. 7583 Part 3 Ch. 1 § 317, 1959.)

11.02.192 Nuisance abatement—Assistance of other agencies—Costs.

A. When the director, acting under any authority vested in him, orders the abatement of a nuisance or condition which endangers the public health, safety and welfare, and the person or persons responsible for the creation or maintenance of such nuisance fail to comply with said order, the director may request any county department or city agency or department having the necessary manpower and equipment to perform the work required to abate such nuisance.

B. When an officer of any Los Angeles County Vector Control District, acting under any authority vested in him or her, orders the abatement of any nuisance or condition which endangers the public health, safety and welfare, and the person or persons responsible for the creation of such nuisance fail to comply with said order, the director may request any county department or city agency or department having the necessary manpower and equipment to perform the work required to abate such nuisance.

C. The cost of performance of such work shall be recovered from the person or persons responsible for the creation or maintenance of the nuisance.

(Ord. 2004-0054 § 1, 2004; Ord. 81-0037 § 2, 1981.)

Article 2 DEFINITIONS

11.02.200 Approved.

"Approved" means approved by the director of public health.

(Ord. 2006-0040 § 75, 2006; Ord. 7583 Part 3 Ch. 1 § 315, 1959.)

11.02.210 Bakery and bakery products.

"Bakery" means any room, building or place used or operated for the purpose of making, preparing or baking bread, cakes, pies, pastry, doughnuts, rolls, biscuits, crackers, noodles, macaroni, tamales or spaghetti, or other products of flour and meal, hereinafter called "bakery products," to be sold for food, except that the term "bakery" shall not be construed to include any establishment engaged in the preparation of bakery products in any restaurant or itinerant restaurant wherein any such bakery product in prepared to be used, and used exclusively with meals served in or from such restaurant or itinerant restaurant.

(Ord. 7616 § 1 (part), 1959; Ord. 7583 Part 3 Ch. 1 § 311, 1959.)

11.02.220 Bakery product vehicle.

"Bakery product vehicle" means a vehicle used for carrying or transporting bakery products for the purpose of distribution, gift or sale at a point other than where manufactured, except vehicles that are delivering bakery products to retail or wholesale establishments for resale.

(Ord. 8588 § 2 (part), 1964; Ord. 7583 Part 3 Ch. 1 § 311.1, 1959.)

11.02.230 Box lunch.

"Box lunch" means an assortment of foods or foodstuffs sufficient in quantity and variety to constitute a meal, packed or placed in a box or container and to be eaten at a place other than the premises upon which the food is prepared.

(Ord. 7583 Part 3 Ch. 1 § 314, 1959.)

11.02.240 Caterer.

"Caterer" means any person who transports food for profit, and serves or offers for service by others on order, such food, as a meal or a portion of a meal, at a place other than his place of business, but shall not include markets, bakeries or similar food establishments preparing, serving or delivering wrapped foods.

(Ord. 7583 Part 3 Ch. 1 § 312, 1959.)

11.02.250 Food.

"Food" means all articles and substances used for food and drink, confectionery or condiment whether simple or compound, and all ingredients and components used in the preparation thereof.

(Ord. 7583 Part 3 Ch. 1 § 303, 1959.)

11.02.260 Food establishment.

"Food establishment" means any public or private market, shop, store, storehouse, bakery, food processing establishment or any other plant or place, not a restaurant, itinerant restaurant, caterer, wayside stand, temporary refreshment stand or vending machine, in or about which food is stored, prepared or offered for sale or gift for human consumption.

(Ord. 2008-0013 § 11, 2008; Ord. 7583 Part 3 Ch. 1 § 310, 1959.)

11.02.280 Itinerant restaurant.

"Itinerant restaurant" means any restaurant operating for a temporary period or time, not to exceed 30 days at any one location on any one premises, and shall include any stand or facility which is portable and used for the preparation and service of foods, other than a temporary refreshment stand. "Itinerant restaurant" may include a vehicle, provided it is maintained in a mobile condition and currently registered by the California Department of Motor Vehicles.

(Ord. 9375 § 1 (part), 1967; Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 1 § 308, 1959.)

11.02.290 Lunch service vehicle.

"Lunch service vehicle" means a vehicle from which is dispensed ready-to-eat food and drink which has been prepared and sealed or packaged in a licensed establishment.

(Ord. 7583 Part 3 Ch. 1 § 305, 1959.)

11.02.300 Nuisance.

"Nuisance" means and includes any of the following:

A. Any public nuisance known to common law or equity jurisprudence, and whatever is dangerous to human life or detrimental to health;

B. Overcrowding a room with occupants;

C. Inadequate or insanitary sewerage or plumbing facilities;

D. Insufficient ventilation or illumination;

E. Uncleanliness, or anything that renders air, food and drink detrimental to the health of human beings.

(Ord. 7583 Part 3 Ch. 1 § 318, 1959.)

11.02.310 Operator.

"Operator" means anyone who, as an employee, manager, owner or otherwise, is engaged in the preparation, dispensing or handling of food or food products.

(Ord. 7583 Part 3 Ch. 1 § 302, 1959.)

11.02.320 Restaurant.

"Restaurant" means, but is not limited to, any coffee shop, cafeteria, school cafeteria, shortorder cafe, luncheonette, tavern, cocktail lounge, sandwich stand, soda fountain, club, hotel, boarding house, fraternal organization, employee or in-plant feeding establishment, or other public eating or drinking establishment which prepares and offers, for sale or gift, food and drink to the public, as well as kitchens in which food and drink is prepared on the premises; for sale, gift or distribution elsewhere.

(Ord. 7583 Part 3 Ch. 1 § 307, 1959.)

11.02.330 Slaughterhouse.

"Slaughterhouse" means any establishment in which anyone, other than for his own use, slaughters more than one horse, mule or ass per day.

(Ord. 7583 Part 3 Ch. 1 § 313, 1959.)

11.02.340 Temporary refreshment stand.

"Temporary refreshment stand" means any food-preparation or dispensing operation conducted in connection with a fair, circus, or public exhibition or gathering, offering food for sale or gift to the general public for a temporary period of time in one location.

(Ord. 9375 § 1 (part), 1967; Ord. 8614 § 1 (part), 1964; Ord. 7583 Part 3 § 309, 1959.)

11.02.350 Wayside stand.

"Wayside stand" means any stand from which is offered, for sale or as a gift, edible agricultural products as grown, which have not been processed in any other way than other washing, which sales or gifts are made from residences or other structures by the owners or tenants thereof, or members of their immediate families, where such residences or other structures are not designed, constructed or altered so as to display such edible agricultural products, or where such structures are temporary and without sides of any kind, and such residences or other structures are located on the property on which such edible agricultural products are raised, grown or produced, whether such sales or gifts are advertised by signs or not.

(Ord. 7583 Part 3 Ch. 1 § 306, 1959.)

Chapter 11.04 COMMUNICABLE DISEASE CONTROL[3]

Part 1 GENERAL REQUIREMENTS

11.04.010 Director—Powers and duties generally.

A. Within a reasonable length of time after the receipt by him of a report of a case of contagious, infectious or communicable disease, the director of public health shall make such investigation and take such measures as in his opinion and uncontrolled discretion may be necessary to prevent spread of said disease and to enforce the provisions of this Division 1 and statutes, particularly, but not limited to, the Health and Safety Code and the Regulations of the California Department of Health Services.

B. In such cases, the director shall collect and submit to the county public health department laboratory, or to another laboratory approved by the California Department of Health Services, such samples and laboratory specimens as may be necessary to determine the diagnosis, source of infection, and possible infection of persons who have been in contact with the source of infection, of said contagious, infectious or communicable diseases. In such cases, the director shall, when he determines it necessary to assure compliance with his quarantine or isolation regulations or orders, post guards on or adjacent to the premises where a contagious, infectious or communicable disease exists.

(Ord. 2006-0040 § 76, 2006; Ord. 7583 Part 2 § 200, 1959.)

11.04.020 Isolation or quarantine authorized when.

A. The director may remove any person affected or reasonably suspected of being affected with a contagious, infectious or communicable disease to a suitable place of isolation or quarantine when the director deems such action necessary to protect the patient and the public health.

B. In such instances where the patient involved may be classed as indigent according to the requirements and standards of the Los Angeles County department of public social services, removal shall be to a suitable facility which has been established and maintained for the treatment and isolation of contagious, infectious or communicable diseases by the county of Los Angeles through the department of health services directly, or by contract with other persons, bodies or institutions.

C. In the instance of communicable disease patients other than indigents, the director shall attempt to secure isolation and treatment in private institutions having facilities which, in the opinion of the director, are adequate for proper isolation; but if such private institutions be not found available and, in his opinion, hospital isolation and care continue necessary, said nonindigent contagious person shall be committed to the director of the department of health services, who shall provide facilities in county institutions or hospitals for proper isolation and treatment.

D. Return of such communicable disease patients from isolation in a hospital or other isolation facilities to community living shall be on authorization of the director.

(Ord. 2006-0040 § 77, 2006; Ord. 7583 Part 2 § 201, 1959.)

11.04.030 Physicians—Report of disease required when.

Any report of the existence of a contagious, infectious or communicable disease required by any physician or any other person by the provisions of the Health and Safety Code and the Regulations of the California Department of Health Services shall, in addition to the matters require to be reported by such statute or regulation, further state whether the patient or any member of the patient's household is engaged in the handling or sale of milk or other foodstuff for human consumption or is engaged in teaching or working in a school or in caring for children other than those of the patient's own immediate family.

(Ord. 2006-0040 § 78, 2006; Ord. 7583 Part 2 § 202, 1959.)

11.04.040 Report of disease by other persons required when.

When no physician is in attendance, any dentist, practitioner, visiting nurse, private duty nurse, head of any private household, or person in charge of any institution, hotel, hospital, sanitary clinic, dispensary, boarding house, school, camp or vessel, shall report immediately to the director the name and address of any person under his charge, or in his institution or other place under his charge, with any disease which is or which he suspects or has reason to suspect as being contagious, infectious or communicable, and shall keep such a person strictly isolated

until the director orders otherwise. Any person having knowledge that another person is suffering from a disease which is, or which the first person suspects or has reason to suspect as being contagious, infectious or communicable, shall report forthwith to the local director the name and address of the diseased person and all the facts relating to the case known to him and requested by the director.

(Ord. 7583 Part 2 § 203, 1959.)

11.04.050 Physicians—Specimen submittal.

Any physician in attendance on a person suffering from any disease which is, or which the physician suspects or has reason to suspect as being, contagious, infectious or communicable, shall submit to the director or to a laboratory approved by the California Department of Health Services for examination, such specimens required or demanded by the director for establishing the diagnosis and control of such disease.

(Ord. 2006-0040 § 79, 2006; Ord. 7583 Part 2 § 204, 1959.)

11.04.060 Physicians—Isolation of patient and other precautions.

A. Any physician who discovers a case of contagious, infectious or communicable disease shall immediately cause the patient to be isolated and to remain isolated until otherwise ordered by the director.

B. The physician shall also advise other members of the household regarding the precautions to prevent further spread of the disease, and shall cooperate with the director in endeavoring to secure the immunization and prompt treatment of such patient and of persons who have been in contact with such patient to render them noninfectious.

(Ord. 7583 Part 2 § 205, 1959.)

11.04.070 Tuberculosis—Recordkeeping requirements.

All reports and all results of examinations of persons having or suspected of having tuberculosis shall be recorded by the director in a register, which register shall not be open to inspection by any person other than the health authorities of the state and county or of any public school district.

(Ord. 7583 Part 2 § 206, 1959.)

11.04.080 Sanitary disposal of infectious excretions.

No person having tuberculosis or other contagious, infectious or communicable disease shall dispose of his sputum, saliva or other bodily secretion or excretion so as to cause offense or danger to any person or persons occupying the same room, apartment, house or public place. In all cases of violation of this section, the director shall take such steps as he may find necessary to protect the public health.

(Ord. 7583 Part 2 § 207, 1959.)

11.04.090 Quarantine—Placard requirements.

No person shall interfere with or obstruct the director or his authorized representative in the posting of any placard establishing quarantine in accordance with law, in or on any place or premises, nor shall any person conceal, mutilate or remove any such placard, except by permission of the director. In the event any such placard

is concealed, mutilated or torn down, the occupant of the premises whereon such placard was posted shall notify the director of such fact immediately.

(Ord. 7583 Part 2 § 208, 1959.)

11.04.100 Quarantine—Leaving and entering premises—Limitations.

It is unlawful for any person residing or being in any place which is quarantined by the director to leave, nor shall any unauthorized person enter such place without the written consent of the director; provided, however, that the physician in attendance, any registered nurse in attendance, the clergyman, undertaker, or any member of the department of public health, in performance of their duties, may have access to the quarantined household or any persons therein under such regulations as may be adopted from time to time by the director. Any permits issued under authority of this section may be revoked upon failure to comply with the regulations governing the issuance of such permits.

(Ord. 2006-0040 § 80, 2006; Ord. 7583 Part 2 § 209, 1959.)

11.04.110 Schools—Exclusion of children or other persons required when.

A. It shall be the duty of the principal or other person in charge of any public, private, parochial, Sunday, kindergarten or boarding school, or day nursery, to exclude therefrom any child or other person with an infectious, contagious or communicable disease, or a disease such principal or other person suspects or has reason to suspect as being contagious, infectious or communicable. If the attending physician, school physician or director finds, upon examination, that the person is not suffering from a contagious, infectious or communicable disease, he may submit a certificate to this effect to the school authority, who may readmit the person.

B. In addition, the principal or other person shall exclude from attendance at school, and shall notify the director of said action taken, all children affected with the following named diseases: impetigo contagiosa, pediculosis, ringworm, scabies and Vincent's infection. The director shall prescribe conditions under which children with such diseases may attend school.

(Ord. 7583 Part 2 § 210, 1959.)

11.04.120 Schools—Readmission of children—Conditions.

A. No instructor, teacher, pupil or child who resides where any contagious, infectious or communicable disease exists, or has recently existed, which is subject to strict isolation or quarantine of contacts, shall be permitted by any superintendent, principal or teacher of any college, seminary, public or private school, or day nursery, to attend the college, seminary, school or nursery, except by the written permission of the director.

B. Pupils or school or nursery employees who have been ill from any other contagious, infectious or communicable disease may be readmitted only by written permission signed by the attending physician, the school physician, or the director or his authorized agent.

(Ord. 7583 Part 2 § 211, 1959.)

11.04.130 Control measures when diagnosis is uncertain.

In cases of doubt or disputed diagnosis, or where uncertainty exists as to the exact nature of a suspected case of contagious, infectious or communicable disease, the director shall enforce the control measures provided for the

disease. Whenever a case of unrecognized illness shall be reported to the director, which upon investigation presents symptoms of a contagious, infectious or communicable disease, but in which, in the judgment of the director, sufficient time has not elapsed to render a positive diagnosis possible, the director shall establish the control measures applicable in actual cases of contagious, infectious or communicable disease until such time as positive diagnosis can be established.

(Ord. 7583 Part 2 § 212, 1959.)

11.04.140 Disinfection measures following quarantine or other unsanitary conditions.

A. Whenever a person or animal or other thing is discovered to be affected by or infected with a contagious, infectious or communicable disease, upon demand of the director, the owner or person in charge of the house containing said person, animal or thing shall cause the house, building or premises, and all articles therein which might harbor germs or viruses, or carriers thereof, to be disinfected, deloused, renovated, cleaned or fumigated, as required by and under the supervision of the director.

B. Upon the termination of any case of contagious, infectious or communicable disease by death or recovery of the patient, or on removal of the patient from the house or other place in which the patient had been staying during the course of the disease, the director shall make a determination of the means necessary to render noninfectious the house or other place occupied by the patient during the course of the disease. The director may order any person owning, or having any interest in said house or other place, to clean the premises according to specifications of the director, and said person owning or having interest in said property shall obey all further orders of the director that may be determined by the director in his sole discretion to be necessary to destroy the vitality of pathogenic microorganisms or viruses on such premises.

C. Whenever quarantine is established by the director for any contagious, infectious or communicable disease, he shall instruct all persons on the quarantined premises in the steps necessary to prevent the spread of the disease through infectious discharge, and such persons shall follow and obey such instructions. In the case of the louse-borne diseases, the director shall take such measures as may be necessary to delouse all infected persons who have been in contact with the infected person on the quarantined premises, and also such persons shall obey the orders of the director relating to said delousing program.

D. Whenever the director, in his sole discretion, finds that an emergency exists requiring immediate action for the protection of public health, he shall proceed to render any infected house, building or premises free from the danger of the spread of contagious, infectious or communicable disease; if, in the opinion of the director, it is necessary to destroy any clothing or bedding or other articles to prevent the spread of contagious, infectious or communicable disease, the same shall be destroyed by the director.

E. Whenever the director finds any premises to be infested with vermin or rats, or to be in such insanitary condition, as in his opinion to require fumigation or renovation, the director shall serve notice of such conditions on the owner or his agent, or tenant of such premises, and the owner, agent or tenant shall fumigate or renovate such premises as directed by the director.

F. No person shall remove any article of clothing or bedding, or any other article by which the germs of disease may be carried, from any house, building or premises in which there is or has been a case of contagious, infectious or communicable disease, until such articles have been thoroughly disinfected and the permission of the director obtained for such removal.

(Ord. 7583 Part 2 § 213, 1959.)

11.04.150 Exposed persons—Contacts with other persons restricted.

Upon specific order of the director, a person or persons who have attended upon or otherwise come in contact with a case of communicable disease in such manner or to such extent as to render him or her liable to contract such disease or to communicate it to others, shall refrain from going into a public place of assembly and shall not mingle with other persons not affected with such disease. The director may, when it is necessary, cause any person so exposed to be quarantined until the danger of such person's having or communicating such communicable disease has passed.

(Ord. 7583 Part 2 § 214, 1959.)

11.04.160 Bodies of disease victims—Embalming restrictions—Report required when.

No undertaker or embalmer shall begin the actual embalming of any body in which the cause of death is, or in which he suspects or has reason to suspect the cause of death as being, a contagious, infectious or communicable disease, until authorized by the director. If the case has not been previously reported to the director, the undertaker or embalmer shall immediately report to the director the name and address of the deceased person, and all facts relating to the cause of death known to said undertaker or embalmer.

(Ord. 7583 Part 2 § 215, 1959.)

11.04.170 Hearse and mortuary car use restrictions.

It is unlawful for any funeral director or other person to use, or cause or permit to be used, any vehicle other than a hearse or mortuary car for the conveyance of the body of any person dead of a contagious, infectious or communicable disease, except when said person dies while being transported in a vehicle, unless said body shall have been prepared for burial and encased in a sound casket and enclosed in a transportation case.

(Ord. 7583 Part 2 § 216, 1959.)

11.04.180 Burial permits.

For every burial permit issued pursuant to the Health and Safety Code, the applicant shall pay to the director, and the director shall collect the fee authorized pursuant to Health and Safety Code section 100430, except that no fee shall be charged for a burial permit of a person who died while in any branch of the armed forces during time of war.

(Ord. 2006-0040 § 81, 2006; Ord. 7583 Part 2 § 217, 1959.)

11.04.190 Tuberculosis sanitarium—Alcoholic beverages prohibited.

No person shall enter, be or remain upon the premises of any tuberculosis sanitarium while in possession of any alcoholic beverages, including beer and wine, in excess of a single dose prescribed by the sanitarium physician.

(Ord. 10728 § 2 (part), 1973; Ord. 7583 Part 2 § 228, 1959.)

11.04.195 Sale or use of alkyl nitrite products.

A. It is unlawful for any person to use, sell, offer for sale or otherwise furnish to any other person any alkyl nitrite product, as defined herein.

B. "Alkyl nitrite" means any volatile alkyl nitrite compound including, but not limited to, amyl nitrite, butyl nitrite, and isobutyl nitrite.

C. "Alkyl nitrite product" means all products of any kind containing an alkyl nitrite in a form and amount which makes possible the introduction of an alkyl nitrite into the human body through any means including, but not limited to, injecting, ingesting or inhaling.

D. As used in this section, the use of an alkyl nitrite product shall mean to inhale, inject, or otherwise introduce into the human body an alkyl nitrite product, unless done pursuant to a course of treatment prescribed or administered by a physician, dentist or podiatrist.

E. The prohibition contained in subsection A of this section shall not apply to the sale, offering for sale, or furnishing of any alkyl nitrite product by:

1. A pharmacist to a physician, dentist, podiatrist, veterinarian or to any other person possessing a prescription issued by a physician, dentist, podiatrist or veterinarian for such a product;

2. A physician, dentist, podiatrist or veterinarian to his or her patients; or

3. A manufacturer or wholesaler of alkyl nitrite products to a pharmacist, physician, dentist, podiatrist or veterinarian.

(Ord. 86-0173 § 1, 1986.)

Part 2 RABIES CONTROL AND VICIOUS ANIMALS[5]

11.04.200 Persons bitten by certain animals—Report required—Treatment.

It shall be the duty of each physician to report to the director any case coming to the physician's attention in which a person has been bitten by, or otherwise exposed to, an animal of a species subject to rabies, giving the full name, age and address of the person who has been bitten. If no physician is in attendance on said case, said report shall be made by the person bitten or otherwise exposed, or, in the case of a minor, by his parent or guardian. The director shall ascertain that said individual is treated as the director, in his opinion and discretion, deems necessary for the protection of said individual, and the director shall order the quarantine and observation of the biting animal until it is established by the director that such animal does not have symptoms of rabies.

(Ord. 10728 § 1 (part), 1973; Ord. 7583 Part 2 § 218, 1959.)

11.04.210 Confinement of biting animals—Procedure generally.

The biting animal shall be quarantined, confined and observed for at least 14 days (dogs and cats, 10 days) after the day of infliction of the bite, with the exception that the following alternative to the 10-day isolation of dogs and cats is permitted: dogs or cats which have been isolated in strict confinement, under proper care and under observation of a licensed veterinarian, in a pound, veterinary hospital or other adequate facility, in a manner approved by the director of public health, may be released from isolation by the director after five days of veterinary observation if, upon conducting a thorough physical examination on the fifth day or more after infliction of the bite, the observing veterinarian certifies that there are no clinical signs or symptoms of any disease.

(Ord. 2006-0040 § 82, 2006; Ord. 10728 § 1 (part), 1973; Ord. 7583 Part 2 § 219, 1959.)

11.04.220 Confinement of biting animals—Alternate procedures.

A. The quarantine described in Section 11.04.210 may be made on the property of the person having charge, custody or control of such animal when adequate quarantine facilities are available; or, at the discretion of the director, such animal may be placed under quarantine and observation in any licensed boarding kennel.

B. Should the animal be relinquished by the owner to the director to be disposed of upon release from quarantine, the director may, at his discretion, impound such animal in an approved animal control facility.

(Ord. 10728 § 1 (part), 1973; Ord. 7583 Part 2 § 220, 1959.)

11.04.225 Fee for confinement of biting animals.

A. Under the conditions described in subsection B of this section, the county shall recover a fee of $50.00 for the costs incurred by the department of public health in the confinement of a biting animal as described in Sections 11.04.200, 11.04.210 and 11.04.220. The county shall also recover any related costs, including care and feeding of the confined animal, and any reasonable costs that it may incur in connection with the collection of such fees.

B. The fee shall be assessed when:

   1. The director of public health or his designee confines an animal described in Section 11.04.200 on the owner or custodian's premises and the victim of the bite is not the owner or custodian of the animal; and

   2. The victim was not engaged in an illegal activity against the person or on the property of the owner or custodian.

C. Notwithstanding the above, the fee shall not be assessed when the animal is a police dog or guide dog as defined in California Health and Safety Code Sections 1919 and 1919.1.

D. The director or his designee may waive, in full or in part, the above fee, if necessary to accomplish the protection of animal or public health, safety or welfare.

(Ord. 2006-0040 § 83, 2006; Ord. 93-0055 § 11, 1993.)

11.04.230 Owner of biting animal—Report required—Examination of confined animal.

Whenever the owner or person having charge, custody or control of any animal observes or learns that such animal has bitten or otherwise exposed a human being, such owner or person having charge, custody or control of such animal shall report the incident at once to the director and shall confine such animal in an enclosure, or shall securely hold and restrain said animal, by chain or other device, for examination and observation by the director. No owner or person having charge, custody or control of such animal shall fail, refuse or neglect to allow the director to make an inspection or examination of such animal for the purpose of determining whether such animal has symptoms of rabies.

(Ord. 10728 § 3 (part), 1973; Ord. 7583 Part 2 § 221, 1959.)

11.04.240 Owner of biting animal—Quarantine requirements—Examination of dead animal.

No owner or person having charge, custody or control of any animal biting or otherwise exposing a human being shall fail, refuse or neglect to confine in an enclosure, or securely hold and restrain such animal by chain or other device, upon the premises of the owner or person having charge, custody or control of such animal, for the period of quarantine as shown in Section 11.04.210. Should such animal die while under quarantine and observation, the owner or person having charge, custody or control of such animal shall surrender the carcass of such animal or such portion of the carcass as may be demanded by the director.

(Ord. 10728 § 3 (part), 1973; Ord. 7583 Part 2 § 222, 1959.)

11.04.250 Destroying quarantined animal prohibited—Exception.

It is unlawful for any owner or person having charge, custody or control of any animal that has bitten or otherwise exposed a human being or is suspected of having rabies to destroy such animal, or have such animal destroyed, during the quarantine period, unless permission is granted by the director.

(Ord. 10728 § 3 (part), 1973; Ord. 7583 Part 2 § 223, 1959.)

11.04.260 Suspected rabid animals—Owner report and confinement duty.

Whenever the owner or person having charge, custody or control of any animal learns or observes that such animal has shown symptoms of rabies or has acted in a manner which would give said person or owner reason to believe that said animal has rabies, it shall be unlawful for such owner or person having charge, custody or control of such animal to fail, refuse or neglect to notify the director at once and to confine such animal in an enclosure, or to securely hold and restrain such animal by chain or other device until it shall be established that such animal does not have symptoms of rabies, or to fail, refuse or neglect to allow the director to inspect or examine such animal for symptoms of rabies.

(Ord. 10728 § 3 (part), 1973; Ord. 7583 Part 2 § 224, 1959.)

11.04.270 Quarantine of animals coming in contact with rabid animals.

Animal contacts of a known rabid or suspected rabid animal shall be quarantined in a place and manner, and for a period of time, designated by the director.

(Ord. 10728 § 3 (part), 1973; Ord. 7583 Part 2 § 225, 1959.)

11.04.280 Vicious animals—Identification procedure—Confinement requirements.

A. It shall be the duty of the director, upon receipt of an affidavit from any person who has been bitten by an animal or from a person who has witnessed such an occurrence, to investigate and, upon reasonable indication of the animal's viciousness, to notify the owner or custodian of such animal, in writing, to keep such animal at all times confined strictly to the premises of said owner or custodian in such a manner that the animal may not do bodily harm to any person having legitimate reason to be upon the premises of said owner or custodian.

B. Permanent Quarantine. After the receipt by the owner or custodian of such animal of the notice as provided in subsection A of this section, the owner or custodian shall at all times thereafter keep such animal, or cause such animal to be kept, on the property or premises where such owner or custodian resides, in the manner

specified in subsection A above. Such animal shall not be moved from the place of quarantine or disposed of in any manner without the permission of the director, and in the event of the death of the animal, the carcass of the animal shall be surrendered by the owner or custodian to the director on demand, as proof of the death of the animal.

(Ord. 10728 § 2 (part), 1973; Ord. 7583 Part 2 § 226, 1959.)

11.04.290 Vicious animals—Appeal from quarantine requirement—Hearing procedures.

Any person whose animal has been declared vicious and placed on permanent quarantine may petition the director for a hearing. Such a petition shall be in writing, signed by the applicant, and shall set forth in detail the facts and reasons upon which his petition is based. If the director finds that the facts upon which he based his order of quarantine no longer exist, he shall rescind the quarantine. Otherwise, he shall set the matter for a public hearing not less than 60 days after the filing of the petition and, in writing, either by registered or certified mail, postage prepaid, or in the manner required for the service of summons in civil actions, not less than five days prior to the hearing, notify the applicant of the time and place thereof. The director shall give the petitioner and all other persons who desire to be heard an opportunity to testify and to present any relevant facts. The director may place any witness under oath. The director, when he deems it necessary, may continue the hearing at any time and shall give notice thereof at the hearing or as required when the matter is first set for hearing. At the close of the hearing or within 10 days thereafter, from the evidence presented, the director shall determine the facts and shall take the action required thereby, continue the quarantine, set aside the quarantine, or such other action as is required by law under the facts. He may notify the petitioner at the close of the hearing as to his ruling if the petitioner is present, either in person or by counsel. Otherwise, he shall notify the petitioner of his action by a notice in writing served by first class mail, postage prepaid, or in the manner required for the service summons in a civil action.

(Ord. 10728 § 4, 1973; Ord. 7583 Part 2 § 227, 1959.)

Part 3 BATHHOUSES AND SIMILAR COMMERCIAL ESTABLISHMENTS

11.04.300 Findings.

Acquired Immune Deficiency Syndrome (AIDS) is a fatal disease of epidemic proportions in Los Angeles County. Evidence exists that certain commercial establishments in the county allow, facilitate, and/or provide facilities for their patrons to engage in high risk sexual contact which poses a significant risk for the transmission of the human immunodeficiency virus (HIV), which has been associated with AIDS, and other sexually transmitted diseases. Such high risk sexual contact poses an unacceptable public health risk which must be eliminated.

(Ord. 2004-0050 § 1, 2004; Ord. 88-0012U § 1 (part), 1988.)

11.04.310 Definitions.

The following terms as used in this Part 3 shall have the following meanings:

A. 1. "Commercial sex venue" means any establishment that charges patrons or members a fee for admission or membership and which as one of its primary purposes allows, facilitates, and/or provides facilities for its patrons or members to engage in any high risk sexual contact while on the premises.

2. Excluded from the definition of commercial sex venue shall be any hotel or motel, as defined in subsection C of this section.

B. 1. "High risk sexual contact" means anal or vaginal intercourse, oral copulation, and any other behavior or activity identified by the county health officer pursuant to subsection B.2 of this section.

2. In recognition that medical information about AIDS and how it is transmitted continues to develop, the county health officer may amend the definition of high risk sexual contact when, in his opinion, such a change is supported by the then-available scientific information. Any such change shall be effective only after notice of such change is given to the board of supervisors and is published once a week for three weeks in a newspaper of general circulation in the county and is provided to each establishment which has been issued or applied for a permit pursuant to Section 11.04.320 herein.

C. "Hotel" or "motel" means a commercial establishment meeting all of the following requirements:

1. The establishment holds itself out as being primarily in the hotel or motel business;

2. The establishment is licensed by all applicable jurisdictions as a hotel or motel;

3. The establishment complies with any applicable occupancy tax ordinance;

4. The establishment complies with all applicable state, city and county statutes, ordinances and regulations controlling the operation of motels or hotels.

(Ord. 2004-0050 § 2, 2004; Ord. 88-0012U § 1 (part), 1988.)

11.04.320 Public health facility permit.

A. It shall be unlawful for any person or entity to operate, conduct or carry on a commercial sex venue, unless the owner of the commercial sex venue first obtains, and continues to maintain in full force and effect, a public health facility permit. The owner of any commercial sex venue which was lawfully operating on the effective date of this section shall either cease operation or obtain a public health facility permit within six months of the effective date of this section.

B. Within 30 calendar days of the adoption of this section, the county health officer shall establish commercial sex venue regulations, which are intended to eliminate the unacceptable public health risk posed by the operation of commercial sex venues. A copy of these commercial sex venue regulations shall be made available to any member of the public at no charge, upon request. As determined necessary by the county health officer, he may, from time to time, amend the commercial sex venue regulations. A copy of any amendments shall also be made available to any member of the public at no charge, upon request.

C. Upon review and verification by the county health officer that the owner has met the requirements enumerated in the commercial sex venue regulations, he shall issue a public health facility permit to the owner.

D. Any public health facility permit issued by the county health officer to the owner of a commercial sex venue is nontransferable. The public health facility permit shall be valid for a twelve-month period and only for the approved facility.

(Ord. 2004-0050 §§ 3, 4, 2004.)

11.04.330 Posting requirements.

A. The public health facility permit issued to the owner of any facility operating as a commercial sex venue must be posted and exhibited at all times in an area that is visible to the public and to patrons and members of the commercial sex venue.

B. At all times, every commercial sex venue shall have posted so as to be clearly visible to patrons and members entering the establishment a legible sign, in lettering at least one inch in size, that provides the following information:

Any public health concerns regarding this establishment should be directed to the Los Angeles County Department of Health Services Office: (the program office address and telephone number to be provided by the county health officer).

(Ord. 2004-0050 §§ 5, 6, 2004.)

11.04.340 Permit—Reporting requirements.

Every owner of a commercial sex venue for which a public health facility permit has been issued by the county health officer under the provisions of this Part 3 shall report to him any changes in the status of the business or activities which is made reportable by commercial sex venue regulations, within 15 calendar days of the change.

(Ord. 2004-0050 § 7, 2004.)

11.04.350 Permit—Suspension and revocation.

A. Any public health facility permit issued pursuant to this Part 3 may be suspended or revoked at any time by the county health officer for failure to comply with any provision of this Part 3 or any other violation of law or standard which creates a risk to the public health or safety, including, but not limited to, any violations of the commercial sex venue regulations, the Los Angeles County Code or the California Health and Safety Code, or any combination thereof, or for interference with the county health officer's performance of his duty.

B. Whenever the county health officer finds that an owner is not in compliance with the requirements of this Part 3, or any law or standard affecting the public health or safety, including, but limited to, the commercial sex venue regulations, the Los Angeles County Code or the California Health and Safety Code, or any combination thereof, a written notice of noncompliance shall be issued to the owner. The notice of noncompliance shall include a statement of all deficiencies found, and shall specify the mandatory corrective measures, including, if appropriate, preparation by the owner of a corrective action plan, which must be completed to address all deficiencies. The county health officer shall provide a date (hereinafter "compliance date") by which all the mandatory corrective measures must be completed. On the compliance date, the county health officer will assess if the mandatory corrective measures taken by the owner are sufficient to cause the county health officer to conclude that the deficiencies that were set out in the notice of noncompliance have been corrected or otherwise sufficiently addressed to ensure that they no longer present a risk to public heath or safety. The notice of noncompliance shall inform the owner that failure to sufficiently address the deficiencies may result in the imposition of any penalty provided for in this Part 3. The notice of noncompliance shall also advise the owner of his right to an administrative review under the provisions of subsection E of this section.

C. Notwithstanding any other provision of this Part 3, if the county health officer finds that an owner is not in compliance with the requirements of this Part 3, or any law or standard affecting the public health or safety, including, but not limited to, the commercial sex venue regulations, the Los Angeles County Code or the California Health and Safety Code, or any combination thereof and this owner has demonstrated a pattern of violations such that, in the judgment of the county health officer additional time will not result in compliance, the county health officer may immediately suspend or revoke the owner's health facility permit. In such case, the county health officer shall issue a written notice to the owner that shall specify the acts or omissions found to be violations of any applicable regulations or laws, and in the case of suspension, shall state the duration of the suspension and the corrective measures, if any, which the owner must implement

as a condition of the reinstatement or reissuance of the permit, at end of the suspension period. The notice shall also advise the owner of his right to an administrative review under the provisions of subsection E of this section.

D. Notwithstanding any other provision of this Part 3, if any immediate danger to the public health or safety is found or is reasonably suspected, unless the condition is corrected forthwith, the county health officer may immediately suspend any public health facility permit issued pursuant to this Part 3, and/or initiate a criminal complaint, pending a determination of an administrative review as provided herein. Immediate danger to the public health or safety shall include any condition, based upon inspection findings or other evidence, that can cause, or is reasonably suspected of causing, infection or disease transmission, or any known or reasonably suspected hazardous condition. Whenever a public health facility permit issued pursuant to this Part 3 is immediately suspended as a result of an immediate danger to the public health or safety, the county health officer shall issue to the owner a written notice of noncompliance. The notice of noncompliance shall include a statement of all deficiencies found, and shall specify the mandatory corrective measures, including, if appropriate, preparation by the owner of a corrective action plan, which must be completed to address all deficiencies. The county health officer shall set a compliance date by which all the mandatory corrective measures must be completed. On the compliance date, the county health officer will assess if the mandatory corrective measures taken by the owner are sufficient to cause the county health officer to conclude that the deficiencies that were set out in the notice of noncompliance have been corrected or otherwise sufficiently addressed to ensure that they no longer present a risk to the public health or safety. In this circumstance where a business is immediately closed because of an immediate danger to the public health or safety is found or reasonably suspected, the owner may request that the compliance date occur on a date earlier than that scheduled by the county health officer. If the owner requests this earlier date, the county health officer shall reschedule the compliance date to a time no later than the end of the third business day following the owner's request. The notice of noncompliance shall inform the owner that failure to sufficiently address the deficiencies may result in the imposition of any penalty provided for in this Part 3. The notice of noncompliance shall also advise the owner of his right to an administrative review under the provisions of subsection E of this section.

E. A request for an administrative review, as specified in subsections B and D of this section, must be made by the owner in writing within 15 calendar days of the compliance date set forth in the notice of noncompliance or any extension thereof which is later granted by the county health officer. A request for an administrative review, as specified in subsection C of this section, must be made by the owner in writing within 15 calendar days of the date the notice provided for in subsection C is issued by the county health officer. Failure to request an administrative review within the prescribed time shall be deemed a waiver of the right to such review. The administrative review shall be held within 15 calendar days of the receipt of a written request for a review and shall be conducted by a designee of the county health officer who was not involved in issuing the notice of noncompliance (hereinafter "reviewer"). Upon written request of the owner, or on his own initiative, the reviewer may advance or postpone the scheduled administrative review date, if, in his opinion, good cause warrants such action. The reviewer shall issue to the owner a written notice of his decision within five working days of the completion of the administrative review. Upon completion of the administrative review, the reviewer may modify, suspend, revoke or continue all such actions previously imposed upon a public health facility permit issued pursuant to this Part 3. In the event of suspension or revocation of the public health facility permit, the notice of decision shall specify the acts or omissions found to be violations of any applicable regulations or laws and, in the case of suspension, shall state the duration of the suspension and the corrective measures, if any, which the owner must implement as a condition of the reinstatement or reissuance of the permit, at end of the suspension period.

F. In the event a public health facility permit is suspended or revoked, the owner of the commercial sex venue shall cease to operate said facility as a commercial sex venue, unless and until the public health facility permit is reinstated or reissued.

(Ord. 2004-0050 § 8, 2004.)

11.04.360 Compliance with Part 3 provisions required.

A. The provisions of this Part 3 are in full force and effect in the county and in every municipal jurisdiction in the county adopting this Part 3.

B. Any person owning or operating any business or establishment regulated by this Part 3, must comply with the provisions of this Part 3.

C. Any person who owns or operates a commercial sex venue without a valid public health facility permit, or who, upon demand of the county health officer, refuses, or neglects to conform to a lawful order or directive issued by him pertaining to conduct regulated by this Part 3, is guilty of a misdemeanor, punishable by a fine of $1,000.00, imprisonment in the county jail for a period not exceed six months, or both. Each such act is punishable as a separate offense, and each subsequent day that an act continues constitutes a separate act punishable as separate offense.

(Ord. 2004-0050 § 9, 2004.)

11.04.370 Health officer—Right to enter and inspect.

The county health officer may enter and inspect any commercial sex venue, or enter and inspect any location suspected of being a commercial sex venue, for purposes of enforcing this Part 3. Such inspections may be conducted as often as necessary to ensure compliance with the provisions of this Part 3.

(Ord. 2004-0050 § 10, 2004.)

11.04.380 Noncompliance with county health officer—Injunctive relief.

Any act or failure to act which is a violation of this Part 3 may be the subject of a civil action to enjoin the person so acting or failing to act to conform his or her conduct to the provisions of this Part 3. The filing and prosecution of such an action shall, in no way, limit the authority or ability of the county health officer to enforce the requirements of this Part 3 or impose penalties or take any other actions enumerated herein.

(Ord. 2004-0050 § 11, 2004.)

Chapter 11.06 PERMITS AND SPECIAL SERVICE FEES

11.06.020 Fee schedule.

The director of public health shall from time to time review, adopt, amend, repeal and enforce rules and regulations for the protection of the public health, safety and general welfare. Such rules and regulations may include a schedule of fees to pay for cost of services provided pursuant to Title 8 and Title 20 of this code.

(Ord. 2006-0040 § 84, 2006; Ord. 2005-0053 § 6, 2005; Ord. 11992 § 5 (part), 1979; Ord. 7583 Part 3 Ch. 10 § 751, 1959.)

Chapter 11.07 Public Events With Daily Attendance of Over 10,000 Participants

11.07.010 Findings.

A. The Board of Supervisors finds as follows:

1. Large scale events can pose a variety of health and safety risks to the attendees of these events;

2. These events can drain critical resources such as law enforcement, fire, emergency medical response and emergency room services;

3. Threat assessments should be conducted in order to minimize these risks;

4. Where the threat assessment leads to a determination that there is a strong probability that loss of life or harm to attendees can occur, then an event action plan shall be required in order to minimize the strong probability of loss of life or harm through adequate health and safety planning to reduce the risk associated with the event; and

5. Annual fairs controlled by the Food and Agricultural Code and certain other large scale events held in venues such as theaters with assigned seats should be excluded from this process as they do not tend to pose the kinds of health and safety risks this ordinance is intended to address.

(Ord. 2016-0015 § 1, 2016.)

11.07.020 Definitions.

A. "County property" includes real property owned, leased, subleased, or otherwise assigned by the County, or real property subject to the use and control of the County. It includes real property of the County in the possession of a public or private entity under contract with the County. By way of example, it includes all public buildings and the surrounding grounds owned or leased by the County in the unincorporated and incorporated portions of the County, such as the Los Angeles County Fairgrounds in the City of Pomona, the Whittier Narrows Recreation Area in South El Monte, and Grand Park in the City of Los Angeles.

B. "Assessment team" shall include a team comprised of one or more representatives appointed by their respective directors from the following Departments: Fire, Sheriff, Health Services Emergency Medical Services, and Public Health. Representatives from other County departments, offices or local jurisdictions may be added as the need arises or to assess a particular event.

C. "Event Action Plan" means a plan developed for an event that imposes measures intended to minimize any strong probability of loss of life or harm.

D. "Promoter" means the individual, association, corporation, partnership, or other organization that arranges, holds, organizes, or otherwise conducts the event. In no circumstance shall the County be considered a promoter.

(Ord. 2016-0015 § 1, 2016.)

11.07.030 Public Events—Threat Assessment.

A. A threat assessment shall be conducted by the assessment team for any event (or a scheduled series of similar events) held on County property or in the unincorporated area of the County with an expected daily attendance level of over 10,000 participants. This threat assessment shall be initiated by written request of the promoter no later than 120 days prior to the scheduled date of the proposed event, unless another time frame is agreed to by the assessment team, and shall be completed by the assessment team no later than 10 business days after submission of the promoter's written request, unless the assessment team requires additional time to assess the event. The purpose of the threat assessment is to assess the threat of a strong

probability of loss of life or harm to participants that the event may pose. The assessment shall include, but not be limited to, the following topics:

1. Prior events held by the promoter;
2. Prior events held at the facility;
3. Similar types of events in general;
4. The anticipated size of the event;
5. The potential need for law enforcement;
6. The potential need for onsite medical care;
7. The potential for drug use and distribution;
8. The potential need for restrictions as to age of attendees, alcohol use, hours of the event, capping attendance, etc.; and
9. The potential to drain critical resources such as law enforcement, fire, emergency medical response, and emergency room services in the region.

B. If the assessment team determines that, based on the facts presented to it in the assessment, there is a strong probability that loss of life or harm to the participants could occur, then the assessment team shall require the promoter to participate in the preparation of an event action plan, which shall be submitted at least 60 days prior to the scheduled date of the event unless a different time period is agreed to by the assessment team. The assessment team shall either approve, conditionally approve, disapprove, or request revisions to the event action plan within 15 days of the date it is submitted by the promoter. The promoter shall not hold the event until the assessment team approves the final event action plan. The event action plan shall address all of the following:

1. Health and safety concerns, including, but not limited to, attendance capacity, fire safety protections, alcohol sales, signage, adequacy of ventilation, and emergency ingress and egress, of the event space, and whether the promoter should: (a) provide free water and other cooling amenities, such as shade structures, air conditioning, and misters; (b) prohibit any person under 18 or 21 years of age from attending the event; (c) prohibit alcohol sales; (d) limit the size of the event; and (e) prepare and implement a medical action plan that provides for onsite medical care, availability of private medical transport, and/or coordination with area hospitals, trauma centers, and emergency medical services providers.
2. Law enforcement concerns, including, but not limited to, requiring a reasonable or enhanced ratio of peace officers or security guards to event attendees, and mechanisms for crowd control which could include limiting attendance, crime prevention, and the prevention of drug use and drug trafficking through the use of measures such as, amnesty boxes, searches and the use of drug sniffing dogs.
3. The potential need for supplying educational pamphlets, or other relevant emergency materials, including, but not limited to, first aid, to help alleviate any risk posed by the event.

C. The promoter shall permit representatives of the assessment team to attend event setup and the event itself to observe compliance with the event action plan.

D. The promoter shall participate with the assessment team in an after action review of the event upon request of the assessment team to assess compliance with, and the effectiveness of, the event action plan. The after action review shall be held within 14 days of the event unless otherwise approved by the assessment team.

E. The assessment team shall develop a summary assessment process for recurring events at the same property where it had previously determined that the recurring events do not present a strong probability that loss of

life or harm to participants could occur, and may assess multiple similar events together if requested to do so by the promoter.

F. Notwithstanding subsections A and B, inclusive, if the event is a performance that by its nature places the performers at risk, then the event action plan is not required to address that risk.

G. The County may seek reimbursement from the promoter for the reasonable costs to the County to prepare the threat assessment pursuant to subsection A, review the event action plan pursuant to subsection B, and conduct the after action review pursuant to subsection D.

(Ord. 2016-0015 § 1, 2016.)

11.07.040 Exemptions.

This Chapter shall not apply to the following types of events:

A. An event that is an annual fair within the network of California fairs, as described in Division 3 (commencing with section 3001) of the Food and Agricultural Code, if the primary purpose of the event is to exhibit or promote the state's agriculture, livestock, or industrial or natural resources through exhibits, vendors, or other educational programming.

B. An event that is held solely within a theater, grandstand, amphitheater, performing arts center or similar facility with a permanent stage or performance space and permanent seating where the majority of attendees are assigned specific seats to observe the performance, regardless of the level of attendance.

(Ord. 2016-0015 § 1, 2016.)

11.07.050 Severability.

If any provision or clause of this chapter or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other provision or application of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

(Ord. 2016-0015 § 1, 2016.)

Chapter 11.08 CHILDREN'S CAMPS[1]

Part 1 TITLE, PURPOSE AND DEFINITIONS

11.08.005 Title.

The ordinance codified in this chapter shall be known as the "Elena Matyas Children's Camp Safety Ordinance."

(Ord. 2022-0031 § 14, 2022.)

[1]For statutory provisions on organized camps, see Health and Saf. Code § 18897 et seq.

11.08.010 Purpose.

The purpose of this chapter is to prescribe minimum requirements for the protection of the health and safety of all campers participating in a children's camp.

(Ord. 2022-0031 § 15, 2022; Ord. 7583 Part 3 Ch. 9 § 700, 1959.)

11.08.020 Camper.

"Camper" means any person age three (3) to seventeen (17) who is a participant in a children's camp.

(Ord. 2022-0031 § 16, 2022; Ord. 7583 Part 3 Ch. 9 § 701, 1959.)

11.08.025 Camp Operator.

"Camp operator" means an individual, partnership, joint venture, or organization that owns, leases, rents, or operates a children's camp, and/or an individual partnership, joint venture, or organization that has care, charge, or control of a children's camp.

(Ord. 2022-0031 § 17, 2022.)

11.08.030 Children's Camp.

Children's camp" has the same meaning as defined in Section 8.04.080.

(Ord. 2022-0031 § 18, 2022; Ord. 2007-0089 § 4, 2007; Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 9 § 709, 1959.)

11.08.035 Children's Day Camp.

"Children's day camp" has the same meaning as defined in Section 8.04.081.

(Ord. 2022-0031 § 19, 2022.)

11.08.040 Children's Overnight Camp.

"Children's overnight camp" has the same meaning as defined in Section 8.04.082.

(Ord. 2022-0031 § 20, 2022; Ord. 7583 Part 3 Ch. 9 § 708, 1959.)

11.08.045 Counselor.

"Counselor" means a staff member who supervises campers and/or operates activities involving campers at a camp, is at least sixteen (16) years old, except as otherwise required in this chapter, and is at least two (2) years older than any campers that the counselor is supervising.

(Ord. 2022-0031 § 21, 2022.)

11.08.050 Department.

"Department" means the Los Angeles County Department of Public Health.

(Ord. 2022-0031 § 22, 2022; Ord. 7583 Part 3 Ch. 9 § 702, 1959.)

11.08.055 Director.

"Director" means an individual who is at least 25 years of age, has had at least two (2) seasons of administrative or supervisory experience in camp activities and has primary responsibility for camp operations.

(Ord. 2022-0031 § 23, 2022.)

11.08.060 Organized Camp.

"Organized camp" has the same meaning as defined in Section 8.04.338.5.

(Ord. 2022-0031 § 24, 2022; Ord. 7583 Part 3 Ch. 9 § 703, 1959.)

11.08.070 Passive Activity.

"Passive activity" means an activity that takes place for a limited time in a defined area, where campers are spectators, or have limited mobility. Such activities may include, but are not limited to, storytelling, coloring, viewing movies or drama, singing, playing board games, computer use, and classroom instruction.

(Ord. 2022-0031 § 25, 2022; Ord. 7583 Part 3 Ch. 9 § 704, 1959.)

11.08.075 Season.

"Season" means a consecutive 90-day period.

(Ord. 2022-0031 § 26, 2022.)

11.08.080 Specialized Recreational Activity.

A. "Specialized recreational activity" means an activity that may expose a camper to a risk of serious injury because of the inherent danger of the activity. Such activities include, but are not limited to, ziplining, diving, boating, horseback riding, rock climbing, shooting sports, high rope courses, operating all-terrain vehicles (ATVs), canoeing, aquatic activities (e.g., any camper activities in a pool or other body of water), and other activities determined by the Department based on characteristics such as height, speed, water depth, physical contact with another participant or object, and/or use of equipment associated with the activity. Other considerations for determining whether an activity is a specialized recreational activity include, but are not limited to, the following:

    1. Staff that have specialized training and experience concerning equipment, procedures, and safety considerations.

    2. Specific safety precautions and requirements for a high level of adult supervision at all times.

    3. May require inspection and/or certification by an accredited organization for that activity.

B. Specialized recreational activities do not include sports played on courts or fields.

(Ord. 2022-0031 § 27, 2022; Ord. 7583 Part 3 Ch. 9 § 706, 1959.)

Part 2 GENERAL REQUIREMENTS

11.08.200 Compliance Required.

Unless otherwise specified in this division, camps which provide four (4) or more consecutive overnight stays shall comply with the requirements of Division 13, Part 2.4, of the California Health and Safety Code and Title 17, Division 1, Chapter 5, Subchapter 6. Organized Camps, of the California Code of Regulations (CCR).

(Ord. 2022-0031 § 30, 2022.)

11.08.205 Establishment—Plans and Specifications Required.

A person intending to establish a new children's camp or organized camp shall submit, in duplicate, complete plans of the proposed camp, including a plot plan drawn to scale, to the Department for approval, prior to construction of new buildings or conversion of existing buildings.

(Ord. 2022-0031 § 30, 2022.)

11.08.210 Registration or Permit to Operate.

A. All children's camps operating for four (4) weeks or less in any 12-month period are required to register with the Department before beginning camp operations. All children's camps operating for more than four (4) weeks in any 12-month period are required to obtain a public health permit before beginning camp operations.

B. Every person desiring to register or obtain a public health permit to operate a children's camp shall file an application at least 60 days prior to the anticipated operation of the children's camp. The application shall include the information specified in Section 11.08.220.

C. Upon receipt of an application for registration or a public health permit and required fee, the Department shall review the application. The Department shall not review any application if incomplete, or if the required fee is not paid.

D. Upon completion of the initial application review, the children's camp shall be subject to a site evaluation to be completed by the Department within 30 days prior to the anticipated operation of the children's camp to ensure minimum compliance with this chapter.

E. Upon verification by the Department that all minimum requirements have been met, registration or a public health permit shall be issued.

F. A camp operator is required to notify the Department at least fourteen (14) calendar days before a change is made to any of the following:

    1. Continuing or discontinuing onsite food service.

    2. Any changes to the children's camp name, location and mailing address.

    3. Any major expansion of physical facilities.

(Ord. 2022-0031 § 30, 2022.)

11.08.215 Notice of Intent to Operate.

At least 30 days prior to operation of a children's camp in any calendar year, written notice shall be sent by the camp operator to the Department, setting forth the name, location, phone number, mailing, and email address of the person or agency that owns the camp site, and/or the name, phone number, and email address of the person or agency proposing to operate the camp and the proposed dates of operation during that calendar year. Children's camps which operate year-round shall provide only an initial notice of operation.

(Ord. 2022-0031 § 30, 2022.)

11.08.220 Written Operating Procedures and Plans.

A. The camp operator must develop and submit to the Department with the initial application for registration or public health permit a written description of operating procedures that describe the program of organized and supervised activities of the children's camp in the following areas:

   1. Supervisor qualifications and training;
   2. Staff skill verification criteria and process;
   3. Camper eligibility requirements, if any;
   4. Counselor-to-camper supervision ratios as required in Section 11.08.240, including for any passive or specialized recreational activities when offered;
   5. Safety procedures, including the storage and handling of hazardous materials;
   6. Identification of potential environmental hazards;
   7. Equipment repair and maintenance; and
   8. Equipment access and control.

B. The following written plans must be submitted with the initial application for registration or a public health permit:

   1. Camper health plan as outlined in Section 11.08.245;
   2. Emergency plan as outlined in Section 11.08.260;
   3. Specialized recreational activities plan as outlined in Section 11.08.265, if applicable;
   4. Transportation plan as outlined in Section 11.08.270;
   5. A plan for swimming or boating in any lake, stream, river or the ocean as outlined in Section 11.08.320, if applicable; and
   6. Insect and rodent plan as outlined in Section 11.08.490.

C. A children's camp shall maintain a copy of the written operating procedures and written plans required in this section on file on the camp premises and make plans available for inspection by any camper, camper's parent or guardian, or their agent.

D. If a change is made to written procedures or written plans that are required in this chapter, the camp operator must submit updated procedures or plans within fourteen (14) days of the proposed change along with applicable fee to the Department.

E. If a children's day camp elects to change operations to include one or more specialized recreational activities, or overnight stays, a new registration or public health permit application must be submitted and approved prior to the implementation of any changes, as specified in this chapter.

(Ord. 2022-0031 § 30, 2022.)

11.08.225 Director Required.

All children's camps must have a director, as defined in Section 11.08.055, who is at least twenty-five (25) years old, present at the camp when campers are present. The director may designate a counselor who is at least twenty-one (21) years old and has at least two (2) years of experience as a counselor as acting director while the director is offsite. The acting director may only serve in that capacity for twenty-five percent (25%) of the daily duration of camp operations or during passive activities.

(Ord. 2022-0031 § 30, 2022.)

11.08.230 Background Checks Requirement.

A. In addition to the requirements of CCR Title 17, section 30751(a), all individuals over the age of eighteen (18) who work or volunteer at a children's camp must obtain both a satisfactory criminal history record check from the California Department of Justice, Bureau of Criminal Identification, and the U.S. Department of Justice National Sex Offender Public Registry, and must follow mandated reporter requirements.

B. The director of a children's camp must provide a written statement verifying the director's review for each individual as set forth in subsection A above, and documentation of the criminal history record check of the director.

(Ord. 2022-0031 § 30, 2022.)

11.08.235 First Aid Instruction Requirement.

All counselors, qualified persons as defined in Section 11.08.250, and the director must provide and maintain satisfactory evidence that they are trained in the principles of first aid and cardiopulmonary resuscitation (CPR), with such evidence of the counselors' or qualified persons' training verified by the director.

(Ord. 2022-0031 § 30, 2022.)

11.08.240 Counselor Ratios and Minimum Age Requirements.

A. All children's camps shall have a sufficient number of counselors to supervise and ensure the safety of campers.

B. Except as set forth in subsection C and D below, when campers are present, there shall be the following:

   1. At least one (1) counselor for every twelve (12) campers ages three (3) to five (5) years old.

   2. At least one (1) counselor for every fifteen (15) campers ages six (6) and above.

C. When campers ages six (6) and above are present during passive activities as defined in Section 11.08.080, there shall be at least one (1) counselor for every 25 campers. Supervision ratios as set forth in subsection B above must be reinstated at the conclusion of the passive activity.

D. When campers ages three (3) to five (5) years old are present during specialized recreational activities as defined in Section 11.08.060, they must be supervised by counselors who are age eighteen (18) or older, and there shall be at least one (1) counselor for every six (6) campers. When campers above age six (6) are present during specialized recreational activities, they must be supervised by at least one (1) counselor for every eight (8) campers. Supervision ratios as set forth in subsection B above may be reinstated at the conclusion of the specialized recreational activity.

E. The minimum number of counselors as set forth in this section must be maintained for offsite trips, except that no fewer than two (2) counselors must be present during any offsite trip.

F. When campers are present at, near or in a pool, lake, stream, river, or ocean, counselors shall be poolside, beachfront or in the water and provide direct visual surveillance of campers at all times.

G. All staff and counselors shall receive training on minimizing the potential of one (1) counselor being present and alone with one (1) camper and not visible to other counselors and campers.

(Ord. 2022-0031 § 30, 2022.)

11.08.245 Camper Health Plan.

A. A children's camp shall establish and retain onsite a written site-specific camper health plan that is appropriate to the population serviced and the environment of the camp location or site.

B. The camper health plan shall be developed in consultation with, and reviewed annually by, a licensed physician.

C. The camper health plan shall cover all of the following subjects:

1. Procedures for camper health screening;

2. Arrangements for on-call health care consultation services;

3. Arrangements for emergency health care services and emergency transportation to a health care facility;

4. First aid and health care supplies;

5. The storage and administration of camper prescription and non-prescription drugs and medications;

6. Medical procedures for camper trips away from the camp location or site;

7. Procedures for daily observation of each camper's physical health;

8. Procedures for prompt response and notification of the camper's designated emergency contact;

9. Procedures for camper medical privacy. The place of medical examination or isolation shall ensure privacy and not be located in, or directly adjacent to, a food storage, preparation, or serving area; and

10. Procedures for preventing disease transmission/universal precautions.

D. The camp operator or director must report any of the following within 24 hours to the Department:

1. Any occurrence of foodborne illness, suspected foodborne illness, or any other reportable disease in CCR Title 17, section 2500 (j); and

2. Any death, or any accident or illness of campers or staff members that results in an overnight stay in a hospital or clinic.

E. All camp staff and counselors shall receive training on the camper health plan.

F. The local health officer, when necessary for the protection of the health of campers and staff members, may require special inoculations and testing for each camper and staff member entering camp and may require proof of such compliance.

(Ord. 2022-0031 § 30, 2022.)

11.08.250 Health Supervision.

A. A children's day camp shall have a qualified person on duty and present at the camp location or site when campers are present. The qualified person is charged with ensuring compliance with the camper health plan except as provided in section B. A "qualified person" is either the director or designee who otherwise meets the definition of director as defined in Section 11.08.055, is in compliance with first aid and CPR training requirements of Section 11.08.235, and is trained to implement the camper health plan.

B. A children's overnight camp, or a children's day camp that is located in a rural or wilderness area, as defined in Section 7.16.050.B.1, shall ensure that a full-time adult health supervisor, as defined in CCR Title 17, section 30700, charged with health supervision be present when campers are present.

(Ord. 2022-0031 § 30, 2022.)

11.08.255 Camper Health Screening.

A. Every camper and staff member attending a children's camp shall furnish a health status and history that is completed and signed by the individual camper or staff member, or by the parent or guardian if the camper or staff member is under the age of eighteen (18). This health status and history shall be kept onsite as long as the camper or staff member is at camp and shall include the following:

   1. A description of any health condition requiring medication, treatment, special restriction, or consideration while at camp;

   2. A record of immunizations including date of the last tetanus shot; and

   3. A record of any allergies.

B. A signed statement by a parent or guardian to seek emergency medical treatment shall be provided for each camper and staff member under eighteen (18) years of age.

C. A medical logbook shall be maintained by the camp operator or director which includes at least the following information for each accident, injury, or illness involving a camper or staff member:

   1. Name of the person treated;

   2. Dosage and intervals of any medication dispensed;

   3. First aid or medical treatment rendered;

   4. Name of the person administering the first aid or medical treatment;

   5. Date and time of treatment; and

   6. Date parent/guardian notified of accident, illness, or injury.

D. Camp staff and counselors shall receive training on the camper health plan.

(Ord. 2022-0031 § 30, 2022.)

11.08.260 Emergency Plan.

A. A children's camp shall establish and retain onsite a written site-specific emergency plan, approved by the director, outlining procedures which deal with the following emergency situations:

1. Natural disasters;
2. Lost campers;
3. Fires;
4. Transportation emergencies;
5. Severe illnesses and injuries;
6. Unauthorized persons in the campsite or location;
7. Aquatic emergencies, as appropriate for the site; and
8. Other emergency situations, as appropriate for the site.

B. The emergency plan shall include procedures for:

1. Evacuation of the campsite or location;
2. Control of vehicular traffic through the camp; and
3. Communication among persons at the site of an emergency, persons with nearby emergency medical facilities and the nearest fire station, and staff at the children's camp (both administrative and health staff).

C. Camp staff, including the director and counselors shall be trained in implementing the emergency plan procedures.

(Ord. 2022-0031 § 30, 2022.)

11.08.265 Specialized Recreational Activities Plan.

A children's camp that offers specialized recreational activities as defined in Section 11.08.080, shall retain onsite a written site-specific specialized recreational activities plan that addresses the following:

A. Supervisor qualifications and training;

B. Staff skill verification criteria and process;

C. Participant eligibility requirements;

D. Equipment needed, maintenance, and repair;

E. Activity area design and safety procedures including access and control; and

F. For aquatic activities:

1. Testing and classification of each camper according to aquatic ability before the camper engages in an aquatic activity. All campers and staff are considered non-swimmers unless tested and classified.
2. Camper participation only in aquatic activities appropriate to a camper's swim classification, except during formal instruction.

(Ord. 2022-0031 § 30, 2022.)

11.08.270 Transportation Plan.

A children's camp shall establish and retain onsite a written site-specific transportation plan that addresses the following:

A. Transportation of campers and staff for offsite activities;

B. Transportation of campers and staff to a different location in case of emergency; and

C. Transportation of campers for immediate medical care.

(Ord. 2022-0031 § 30, 2022.)

11.08.275 Firearms Storage.

All firearms and ammunition, when not in use for authorized camp activities, shall be stored and locked in a cabinet designated for this use. The key for this cabinet shall only be in the possession of the director, or a qualified designee who meets the requirements of a director as defined in Section 11.08.055.

(Ord. 2022-0031 § 30, 2022.)

11.08.280 Farm and Domestic Animals.

A. The children's camp shall not allow on camp premises unvaccinated dogs, or other animals that may cause injury or disease to campers.

B. Pets or animals of any kind are not permitted at swimming or food service areas, unless the animal is a service animal.

(Ord. 2022-0031 § 30, 2022.)

Part 3 OPERATIONAL REQUIREMENTS FOR CHILDREN'S CAMPS

11.08.300 Food Service Facilities.

Children's camps that offer food for service must comply with California Health and Safety Code sections 113700-114437.

(Ord. 2022-0031 § 31, 2022.)

11.08.310 Swimming Facilities.

All swimming pools, pools, wading pools, and special purposes pools which are located in or provided for any children's camp shall be designed, constructed, maintained, and operated in accordance with California Health and Safety Code sections 116035-116068 and applicable provisions of CCR Title 22, and Chapter 31, Part 2, Title 24, sections 3101B-3137B.2, and Figures 31B-1-31B-5. Pools, as defined in Section 11.32.010, shall comply with applicable provisions of Chapter 11.32.

(Ord. 2022-0031 § 31, 2022.)

11.08.320 Lake, Stream, River, or Ocean Swimming.

A. A plan for swimming or boating in any lake, stream, river, or the ocean by any children's camp shall be:

1. Developed and maintained by the director;

2. Submitted to the Department prior to use of the lake, stream, river, or ocean by the camp; and

3. Implemented in accordance with any special conditions that may be specified in writing by the Department to protect health and safety.

B. Any children's camp which uses natural bodies of water such as lakes, streams, rivers, or the ocean for swimming shall be equipped with at least one (1) lifeboat or equivalent water safety device that is suited to the size, location and use of the water facility, population of the camp, and dangers inherent to the water facility as determined by the director and that shall:

1. Be used for no other purpose than for saving lives or for other emergencies;

2. Be kept in good repair and readily accessible to the areas of potential use; and

3. Comply with California Harbors and Navigation Code section 652.

C. No camp shall maintain or use a lake, stream, or river unless:

1. Careful measurements of the depth of water and location of eddies and pools, and determinations of the presence and nature of dangerous currents, sunken logs, rocks and obstructions in the lake, stream, or river have been made;

2. Legible signs indicating in plain letters, the depth of water, the location of pools or eddies; and the presence and direction of currents of water shall be posted at any lake, stream or river used by a children's camp for camper swimming; and

3. The signs shall be visible from the swimming or bathing area during the season when bathing and swimming are permitted.

D. Lifeguard services equivalent to those defined in California Health and Safety Code section 116028 shall be provided at any location used for swimming by campers, with a minimum of one (1) lifeguard for every 25 campers in the water.

E. For all waterfront activities involving campers, staff members or visitors, there shall be a designated aquatics supervisor who is at least eighteen (18) years of age and who shall possess an American Red Cross Lifeguard certificate, YMCA Swim Lifesaving certificate or an equivalent certificate. Waterfront activities, include, but are not limited to, swimming, sailing and paddle boarding.

(Ord. 2022-0031 § 31, 2022.)

Part 4 STRUCTURAL REQUIREMENTS FOR CHILDREN'S CAMPS

11.08.400 Repair, Safety, Maintenance, and Sanitation.

A. Every building, structure, tent, tent structure, cabin, and premises within any children's camp shall be kept in good repair, and shall be maintained in a safe and sanitary condition, clean and free from accumulations of paper, rubbish, or standing water satisfactory to the Department.

B. All appliances, equipment, devices, facilities, electrical, mechanical, plumbing, refrigerating, and ventilating systems within any children's camp shall be kept in good repair, and shall be maintained in a safe and sanitary condition satisfactory to the Department.

C. When provided, mattresses, mattress covers, blankets, sheets, pillows, and/or sleeping bags within any children's camp shall be maintained sanitary and in good condition. Blankets, sheets, pillows, and/or sleeping bags shall be laundered and/or sanitized prior to issuance to a camper. Mattresses shall be covered with a waterproof material or washable covers so as to be easily cleaned and sanitized.

(Ord. 2022-0031 § 32, 2022.)

11.08.410 Sleeping Accommodations.

A. No person shall use or permit any child or adult to use, any room or place for sleeping purposes within any children's camp if such room or place is overcrowded or if there is insufficient light, windows, ventilation or drainage, or if the room or place is unsanitary.

B. Children's camps with overnight stays shall provide a minimum space of eighteen (18) inches, or a physical barrier between campers. Head-to-head sleeping accommodations shall be prohibited.

C. Each camper shall have an individual bed or sleeping bag.

D. Every room or place used for sleeping purposes within any children's camp that is occupied by two persons shall contain not less than 630 cubic feet of air space.

E. Every room or place used for sleeping purposes within any children's camp shall be deemed to be overcrowded if it is occupied by more than two (2) persons and contains less than 630 cubic feet of air space plus 500 cubic feet of air space for every person occupying the room in excess of two (2) persons.

(Ord. 2022-0031 § 32, 2022.)

11.08.420 Drinking Water.

Drinking water shall be provided and be centrally located in the children's camp.

(Ord. 2022-0031 § 32, 2022.)

11.08.430 Water Supply.

A. A dependable supply of potable water adequate to furnish 50 gallons of water per person per day shall be available within any children's camp. Where pit or chemical toilets are used, this figure may be reduced to 30 gallons per person per day.

B. The water supply system shall conform to the following:

1. Water wells shall be constructed in accordance with the requirements of California Bulletin 74-81, Well Water Standards, Chapter II and Appendices A, B, C (December 1981) and California Bulletin 74-90 (June 1991), Well Water Standards published by the Department of Water Resources, State of California Resources Agency.

2. Springs shall meet the following requirements:

a. Use of a spring as a potable water source shall not be permitted if it is located on the side of or at the foot of a hill where cesspools, privies, sewers, or other sources of contamination would be located above the spring and in the path of the groundwater flow toward the spring. In no case

shall a spring be used if it is located closer than 200 feet to an upstream potential source of contamination.

b. Springs used as a potable water source shall be developed with a tight box or enclosure including a watertight cover with no openings that will permit entrance of surface waters, windblown dusts or small animals.

3. No stream sources for potable water shall be used without treatment.

4. Water supply, quality, monitoring, storage, and distribution shall comply with the requirements of the California Safe Drinking Water Act, California Health and Safety Code sections 116270-116755.

(Ord. 2022-0031 § 32, 2022.)

11.08.440 Handwashing Facilities.

Handwashing facilities shall be provided adjacent to all flush toilets within any children's camp. Single service soap dispensers shall be provided at handwashing facilities.

(Ord. 2022-0031 § 32, 2022.)

11.08.450 Showers.

A. Children's overnight camps shall provide showers when campers are present for three (3) or more consecutive days and nights.

B. At least one (1) shower head with hot and cold running water shall be provided for each fifteen (15) children of each gender. The camp operator shall provide soap for all lavatories (sinks) and showers; all such showers shall be in buildings and all such buildings shall be properly lighted, plumbed, and ventilated.

C. All campers at children's camps shall be given the opportunity to use showers at reasonable intervals.

D. This section shall not prohibit the installation and maintenance of additional properly plumbed, open-air showers in connection with swimming pools or swimming areas.

(Ord. 2022-0031 § 32, 2022.)

11.08.460 Toilets.

A. Toilets shall be provided within any children's camp at the ratio of at least one (1) toilet for each multiple of fifteen (15) children, or fraction thereof, of each gender.

B. Chemical toilets may only be used in remote areas where a plumbing system for water distribution is unavailable as specified in Section 11.38.535.

C. Children's sleeping accommodations shall not be located over 200 feet from a toilet.

D. Toilets shall be maintained in clean and sanitary condition.

(Ord. 2022-0031 § 32, 2022.)

11.08.470 Garbage and Refuse.

A. All garbage and refuse shall be deposited and stored in fly tight, leak proof, non-absorbent containers, and shall not be kept for more than seven (7) days.

B. All containers for the collection of garbage and refuse shall be kept in a sanitary condition.

(Ord. 2022-0031 § 32, 2022.)

11.08.480 Drainage.

The children's camp and established trails shall be properly drained, so as to eliminate standing water, regardless of whether the children's camp is on or near public land, such as a park or beach.

(Ord. 2022-0031 § 32, 2022.)

11.08.490 Insect and Rodent Plans.

A. Children's camps shall have a plan and equipment for coping with excessive numbers of flies, mosquitoes and other insects, and rodents.

B. If a children's camp is experiencing problems with controlling insects and rodents, the Department may require the camp to submit a plan to correct the problem.

C. At times or places where a special risk of disease transmission to humans from insects, rodents, or other animals exists, the children's camp shall institute special measures, under the guidance of the Department, to protect the campers.

(Ord. 2022-0031 § 32, 2022.)

Part 5 INSPECTION BY OFFICIALS

11.08.500 Inspection by Officials.

A. A children's day camp that operates for four (4) weeks or less shall not be subject to annual routine inspections. For purposes of determining compliance with this chapter, the Department may access the camp site or location during operating hours, for inspection purposes, on the basis of a complaint, or reason to suspect that the children's day camp has violated this chapter. The Department may seek recovery from a children's day camp of an amount that does not exceed the reasonable costs of inspecting the children's day camp.

B. A children's day camp that operates for more than four (4) weeks in any 12-month period shall be subject to at least one (1) unannounced annual inspection.

C. The County Health Officer, or designee(s), shall have the right to enter the premises during operating hours of a children's camp to make reasonable inspections to observe and enforce compliance with applicable law.

(Ord. 2022-0031 § 33, 2022.)

11.08.510 Public Notification.

A. The Department shall post on its website all registered and permitted children's camps within fifteen (15) business days of issuance of registration or public health permit.

B. The Department shall post all routine and complaint inspection results on its website within seven (7) business days of the inspection.

(Ord. 2022-0031 § 33, 2022.)

11.08.520 Notice To Be Given.

All official inspection reports issued to a children's camp contain a notice similar to that contained in Section 8.04.650. Any additional re-inspection fees to be charged to a children's camp shall be similarly noticed as provided in Section 8.04.650 B.

(Ord. 2022-0031 § 33, 2022.)

11.08.530 Public Health Permit Suspension and Revocation.

A. Any children's camp registration or public health permit may be suspended or revoked by the Department for a violation of the requirements of this chapter, Part 7 of Chapter 8.04, or State and local laws or regulations. Any children's camp, for which the registration or public health permit has been suspended or revoked shall close and cease doing business and remain closed until the registration or permit has been reinstated or reissued by the Department.

B. Whenever the Department finds that a children's camp is not in compliance with the requirements of this chapter or State and local laws or regulations, a written notice of violation that contains a required compliance date shall be issued to the registrant or permittee. If the registrant or permittee fails to correct the violation within the specified time, the Department shall issue to the registrant or permittee a written notice setting forth the violations found by the Department. The notice shall inform the registrant or permittee of a right to a compliance review, if requested, to show cause why the registrant's or permittee's registration or public health permit should not be suspended or revoked. A registrant or permittee must either make a written request to the Department for a compliance review within ten (10) calendar days of service of the notice, or correct the violation. A failure to request a compliance review within ten (10) calendar days after service of the notice shall be deemed a waiver of the right to a compliance review, and may subject the registration or permit to immediate suspension by the Department.

C. The compliance review shall be held within fifteen (15) calendar days of the Department's receipt of the registrant's or permittee's written request for a compliance review. Upon written request by the registrant or permittee, the compliance review officer may postpone any compliance review date, if circumstances warrant such action, or cancel the compliance review if the registrant's or permittee's violations are corrected as verified by the Department.

D. At the compliance review, the compliance review officer shall hear testimony and read and consider document submissions from the registrant or permittee and Department representatives.

E. The compliance review officer shall issue and serve a written decision to the registrant or permittee within fifteen (15) working days following the compliance review. In the event of suspension or revocation, the decision shall specify the violations that were found to exist and/or continue, the extent of the suspension of the registration or permit, and the actions required for correction of the continuing violations. If the registration or public health permit has been revoked, the decision shall state the reasons for the revocation.

F. Notwithstanding any other provision of this chapter, if any immediate danger to the public health or safety is found or is reasonably suspected, unless the danger is immediately corrected, the Department may immediately suspend the registration or public health permit and order the children's camp immediately closed, pending the determination of a compliance review. Immediate danger to the public health or safety of campers, visitors, or camp staff shall include any condition, based upon inspection findings or other evidence, that can cause, or is reasonably suspected of causing, infection, illness, or disease transmission, or any known or reasonably suspected hazardous condition.

G. Whenever a registration or public health permit is suspended as the result of an immediate danger to the public health or safety, the Department shall issue to the registrant or permittee a notice setting forth the violations that have caused the immediate danger, specifying the sections of this chapter or State and local laws or regulations, allegedly violated, and informing the registrant or permittee of the right to a compliance review.

H. At any time within ten (10) calendar days of service of a notice under subsection G, the registrant or permittee may request, in writing, a compliance review before a compliance review officer to show cause why the suspension is not warranted. The compliance review shall be held within fifteen (15) calendar days of the receipt of a request for a compliance review. A failure to request a compliance review within ten (10) calendar days shall be deemed a waiver of the right to such compliance review.

I. The Department may, after providing opportunity for a compliance review, modify, suspend, or revoke a registration or public health permit for serious or repeated violations of the requirements of this chapter or State and local laws and regulations, or for interference in the performance of the inspection and investigation duties of the Department.

J. A registration or public health permit may be reinstated, or a new registration or public health permit issued, if the Department determines that conditions which prompted the suspension or revocation no longer exist.

(Ord. 2022-0031 § 33, 2022.)

11.08.540 Hearing Procedures.

The Department may elect to conduct a compliance review in accordance with the provisions of Section 11.08.530, or in accordance with the provisions of Chapter 1.25.

(Ord. 2022-0031 § 33, 2022.)

11.08.550 Implementation.

A. The Department is responsible for administration of this chapter which may include public education, public outreach, and promulgating guidelines and rules consistent with the provisions of this chapter and the County Code.

B. Provisions of this chapter related to the application and procurement of children's camp registration and permits shall be effective January 1, 2023.

C. Enforcement for failure to comply with provisions of this chapter related to children's camp registration and permits shall commence on March 1, 2023.

(Ord. 2022-0031 § 33, 2022.)

11.08.560 Adoption of Ordinance by Cities.

This ordinance shall be effective within the territorial jurisdiction of each city that incorporates the entirety of this ordinance into its municipal code by adoption or resolution.

(Ord. 2022-0031 § 33, 2022.)

Chapter 11.09 SHARED KITCHEN COMPLEX

11.09.010 Definitions.

The following words and phrases shall apply to this Chapter, irrespective of their use in other Chapters of Division 1 of this Title.

A. "Secured food processing station" means an enclosed room within a shared kitchen complex used by a shared kitchen complex tenant wholesale food processor pursuant to Section 11.12.110 of the Los Angeles County Code. A secured food processing station shall include one or more food preparation tables, a hand wash sink, a food preparation sink, when applicable, a warewashing sink, cooking equipment, and food storage space. A shared kitchen complex shall not allow multiple shared kitchen complex tenants wholesale food processors to occupy a single secured food processing station simultaneously. Each secured food processing station is to be occupied exclusively by only one shared kitchen complex tenant wholesale food processor pursuant to a lease or other written arrangement for the term of that lease or other written arrangement.

B. "Shared kitchen complex manager" means the individual responsible for managing a shared kitchen complex, as defined in Section 8.04.425 of the Los Angeles County Code, to ensure compliance with all applicable federal, state, and local laws, regulations, and ordinances.

C. "Standard sanitary operating procedures" means written responsibilities and procedures for the operation of a shared kitchen complex, as defined in Section 8.04.425 of the Los Angeles County Code. The standard sanitary operating procedures shall identify the responsibilities of the shared kitchen complex manager and of the shared kitchen complex tenants for the following operational aspects of the shared kitchen complex, including each secured processing station:

    1. Cleaning and sanitizing procedures for food equipment and utensils;

    2. Proper storage of food product, utensils, and equipment;

    3. Checking and recording of temperatures of refrigeration units and of hot water;

    4. Reporting required maintenance;

    5. Cleaning and maintenance of common or shared areas including but not limited to restrooms, storage areas, cooking equipment, hood systems, and warewashing sinks;

    6. Providing and scheduling commercial pest control; and

    7. Any other guidelines, orders, regulations or directives issued by the County health officer.

(Ord. 2015-0065 § 9, 2015.)

11.09.050 Shared Kitchen Complex Manager—Duties.

A shared kitchen complex manager shall have the following duties:

1. Ensure that any shared kitchen complex tenant complies with all applicable federal, state, and local laws and regulations pertaining to equipment and food safety requirements, including, but not limited, to those set forth in the California Health & Safety Code and the Los Angeles County Code.

2. Ensure that any shared kitchen complex tenant has a valid public health permit prior to occupying space within a shared kitchen complex.

3. Maintain a Person in Charge at the shared kitchen complex during operating hours as a point of contact for the County health officer and each shared kitchen complex tenant.

4. Ensure food contact surfaces of equipment shared by the shared kitchen complex tenants are cleaned and sanitized between use by each such tenant.
5. Ensure the shared kitchen complex conforms to sanitation requirements set forth in the Los Angeles County Code and the California Retail Food Code, as applicable.
6. Develop written standard sanitary operating procedures, as specified in Section 11.09.010 C.
7. Maintain on file or otherwise make immediately available at the shared kitchen complex the following records:
    a. a list of all shared kitchen complex tenants and their contact information;
    b. for each such tenant, a copy of the food products approved for preparation, sale and/or service by the County health officer;
    c. list of all food allergens known to be processed and/or handled within the shared kitchen complex;
    d. for each shared kitchen complex tenant, the name of such tenant's full-time employee holding a valid Certified Food Protection Manager certificate and copies of the California Food Handler Cards for all other of such tenant's employees responsible for handling food or cleaning equipment;
    e. a copy of each executed lease or written agreement with each shared kitchen complex tenant; and
    f. a copy of each shared kitchen complex tenant's current public health permit.
8. Provide dry and refrigerated storage space adequate for each shared kitchen complex tenant's storage needs.

(Ord. 2015-0065 § 9, 2015.)

11.09.100 Shared Kitchen Complex Tenant, Retail Food Operator—Duties.

A shared kitchen complex tenant, retail food operator, as defined in Section 8.04.428 of the Los Angeles County Code, shall have the following duties:

1. Comply with all applicable equipment and food safety requirements set forth in this chapter and in the California Retail Food Code.
2. Acknowledge receipt of and comply with the standard sanitary operating procedures for the shared kitchen complex.
3. Secure all personal equipment and food product in the designated storage areas provided by the shared kitchen complex upon completion of food preparation and cleaning activities.
4. Report to the shared kitchen complex manager all cleaning required in common or shared areas and maintenance required to all common or shared equipment.
5. Report to the shared kitchen complex manager any food allergens handled and/or processed within the facility.
6. Label all food products packaged for sale or consumption with a statement that the food was prepared in a food facility where known food allergens are used.
7. Schedule access to the shared kitchen complex with the complex manager.
8. Obtain food from approved sources.

9. Conform to a menu approved by the health officer.
10. Have a valid public health permit or a copy thereof when onsite.
11. Keep and maintain on file at the shared kitchen complex the following records:
    a. A Certified Food Protection Manager certificate, within sixty (60) days of receiving approval to operate within a shared kitchen complex; and
    b. California Food Handler Cards for all food employees who do not hold a Certified Food Protection Manager certificate, within thirty (30) days of receiving approval to operate within a shared kitchen complex.

(Ord. 2015-0065 § 9, 2015.)

11.09.150 Shared Kitchen Complex Tenant, Wholesale Food Processor—Duties.

A shared kitchen complex tenant, wholesale food processor, as defined in Section 8.04.430 of the Los Angeles County Code, shall have the following duties:

1. Comply with all applicable federal, state, and local laws and regulations pertaining to equipment and food safety, including but not limited to those set forth in the California Health and Safety Code and the Los Angeles County Code.
2. Comply with the standard sanitary operating procedures for the cleaning and sanitizing of all food contact surfaces, non-food contact surfaces, and utensils.
3. Secure all personal equipment and food product in the designated storage areas provided by the shared kitchen complex upon completion of food preparation and cleaning activities.
4. Report to the shared kitchen complex manager all cleaning required in common and/or shared areas and maintenance required to all common or shared equipment.
5. Report to the complex manager any food allergens handled and/or processed within the shared kitchen complex.
6. Follow all federal label requirements and guidelines.
7. Schedule access to the shared kitchen complex with the complex manager.
8. Ensure food is from approved sources.
9. Conform to the menu/food product(s) approved by the County health officer and/or State and federal regulators.
10. Have a valid public health permit, State and/or federal license or a copy thereof when onsite.
11. Keep and maintain on file at the secured food processing station the following records:
    a. Certified Food Protection Manager certificate, within sixty (60) days of receiving approval to operate within a shared kitchen complex.
    b. California Food Handler Cards for all food employees who do not hold a Certified Food Protection Manager certificate, within thirty (30) days of receiving approval to operate within a shared kitchen complex.
12. Comply with any other responsibilities deemed necessary by the County health officer for the protection of public health and safety.

(Ord. 2015-0065 § 9, 2015.)

Chapter 11.10 FOOD DEMONSTRATORS

11.10.010 Food demonstrator defined.

"Food demonstrator" means any person who offers or serves to the public, with or without charge, unpackaged bulk food or packaged food, for the purpose of publicizing, advertising, or promoting the sale of food, food products or food equipment.

"Food demonstrator" does not mean a person operating a pool establishment, restaurant or itinerant restaurant.

(Ord. 2008-0013 § 13, 2008; Ord. 8614 § 1 (part), 1964; Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 13 § 900, 1959.)

11.10.020 Location for food preparation and serving.

All food used by a food demonstrator shall be stored, prepared and served in a building or tent, which shall be completely enclosed. Reasonable exits and entrances, as well as openings for the purpose of ventilation are permitted. Flies and dust shall be controlled so as not to constitute a health hazard.

(Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 13 § 901, 1959.)

11.10.030 Demonstrator to remain at display area.

Demonstrators, when offering food to customers, shall at all times remain at their display booths.

(Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 13 § 911, 1959.)

11.10.040 Foods—Sanitation requirements.

A. All food used, or to be used, by a food demonstrator shall be protected at all times from contamination by persons, flies, dust and dirt.

B. Food in the process of being heated, chilled, compounded or displayed shall be protected at all times from contamination by persons, flies, dust and dirt, by panels of glass, plastic or other material arranged in such manner as will be acceptable to the director.

C. Food samples shall not be offered from a common bowl, container, or tray or other device, in such a manner that the recipient's hands might contact other food being offered or on display.

D. No exhibit of food shall be left unattended at any time.

(Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 13 § 904, 1959.)

11.10.050 Foods—Storage—Requirements generally.

All food or food products shall be stored in compliance with Section 11.12.230.

(Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 13 § 908, 1959.)

11.10.060 Foods—Storage—Temperature control.

Food demonstrators shall comply with the provisions of Section 11.12.240.

(Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 13 § 905, 1959.)

11.10.070 Foods—Implements for handling.

Tongs, spatulas or other suitable implements shall be used by food demonstrators in the handling of foods. Hand contact with food shall be kept at the minimum.

(Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 13 § 907, 1959.)

11.10.080 Utensils.

All implements, tools and equipment shall at all times be kept in a clean and sanitary condition and in good repair.

(Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 13 § 906, 1959.)

11.10.090 Waste disposal.

Containers equipped with tightfitting lids or covers shall be provided for refuse, and exhibits shall be kept clean and sanitary. Where tanks, icers or other apparatus are used, facilities for the sanitary and adequate collection and disposal of wastewater shall be provided.

(Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 13 § 909, 1959.)

11.10.100 Personal cleanliness.

All food demonstrators and food handlers shall wear clean, washable garments. Female food demonstrators and food handlers shall wear headbands, hair nets, or caps that confine their hair. The hands of all such persons shall be free of cuts, sores and bandages, and shall be kept clean at all times when food is being prepared or demonstrated.

(Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 13 § 910, 1959.)

11.10.110 Hand-washing facilities.

A. Hand-washing facilities shall be provided food demonstrators and food handlers assisting them.

B. Said facilities shall be located at the place where food is offered or served closely adjacent thereto.

C. When the number of lavatories or the facilities thereof are inadequate, or their location is such that their use by food demonstrators or food handlers or others assisting them will be inhibited, the director may order the installation of additional lavatories in such numbers and at such locations as will insure the protection of the public health.

(Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 13 § 903, 1959.)

11.10.120 Toilet Facilities.

Toilet facilities must be provided for food demonstrators and food handlers who assist them. Toilet facilities must be conveniently located and at a distance not in excess of 300 feet from the place at which the food demonstration is conducted.

(Ord. 2021-0062 § 1, 2021; Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 13 § 902, 1959.)

11.10.130 Additional requirements authorized when.

The director of public health may impose such additional requirements upon particular food demonstrators, and the manner of their operation, depending upon special circumstances respecting the type of food and the manner and location of its distribution and display, as are required for the protection of the public health.

(Ord. 2006-0040 § 85, 2006; Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 13 § 912, 1959.)

Chapter 11.11 WHOLESALE FOOD SAFETY CERTIFICATION

11.11.010 Definitions.

As used in this chapter:

A. "Certified food handler" means an owner, operator, or any other person who possesses a current and valid food safety certificate and who supervises all or part of a wholesale food establishment's operations.

B. "Department" means the county of Los Angeles, department of public health.

C. "Director" means the director of the department of public health or his duly authorized designee.

D. "Food safety certificate" means the certificate issued by the department, certifying that an individual has satisfactorily met the requirements set forth in Section 11.11.030, and demonstrated competency in food safety by passing an approved and accredited food safety certification examination as specified in Section 11.11.040.

E. "Potentially hazardous food" means those foods as defined in section 11.12.005 (Z).

(Ord. 2007-0089 § 6, 2007; Ord. 2006-0040 § 86, 2006; Ord. 97-0071 § 9 (part), 1997.)

11.11.020 Application and effect.

A. Each wholesale food establishment as defined in Section 11.12.005 (JJ) shall have at least one certified food handler on the premises at all times during hours of operation.

B. Wholesale food establishment owners/operators who operate more than one wholesale food establishment shall be required to have at least one certified food handler at each wholesale food establishment at all times during hours of operation.

C. Failure to have a certified food handler on site at all times during the hours of operation of any wholesale food establishment as specified in this section shall be grounds for the suspension or revocation of the wholesale food establishment's public health license pursuant to the applicable provisions of Chapter 8.04 of this code and shall be punishable as set forth in Section 8.04.930.

(Ord. 2007-0089 § 7, 2007; Ord. 97-0071 § 9 (part), 1997.)

* **Editor's note:** Enacted by Ordinance 97-0071, Chapter 11.11 is effective January 16, 1998.

11.11.030 Procedure for obtaining a food handler's training certificate.

A. Every person desiring a food safety certificate shall file with the department an application for certification. Upon application, each person desiring certification shall provide:

1. A current and valid certificate issued by an accredited entity which indicates passage of an approved and accredited food safety certification examination as specified in Section 11.11.040; and

2. A current and valid photo identification of the applicant including but not limited to a state issued driver license or United States passport.

B. Persons who have had their food safety certificate revoked by the department, and desire recertification, shall file with the department an application for recertification. Upon application, each person desiring recertification shall provide:

1. A current and valid certificate issued by an accredited entity which indicates passage of an approved and accredited food safety certification examination as specified in Section 11.11.040 on a date following the date of revocation of the certificate by the department.

2. A current and valid photo identification of the applicant including but not limited to a state issued driver license or United States passport.

(Ord. 2007-0089 § 8, 2007; Ord. 97-0071 § 9 (part), 1997.)

11.11.040 Approved and accredited examination.

A. The food safety certification examination shall include, but need not be limited to, all of the following elements of knowledge:

1. Foodborne illness, including terms associated with foodborne illness, micro-organisms, hepatitis A, and toxins that can contaminate food and the illness that can be associated with contamination, definition and recognition of potentially hazardous foods, chemical, biological, and physical contamination of food, and the illnesses that can be associated with food contaminations, and major contributing factors for foodborne illness.

2. The relationship between time and temperature with respect to foodborne illness, including the relationship between time and temperature and micro-organisms during the various food handling preparation, and serving states, and the type, calibration, and use of thermometers in monitoring food temperatures.

3. The relationship between personal hygiene and food safety, including the association of hand contact, personal habits and behaviors, and food employee health to foodborne illness, and the recognition of how policies, procedures, and management contribute to improved food safety practices.

4. Methods of preventing food contamination in all states of food handling, including terms associated with contamination and potential hazards prior to, during, and after delivery.

5. Procedures for cleaning and sanitizing equipment and utensils.

6. Problems and potential solutions associated with facility and equipment design, layout, and construction.

7. Problems and potential solutions associated with temperature control, preventing cross-contamination, housekeeping, and maintenance.

B. Food safety certification examinations shall be developed by certification organizations accredited by the American National Standards Institute as meeting the requirements of the Conference for Food Protection's "Standards for Accreditation of the Conference for Food Protection Manager Certification Programs." Persons who successfully pass an approved certification examination shall be issued a certificate by the certifying organization. The issuance date for each original certificate issued pursuant to this section shall be the date when the individual successfully passes the examination.

(Ord. 2007-0089 §§ 9, 10, 2007.)

11.11.060 Exemptions.

Wholesale food establishments which deal exclusively with non-potentially hazardous pre-packaged food or wholesale food establishments required by the department to have only temporary operating permits shall be exempt from the provisions of this chapter.

(Ord. 2007-0089 § 12, 2007; Ord. 97-0071 § 9 (part), 1997.)

11.11.070 Food safety certificate availability.

The original food safety certificate shall be retained on file at the wholesale food establishment at all times and shall be made available for inspection by the department upon request.

(Ord. 2007-0089 § 13, 2007; Ord. 97-0071 § 9 (part), 1997.)

11.11.080 Compliance with certified food handler requirement.

A wholesale food establishment that commences operation, changes ownership, or no longer has a certified food handler, shall have 60 days to comply with this subdivision.

(Ord. 2007-0089 §§ 14, 15, 2007.)

11.11.100 Expiration.

The food safety certificate shall be valid for five years from the date of passing an approved and accredited food safety certification examination as specified in Section 11.11.040. Upon the expiration or revocation of the food safety certificate, all persons must reapply for a new certificate according to the procedure set forth in Section 11.11.030.

(Ord. 2007-0089 § 17, 2007; Ord. 97-0071 § 9 (part), 1997.)

11.11.110 Responsibilities of a certified food handler.

A certified food handler at a wholesale food establishment shall be responsible for the safety of food preparation and service, by ensuring that all employees who handle, or have responsibility for handling non-prepackaged foods of any kind, have sufficient knowledge to ensure the safe preparation or service of the food, or both. The nature and extent of the knowledge that each employee is required to have may be tailored, as appropriate, to the employee's duties related to food safety issues.

(Ord. 2007-0089 §§ 18, 19, 2007.)

11.11.120 Suspension of food safety certificate.

A. The director may immediately suspend any food safety certificate when any of the following conditions are found to exist within a wholesale food establishment which is operated by or under the supervision of the certified food handler:

1. Evidence indicating repeated or continuing violations of required procedures and practices in the preparation, service, storage, distribution or sale of food offered for public consumption;

2. Any condition detrimental to the public health, which shall include but not be limited to, any condition that can cause food infection, food intoxication, disease transmission or any hazardous condition including, but not limited to, unsafe food temperature; or

3. Evidence indicating falsification of information required by the department for issuance of the food safety certificate.

B. The director shall issue a notice to the certified food handler setting forth the acts or omissions with which he or she is charged and informing him or her of the right to a hearing, if requested, to show just cause why the certificate should not be revoked.

(Ord. 2007-0089 § 20, 2007; Ord. 97-0071 § 9 (part), 1997.)

11.11.130 Right to appeal following suspension.

A. Any certified food handler whose food safety certificate has been suspended may make a written request for hearing within 15 calendar days after receipt of the notice specified in Section 11.11.120 to show just cause why the certificate should not be revoked. A failure to request a hearing within 15 calendar days after receipt of the notice shall be deemed a waiver of the right to a hearing. When circumstances warrant, the director may order a hearing at any reasonable time within this 15 day period to expedite the certification revocation process.

B. The hearing shall be held within 15 calendar days of the receipt of the request for a hearing. Upon written request of the certified food handler, the director may postpone any hearing date, if circumstances warrant such action.

C. The director shall preside over any hearing requested under this section.

(Ord. 2007-0089 § 21, 2007; Ord. 97-0071 § 9 (part), 1997.)

11.11.140 Notice of decision.

A. The director shall issue a written notice of decision to the certified food handler within five business days of the hearing. The notice of decision shall specify the acts or omissions with which the certified food handler is charged and shall specify either that the food safety certificate has been revoked or that it has been reinstated. If the food safety certificate has been reinstated, the notice of decision shall set forth any criteria which must be met to maintain the certified food handler's food safety certificate.

B. Persons who have had their food safety certificate revoked may file with the department, an application for recertification as specified in Section 11.11.030 (B).

(Ord. 2007-0089 § 22, 2007; Ord. 2006-0040 § 87, 2006; Ord. 97-0071 § 9 (part), 1997.)

11.11.150 Violation.

Notwithstanding any other provision of this chapter, violation of this chapter is punishable by a fine of not more than $500.00 or by imprisonment in the county jail for not more than six months, or both. Each day during any portion of which any violation of any provision of this chapter is committed, continued or permitted makes such violation a separate offense.

(Ord. 97-0071 § 9 (part), 1997.)

11.11.160 Severability.

If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the remainder of the chapter and the application of such provision to other persons or circumstances shall not be affected thereby.

(Ord. 97-0071 § 9 (part), 1997.)

Chapter 11.12 WHOLESALE FOOD ESTABLISHMENTS

11.12.005 Definitions.

The following words and phrases shall apply to this Chapter, irrespective of their use in other Chapters of Division 1 of this Title:

A. "Adulterated" means having been made impure by the addition of any poisonous or deleterious substance; or in the case of food, foodstuffs that have been produced, prepared, packed, or held under unsanitary conditions whereby it may have become contaminated or rendered unwholesome, diseased, or injurious to health; or when not prepared, packed, and held in accordance with the Current Good Manufacturing Practices (GMP's), 21 CFR Part 110.

B. "Approved" means approved by the director based upon a determination of conformity with applicable laws, or in the absence of applicable laws, with current public health principles, practices, and generally recognized industry standards that protect the public health.

C. "Approved source" means a producer, manufacturer, distributor, transporter, or food establishment that is acceptable to the enforcement agency based upon a determination of conformity with applicable laws, or in the absence of applicable laws, with current public health principles and practices, and generally recognized industry standards that protect public health.

D. "Clean-In-Place (CIP)" means to clean in place by the circulation or flowing by mechanical means through a piping system of a detergent solution, water rinse, and sanitizing solution onto or over equipment surfaces that require cleaning. ("CIP" does not include the cleaning of equipment such as band saws, slicers or mixers that are subjected to in-place manual cleaning without the use of CIP system.)

E. "Commissary" means a wholesale food establishment in which food, containers, equipment, or supplies are stored or handled; food is prepared or prepackaged for sale; utensils are washed; liquid and solid wastes are disposed of; or potable water is obtained for use in mobile food facilities.

F. "Common Area" refers to all community aspects of a food market complex, wholesale, under the control of the food market complex, wholesale owner/operator. Common areas include, but are not limited to, community toilet rooms, mop sinks, handwashing facilities, community trash receptacles and collection services, drinking fountains, loading areas, parking lots, staging facilities, and security.

G. "Control Point" means any distinct procedure or step in receiving, storing, handling, preparing, displaying, transporting or dispensing food.

H. "County Health Officer" means the director of the Department of Public Health of the county of Los Angeles.

I. "Critical Control Point" means a point or procedure in a specific food system where loss of control may result in an unacceptable health risk.

J. "Critical Limit" means the maximum or minimum value to which a physical, biological, or chemical parameter must be controlled at a critical control point in order to minimize the risk that the identified food safety hazard may occur.

K. "Current Good Manufacturing Practices (GMP's)" refers to the Current Good Manufacturing Practices for Manufacturing, Packing, or Holding of Human Food described in Title 21 of the Code of Federal Regulations, Part 110.

L. "Department" means the Los Angeles County Department of Public Health.

M. "Director" means the director of the Los Angeles County Department of Public Health or his/her duly authorized designee.

N. "Employee" means the permit holder, person in charge, person having supervisory or management duties, family member, volunteer, person performing work under contractual agreement, or other person engaged in the preparation, dispensing, handling of food or food products in a wholesale food establishment.

O. "Food" means any raw or processed substance, ice, beverage (including alcoholic beverages), water or any ingredient intended for use as food, drink, confection or condiment for human or animal consumption and chewing gum.

P. "Food-Contact Surface" means a surface of equipment or utensil with which food normally comes into contact; or a surface of equipment or utensil from which food may drain, drip, or splash into a food or onto a surface normally in contact with food.

Q. "Food Market Complex, Wholesale" means an establishment, its contents, and the contiguous land or property that rents, leases, or lends facilities within said establishment, for the purpose of conducting business as a food market, wholesale. A food market complex, wholesale, that rents, leases, or lends space to no more than two food market, wholesale, or dedicates a combined total of less than 1500 square feet for the purpose of operating as a food market, wholesale, is exempt from this definition.

R. "Food Market Complex, Wholesale Owner / Operator" refers to the legal entity, firm, partnership, joint venture, association, limited liability company, corporation, estate, trust, receiver, syndicate, city, county or other political subdivision, individually or collectively, acting as the food market complex, wholesale.

S. "Food Market, Wholesale" means a food establishment in which food (including fruits and vegetables) is received, shipped, stored, prepared for distribution to a retailer, warehouse, distributor, or other destination. A food market, wholesale shall not be permitted to conduct sales at the retail level nor process food. Food market, wholesale shall not include any food salvaging activities and shall not conduct any food processing within its facility.

T. "Food Processing Establishment" means any room, building, place or portion thereof, maintained, used or operated for the purpose of commercially packaging, making, cooking, baking, mixing, processing, bottling, canning, slaughtering, salvaging, storing or otherwise preparing or handling food including ice, for human or animal consumption, which is not offered for retail sale or gift on the premises.

U. "HACCP" means Hazard Analysis Critical Control Point.

V. "HACCP Plan" means a written document that delineates the formal procedures for following the Hazard Analysis Critical Control Point principles developed by the National Advisory Committee on Microbiological Criteria for Foods.

W. "Hazard" means a biological, chemical, or physical property that may cause an unacceptable public health risk.

X. "Multiple-Use Utensil" means any cup, plate, fork, spoon, knife, container or other instrument constructed to be used more than once in the preparation, storage, display, serving or consumption of food.

Y. "Owner/Operator" refers to the legal entity, any individual, firm, partnership, joint venture, association, limited liability company, corporation, estate, trust, receiver, syndicate, city, county, or other political subdivision individually or collectively, acting as the wholesale food establishment.

Z. Potentially hazardous food.

(1) "Potentially hazardous food" means a food that is natural or synthetic and that requires temperature control because it is in a form capable of supporting:

(a) The rapid and progressive growth of infectious or toxigenic microorganisms;

(b) The growth and toxin production of Clostridium botulinum; or

(c) In raw shell eggs, the growth of Salmonella enteritidis.

(2) "Potentially hazardous food" includes a food of animal origin that is raw or heat-treated; a food of plant origin that is heat-treated or consists of raw seed sprouts; cut melons; and garlic-in-oil mixtures that are not acidified or otherwise modified at a food processing plant in a way that results in mixtures that do not support growth as specified under subdivisions of this definition.

(3) "Potentially hazardous food" does not include;

(a) A food with a water activity level (aw) value of 0.85 or less;

(b) A food with a pH level of 4.6 or below when measured at 75°F;

(c) A shell egg that is not hard-boiled but has been treated to destroy all viable Salmonella;

(d) A food in an unopened hermetically sealed container, that is commercially processed to achieve and maintain commercial sterility under conditions of non-refrigerated storage and distribution; and

(e) A food that has been shown by appropriate microbial challenge studies approved by the enforcement agency not to support the rapid and progressive growth of infectious or toxigenic microorganisms that may cause food infections or food intoxications, or the growth and toxin production of Clostridium botulinum, such as a food that has an aw and a pH that are above-the levels specified under subdivision (3), paragraphs (a) and (b) of this definition and that may contain a preservative, other barrier to the growth of microorganisms, or a combination of barriers that inhibit the growth of microorganisms.

(f) A food that does not support the growth of microorganisms even though the food may contain an infectious or toxigenic microorganism or chemical or physical contaminant at a level sufficient to cause illness.

AA. "Premises" means the wholesale food establishment, its contents, and the contiguous land or property and its facilities and contents that are under the control of the owner / operator.

BB. "Produce" refers to any raw or processed substance of plant origin intended to be used as food, drink, confection or condiment for human consumption.

CC. "Remodel" means construction, building, or repair to the wholesale food establishment that requires a permit from the local building authority. Remodel also means any replacement or significant modification of an integral piece of equipment.

DD. "Single-Use Utensil" means a utensil that is manufactured and approved for use only once and that shall be discarded after use. Single-use utensils shall be made of paper, wood, plastic or other sanitary material approved by the director.

EE. "Shellfish Control Authority" means a state, federal, foreign, tribal, or other government entity legally responsible for administering a program that includes certification of Molluscan Shellfish harvesters and dealers for interstate commerce.

FF. "Shellstock" means raw, in-shell Molluscan Shellfish.

GG. "Sanitation Standard Operating Procedures (SSOP's)" describe all procedures that a wholesale food establishment will conduct daily, before, during, and after operations, sufficient to prevent direct contamination or adulteration of food product(s).

HH. "Source Records" means all records, including, but not limited to, invoice copies, shipping documents, or other materials providing verification of the source of food products received, stored, and/or prepared for sale or distribution at the wholesale food establishment.

II. "Tenant Space" refers to the segregated subdivisions of the food market complex, wholesale rented or leased to individual operators, for the purpose of operating a food market, wholesale.

JJ. "Wholesale Food Establishment" means an establishment where food (including fruits and vegetables) is received, shipped, stored, prepared for distribution to a retailer, warehouse, distributor, or other destination; and/or operated for the purpose of commercially packaging, making, cooking, baking, mixing, processing, bottling, canning, slaughtering, salvaging, storing or otherwise preparing or handling food including ice, for human or animal consumption, which is not offered for retail sale or gift on the premises; or a commissary.

(Ord. 2007-0089 § 24, 2007.)

11.12.010 Buildings—Requirements.

It is unlawful to operate a wholesale food establishment, unless such operation shall consist of, or be located within, one or more buildings, and all food is stored and prepared in one or more of such buildings. All such buildings shall be of sound construction and maintained so as to provide proper drainage, plumbing, lighting and ventilation, and so as to exclude dirt, dust, moisture, flies, rodents and all vermin at all times. All rooms within a wholesale food establishment shall be constructed consistent with the requirements of the local building codes.

(Ord. 2007-0089 § 25, 2007; Ord. 7616 § 1 (part), 1959; Ord. 7583 Part 3 Ch. 2 § 352, 1959.)

11.12.015 Compliance with applicable codes.

Any construction, alteration, remodeling or operation of a wholesale food establishment shall be approved by the director and shall be in accordance with all applicable local, state, and federal statutes, regulations, and ordinances, including but not limited to, fire, building and zoning codes.

(Ord. 2007-0089 § 26, 2007.)

11.12.020 Buildings—Plans and specifications for construction or modifications.

A. The director shall require from the owner or operator submission of plans, specifications and such other information as may be necessary prior to the construction, or prior to making any additions or modifications of, a wholesale food establishment for which a building permit is required.

B. It shall be unlawful for any person to construct or make any additions or modifications of a wholesale food establishment without first receiving approval in writing from the director.

(Ord. 2007-0089 § 27, 2007; Ord. 8588 § 2 (part), 1964; Ord. 7583 Part 3 Ch. 2 § 382, 1959.)

11.12.030 Water supply.

A. All water supplies used by wholesale food establishments shall be of adequate amount, and of a safe, sanitary quality, and from a source and distribution system approved by the county health officer. Any potable water supply shall be protected with a backflow or back-siphonage protection device as required by applicable plumbing codes. Wholesale food establishments shall be supplied with an adequate supply of both hot (minimum of 120 degrees Fahrenheit) and cold running water under pressure, at all times.

B. All plumbing shall be installed according to the California Code of Regulations, Title 24, Part 5, California Plumbing code, as it currently exists or hereafter may be amended, and shall be protected from backflow, kept clean, fully operative, and in good repair.

C. Any hose used for conveying potable water shall be constructed of nontoxic materials, shall be used for no other purpose, and shall be clearly labeled as to its use. The hose shall be stored and used to be maintained free of contamination.

(Ord. 2007-0089 § 28, 2007; Ord. 2006-0040 § 88, 2006; Ord. 7583 Part 3 Ch. 2 § 351, 1959.)

11.12.040 Walls, floors and ceilings.

A. The walls and ceilings of all rooms where food is prepared or packed; where utensils are washed; where refuse or garbage is stored; where janitorial facilities are located; and all toilet rooms, dressing or locker rooms; and walk-in refrigeration/freezer units shall be constructed of plaster, cement, metal, wall board or other approved material. All surfaces shall be finished with tile, metal, plastic, semi-gloss paint, or other manufactured material which is smooth, easily cleanable, and impervious to moisture and grease, and capable of withstanding repeated washing. Moreover, all such walls and ceilings shall be of a light color and be approved by the director. Walls and ceilings shall be maintained clean and in good repair. This subdivision shall not apply to areas where food is stored only in unopened bottles, cans, cartons, sacks, or other original shipping containers or to office spaces.

B. The floor surfaces in all rooms in which food or beverage is stored or prepared, utensils are washed, or refuse or garbage is stored, and the floor surfaces of toilet, dressing or locker rooms, and of walk-in refrigerators, shall be of such construction and material so as to be smooth, impervious to moisture, grease, and corrosives and easily cleanable. A minimum six-inch (6") high, approved cover base, with a minimum three-eighths inch (3/8") radius, shall be provided at the juncture of the wall and floor. All floors shall be maintained smooth, in good repair, and kept clean.

    1. Floor drains shall be installed in all rooms where food is prepared or packaged; where utensils are washed; where a refuse enclosure is located inside the premises; in those areas where pressure spray methods for cleaning equipment (CIP) are used; and rooms in which floors are water-flushed for

cleaning. Floor surfaces in these areas shall be sloped 1/8" per foot (1:100) to the floor drains, or as approved by the director.

2. Floor sinks shall be properly plumbed and installed, with the sink top flush with the floor surface in accordance with California Code of Regulations, Title 24, Part 5, California Plumbing Code. All condensate and similar liquid waste shall be drained by means of an indirectly connected, rigid, waste line, into open floor sinks. Horizontal runs of drain lines shall be at least six inches (6") above the floor, sloped toward floor sinks at a rate of one-quarter inch (1/4") per foot, and shall terminate at least one inch (1") above the overflow rim of the floor sink. Floor sinks shall be located so that they are readily accessible for inspection, cleaning, and repairs, and not located in a walkway. Waste lines shall not cross any aisle, traffic area, or door opening. Floor sinks are not permitted inside walk-in units unless they are indirectly connected to the sewer system through a legal air gap or an approved backflow prevention device, as approved by the director.

C. All plumbing, electrical, and gas lines shall be concealed within the wall, as practicable, mounted or enclosed so as to facilitate cleaning. Where it is impracticable, all runs must be at least one half inch (1/2") away from the walls or ceiling and a minimum of six inches (6") above the floor. Conduit or pipelines shall not be installed across any aisle, traffic area, or door opening. Multiple runs or clusters of conduit or pipelines shall be encased in an approved runway, or other enclosure approved by the director.

(Ord. 2007-0089 § 29, 2007; Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 2 § 353, 1959.)

11.12.050 General sanitation—Vermin prevention.

A. Wholesale food establishments shall at all times be so constructed, equipped, maintained, and operated so as to prevent the entrance and harborage of animals, birds, and vermin, including, but not limited to, rodents and insects.

B. All wholesale food establishment's interior premises, including all equipment and utensils, shall be kept clean, free from vermin, fully operative, and in good repair. Every wholesale food establishments shall be kept clean and free from litter, rubbish and garbage. All trash shall be properly confined in covered containers, and maintained free from flies, rodents, cockroaches and other vermin. All windows, doors and other openings shall be maintained in good repair at all times, and shall be provided with proper screens or other devices, maintained in good repair, and of such design and construction as will prevent the entrance of flies. The director may, for the protection of public health, regulate the size and design of fly-exclusion devices in a wholesale food processing establishment so that dust, flies and other insects will be excluded.

C. The exterior premises of every wholesale food establishment including docks, storage areas, areas where vehicles are loaded and unloaded, and driveways shall be properly drained and kept clean and free of litter or debris. The accumulation of any material, which may provide breeding or harborage areas for vermin, is prohibited. No condition, which may contribute to unsanitary conditions, shall be allowed on the premises of any wholesale food establishment.

(Ord. 2007-0089 §§ 30, 31, 2007.)

11.12.060 Lighting.

A. That part of any room in a wholesale food establishment, in which food or drink is prepared, or in which utensils are washed, shall have sufficient lighting to produce an intensity of not less than 215 lux (20 foot-candles) as measured thirty inches (30") above the floor. Food and utensil storage areas and toilet rooms shall be provided with at least 108 lux (ten foot candles) of light as measured thirty inches (30") above the floor.

B. Lighting fixtures in all areas where food is prepared, processed, stored in opened containers, or packages, or in which utensils are cleaned, shall be protected against breakage through the use of plastic shields, plastic sleeves with end caps, shatterproof bulbs, or other approved device.

(Ord. 2007-0089 § 32, 2007; Ord. 7583 Part 3 Ch. 2 § 364, 1959.)

11.12.070 Toilets, Sinks (Lavatories), and Dressing Rooms.

A. All wholesale food establishments must provide at least one toilet facility and one sink (lavatory) conveniently located therein or adjacent thereto. The Director must approve the location of all such toilet facilities. Each toilet facility must be located in a room other than a room in which food is processed. Toilet facilities must not open directly into a food processing area. As necessary, a vestibule is required to provide a space between a processing room and toilet facility to prevent risk for contamination.

B. All rooms containing toilet facilities must have self-closing doors. All employees must have access to toilet facilities. Toilet facilities must be well ventilated and plumbed. The floors, walls, ceilings, sinks (lavatories), and toilets must at all times be kept free from any accumulation of dirt, filth, or corrosion, and in good repair. There must be provided a sink or sinks (lavatory or lavatories) where all employees must be required to wash their hands immediately before starting work and after using the toilet. Each sink (lavatory) must be supplied with hot and cold running water, hand-washing cleanser in dispensing devices, and individual towels together with a receptacle for their disposal. Hot air blowers may be substituted for individual towels in dispensers. Toilet tissue must be provided in a permanently installed dispenser at each toilet. Toilet facilities must not be used for the storage of food, equipment, or supplies.

C. The toilet facilities must meet the requirements of applicable local, State, and/or federal law.

D. Where there are five or more employees, a separate dressing room with lockers must be provided for each gender, where employees may change and store their outer garments. Dressing rooms must have self-closing, well-fitting doors, and must be separated from toilet facilities, food storage rooms, or food preparation areas. Employees must not dress or undress or store their clothing in any room other than the separate dressing room. Dressing rooms must be maintained in a clean and sanitary condition.

E. When the number of sinks (lavatories) for any food operation is inadequate or their location is such that the use of them by employees will be inhibited, the Director may order the installation of additional sinks (lavatories) in such numbers, of such type and at such locations as will ensure the protection of the public health.

(Ord. 2021-0062 § 2, 2021; Ord. 2007-0089 § 33, 2007; Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 2 § 372, 1959.)

11.12.080 Labeling.

Food which is packaged in a wholesale food establishment shall bear a label that complies with the labeling requirements prescribed by the Federal Food, Drug and Cosmetic Act and the Sherman Food, Drug and Cosmetic Act.

(Ord. 2007-0089 §§ 34, 35, 2007.)

11.12.085 Shellstock identification.

A. Shellstock shall be obtained in containers bearing legible source identification tags or labels that are affixed by the harvester and each dealer that depurates, ships, or reships the shellstock. Except as specified under

subdivision C, on the harvester's or dealer's tag or label, the following information shall be listed in the following order:

1. The harvester's/dealer's name and address;
2. The harvester's certification number as assigned by the Shellfish Control Authority and the original shellstock shipper's certification number;
3. The date of harvesting;
4. The most precise identification of the harvest location or aquaculture site that is practicable based on the system of harvest area designations that is in use by the Shellfish Control authority and including the abbreviation of the name of the state or country in which the shellfish are harvested;
5. The type and quantity of shellfish;
6. The following statement in bold, capitalized type: "This tag is required to be attached until container is empty or retagged and thereafter kept on file for 90 days;" and
7. The dealer's tag or label shall also indicate the original shipper's certification number including the abbreviation of the name of the state or country in which the shellfish are harvested.

B. A container of shellstock that does not bear a tag or label or that bears a tag or label that does not contain all the information as specified under subdivision (A) shall be subject to a hold order or seizure and destruction in accordance with federal law.

C. If the harvester's tag or label is designed to accommodate each dealer's identification, individual dealer tags or labels need not be provided.

D. When received by a food facility, shellstock shall be reasonably free of mud, dead shellfish, and shellfish with broken shells. Dead shellfish or shellstock with badly broken shells shall be discarded.

(Ord. 2007-0089 § 36, 2007.)

11.12.090 Ventilation.

A. Approved ventilation shall be provided throughout the wholesale food establishment, to keep all areas reasonably free from excessive heat, steam, condensation, smoke, and vapor, and to provide reasonable comfort for all employees.

B. Toilet rooms, dressing, room and janitorial rooms shall be vented to the outside by means of a window that opens with a screen of not less than 16 mesh per square inch, or a light-switch activated exhaust fan. All construction and installation shall be in accordance with the applicable building and plumbing codes.

(Ord. 2007-0089 §§ 37, 38, 2007.)

11.12.100 Exhaust systems.

A. Adequate mechanical exhaust ventilation hoods shall be installed above all heating or cooking equipment where heat, smoke, steam, or vapor are released. Hoods shall extend at least six inches (6") horizontally beyond the equipment. The ducts shall be located in such a manner to prevent a public nuisance at the point of exhaust, and the hoods shall be constructed in such a manner as to prevent grease, moisture and other material from falling onto food preparation surfaces. All equipment, construction, and installation shall be in accordance with all applicable building and mechanical codes. Exhaust systems shall be maintained in good repair and kept clean.

B. The provisions of this section shall not apply to cooking equipment when such equipment has been submitted to the director for evaluation, and it has been found that the equipment does not produce smoke, vapors, heat, or toxic gases when operated under conditions recommended by the manufacturer.

(Ord. 2007-0089 § 39, 2007; Ord. 7583 Part 3 Ch. 2 § 357, 1959.)

11.12.110 Food preparation and storage areas.

A. A room which is used for food preparation shall not be used for any purpose other than that connected with the preparation of food, and shall not be used to hold equipment or any article which might impair the sanitary qualities of the area.

B. All wholesale food establishments shall be equipped with approved doors at all entrances into the food processing room(s), including entrances from the warehouse or storeroom. Any door to the processing room(s) shall not open directly to the outside unless otherwise approved by the director. As necessary, a vestibule shall be required to provide space between the exterior doors and processing room, to prevent the entrance of flies, rodents, and other vermin. Doors leading to the food processing room shall be maintained closed during processing or packaging of food.

(Ord. 2007-0089 § 40, 2007; Ord. 7583 Part 3 Ch. 2 § 360, 1959.)

11.12.120 Animals, birds and fowl.

A. No live animal, bird, or fowl shall be kept or allowed in any wholesale food establishment where food is prepared, manufactured, kept, stored, distributed, offered for sale, or sold unless such food establishment is exclusively devoted to the slaughter and processing of such animal or fowl.

B. This section shall not apply to dogs used by the blind, signal dogs, service dogs, such dogs in training under proper supervision, dogs under the control of uniformed law enforcement officers, or dogs under the control of uniformed employees of a private patrol service who are licensed pursuant to Chapter 11 (commencing with section 7580) of Division 3 of the Business and Professions Code, while acting within the course and scope of their employment as private patrolmen.

C. The dogs described in section B shall be excluded from food processing and utensil wash areas.

(Ord. 2007-0089 § 41, 2007; Ord. 7583 Part 3 Ch. 2 § 355, 1959.)

11.12.130 Equipment—Design and installation.

A. No processing, preparing, or storing equipment shall be installed, constructed or used unless it is of such material, design and construction, and is so installed and maintained as to facilitate the cleaning of the equipment and of all adjacent spaces. Those facilities that have developed, implemented and maintained approved Sanitation Standard Operating Procedures may be granted exemption by the director.

B. Food contract surfaces shall be corrosion resistant when in contact with food; made of nontoxic materials; and designed to withstand repeated washing.

C. Equipment shall be maintained clean and in good repair.

(Ord. 2007-0089 § 42, 2007; Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 2 § 379, 1959.)

11.12.140 Equipment—Standards for health and sanitation.

The director may adopt rules and regulations interpreting health and sanitation requirements for equipment to be installed in wholesale food establishments, and in doing so shall consider and may adopt those national standards which are certified or classified for sanitations by an American National Standards Institute accredited certification program. When the director requires that equipment comply with such specified standards, no person shall install or use newly installed equipment that does not comply with such standards, or their equivalent. In the absence of any applicable ANSI certified sanitation standard, food and utensil related equipment shall be evaluated for approval by the department.

(Ord. 2007-0089 § 43, 2007; Ord. 9375 § 1 (part), 1967; Ord. 8588 § 2 (part), 1964; Ord. 7583 Part 3 Ch. 2 § 383, 1959.)

11.12.150 Equipment and Buildings—Plans, date and specifications

A. The director shall require from the owner/operator, submission of the following data pertaining to construction or remodeling; the installation of new equipment; or when a facility has closed and remained closed for a period of ninety (90) days or more:

    1. Three (3) complete sets of easily readable plans, drawn to scale showing floor plan. The plans shall indicate the location of all floor drains, floor sinks and plumbing fixtures; lighting; equipment specifications; mechanical exhaust/ventilation plans including make-up air system; finish schedule for floors, walls, and ceilings that indicate the type of material, the surface finish, the color, and the type of coved base at the floor-wall juncture; the location of all fixed food-storage, preparation and processing equipment, furnishings and machinery. If a facility is to be a wholesale food processor, a general description of the type of food(s) and the methods of processing shall be included. Such specifications, forms, date and drawings, in triplicate, are necessary to ensure that the design, materials, method of construction and installation of equipment for food processing, preparation, storage or utensil-washing meet all applicable sanitation standards and requirements.

    2. The plans shall be approved or rejected within twenty (20) business days after receipt by the director and the applicant shall be notified of the decision. Unless the plans are approved or rejected within 20 business days, they shall be deemed approved. A building permit for a food establishment shall not be issued until after the director has approved the plans.

B. It shall be unlawful for any person to construct or make any additions or modifications or to operate any equipment in a newly constructed or reconstructed establishment until the plans and specifications have been approved in writing by the director for such installation or operation. All such equipment and its installation shall be in accordance with the approved plans and specifications unless modifications and changes therefrom have been approved by the director, in which case the equipment and its installation shall be in accordance with such approved modified plans and specifications.

(Ord. 2007-0089 § 44, 2007; Ord. 9375 § 1 (part), 1967; Ord. 8588 § 2 (part), 1964; Ord. 7583 Part 3 Ch. 2 § 384, 1959.)

11.12.160 Sink requirements.

A. There shall be provided in every wholesale food establishment, where food is prepared or packaged or where utensils are used, a sink with at least three compartments with two integral metal drain boards sloped towards the sinks. The sink compartments and drainage facilities shall be large enough to accommodate the largest utensil or piece of equipment to be cleaned therein. A one-compartment or two-compartment sink

that was in use on January 1, 2005, may be continued in use until replaced due to disrepair, deterioration, or both; change in food handling operation; remodeling requiring building permits; or as necessitated based on performance.

B. There shall be provided in every room in which food is prepared at least one lavatory supplied with water from a pre-mixing faucet that supplies warm water (100i?1/21/21/21/2F) for a minimum of 10 seconds while both hands are free for washing; hand washing cleanser in dispensing devices; individual single-use towels provided in dispenser; and a receptacle for towel disposal at, or adjacent to, hand washing facilities. Hot-air blowers may be substituted for individual towels in dispensers. Additional lavatories may be required by the director to ensure hand washing facilities are readily available for employees.

C. There shall be provided at least one food preparation sink, separate from any other sink, in every room in which food is prepared, for thawing frozen food under cold running water, washing or soaking food, or other processes as determined by the director. This sink shall drain by means of indirect waste pipes through an air gap into an open floor sink or other approved type of receptor that is properly connected to the drainage system. Food establishments operating prior to January 1, 2005, may continue to operate without a food preparation sink until remodeling occurs, requiring building permits, change in the food handling operation, or as necessitated based on performance.

D. There shall be provided in every wholesale food establishment where food is prepared, packaged, or stored, a room, area, or cabinet for the storage of cleaning equipment and supplies. Such room, area, or cabinet shall be separated from any food preparation, packaging, or utensil washing or storage area and at least one of the following is to be used exclusively for general cleaning purposes and for the disposal of mop bucket wastes and other liquid wastes:

    1. A one-compartment, nonporous janitorial sink.

    2. A slab, basin, or floor constructed of concrete or equivalent material, curbed and sloped to a drain. Such facilities shall be connected to approved sewerage and provided with hot and cold running water through a mixing valve and protected with a backflow protection device.

(Ord. 2007-0089 §§ 45, 46, 2007.)

11.12.170 Sanitization—Methods and testing.

A. All wholesale food establishments in which food is prepared or in which multi-use utensils are used shall provide manual or mechanical methods to effectively clean and sanitize utensils.

B. Manual or mechanical sanitization shall be accomplished in the final sanitizing rinse by one of the following methods:

    1. Hot water manual operations by immersion for at least 30 seconds where the water temperature is maintained at 171°F or above.

    2. Hot water mechanical operations by being cycled through equipment that is used in accordance with the manufacturer's use and achieving a utensil surface temperature of 160ºF as measured by an irreversible registering temperature indicator;

    3. Chemical, manual, or mechanical, by immersion, manual swabbing, brushing, or pressure spraying methods, using one of the following solutions:

        (a) Contact with a solution of 100 ppm available chlorine solution for at least 30 seconds.

        (b) Contact with a solution of 25 ppm available iodine for at least one minute.

        (c) Contact with a solution of 200 ppm quaternary ammonium for at least one minute.

(d) Contact with any chemical sanitizer that meets the requirement of all applicable federal laws and regulations when used in accordance with the manufacturer's suggested directions for use as specified on the product label.

4. Other methods as approved by the director.

C. Testing equipment and materials shall be provided by the wholesale food establishment to adequately measure the applicable sanitization method.

(Ord. 2007-0089 §§ 47, 48, 2007.)

11.12.180 Liquid waste and sewage.

A. Sewage shall be disposed into an approved sewerage system. Wastewater disposal shall comply with National Pollutant Discharge Elimination System (NPDES) and local wastewater treatment district standards.

B. No drain from any refrigerator, freezer or icebox used for the storage, preparation or display of food shall be connected directly to any sewer.

C. All icemakers shall be located within the food establishment. Condensate and ice melt shall be drained to an approved floor sink by means of an indirect connection.

(Ord. 2007-0089 §§ 49, 50, 2007.)

11.12.190 Contamination of food contact surfaces.

A. No person shall sit upon, lie upon, or do any other act which will contaminate, or in the ordinary course of events will be likely to contaminate, any surface or piece of equipment which is used in the storage, processing or preparation of food in any wholesale food establishment.

B. All utensils and equipment, including food contact surfaces shall be cleaned and sanitized as frequently as necessary to protect against contamination of food and prevent the breeding and harborage of vermin. Those facilities that have developed, implemented, and maintained approved Sanitation Standard Operating Procedures may be granted exception by the director.

C. CIP equipment shall meet the characteristics of a food contact surface and shall be designed and constructed so that cleaning and sanitizing solutions circulate throughout a fixed system and contact all interior food contact surfaces. The system is to be self-draining or capable of being completely drained of cleaning and sanitizing solutions. CIP equipment that is not designed to be disassembled for cleaning shall be designed with inspection access points to ensure that all interior food contact surfaces throughout the fixed system are being effectively cleaned.

D. Adequate and suitable space shall be provided for the storage of cleaned utensils and equipment in a clean and dry location where they are not exposed to splash, dust, or other contaminations, at least 6" above the floor.

E. Cans, jars, barrels, drums, other containers, lids, and covers shall be clean when used to package food products.

(Ord. 2007-0089 § 51, 2007; Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 2 § 359, 1959.)

11.12.200 Single-use utensils.

Single-use utensils shall be obtained only in sanitary containers or approved sanitary dispensers, stored in a clean, dry place until used, handled in a sanitary manner, and used once only. After being used only once, such utensils shall be discarded in such a manner as to prevent the attraction of flies, roaches, rodents, and other vermin, and to prevent a public nuisance.

(Ord. 2007-0089 §§ 52, 53, 2007.)

11.12.210 Multiple-use utensils.

Multiple-use utensils shall be made of non-toxic, non-corrosive materials; shall be constructed, installed and maintained to be easily cleanable; and shall be kept clean and in good repair. Any containers designed for use a single time shall not be considered a multi-use utensil and shall not be refilled with food that is to be or may be used for human or animal consumption.

(Ord. 2007-0089 §§ 54, 55, 2007.)

11.12.220 Utensils—Bacteria count limit.

An operator shall not possess, in a wholesale food establishment, any glass, cup, dish, piece of silverware or any other utensils intended for, and ready for use in, serving food and drink, upon which the bacterial count, as taken in a manner approved by the director, exceeds 100 organisms per surface of the utensil examined.

(Ord. 2007-0089 § 56, 2007; Ord. 7583 Part 3 Ch. 2 § 367, 1959.)

11.12.230 Foods—Sanitation requirements.

A. It is unlawful to transport, store, display, dispense, prepare, offer for sale or gift, or handle in any way, food or drink intended for human or animal consumption, unless such food or drink is pure, free from contamination, adulteration and spoilage. Food shall have been obtained from approved sources; shall be inspected upon delivery; and shall otherwise be fit for human or animal consumption. All food shall be kept in such manner as to be protected from exposure to dust, droplet contamination, overhead leakage and condensation, flies and other insects, rodents and vermin, and any other deleterious or unhealthful substance or condition.

B. Every storage room or other place used for storing food or food ingredients shall be equipped with platforms, racks or shelves at least 6 inches above the floor surface, unless such food is enclosed in waterproof, rodent proof containers to facilitate the flushing of floors and walls, with water or other cleaning method.

C. All open bulk food shall be stored in approved containers (certified or classified for sanitation by an American National Standards Institute accredited certification program) with tight fitting lids, labeled to indicate contents.

D. When ice is used in contact with food, it shall be made from water that is safe and of adequate sanitary quality and shall be used only if it has been manufactured in accordance with 21 Code of Federal Regulation 110, Current Good Manufacturing Practices, as it currently exists or hereafter may be amended.

(Ord. 2007-0089 § 57, 2007; Ord. 2006-0040 § 89, 2006; Ord. 92-0078 § 5, 1992; Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 2 § 374, 1959.)

11.12.240 Foods—Storage temperatures.

A. All potentially hazardous foods shall be kept at 45°F or lower, or 135°F or higher, at all times whether such food is being transported, stored, displayed, or offered for sale or gift. An accurate easily readable metal probe thermometer suitable for measuring the temperature of food shall be readily available on the premises.

B. Every refrigerator used for the storage of potentially hazardous food shall be provided with a thermometer accurate to plus or minus 2°F and shall be located to indicate the air temperature in the warmest part of the unit and shall be affixed to be readily visible.

C. Potentially hazardous food that has been heated or foods that have been made potentially hazardous by preparation shall be rapidly cooled to 45°F or below, in a manner approved by the county health officer, if not held at or above 135°F.

D. Potentially hazardous foods that have been removed from approved holding for processing shall be involved in diligent preparation and returned to approved holding temperatures within two hours following completion of said task.

E. Frozen potentially hazardous food shall only be thawed using one of the following methods:

(1) Under refrigeration that maintains the food temperature at 45°F or below; or

(2) Completely submerged under potable running water for a period not to exceed two (2) hours:

(a) At a water temperature of 70°F or below; and,

(b) With sufficient water velocity to agitate and flush off loose particles into the sink drain; or

(3) In a microwave oven if immediately followed by preparation; or

(4) As part of a cooking process.

F. Frozen food that has been thawed shall be cooked or otherwise processed before it may be refrozen.

G. Potentially hazardous food may be held at temperatures other than those specified in this section when the facility operates according to an approved HACCP plan adopted pursuant to section 11.12.005.

(Ord. 2007-0089 §§ 58, 59, 2007; Ord. 94-0052 § 17, 1994; Ord. 7583 Part 3 Ch. 2 § 375, 1959.)

11.12.250 Foods—Storage.

A. Adequate and suitable space shall be provided for the storage of food.

B. Except for large or bulky containers, all food shall be stored at least 6 inches above the floor surface or under conditions that are approved by the director. Containers may be stored on dollies, racks, or pallets not meeting the height requirement, if the dollies, racks or pallets are easily moveable. Pallet jacks, fork lifts or similar equipment must be available on site for this purpose.

C. All cartons, boxes, or other materials used in the packaging of any food shall be protected at all times from dirt, vermin, and other forms of contamination or adulteration.

D. A space of adequate width shall be provided between food storage racks, shelves, and pallets, and the walls or equipment, to permit employees to perform their duties, maintain cleanliness, and for inspecting on a regular basis for vermin or evidence of vermin.

(Ord. 2007-0089 §§ 60, 61, 2007.)

11.12.260 Hazardous materials.

Cleaning compounds, sanitizing agents, pesticides, or other hazardous materials shall be identified, held, used, and stored in a manner that protects against the contamination of food, food contact surfaces, or food packaging materials.

(Ord. 2007-0089 §§ 62, 63, 2007.)

11.12.270 Employee practices.

A. No employee shall commit any act, which may result in contamination or adulteration of any food, food contact surface, food packing material, utensil, or equipment.

B. Any employee who by medical examination or supervisory observation, is shown to have, or appears to have, an illness, open lesions, including boils, sores, or infected wounds, or any other abnormal source of microbial contamination by which there is a reasonable possibility of food, food contact surfaces, or food packaging materials becoming contaminated, shall be restricted from working with exposed food, clean utensils, linens, and unwrapped single-use articles; and may be excluded from any operations which may be expected to result in such contamination until the condition is corrected. Employees shall be instructed to report such health conditions to owner/operator.

C. All employees shall wash hands thoroughly at an approved hand washing facility before starting work, after each absence from the workstation, before donning gloves for working with food and at any other time when the hands may have become soiled or contaminated. Signs directing the employees to wash their hands shall be posted in each toilet room and in all other areas where employees wash their hands.

D. All employees, while engaged in the preparation of food or the washing of utensils, shall wear clean, washable outer garments; shall keep their hands and fingernails clean; shall wear hairnets, caps or other suitable coverings to confine all hair; shall not engage in or permit the use of tobacco in any form; shall not permit the discharge of any substance from the mouth, nose or other part of the body; and shall not eat food, chew gum or drink beverages in areas where food is prepared, processed, packed, stored or where equipment or utensils are washed or stored. Hair-brushing or combing shall not be permitted in any wholesale food establishment except in a toilet room or dressing room, separate from any room in which food is prepared or in which utensils are washed.

E. Gloves shall be worn when contacting food and food surfaces if the employee has any cuts, sores, rashes, artificial nails, nail polish, rings, uncleanable orthopedic support devices, or fingernails that are not clean, neatly trimmed, and smooth. All employees shall maintain gloves, if they are used in food handling, in an intact, clean and sanitary condition. The gloves shall be of an impermeable material, used for a single food handling operation only, and not reused. A clean pair of gloves shall be used at the start of work, when resuming work after an absence from the workstation, and at any other time when the gloves may have become soiled or contaminated.

F. In all areas where food is prepared, processed, or packaged, all employees shall remove all unsecured jewelry and other objects that might fall into food, equipment, or containers, and remove hand jewelry that cannot be adequately sanitized during periods in which food is manipulated by hand. If such hand jewelry cannot be removed, it may be covered by material which can be maintained in an intact, clean, and sanitary condition and which effectively protects against the contamination by these objects of the food, food contact surfaces, or food packaging materials.

G. All employees shall store clothing or other personal belongings, including medicines, cosmetics, drugs, and toilet articles, in areas other than where food is exposed or where equipment or other utensils are washed.

(Ord. 2007-0089 §§ 64, 65, 2007.)

11.12.280 Linen and clothing.

A. Adequate and suitable space shall be provided for the storage of clean linens, including apparel, towels, and wiping cloths.

B. Soiled linens, coats and aprons shall be kept in cleanable, labeled containers provided for the purpose, and shall not be reused until they have been laundered or cleaned. No linen that has been used for any other purpose since laundering shall be used for wiping utensils, counters or equipment, or for contact therewith.

C. Wiping cloths used to wipe equipment and other surfaces that may directly or indirectly contact food shall be used only once until laundered, or if held in a sanitizing solution of concentration as stated in Section 11.12.170 when not wiping, may be used repeatedly. Whenever a sanitizing solution becomes turbid or heavily permeated with food particles and juices, or no longer meets a concentration as stated in Section 11.12.170, it shall be replaced.

(Ord. 2007-0089 §§ 66, 67, 2007.)

11.12.290 Sleeping accommodations prohibited.

No sleeping accommodations shall be maintained or kept in any room where food is prepared, processed, stored, distributed, or sold.

(Ord. 2007-0089 §§ 68, 69, 2007.)

11.12.310 Incidents that render food unwholesome.

A. The operator of every wholesale food establishment after the occurrence of an incident which creates a hazard to the safety, sanitation or wholesomeness of any food or drink, shall notify the director forthwith. This section applies to any food or drink that is intended for consumption by any human or animal.

B. The wholesale food establishment operator shall provide the following information to the director upon request to assist in tracing the source of pathogens and in preventing the spread of foodborne illness: an e-mail address or facsimile number, emergency phone number and hours of operation.

C. The wholesale food establishment operator shall provide the following information to the director upon request to assist in the recall or trace-back of foods found to be hazardous or unwholesome for human or animal consumption: Source of all product ingredients; complete distribution list including name, address and contact information; and product identification information (e.g. batch #, lot #, product coding, etc.).

(Ord. 2007-0089 §§ 71, 72, 2007.)

11.12.320 Dairy employees—Health examination requirements.

A. It shall be the duty of each dairyman or manager of any place where milk is prepared, bottled or pasteurized, whenever a system of medical examination of all employees has been established under state or local laws, to maintain a registry of the results of all such examinations. Such registry shall show the name, age and sex of each person, the date of the last examination and the result thereof, together with such other data as the county health officer may require in the enforcement of this Division 1.

B. It shall be the duty of the owner of such dairy or other similar institution to keep such registry, at all times up-to-date and open to inspection by the director.

(Ord. 2007-0089 § 78, 2007.)

11.12.330 Milk and cream—Pasteurization required when.

A. No market milk and no market cream may be sold, served, offered or exposed for sale, or delivered for human consumption, unless it is pasteurized.

B. Exemptions. The provisions of this section shall not apply to:

1. Certified milk or cream;

2. Guaranteed raw milk;

3. Grade A raw milk;

4. The delivery or sale of milk to wholesalers or to pasteurization plants for the purpose of being pasteurized.

C. Definitions. The meanings of the terms, "market milk," "market cream," "pasteurized," "pasteurization," "certified milk," "certified cream," "guaranteed raw milk," and "Grade A raw milk" as used in this section, shall be as defined in the Food and Agricultural Code of California.

(Ord. 2007-0089 § 79, 2007.)

11.12.340 Impound and quarantine.

A. The director, based upon inspection findings or other evidence and for the protection of the public health, may do any of the following:

1). Impound and, if deemed necessary, destroy any food that is found to be, or is suspected of being, contaminated or adulterated.

2). Impound equipment or utensils that are found to be unsanitary or in such disrepair that food, equipment or utensils may become contaminated or adulterated. The director may attach a tag to such food, equipment or utensils that shall be removed only by the director following verification that the condition has been corrected.

B. No food, equipment, or utensil impounded shall be used unless the impoundment has been released.

C. Food which is contaminated, unfit for human or animal consumption or found to be dangerous to public health, shall be ordered quarantined or destroyed by the director. If quarantined, instructions shall be given to the person who controls such food as to the condition of the quarantine. It is unlawful for such person to make any disposition of such food other than that ordered by the director.

D. The provisions of Section 2080.6 of the Civil Code, regarding unclaimed property, shall apply whenever the director impounds any unsanitary food equipment or equipment that is in such disrepair that food, equipment, or utensils may become contaminated or adulterated. If any impounded equipment remains unclaimed for a period in excess of 30 days, the equipment shall be held no less than three months from date of impoundment, and thereafter may be sold by the purchasing agent or retained for a public use. If the equipment is claimed by its owner, the owner shall pay a reasonable charge as set forth in the Los Angeles County Code, Title 8, to defray costs of storage of the equipment.

(Ord. 2007-0089 § 81, 2007.)

Chapter 11.13 INDEPENDENT WHOLESALE VEHICLES

11.13.010 Definitions.

The following words and phrases shall apply to this chapter irrespective of their use in other Chapters of Part 1 of this Title:

A. "Independent Wholesale Food Vehicle" means any vehicle, not owned by the shipper or receiver, that is used to transport food from a warehouse, manufacturer, distributor, or other wholesale provider for delivery to a retailer, warehouse, distributor, or other destination. An independent wholesale food vehicle shall not be permitted to conduct sales at the retail level. An independent wholesale food vehicle originating outside of the jurisdiction of the director, which has been inspected by the health officer at the jurisdiction of origin and which bears an identification that the jurisdiction of origin has issued a public health permit, shall not be required to obtain a public health license from Los Angeles county under this chapter.

B. "Approved" means approved by the director based upon a determination of conformity with applicable laws, current public health principles, practices, and generally recognized industry standards that protect the public health subject to annual certification.

(Ord. 2007-0089 § 84, 2007.)

11.13.020 Requirements for independent wholesale food vehicle storage facilities.

A. Adequate facilities shall be provided for the sanitary disposal of liquid waste from the wholesale food vehicle.

B. Adequate facilities shall be provided for the sanitary disposal of garbage and rubbish originating from the wholesale food vehicle.

C. Hot and cold water, under pressure, shall be available for cleaning the wholesale food vehicle.

(Ord. 2007-0089 § 85, 2007.)

11.13.030 Requirements for wholesale food vehicles.

A. The compartments in which food is carried on wholesale food vehicles shall be enclosed and the exterior doors and windows shall be tightly fitted to prevent the entrance of dust, dirt, moisture, or vermin.

B. The floor shall be of non-corrosive, nontoxic metal, or other approved material, extending at least 4 inches (4") up the side of the compartment. Tight-fitting, nonabsorbent hardwood flooring may be used when only dry food products are transported. The interior floor, sides, and top of the food compartment shall be free from cracks, seams, or linings where vermin may harbor, and shall be constructed of a smooth, washable, impervious material capable of withstanding frequent cleaning with acceptable sanitizing agents, including steam. Slide rails, hooks, shelves, racks, and similar equipment shall be constructed of a nontoxic, non-corrosive, easily cleanable material, and shall be so installed as to be readily accessible or easily removable for cleaning. Vehicles shall be so constructed that no liquid wastes from the food compartment can drain onto any street, sidewalk, or premises.

C. All food compartments used to hold potentially hazardous foods shall be provided with an approved mechanism capable of maintaining potentially hazardous foods at or below 45°F or at or above 135°F during transportation.

(Ord. 2007-0089 § 86, 2007.)

11.13.040 Requirements for food vehicle identification.

The name, address, and telephone number of the owner/operator, permittee, or business name shall be legible, clearly visible, and permanently indicated on at least two sides of the exterior of the vehicle. The name shall be at least three inches (3") high and shall have strokes at least three-eighths inch (3/8") wide, and shall be of a color contrasting with the vehicle exterior. Letters and numbers for the address and telephone number shall not be less than one inch high.

(Ord. 2007-0089 § 87, 2007.)

11.13.050 Food vehicle temperature requirements.

All potentially hazardous foods being transported in food compartments shall be held at a temperature at or below 45°F or at or above 135°F. If frozen foods are carried, the food temperature shall be maintained at 5°F or below. An accurate device for measuring temperature shall be maintained inside the food compartments where potentially hazardous foods are held.

(Ord. 2007-0089 § 88, 2007.)

11.13.060 Food protection.

A. No person shall carry, transport, or convey any food for commercial purposes unless such food is protected from all contamination. No food shall be carried in the driver's or passenger's compartment of any wholesale food vehicle.

B. All unpackaged food shall be contained, suspended, or handled so that it does not come into actual contact with the floor, walls, or ceiling of the vehicle or with the clothing of persons who load or unload food product. All unpackaged food shall be loaded and unloaded using a manner that protects the food.

C. All unpackaged food shall be contained, suspended, or handled so that it does not come into actual contact with the floor, walls, or ceiling of the vehicle or with the clothing of persons who load or unload food product. All unpackaged food shall be loaded and unloaded in a manner that protects the food at all times.

D. All vehicle food compartments shall be maintained clean, sanitary, and in good repair.

E. The doors to the food compartment shall be kept tightly closed at all times, except when loading or unloading food.

F. No person shall carry, transport, or convey pesticides, poisons, or other chemicals in the same compartment of a vehicle with food products, feed, or other material intended for consumption by humans or animals.

(Ord. 2007-0089 § 89, 2007.)

11.13.070 Exemptions.

Private individuals transporting food for personal use are exempted from the provisions of this chapter.

(Ord. 2007-0089 § 90, 2007.)

11.13.080 Certification decal for approved vehicles.

Independent wholesale food vehicles that conform to the requirements of this article, that have been inspected and approved by the director, and for which the required health permit fee has been paid, shall be provided with a certification decal which shall be affixed to a clearly visible area on the left side of the rear portion of the vehicle. It shall be unlawful to operate an independent wholesale food vehicle without a certification decal. It shall be unlawful to deface, modify, duplicate, camouflage, or falsity this decal.

(Ord. 2007-0089 § 91, 2007.)

Chapter 11.14 FOOD VENDING MACHINES[11]

11.14.010 Definitions.

A. "Machine location" means the room, enclosure, space or area where one or more vending machines are installed or operated.

B. "Vending machine" means any self-service device offered for public use which, upon the insertion of coins or tokens, or by other means, dispenses unit servings of food, either in bulk or in packages, without the necessity of replenishing the device between each vending operation.

(Ord. 7583 Part 3 Ch. 3 §§ 401 and 402, 1959.)

11.14.020 Applicability of chapter provisions.

Except as may be provided in subsequent sections, the provisions of this chapter shall apply to vending machines that dispense readily perishable food, and to vending machines that mix or compound bulk food ingredients into unit servings and dispense such unit servings into single-service utensils. The provisions of this chapter shall not apply to vending machines that dispense, exclusively, bottled drinks, gum, candy or other not-readily-perishable food, when it is determined by the director that such vending machines do not require routine inspection for the protection of the public health.

(Ord. 7583 Part 3 Ch. 3 § 400, 1959.)

11.14.030 Inspection—Representative to accompany director when.

Every person operating a vending machine shall, upon request from the director, provide a representative who shall accompany the director on inspection of such machine.

(Ord. 8614 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 3 § 404, 1959.)

Chapter 11.15 NONSMOKING AREAS IN EATING ESTABLISHMENTS

11.15.010 Purpose of provisions.

The board of supervisors finds and declares that inhaling smoke generated by smokers may be hazardous to the health and represents an annoyance which should be regulated and limited in eating establishments offering food for sale to the public, to the ends that air quality be improved in all such facilities for the preservation and improvement of health, and that customers may request to be seated in nonsmoking areas of such facilities.

(Ord. 87-0124 § 1 (part), 1987.)

11.15.020 Definitions.

As used in this chapter:

A. "Smoke" means the gases, particles, or vapors released into the air as a result of combustion, electrical ignition, or vaporization, when the apparent or usual purpose of the combustion, electrical ignition, or vaporization is human inhalation of the byproducts, except when the combusting or vaporizing material contains no tobacco, nicotine, or cannabis and the purpose of inhalation is solely olfactory, such as, for example, smoke from incense. The term "smoke" includes, but is not limited to, tobacco smoke, vapors from an electronic smoking device, and cannabis smoke or any other like substance.

B. "Smoking" means inhaling, exhaling, burning, or carrying any lighted, heated, or ignited cigar, cigarette, cigarillo, pipe, hookah, electronic smoking device, or plant product, or using any other method or device that delivers nicotine, cannabis or other like substances to a person.

C. "Cannabis" has the meaning set forth in California Business and Professions Code section 26001, as that section may be amended from time to time.

D. "Electronic smoking device" means an electronic device which can be used to deliver an inhaled dose of nicotine, cannabis, or other substances, including any component, part, or accessory of such a device, whether or not sold separately. The term "electronic smoking device" includes any such device, whether manufactured, distributed, marketed, or sold as an electronic cigarette, electronic cigar, or cigarillo, electronic pipe, electronic hookah or any other product name or descriptor.

E. "Eating establishment" means any indoor or outdoor area that is designed, established, or regularly used for consuming food or drink and that is available to or customarily used by the general public or an employee. Eating establishment means any area included but not limited to a cafeteria, coffee shop, luncheonette, restaurant, sandwich shop, short order cafe, soda fountain, or other establishment which offers food or drinks to the public.

F. "Bar" means any area of an eating establishment which is devoted to offering alcoholic beverages for sale to the public and in which the consumption of food is only incidental to the consumption of such beverages and includes any outdoor area of the establishment set aside for use by patrons.

(Ord. 2019-0011 § 3, 2019; Ord. 87-0124 § 1 (part), 1987.)

11.15.030 Nonsmoking areas required in eating establishments.

A. Any person who owns, operates, manages, leases, or rents an eating establishment shall cause to be maintained in such facility a nonsmoking area consisting of a portion of both the seating capacity and floor space in which such customers are served, excluding any portion of such facility which is located outdoors and any portion of such facility which is utilized for bar purposes. At the request of any customer, the customer shall be seated in the nonsmoking area of the eating establishment if space is available.

B. Nothing in this section shall apply to any room of an eating establishment which is used for serving food for a private function, but only while such room is used for such private function.

(Ord. 87-0124 § 1 (part), 1987.)

11.15.040 Duty to post sign.

Any person who owns, operates, manages, leases, or rents an eating establishment shall cause at least one sign to be posted or displayed on the premises, as provided in this section. The sign shall read substantially as follows: NON-SMOKING AREA AVAILABLE. The sign shall not be smaller than 10 inches wide by 10 inches long, nor shall any lettering thereon be less than one inch in height. The sign shall be placed to assure that it is readable by the public entering the premises.

(Ord. 87-0124 § 1 (part), 1987.)

11.15.050 Structural modifications not required.

Nothing in this chapter shall be construed to require an eating establishment to make any structural changes or other physical modifications to existing facilities.

(Ord. 87-0124 § 1 (part), 1987.)

Chapter 11.16 GARBAGE AND OTHER WASTE MATERIAL[13]

11.16.010 Collection and disposal regulations—Enforcement authority.

The director of public health shall enforce all laws, ordinances and regulations pertaining to the collection and disposal of garbage, and combustible and noncombustible rubbish, within garbage disposal districts.

(Ord. 2006-0040 § 92, 2006; Ord. 8588 § 2 (part), 1964; Ord. 7583 Part 3 Ch. 7 § 611, 1959.)

11.16.020 Sanitation of premises—Responsibility of owner or agent.

The owner, agent or manager of any premises shall maintain such premises in a clean, sanitary condition, free from accumulations of garbage, rubbish, refuse and other wastes at all times, except as provided by the provisions of this Division 1 or other applicable laws.

(Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 7 § 605, 1959.)

11.16.030 Garbage—Storage restrictions.

Garbage and putrescible matter, whether mixed with rubbish or other matter or not, shall be kept in watertight receptacles with close-fitting lids and with handles or bails. Such receptacles shall be thoroughly cleaned each time their contents are removed. Such garbage or putrescible material, whether mixed with rubbish or other material or not, shall not be kept for more than seven days.

(Ord. 7583 Part 3 Ch. 7 § 601, 1959.)

11.16.040 Feeding garbage and market refuse to animals—Restrictions.

A person may feed garbage and market refuse to fowls or animals when such feeding does not constitute a nuisance or a menace to public health, and when such feeding is in compliance with such conditions as may be imposed by the director of public health.

(Ord. 2006-0040 § 93, 2006; Ord. 7583 Part 3 Ch. 7 § 602, 1959.)

11.16.050 Deposit of offensive substances prohibited—Exceptions.

Except as otherwise provided in this Division 1, no person shall permit the contents of any cesspool, septic tank, water closet or sewer, or any sewage effluent, excrement, urine, slop water, butcher offal, market refuse, garbage, rubbish, cans, dead animals, dead fowl, or any other putrid or offensive animal or vegetable matter, to remain or to be deposited or discharged upon the surface of the ground on any premises, lot, or in any building, basement, or in any public street, or into, or in a manner that might contaminate, any standing water, stream, hole, excavation or public place. This section does not prohibit:

A. The placing of cans or rubbish in any lawfully existing dump or waste-disposal facility;

B. The placing of garbage or market refuse, or both, in any lawfully existing dump or waste-disposal facility in compliance with the conditions imposed, if any, in the license granted for the operation thereof, pursuant to pertinent county ordinances, if, and only if, such license, in express terms, permits garbage or market refuse, or both, to be placed in such dump or waste-disposal facility.

(Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 7 § 600, 1959.)

11.16.060 Rubbish—Storage restrictions.

A person may deposit and keep, for not more than 15 days, in a substantial and adequate container, combustible and noncombustible rubbish other than garbage and putrescible matter.

(Ord. 7583 Part 3 Ch. 7 § 603, 1959.)

11.16.070 Hazardous or radioactive materials—Disposal restrictions.

Materials which are infected or contaminated, chemically hazardous, or radioactive shall be disposed of in a manner approved by the director.

(Ord. 7583 Part 3 Ch. 7 § 610, 1959.)

11.16.090 Keeping animals and birds—Location restrictions and sanitation requirements.

A person shall not keep any animal, fowl or bird, wild or domestic, other than cats, dogs, canaries or birds of the psittacine family, within 35 feet of any restaurant, food establishment, residence, or dwelling, or other building used for the habitation of human beings, or within 100 feet of any school building, hospital building or similar institution building. It is unlawful to keep or maintain a premises, yard, coop or building in which fowl or animals are maintained in a foul or insanitary condition. The provisions of this section regarding distances shall not apply to accredited laboratories regulated by the California Department of Health Services.

(Ord. 2006-0040 § 94, 2006; Ord. 7583 Part 3 Ch. 7 § 608, 1959.)

11.16.100 Hog fertilizer—Use restrictions.

A person shall not use any hog manure or hog-ranch wastes in the raw state within one-half mile of any building or part thereof used for a residence, except a building exclusively occupied by such person and his family.

(Ord. 7583 Part 3 Ch. 7 § 606, 1959.)

11.16.110 Burial of dead animals or offensive material.

It is unlawful for any person to bury the carcass of any dead animal or any other putrid or offensive material unless such carcass or material is placed three feet below the surface level of the ground and immediately covered with at least three feet of soil; provided, however, that such carcass or material shall be buried in such a manner or location that it does not constitute a menace to public health or a nuisance.

(Ord. 7583 Part 3 Ch. 7 § 604, 1959.)

11.16.120 Edible crops—Irrigation with contaminated water prohibited—Test standards.

No person shall irrigate any strawberries, celery, potatoes, lettuce, radishes, tomatoes, onions, or any vegetable or berries eaten raw, in any manner. with sewage, sewage effluents or water from any stream into which sewage has been discharged, any of which does not meet the following standards: In any 20 consecutive samples, from which five 10-c.c. portions each are examined, not over 10 portions shall be positive for members of the coli-Aerogenes group, and in no single sample shall over half the 0.1 c.c. portions of the sample be positive for such organisms. Samples shall be analyzed in accordance with the latest Standard Methods of Examination of Water and Sewage of the American Public Health Association.

(Ord. 7583 Part 3 Ch. 7 § 607, 1959.)

Chapter 11.17 MICROENTERPRISE HOME KITCHEN OPERATIONS

11.17.010 Short Title.

This ordinance codified in Title 11 of this County Code will be known as, and may be cited as, the "Microenterprise Home Kitchen Operations Ordinance."

(Ord. 2024-0025 § 5, 2024.)

11.17.020 Declaration of Findings and Purpose.

A. The Board of Supervisors finds that in Los Angeles County, small businesses comprise a large percentage of the local workforce in Los Angeles County, many of which are minority-owned.

B. With the creation of the Microenterprise Home Kitchen Operations Program, the County will be able to continue the advancement of economic mobility for local small businesses by allowing these microentrepreneurs to be a part of the formal economy.

C. The Microenterprise Home Kitchen Operations Program will allow for small-scale, direct food sales from home-based kitchens and provide a safe and equitable pathway to legal food vending, in accordance with California Health and Safety Code, Division 104, Part 7, Chapter 11.6, Microenterprise Home Kitchen

Operations, and pursuant to the Board of Supervisors' police powers as set forth under Article XI, Section 7 of the California Constitution.

D. It is the intention of the County to authorize and adopt a Microenterprise Home Kitchen Operations Program Countywide as authorized by California Health and Safety Code section 114367.

(Ord. 2024-0025 § 5, 2024.)

11.17.030 Definitions.

The following words and phrases shall apply to this Chapter:

A. "Compact Mobile Food Operation" or "CMFO" means a food facility as defined in California Health and Safety Code section 113831(c).

B. "County Health Officer" means the Director of the Department of Public Health of the County of Los Angeles, or their duly authorized representative.

C. "Department" means the Los Angeles County Department of Public Health.

D. "Food Handler" means an individual who is involved in the preparation, storage, or service of food in a food facility, as defined in California Health and Safety Code section 113790.

E. "Microenterprise Home Kitchen Operation" or "MEHKO" means a food facility as defined in California Health and Safety Code section 113825.

F. "MEHKO Operator" means the resident of the private home where the MEHKO will be operating, who is the permitholder for the MEHKO and, who is responsible for the operation.

G. "Permitted Area" means the home kitchen described in the application for MEHKO, the on-site consumer eating area, food storage area, utensils and equipment, toilet room, janitorial or cleaning facilities, and refuse and storage areas as provided by Health and Safety Code section 114367.2, and including any attached rooms within the home, as designated by the permit holder, that have spaces, such as closets, that are used exclusively for food, utensil, and equipment storage for the MEHKO, as authorized by the County Health Officer.

H. "Potable Water" means water that complies with the standards for transient noncommunity water systems pursuant to the California Safe Drinking Water Act, commencing with California Health and Safety Code section 116270 et seq. to the extent permitted by federal law.

I. "Resident of a Private Home" means any individual who resides in a private home when not elsewhere for labor or other special and temporary purposes.

(Ord. 2024-0025 § 5, 2024.)

11.17.040 Scope.

A. The provisions of this chapter shall apply to Microenterprise Home Kitchen Operations as defined in California Health and Safety Code section 113825 et seq., within the unincorporated and incorporated areas of Los Angeles County, except within the cities of Long Beach, Pasadena, and Vernon, and to the extent permitted under California Health and Safety Code section 114367.

B. As set forth in California Health and Safety Code section 114367.4, a city or county cannot prohibit the operation of, require a permit to operate, require a rezone of the property for, or levy any fees on, or impose any other restriction on, a Microenterprise Home Kitchen Operation in any residential dwelling for zoning

purposes. Operating a MEHKO does not constitute a change of occupancy for purposes of the Health and Safety Code, Division 13, Part 1.5, section 17910 et seq. or for purposes of local building and fire codes.

(Ord. 2024-0025 § 5, 2024.)

11.17.050 MEHKO Facility Permit Requirements.

A. Any individual desiring to obtain a public health permit to operate a MEHKO shall file an application with the Department and pay the nonrefundable application fee as set forth in Section 8.04.728 F.

B. Upon receipt of both an application for a public health permit and the required non-refundable fee, the Department shall review the application.

C. Application Requirements.

1. The application at a minimum shall include the requirements set forth in California Health and Safety Code section 114367.2(c), including but not limited to a listing of the proposed equipment and standard operating procedures the MEHKO Operator intends to use and a list of any Food Handlers, as set forth in subsection 3, below.

2. The MEHKO Operator shall successfully complete and pass an approved and accredited Food Safety Certification Examination, in compliance with California Health and Safety Code sections 113947.1 and 113947.2 and include proof of certification with the application.

3. If a MEHKO Operator plans to have Food Handlers as part of their operation, the MEHKO Operator must include proof of Food Handler food certification for every individual with the submission of the permit application. If a Food Handler is employed after the initial inspection is conducted, the MEHKO Operator will have thirty (30) days from the date of hire to provide a copy of the employee's food handler card to the Department. The MEHKO Operator shall have no more than one full-time equivalent Food Handler, not including a household or family member, in accordance with California Health and Safety Code section 113825.

D. Upon completion and approval of the initial application review, the MEHKO shall be subject to an initial inspection to be completed by the Department to ensure minimum compliance with this Chapter and as provided by California Health and Safety Code section 114367.2(d)(1).

E. Upon verification by the Department that all minimum requirements have been met, a public health permit shall be issued upon payment of a non-refundable public health permit fee as specified in Section 8.04.720 of this code.

F. A MEHKO Operator is required to notify the Department and request an evaluation within twenty (20) days of any substantive changes made to the menu or equipment that affect the originally proposed operational procedures following the Department's initial approval. These changes may include, but are not limited to, the addition of potentially hazardous foods to the menu, as defined in California Health and Safety Code section 113871, installation of new food preparation equipment, or the expansion to include support of up to two (2) CMFOs. The MEHKO Operator shall pay an evaluation fee based on the hourly rate established in Section 8.04.728 of this Code. Upon notification and payment of the fee, the MEHKO Operator shall be subject to a site evaluation to be completed by the Department within twenty (20) days to evaluate if the menu or equipment change can be supported within the previously permitted kitchen.

G. MEHKO permits may be modified, suspended, or revoked as provided in the California Health and Safety Code, Division 104, Part 7, Chapter 13.

H. No persons shall operate a MEHKO without a valid public health permit issued by the County Health Officer.

I. Only one MEHKO may operate per residence. A Cottage Food Operation shall not be permitted from the same residence.

(Ord. 2024-0025 § 5, 2024.)

11.17.060 Required Compliance.

Unless otherwise specified in this Chapter, a MEHKO shall comply with the requirements of California Health and Safety Code, Division 104, Part 7. In addition, all permitted MEHKOs are subject to exemptions as set forth in California Health and Safety Code, Division 104, Part 7, Chapter 11.6.

(Ord. 2024-0025 § 5, 2024.)

11.17.070 Food Preparation and Storage.

A. MEHKO food preparation, packaging, and handling shall be kept separate from other domestic activities, including but not limited to, family meal preparation, guest entertaining, or dishwashing.

B. All food storage for the MEHKO within the permitted area shall comply with California Health and Safety Code, Division 104, Part 7, Chapter 4, Article 5. Any other detached rooms on the premises, including accessory buildings and garages, may be used to store food items for the MEHKO only if all food is stored inside of an approved refrigerator and/or freezer with a closable door/lid which will be verified upon the Department's initial inspection. Sleeping quarters or second residential units on the same property are not allowed within the Permitted Area; unless otherwise indicated as set forth in Health and Safety Code section 114367.1(b)(24).

(Ord. 2024-0025 § 5, 2024.)

11.17.080 Expanded Food Service.

A. Food prepared in a MEHKO may be served from an approved Compact Mobile Food Operation operated by the same MEHKO permitholder pursuant to California Health and Safety Code section 114368.3(a)(5).

B. The meal and gross annual sales limitations for MEHKOs set forth in California Health and Safety Code section 113825(a)(7) and (8) do not apply to the sale of non-potentially hazardous food or produce for up to two (2) CMFOs operated by the MEHKO, as set forth in California Health and Safety Code section 114368.3(a)(6).

C. A MEHKO may serve as a commissary or mobile support unit for up to two (2) CMFOs owned by the same permitholder if an evaluation determines the MEHKO is capable of supporting the preparation and storage of the food being sold from the CMFO(s) and the storage and cleaning of the CMFO(s) pursuant to California Health and Safety Code section 114368.3(a)(1),unless storage is prohibited by city ordinance, as authorized by California Health and Safety Code section 114368.3(c)(1). The evaluation may be conducted as part of the initial application process. A permitted MEHKO that wishes to later expand to support up to two (2) CMFOs will incur a fee based on the hourly rate established in Section 8.04.728 of this Code.

D. As authorized under Health and Safety Code section 114368.3(a)(8), food preparation for a permitted MEHKO operating in conjunction with an approved CMFO is expanded to no more than eighty (80) individual meals per day and no more than two hundred (200) individual meals per week. Except as identified in section B. above, a permitted MEHKO operating in conjunction with a CMFO shall not have more than one hundred fifty thousand dollars ($150,000.00) in verifiable gross annual sales, as adjusted annually for inflation based on the California Consumer Price Index.

(Ord. 2024-0025 § 5, 2024.)

11.17.090 Safety.

A. A properly charged and maintained minimum ten (10) BC-rated fire extinguisher to combat grease fires shall be readily accessible.

B. A first aid kit shall be available and located in a convenient and accessible area.

(Ord. 2024-0025 § 5, 2024.)

11.17.100 Signage Prohibited.

No signage or other outdoor display advertising the MEHKO is allowed anywhere on the property from which the MEHKO is operating.

(Ord. 2024-0025 § 5, 2024.)

11.17.110 Inspections.

A. The Department shall conduct an initial inspection of a MEHKO upon the initial application seeking approval for a public health permit.

B. A MEHKO is subject to one routine inspection per year as specified in California Health and Safety Code section 114367.3.

C. Additional inspections conducted as a result of a complaint or emergency circumstances will be conducted in the manner set forth in California Health and Safety Code sections 114367.3(a)(2) and (3).

D. If a MEHKO is found to be in violation of any of the requirements in this Chapter or California Health and Safety Code, Division 104, Part 7, Chapter 11.6, or if additional inspections or complaint-based investigations are required to ensure compliance with this Chapter or State law, the Department may seek cost recovery, based on the hourly rate established in Section 8.04.728 of this Code.

(Ord. 2024-0025 § 5, 2024.)

11.17.120 Potable Water.

A. A MEHKO whose potable water supply comes from a private well shall submit with their permit application sample test results verifying the water supply meets at a minimum the definition of Transient Noncommunity Water System as defined in California Health and Safety Code section 116275(o) and standards set forth in the California Code of Regulations, Title 17 and 22. Sample results shall include nitrate, nitrite, and bacteriological water quality.

B. MEHKO Operators whose potable water supply comes from a private well and whose permits are initially approved shall complete water quality testing and also maintain the test results, which shall be made available for review by the County Health Officer during a routine inspection or complaint investigation. Water quality testing frequency shall be in accordance with Transient Noncommunity Water System requirements and include:

    1. Quarterly bacteriological testing.

2. Annual nitrate testing, unless the results are greater than or equal to fifty (50) percent of the Maximum Contaminant Level ("MCL"), in which case testing shall be completed quarterly for one (1) year. If after one (1) year, no additional results are greater than or equal to fifty (50) percent of the MCL, the testing may return to annually.

3. Nitrite testing every three (3) years, unless the results are greater than or equal to fifty (50) percent of the MCL, in which case testing shall be completed quarterly for one (1) year. If after one (1) year, no additional results are greater than or equal to fifty (50) percent of the MCL, the testing may return to every three (3) years.

(Ord. 2024-0025 § 5, 2024.)

11.17.130 Public Notification.

A. Within fifteen (15) business days of issuance of a public health permit for a MEHKO, the Department shall update its website to reflect the newly permitted MEHKO.

B. The Department shall notify any incorporated city of the issuance of a MEHKO public health permit within its jurisdiction, no later than fifteen (15) business days of issuance of the public health permit.

C. The Department shall notify any incorporated city when a MEHKO public health permit within its jurisdiction has been suspended or revoked, no later than fifteen (15) business days of suspension or revocation of the public health permit.

D. The Department shall post all routine and complaint-based inspection results for MEHKOs on its website.

(Ord. 2024-0025 § 5, 2024.)

11.17.140 Notice of Inspection Results.

A. All official inspection reports issued to a MEHKO shall be issued pursuant to the requirements set forth in Section 8.04.650 of this Code.

B. Any additional reinspection fees to be charged to a MEHKO shall be similarly noticed as provided in Section 8.04.650 B of this Code.

(Ord. 2024-0025 § 5, 2024.)

11.17.150 Exemption from Restaurant and Home-based Occupation Standards.

For the purposes of this Chapter, all permitted MEHKOs are not restaurants as the term is used in the County Code, and are exempt from the provisions of Title 22, Division 7, Chapter 22.140, Section 22.140.290-A. All permitted MEHKOs shall not be subject to the standards for Home-based Occupations as set forth in Title 22, Division 7, Chapter 22.140, Section 22.140.290 C. 5, 8 and 12.

(Ord. 2024-0025 § 5, 2024.)

11.17.160 Implementation.

The Department is responsible for the administration of this Chapter, which may include public education, public outreach, and promulgating policies, guidelines and rules consistent with the provisions of this Chapter and the County Code.

(Ord. 2024-0025 § 5, 2024.)

11.17.170 Severability.

If any subsection, sentence, clause, or phrase of this Chapter is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Chapter. The Board of Supervisors hereby declares that it would have adopted this Chapter and each and every subsection, sentence, clause and phrase thereof not declared invalid or unconstitutional, without regard to any portion of the Chapter would be subsequently declared invalid or unconstitutional.

(Ord. 2024-0025 § 5, 2024.)

11.17.180 Effective Date.

A. Provisions of this Chapter related to the application and procurement of a Microenterprise Home Kitchen Operation public health permit shall be effective November 1, 2024.

B. Enforcement for failure to comply with provisions of this Chapter related to obtaining the required public health permits shall commence on January 1, 2025.

(Ord. 2024-0025 § 5, 2024.)

Chapter 11.19 ALCOHOLIC BEVERAGE WARNING SIGNS

11.19.010 Alcoholic beverage warning signs—Purpose of provisions.

The Surgeon General of the United States has recommended that women who are pregnant, or considering pregnancy, be advised not to drink alcoholic beverages and to be aware of the alcohol content in anything they eat because alcohol consumption during pregnancy, especially in the early months, can harm the fetus. In order to serve the public health, safety and welfare, the purpose of the ordinance codified in this chapter is to educate the public by requiring that warning signs be placed at all locations where alcoholic beverages are sold to the public.

(Ord. 86-0169 § 1 (part), 1986.)

11.19.020 Duty to post.

Any person or entity who owns, operates, manages, leases or rents a premises offering wine, beer or other alcoholic beverages for sale, or dispensing for consideration to the public, shall cause a sign or notices to be posted or displayed on the premises as provided in this section. The sign or notice shall read substantially as follows: WARNING. DRINKING WINE, BEER AND OTHER ALCOHOLIC BEVERAGES DURING PREGNANCY CAN CAUSE BIRTH DEFECTS. Except as specified in Section 11.19.030 C, a sign as required herein shall not be smaller than 10 inches wide by 10 inches long, nor shall any lettering thereon be less than one inch in height.

(Ord. 86-0169 § 1 (part), 1986.)

11.19.030 Placement.

A sign or notice required by Section 11.19.020 shall be placed as follows:

A. Where the sale or dispensing of wine, beer or other alcoholic beverages to the public is primarily intended for consumption off the premises, at least one sign shall be so placed to assure that it is readable from all locations at which said sale or dispensing occurs;

B. Where the sale of wine, beer or other alcoholic beverages to the public is primarily provided through over-the-counter service, at least one sign shall be placed to assure that it is readable from all counter locations available to the public;

C. Where the sale or dispensing of wine, beer or other alcoholic beverages to the public is primarily provided for consumption on the premises by the public at tables served by food or beverage service persons, at least one sign shall be placed to assure it is readable by the public entering the premises. In the alternative, signs or notices smaller than 10 inches wide by 10 inches long may be displayed at each of the tables provided that the notices are as readily visible and readable as materials provided to the public which list food and beverage prices.

(Ord. 86-0169 § 1 (part), 1986.)

11.19.040 Language.

In the event a substantial number of the public patronizing a premises offering for sale or dispensing wine, beer or other alcoholic beverages uses a language other than English as a primary language, any sign or notice required by Section 11.19.030 of this chapter shall be worded in both English and the primary language or languages involved.

(Ord. 86-0169 § 1 (part), 1986.)

Chapter 11.20 HOUSING

Part 1 DEFINITIONS

11.20.010 Apartment.

"Apartment" means dwelling unit.

(Ord. 8588 § 2 (part), 1964; Ord. 7583 § Part 3 Ch. 11 § 804.1, 1959.)

11.20.020 Apartment house.

"Apartment house" means any structure more than one story in height or any portion of any such structure, occupied or designed, built or rented for occupation, as a home, by three or more families, each living in a separate apartment and cooking within such structure.

(Ord. 7583 Part 3 Ch. 11 § 810, 1959.)

11.20.023 Boarding home.

"Boarding home" means any premises, structures, or portion thereof (except any hospital or other health facility as defined in Section 1250 of the Health and Safety Code and except any mental or alcoholic institution licensed by the state of California), used or intended to be used as a place where sleeping or rooming accommodations are furnished to the whole or any part of the public, with or without compensation and with or without meals, for five

or more persons who are unrelated to the operator. "Boarding home" includes, but is not limited to, a rooming house, home for the aged, sober living facility, boarding house, lodging house, and bed and breakfast facility.

(Ord. 94-0052 § 18, 1994; Ord. 7583 Part 3 Ch. 11 § 806, 1959.)

11.20.030 Dwelling.

"Dwelling" means any structure or any portion of a structure, other than an apartment house, motel or hotel, containing one or more guest rooms.

(Ord. 8588 § 2 (part), 1964; Ord. 7583 Part 3 Ch. 11 § 801, 1959.)\

11.20.040 Dwelling unit.

"Dwelling unit" means a room or a suite of rooms, other than a hotel, which are occupied or which are intended or designed for occupancy by a family for living and sleeping purposes.

(Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 11 § 804, 1959.)

11.20.050 Dwelling Unfit For Human Habitation, Use or Occupancy.

"Dwelling unfit for human habitation, use or occupancy" means any dwelling, hotel, motel, apartment house, interim housing facility, or other structure used for living or sleeping purposes which, by reason of its construction or by reason of the lack of maintenance or repair thereof, is in such a condition as creates a hazard to the health, welfare, or safety of its occupants.

(Ord. 2018-0046 § 4, 2018; Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 11 § 803, 1959.)

11.20.060 Family.

"Family" means one person living alone, or a group of two or more persons living together, whether or not related to each other by birth.

(Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 11 § 802, 1959.)

11.20.070 Guest.

"Guest" means any person who occupies a room for sleeping purposes.

(Ord. 8588 § 2 (part), 1964; Ord. 7583 Part 3 Ch. 11 § 804.2, 1959.)

11.20.080 Guest room.

"Guest room" means a room occupied, or intended, arranged or designed for occupation by one or more guests. Every 100 square feet of superficial floor area in a dormitory shall be considered a guest room.

(Ord. 8588 § 2 (part), 1964; Ord. 7583 Part 3 Ch. 11 § 804.3, 1959.)

11.20.090 Habitable room.

"Habitable room" means any room meeting the requirements of this Division 1 for sleeping, living, cooking or eating purposes, excluding such enclosed places as closets, pantries, bath or toilet rooms, service rooms, connecting corridors, laundries, unfinished attics, foyers, storage spaces, cellars, utility rooms and similar spaces.

(Ord. 7583 Part 3 Ch. 11 § 805, 1959.)

11.20.095 Hot Water.

"Hot water" means water supplied to plumbing fixtures at a temperature of not less than 110 degrees Fahrenheit (43.3 degrees Celsius).

(Ord. 2018-0046 § 5, 2018.)

11.20.100 Hotel.

"Hotel" means any structure or any portion of a structure, including any dormitory, Turkish bath, bachelor hotel, studio hotel, public club or private club containing six or more guest rooms, and which is occupied, or is intended or designed for occupation, by six or more guests, whether rent is paid in money, goods, labor or otherwise. It does not include any jail, hospital, asylum, sanitarium, orphanage, prison or detention or other building in which human beings are housed and detained under legal restraint.

(Ord. 94-0052 § 19, 1994; Ord. 7583 Part 3 Ch. 11 § 812, 1959.)

11.20.110 House court.

"House court" means a group of five or more dwelling units other than a hotel or a motel, located upon a single lot or parcel of land.

(Ord. 8588 § 2 (part), 1964; Ord. 7583 Part 3 Ch. 11 § 804.4, 1959.)

11.20.115 Interim Housing Facility.

"Interim housing facility" means any premises, structures, or portion thereof (except any hospital or other health facility as defined in section 1250 of the Health and Safety Code and except any mental health or alcoholism and drug abuse rehabilitation or treatment facility licensed by the State of California), used or intended to be used as a place where provisional sleeping or rooming accommodations are furnished on a temporary basis to persons who lack permanent housing, are experiencing homelessness or are at imminent risk of becoming homeless, with or without compensation from the resident and with or without meal service. Interim housing facility includes, but is not limited to, bridge housing, crisis housing, recuperative care housing, stabilization housing, recovery bridge housing, and shelters.

(Ord. 2018-0046 § 6, 2018.)

11.20.120 Motel.

"Motel" means a building of not more than one story containing six or more guest rooms or apartments, or combinations thereof, each of which has a separate, individual entrance leading directly from the outside of the building and is designed, used or intended wholly or in part for the accommodation of automobile transients.

(Ord. 7583 Part 3 Ch. 11 § 811, 1959.)

11.20.140 Substandard Dwelling.

A. "Substandard dwelling" means any dwelling, house court, dormitory, hotel, motel, interim housing facility, or apartment house which, through lack of maintenance or repair, generally endangers the life, limb, health, property, safety or welfare of the public, or of the occupants thereof.

B. Conditions which render a structure a "substandard dwelling" include, but are not limited to, any of the following:

1. Lack of approved toilet or privy structure, bathtub or shower, kitchen sink, hot and cold running water, or other required approved plumbing within an apartment or dwelling;
2. Lack of exterior wall or roof covering adequate to protect the occupants from the elements;
3. Damaged interior walls, partitions, floors or ceiling;
4. Plumbing fixtures and piping which have become insanitary or are otherwise in a condition to create a health hazard;
5. Sewage disposal system which has become insanitary or is otherwise in a condition to create a health hazard;
6. Unreasonable collection of rubbish, debris or trash upon premises;
7. Any of the conditions specified in Section 11.02.300, subsections B, C, D, or E;
8. Use of other than habitable rooms for living, cooking, or eating purposes;
9. Incomplete construction;
10. Infestation by insects, vermin, or rodents;
11. General dilapidation;
12. Lack of a water supply adequate to sustain the health of the inhabitants.

(Ord. 2018-0046 § 7, 2018; Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 11 § 809, 1959.)

Part 2 REGULATIONS

11.20.150 Applicability of Chapter Provisions.

The provisions of this Chapter 11.20 shall apply to all dwellings, house courts, hotels, interim housing facilities, and apartment houses.

(Ord. 2018-0046 § 8, 2018; Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 11 § 800, 1959.)

11.20.160 Maintenance Required—Noncompliance Unlawful.

Every dwelling, house court, hotel, motel, interim housing facility, and apartment house shall be maintained in good repair. It is unlawful for any person to occupy or to cause or permit another person to occupy any dwelling, house court, hotel, motel, interim housing facility, and apartment house which does not comply with this section.

(Ord. 2018-0046 § 9, 2018; Ord. 12098 § 2, 1980; Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 11 § 820, 1959.)

11.20.170 Sanitation requirements generally.

A. Each habitable room, hallway, passageway, stairway, wall, partition, ceiling, floor, skylight, glass window, door, carpet, rug, matting, window curtain, furniture, compartment or room, plumbing fixture, drain, roof, vent, closet, cellar, basement, laundry room, yard, court, lot and the premises of every building shall be kept clean, sanitary and free from debris, filth, rubbish, garbage, vermin and other offensive matter. It is unlawful for any person to occupy any building or shelter unless such building or shelter shall provide protection to the occupants from dampness during inclement weather.

B. Air spaces under buildings shall be rodentproof and kept clear and free from rubbish, debris and filth.

(Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 11 § 826, 1959.)

11.20.180 Toilet facilities.

Except where the use of a toilet facility other than a water closet is permitted by this Division 1, it is unlawful for any person to occupy, or to cause or permit another person to occupy, any dwelling which is not supplied with at least one water closet in a separate compartment within the building for each portion of the dwelling which is designed for the occupancy of a single family; provided, however, that this section shall not apply to children's camps. Where the use of a toilet facility other than a water-flush toilet is permitted by this Division 1, it is unlawful for any person to occupy, or to cause or permit another person to occupy, any dwelling which is not supplied with at least one toilet facility other than a water-flush toilet in an outside, separate compartment for each portion of the dwelling which is designed for the occupancy of a single family.

(Ord. 7583 Part 3 Ch. 11 § 817, 1959.)

11.20.190 Toilet rooms and bathing facilities.

Every dwelling unit shall contain a lavatory and bathtub or shower. All lavatories, bathtubs and showers of dwellings, house courts, hotels, motels and apartment houses shall be provided with hot and cold running water under pressure. All toilet rooms, bath and shower rooms and utility rooms shall be adequately lighted and ventilated to the outside atmosphere. All such rooms and the fixtures and equipment therein shall be maintained in a state of good repair and free from dirt, filth and corrosion. It is unlawful for any person to occupy or to cause or permit another person to occupy any dwelling unit which does not comply with this section.

(Ord. 12098 § 1, 1980; Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 11 § 819, 1959.)

11.20.200 Heating appliances—Sale restrictions.

No person shall sell or offer for sale at retail any comfort heating appliance constructed to burn gas or oil for fuel, unless such heating appliance bears the seal of approval of a nationally recognized testing agency.

(Ord. 8588 § 2 (part), 1964; Ord. 7583 Part 3 Ch. 11 § 821.1, 1959.)

11.20.210 Gas-burning appliances—Approval and installation conditions.

Every gas-burning appliance shall be approved by a nationally recognized testing agency. Every gas-burning appliance, except ranges, refrigerators and hotplates approved by such agencies for unvented use, shall be approved for vented use, and be connected to an effective flue or vent leading to the outside air, not less in size than the vent collar on the appliance. Appliances with forced-air draft or sealed combustion chambers shall be vented in accordance with the manufacturer's directions. The installation of gas heaters or alteration of existing heaters shall be done under a permit obtained from the building department.

(Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 11 § 821, 1959.

11.20.220 Gas-burning appliances—Connections.

Every gas-burning appliance shall be connected to the gas supply piping by metal piping or tubing of a quality and design approved by the county engineer.

(Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 11 § 822, 1959.)

11.20.230 Gas-burning appliances—Maintenance.

Every gas vent, gas water heater or other gas appliance shall be maintained in good repair.

(Ord. 7583 Part 3 Ch. 11 § 823, 1959.)

11.20.240 Gas ranges—Venting.

A. A gas range shall be vented by one of the following means:

   1. A ventilator opening in the wall or ceiling having an area of not less than six by eight inches and connecting with a ventilating duct of not less than 36 square inches in cross-sectional area leading to the outside air;

   2. An approved system of forced-draft ventilation.

B. Gas ranges in buildings erected after September 25, 1959, shall be ventilated by a vent located approximately over the top of surface cooking facilities.

(Ord. 7583 Part 3 Ch. 11 § 824, 1959.)

11.20.260 Kitchens—Dwelling requirements.

A. Every dwelling unit in which food is prepared shall have in its kitchen a sink plumbed with hot and cold running water. A kitchen shall be deemed to be that room in which food is prepared for family use.

B. Every kitchen shall be separated from any room used for sleeping purposes by a full partition, which may contain a doorway not more than four feet in width. Each such doorway shall be provided with a door capable of diminishing the transmission of noises or fumes to any adjacent room used for sleeping purposes.

(Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 11 § 818, 1959.)

11.20.270 Cooking permitted in sleeping rooms—Conditions.

A. If the director finds that health and safety will be preserved and that both an infirmary and restaurant are easily accessible to the occupants thereof within the development, in low-cost housing developments designed for persons over 62 years of age financed in whole or in part by federal funds or by means of loans insured in whole or in part by the United States, a room used for sleeping purposes also may be used for cooking.

B. Subsection B of Section 11.20.260 and the provisions of Section 11.20.310 which prohibit sleeping in a kitchen do not apply to such a room, but subsection A of Section 11.20.260 and all other provisions of this code do apply to such a room.

(Ord. 8095 § 2, 1961; Ord. 7583 Part 3 Ch. 11 § 818.5, 1959.)

11.20.280 Sleeping rooms—Air space per person.

It is unlawful for a person to occupy or permit another person to occupy any room for sleeping purposes unless such room shall contain at least 500 cubic feet of air space.

(Ord. 7583 Part 3 Ch. 11 § 814, 1959.)

11.20.290 Sleeping rooms—Air space for two persons.

Except as provided in Section 11.20.300 every room used for sleeping purposes, occupied by two persons, shall contain not less than 630 cubic feet of air space.

(Ord. 7583 Part 3 Ch. 11 § 815, 1959.)

11.20.300 Sleeping rooms—Air space for more than two persons.

Every room or place used for sleeping purposes shall be deemed to be overcrowded if it is occupied by more than two persons and contains less than 630 cubic feet of air space plus 500 cubic feet of air space for every person occupying the room in excess of two persons.

(Ord. 7583 Part 3 Ch. 11 § 816, 1959.)

11.20.310 Sleeping Rooms—Overcrowding and Other Unhealthful Conditions Prohibited.

No person shall occupy, rent or lease, suffer, or permit another person to use for sleeping purposes any kitchen, cellar, hallway, bath, shower, compartment, toilet room, or any habitable room or place, including any hotel, apartment house, interim housing facility, multiple dwelling or dwelling, which is detrimental to the health of the occupant or occupants by reason of overcrowding or insufficiency of light, windows, ventilation, or drainage. The window area of any room used for sleeping purposes shall not be less than one-eighth of the floor area and shall be at least one-half openable or the room completely air-conditioned.

(Ord. 2018-0046 § 10, 2018; Ord. 7583 Part 3 Ch. 11 § 825, 1959.)

11.20.320 Linen and bedding for transient guest accommodations.

All rooms in a rooming house, hotel, motel, apartment house, rented to transient guests wherein beds are used shall be provided with an adequate amount of clean bedding, springs and mattresses, in good repair. All such beds, springs and mattresses shall be maintained in a sanitary condition. Rooming houses, hotels, motels, and apartment houses shall provide an adequate amount of clean washcloths, hand and bath towels, and other linen necessary for each new guest therein.

(Ord. 8588 § 2 (part), 1964; Ord. 7583 Part 3 Ch. 11 § 831, 1959.)

11.20.330 Screens required when.

Windows and other openings in the exterior walls of dwellings shall be provided with approved screening of at least 16 mesh set in tight-fitting frames, except where the omission of screens will not be hazardous to the health of the occupants.

(Ord. 7583 Part 3 Ch. 11 § 813, 1959.)

11.20.350 Apartment houses—Regulations applicable.

Apartment houses shall comply with Chapters 11.16, 11.30, 11.32 and 11.38 of this Division 1.

(Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 11 § 829, 1959.)

11.20.360 Bachelor apartments—Described—Requirements.

A bachelor apartment is a dwelling unit built prior to August 8, 1963, combining kitchen, living and sleeping areas, and will be permitted provided it complies with the following requirements:

A. The room shall have a minimum of 250 square feet of floor area, exclusive of bath, closet and water-closet areas.

B. Occupancy shall be limited to not more than two persons.

C. Each bachelor apartment shall be located in an apartment house or hotel.

D. Bachelor apartments shall comply as a dwelling unit; except, that the kitchen area need not be separated from a room used for sleeping purposes, and toilet facilities need only be separated from the kitchen area by one full door.

E. Bachelor apartments shall comply with zoning requirements.

F. One water closet, lavatory with hot and cold running water, and bathtub or shower shall be provided for each unit.

G. Cooking facilities shall be vented directly to the outside air by means of a mechanical exhaust system having a capacity of at least 150 cubic feet per minute.

H. An approved method of heating shall be installed in each room. Cooking appliances shall not be used for the purpose of heating such rooms.

(Ord. 8588 § 2 (part), 1964; Ord. 7583 Part 3 Ch. 11 § 834, 1959.)

11.20.370 Efficiency living units.

Nothing in this Division 1 shall prohibit the use, on or after July 13, 1963, of an efficiency living unit which meets the following requirements:

A. An efficiency living unit shall have a living room of not less than 220 square feet of superficial floor area. An additional 100 square feet of superficial floor area shall be provided for each occupant of such unit in excess of two.

B. There shall be provided a separate closet of such size as to provide for adequate storage.

C. There shall be provided a separate area of not less than three feet by five feet in size, accessible from the living rooms and enclosed by a door or doors, and shall be provided with complete cooking and food preparation facilities.

D. The cooking and food-preparation facilities shall consist of a properly trapped and vented kitchen sink provided with a garbage-disposal unit, hot and cold running water, a refrigerator and an approved kitchen range or cooking appliance.

E. The surface on which the cooking appliance rests shall be covered with metal of not less than No. 28 U.S. Gauge over one-fourth-inch asbestos millboard, or such other materials that will provide equivalent fire protection, extending at least 24 inches above the surface on which the cooking appliance rests.

F. There shall be installed over the cooking surface a mechanical exhaust fan connected to the outside air.

G. All sink tops and cabinet surfaces shall have a smooth, washable, nonabsorbent finish.

H. There shall be provided a cabinet for the storage of all food, dishes and cooking utensils.

I. There shall be provided an approved comfort-heating appliance or system within the living room.

J. A separate compartment containing a toilet, lavatory and bathtub or shower shall be provided for each efficiency living unit.

(Ord. 8588 § 2 (part), 1964; Ord. 7583 Part 3 Ch. 11 § 832, 1959.)

11.20.380 Hotels—Regulations applicable.

Hotels shall comply with Chapters 11.16, 11.30, 11.32 and 11.38 of this Division 1.

(Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 11 § 830, 1959.)

11.20.390 Motels—Regulations applicable.

Motels shall comply with Section 11.20.310 and Chapters 11.16, 11.30, 11.32 and 11.38 of this Division 1.

(Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 11 § 828, 1959.)

11.20.400 Light housekeeping rooms.

Light housekeeping rooms shall be permitted provided they were constructed prior to September 16, 1963, combine cooking, living and sleeping, and comply with the following requirements:

A. 1. Light housekeeping rooms shall contain not less than 150 square feet in area and shall be occupied by not more than two people. The cooking appliances therein, if any, shall be used solely for the cooking or preparation of meals for consumption by the occupants of the room.

2. A room having a superficial floor area of not less than 120 square feet may be used for light housekeeping if it is occupied by only one person.

B. The cooking appliances used therein, if any, shall have no more than two burners. If electric appliances are used, they shall have been tested and approved by the Underwriters' Laboratory. If gas appliances are used, they shall have been tested and approved by the American Gas Association.

C. 1. The installation, maintenance or use of said cooking appliances shall not be hazardous to life, health or property.

2. The cooking appliance shall rest upon its own legs, or shall be an approved, built-in unit of fixed installation. Said appliance shall be set not closer than six inches from any wall or projection thereof, and shall rest upon an impervious surface.

3. The walls behind and adjacent to said cooking appliance shall be lined or back-flashed with incombustible material equivalent to one-fourth-asbestos millboard. The back-flashing shall extend from 12 inches below to 24 inches above the base of the appliance. There shall be a clear and unobstructed space of 36 inches above the surface of the cooking appliance.

D. 1. Gas-burning appliances shall be connected to the gas supply piping by approved metal piping with an approved gas shutoff valve readily accessible within the room.

2. Electrical appliances and serving circuits shall be properly installed and maintained.

E. The room shall contain an approved sink with hot and cold running water.

F. An approved storage cabinet shall be installed in the room.

All food, dishes, and cooking and eating utensils shall be stored therein when not in use.

G. The bed in such a room, and drapes, curtains or other readily combustible material, shall be so located that they do not come in contact with the cooking appliances.

H. Any toilet room opening directly into such a room shall have a tight-fitting door.

I. An approved method of heating shall be installed in each such room. Cooking appliances shall not be used for the purpose of heating such rooms. No cooking appliance shall be installed within a closet in such a room.

J. In any building containing six or more light housekeeping rooms, there shall be one water closet and one bath facility for each five units or fraction thereof. In any building containing five or less light housekeeping rooms, there shall be one water closet and one bath facility which may be in the same room for each three light housekeeping units in the building. Such toilet and bath facilities shall be accessible to and from a public hallway.

(Ord. 8588 § 2 (part), 1964; Ord. 7583 Part 3 Ch. 11 § 833, 1959.)

11.20.420 Reserved.

11.20.450 Laundries.

A. All laundries shall be in a building. The floors shall be constructed of smooth, nonabsorbent, durable materials. All walls and ceilings shall be constructed of smooth material. All floors, walls, and ceilings shall be kept clean and in good repair.

B. Washing machines shall be installed in such a manner that the area under and around the machines may be kept clean and in good repair.

(Ord. 2018-0046 § 12, 2018.)

11.20.460 Appliances.

Appliances provided by house courts, hotels, motels, interim housing facilities, and apartment houses shall be kept fully operative, and in good repair.

(Ord. 2018-0046 § 13, 2018.)

11.20.470 Comfort Heat.

A. Every dwelling, house court, hotel, motel, interim housing facility, and apartment house shall be provided with heating facilities capable of maintaining a minimum room temperature of 70 degrees Fahrenheit at a point three feet above the floor in all habitable rooms, and when the heating facilities are not under the control of the tenant or occupant of the building owner and/or manager, shall be required to provide that heat at a minimum temperature of 70 degrees Fahrenheit, 24 hours a day. These facilities shall be installed and maintained in a safe condition and in accordance with Chapter 37 of the Uniform Building Code, the Uniform Mechanical Code, and other applicable laws. No unvented fuel burning heaters shall be permitted. All heating devices or appliances shall be of the approved type.

B. The provisions of Subsection (A) are subject to the exemption for existing buildings provided in Section 103, of the Uniform Housing Code.

C. Those buildings and structures which are exempt from the requirements of Section 103 shall be provided with heat at a temperature as close to 70 degrees Fahrenheit as the existing heating facilities are capable of providing at a point of three (3) feet above the floor in all habitable rooms when the heating facilities are not under the control of the tenant or occupant.

(Ord. 2018-0046 § 14, 2018.)

11.20.500 Interim Housing Facilities—Regulations Applicable.

Interim housing facilities shall comply with Chapters 11.16, 11.20, 11.30, 11.32, and 11.38 of this Division 1.

(Ord. 2018-0046 § 15, 2018.)

11.20.510 Toilet Rooms, Handwashing, and Bathing Facilities—Interim Housing Facility.

Every interim housing facility shall contain a lavatory and bathtub or shower. All lavatories, bathtubs, and showers of interim housing facilities shall be provided with hot and cold running water under pressure. All toilet rooms, bath and shower rooms, and utility rooms shall be adequately lighted and ventilated to the outside atmosphere. All such rooms and the fixtures and equipment therein shall be maintained in a state of good repair and free from dirt, filth, and corrosion. It is unlawful for any person to occupy or to cause or permit another person to occupy any interim housing facility which does not comply with this section.

Toilet rooms of interim housing facilities shall be separated by well-fitted, self-closing doors that prevent the passage of flies, dust, or odors.

Each toilet stall shall include a door with locking mechanism and a permanently installed dispenser with toilet tissue.

Handwashing facilities shall be provided within or adjacent to toilet rooms. The number of handwashing facilities required shall be in accordance with local building and plumbing codes. All handwashing facilities shall be provided with hot and cold running water under pressure.

Handwashing facilities shall be provided with the following in dispensers at, or adjacent to, each handwashing facility: handwashing cleanser, sanitary single-use towels or an air hand drying device.

(Ord. 2018-0046 § 16, 2018.)

11.20.520 Storage Areas for Personal Belongings—Interim Housing Facility.

Each bed in an interim housing facility shall be provided with a storage unit for the keeping of personal belongings of each person. Sufficient additional storage facilities shall be provided for the reasonably safekeeping of articles or personal belongings which are not in daily use.

(Ord. 2018-0046 § 17, 2018.)

11.20.530 Linen and Bedding for Interim Housing Facility.

A. All interim housing facilities wherein beds are used shall provide an adequate amount of clean bedding, cots and springs, and mattresses in good repair. All such beds, cots, springs, and mattresses shall be maintained in a sanitary condition and, after being used by one person, shall be thoroughly cleaned before being used by another person.

B. Interim housing facilities shall provide an adequate amount of clean linen necessary to properly care for the persons therein.

C. Adequate and suitable space shall be provided for the storage of clean linens. Soiled linens shall be kept in nonabsorbent receptacles or washable laundry bags and properly stored and transported to prevent contamination.

D. Linens shall be laundered as often as necessary but no less than weekly. If linens are laundered on the premises, they shall be laundered in a mechanical clothes washer and dryer that is cleaned and sanitized before and after each time it is used.

(Ord. 2018-0046 § 18, 2018.)

11.20.540 Sharps—Proper Storage—Interim Housing Facility.

All used needles and syringes shall be placed in an approved sharps bio-hazard container and properly disposed.

(Ord. 2018-0046 § 19, 2018.)

11.20.550 Posting Requirements—Interim Housing Facility.

A. The owner of an interim housing facility as defined in Section 11.20.115 of this chapter shall be responsible for posting in a common area, accessible by all tenants and the general public, a placard, as provided by the Health Officer. "Common area, accessible by all tenants and the general public" means:

1. Posted in a conspicuous location within five (5) feet of the main entrance of the interim housing facility; or
2. Posted in or near the outside of the door of the interim housing facility manager, if one exists; or
3. Posted in a location as directed and determined in the discretion of the County Health Officer to ensure proper notice to all occupants and the general public.

B. The placard shall not be defaced, marred, camouflaged, hidden, or removed. Removal of the placard is a violation of this chapter and shall be punishable as specified in Section 11.02.080.

(Ord. 2018-0046 § 20, 2018.)

*Chapter 11.22 INDUSTRIAL ESTABLISHMENTS**

Part 1 GENERAL PROVISIONS AND DEFINITIONS

Article 1 GENERAL PROVISIONS

11.22.010 Applicability of provisions.

This Division 1 applies to all industrial establishments in which articles are manufactured, processed, repaired, cleaned, sorted or renovated, in whole or in part, and those establishments practicing the healing arts.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1100, 1959.)

11.22.020 Purpose.

The purpose of this Division 1 is to prescribe minimum sanitary and occupational health requirements for the protection of the health of all employees in establishments covered by this Division 1.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1101, 1959.)

Article 2 DEFINITIONS

11.22.030 Adequate or approved.

"Adequate or approved" means in conformance with good health practices which, in the opinion of the director, are sufficient to protect the health and well-being of the employee.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1102, 1959.)

11.22.040 Breathing zone.

"Breathing zone" means the area or zone of a worker's head during normal operation of a process while at work.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1103, 1959.)

11.22.050 Capture velocity.

"Capture velocity" means the velocity of air at specific points or zones which causes air contaminants to flow to an exhaust system.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1104, 1959.)

11.22.060 Conveying velocity.

"Conveying velocity" means the air speed determined to be necessary to convey a contaminant through a duct or system.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1105, 1959.)

11.22.070 Corrosive substance.

"Corrosive substance" means any substances which, in contact with living tissue, will cause destruction of tissue by chemical action, but shall not refer to action on inanimate surfaces.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1106, 1959.)

11.22.080 Dermatitis.

"Dermatitis" means inflammation of the surface of the skin or epidermis.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1107, 1959.)

11.22.090 Employee.

"Employee" means any person, including an owner or partner, who works in or is employed in a place of employment.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1108, 1959.)

11.22.100 Employer.

"Employer" means an person who, directly or indirectly or through an agent or any other person, employs or exercises control over the wages, hours or working conditions of a man, woman or minor.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1109, 1959.)

11.22.110 Gassing.

"Gassing" means the rate of generation of contaminant.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1110, 1959.)

11.22.120 General ventilation.

"General ventilation" means the introduction of uncontaminated air into an area, room or building, or exhausting air therefrom by other than local exhaust ventilation systems.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1111, 1959.)

11.22.130 Hood.

"Hood" means any air-intake device connected to an exhaust-ventilation system or duct to capture and remove dusts, fumes, gases, vapors, mists, smoke, heat, or otherwise provided local exhaust ventilation.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1112, 1959.)

11.22.140 Irritant.

"Irritant" means any substance, not necessarily corrosive as defined herein, but which on either immediate, prolonged or repeated contact with normal living tissue will conduct a local inflammatory reaction.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1113, 1959.)

11.22.150 Lateral exhaust.

"Lateral exhaust" means local exhaust ventilation designed with slots at the periphery or along the midsection of a surface or tank for the purpose of preventing escape of significant amounts of contaminants to the breathing zone.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1114, 1959.)

11.22.160 Local exhaust ventilation.

"Local exhaust ventilation" means a ventilating system intended to capture air contaminants at or near their point of origin and transport them to an approved exhaust system.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1115, 1959.)

11.22.170 Maximum acceptable concentrations.

"Maximum acceptable concentrations" means the concentration of gas, vapor, fume, dust, mist or similar air contaminants adopted in Part VII of the Rules and Regulations established by authority of Section 11.02.160 and set out in Appendix 1 to this Title 11.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1121, 1959.)

11.22.180 Occupational disease.

"Occupational disease" means any disease or infection, including dermatitis, which is peculiar to the industrial process, trade or occupation in each instance, and which arises out of and in the scope of employment, and to which an employee is not ordinarily subjected or exposed, other than during a period of regular, actual employment therein.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1116, 1959.)

11.22.190 Occupational health hazard.

"Occupational health hazard" means any risk to an employee's health associated with or arising out of his occupation, or occupational work or environment.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1117, 1959.)

11.22.200 Place of employment or industrial establishment.

"Place of employment" or "industrial establishment" means every place where persons are employed.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1118, 1959.)

11.22.210 Sanitary condition.

"Sanitary condition" means that physical condition which will tend to prevent the incidence and spread of disease.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1119, 1959.)

11.22.220 Strong sensitizer.

"Strong sensitizer" means a substance which will cause, on normal living tissue, through an allergic or photodynamic process, a hypersensitivity which becomes evident on reapplication of the same substance, and which is so recognized by national authority. Before designating any substance as a strong sensitizer, the department, upon consideration of the frequency of occurrence and severity of the reaction, shall find that the substance has a significant potential for causing hypersensitivity.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1120, 1959.)

11.22.230 Toilet facilities.

"Toilet facilities" means fixtures maintained within toilet rooms for the purpose of defecation.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1122, 1959.)

11.22.240 Toilet room.

"Toilet room" means a room maintained within or on the premises of any place of employment containing toilet facilities for use of employees, and shall be used for no other purpose.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1123, 1959.)

11.22.250 Toxic substance.

"Toxic substance" means any substance, other than a radioactive substance, which has the capacity to produce personal injury or illness to man through ingestion, inhalation or absorption through any body surface.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1124, 1959.)

11.22.260 Urinal.

"Urinal" means a fixture connected with a sewer and maintained within a toilet room for the sole purpose of urination.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1125, 1959.)

11.22.270 Water closet.

"Water closet" means a toilet facility which is connected to a sewer and flushed with water under pressure.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1126, 1959.)

Part 2 WATER SUPPLY[19]

11.22.280 Requirements generally—Supply approval by director.

Every place of employment where two or more persons are employed shall be adequately supplied at all times with running water under pressure for use by human beings for both drinking and face and body washing purposes. Such supply and the facilities, and the location of such facilities, must be approved by the director of public health.

(Ord. 2006-0040 § 95, 2006; Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1127, 1959.)

11.22.290 Drinking water—Open containers prohibited.

No employer or employee shall provide an open container, such as barrels, pails or tanks, for drinking water for general use, from which the water must be dipped or poured, whether fitted with a cover or not.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1133, 1959.)

11.22.300 Common use of drinking containers prohibited.

No employer shall provide or expose for common use, or permit to be so provided or exposed, or allow to be used in common, any cup, glass or other receptacle used for drinking purposes.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1129, 1959.)

11.22.310 Drinking water—Cooling container restrictions.

In all instances where drinking water is cooled by ice, the construction of the container shall be such that the ice does not come in direct contact with the water.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1128, 1959.)

11.22.320 Drinking cups—Provision and disposal.

Where single-service drinking cups are supplied (to be used once), there shall be provided at all times an approved, sanitary container for the unused cups, and also a receptacle for disposing of the used cups.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1130, 1959.)

11.22.330 Drinking fountains—Design and quantity.

When sanitary drinking fountains are provided in compliance with Section 11.22.280, they shall be of the angle-jet type, with guard, and in good working order at all times, and must be of a design approved by the director. When such drinking fountains are provided, at least one must be provided for each 50 employees, or fraction thereof.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1131, 1959.)

11.22.340 Drinking fountains—Drainage.

The drain from any drinking fountain shall be connected to an acceptable drainage system in an approved manner.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1132, 1959.)

Part 3 TOILET FACILITIES

11.22.350 Requirements generally—Quantity and location.

A. Every industrial establishment shall provide and have available for use in good working order at all times an adequate number of water closet, separate for each sex, in accordance with the following table:

Table No. 1	
Number of Persons of Given Sex	Number of Water Closets*
1—9	1
10—24	2
25—49	3
50—74	4
75—100	5
Over 100	1 for each additional 30 persons
*If the total number of employees of an establishment numbers less than five and only one toilet is available, it may be used by both sexes.	

B. Urinals may be substituted for a certain number of the water closet facilities specified in the foregoing table as follows:

One urinal may be substituted for one water closet, provided the total number of water closets is at least twice the total number of urinals.

C. Toilet facilities shall be provided so as to be readily accessible to all employees. Toilet facilities so located that employees must use more than one floor-to-floor flight of stairs to or from them are not considered as readily accessible. As far as is practicable. toilet facilities shall be located within 200 feet of all locations at which workers are regularly employed.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1134, 1959.)

11.22.360 Toilet paper required.

An adequate supply of toilet paper with suitable holder shall be provided for each water closet at all times.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1135, 1959.)

11.22.370 Covered receptacles required in women's rooms.

Covered receptacles shall be kept at all times in all toilet rooms used by females.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1136, 1959.)

11.22.380 Floors, walls and ceilings—Materials and Maintenance.

The floors, walls and ceilings of all toilet rooms shall be of a nonabsorbent material that can be easily cleaned and maintained in good repair.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1137, 1959.)

11.22.390 Installation of toilet fixtures.

Every watercloset bowl shall be set entirely free and open from all enclosing woodwork, and shall be so installed that the space around the fixture may be easily cleaned.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1140, 1959.)

11.22.400 Venting required.

All inside toilet rooms shall be effectively vented to the outside air.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1139, 1959.)

11.22.410 Window screens required.

All outside windows of all toilet rooms shall be equipped with suitable and effective insect screens.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1138, 1959.)

Part 4 LUNCH ROOMS AND WASHING FACILITIES

11.22.420 Lunch rooms—Requirements generally.

In all places of employment where employees are permitted to lunch on the premises, an adequate space suitable for that purpose shall be provided for the maximum number of employees who may use such space at one time. Such space shall be separate and apart from any location where there is an exposure to toxic materials.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1146, 1959.)

11.22.430 Eating or storing food—Protection from toxic substances.

No employee shall be permitted to store or eat any part of his or her lunch or other food at any time where there are present any toxic materials or other substances that may be injurious to health.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1148, 1959.)

11.22.440 Disposal receptacles required.

A covered receptacle shall be provided at all times for the disposal of all waste food.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1147, 1959.)

11.22.450 Washing facilities—Requirements generally.

Adequate facilities for maintaining personal cleanliness shall be provided in every place of employment. Their number and proximity to the employees shall be such as to fulfill properly the requirements set forth in Division 1 of this title, and shall be maintained in a clean and sanitary condition at all times.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1141, 1959.)

11.22.460 Washing facilities—Quantity.

At least one lavatory (washbasin) shall be provided in every toilet room, or adjacent thereto, with water under pressure, and in good working order at all times, for every 10 employees (men or women) or portion thereof, up to 100 persons, and one lavatory (washbasin) for each additional 15 persons or portion thereof. 24 inches of sink with individual faucet shall be considered as equal to one lavatory.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1142, 1959.)

11.22.470 Washing facilities—Soap and towels.

Soap and individual towels shall be provided by the employer, and proper receptacles maintained at all times for disposing of used towels. Other type of drying apparatus may be substituted for towels, if approved by the director.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1144, 1959.)

11.22.480 Washing facilities—Where poisonous or irritating materials are present.

Where there is exposure to skin contamination with poisonous, infectious or irritating materials, one lavatory shall be provided for each five persons. Where wash sinks or circular basins are used 24 lineal inches of wash sink or 18 inches of a circular basin, when provided with water outlets for such space, shall be considered equivalent to one lavatory. In all instances, a suitable cleansing agent shall be provided at each wash place.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1143, 1959.)

11.22.490 Additional change rooms and washing facilities required when.

Employers shall provide change rooms, showers, baths or lavatories having hot and cold running water, soap and towels, in every place of employment where lack of such facilities may constitute an occupational health hazard and may result in an occupational disease.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1145, 1959.)

Part 5 MAINTENANCE, STORAGE AND SANITATION

11.22.500 Lighting facilities.

Each place of employment shall be equipped with such lighting facilities that may be necessary to adequately and effectively illuminate all operations and areas.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1163, 1959.)

11.22.510 Sanitation.

All places of employment shall be maintained in a reasonably clean and sanitary condition.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1161, 1959.)

11.22.520 Housekeeping.

All plants, rooms and areas, and equipment or supplies used therein or in connection therewith, shall be kept in a clean and sanitary condition. A program shall be carried out for regularly removing dust, spillage and debris at regular intervals. The establishment shall be maintained in a reasonably orderly condition as may be necessary for good housekeeping practices requisite to compliance with these regulations.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1164, 1959.)

11.22.530 Aisles, passageways and floors.

Permanent aisles and passageways shall be provided and kept clear, and the floor surfaces thereof shall be kept in good repair. Where necessary to the maintenance of clear passageways, such aisles and passageways shall be defined by painting lines or other clear markings.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1166, 1959.)

11.22.540 Fans and other ventilation equipment.

Fans, fan blades, hoods, ducts, filters and baffles shall be regularly inspected, and shall be cleaned and maintained, repaired or replaced as often as necessary to maintain performances of the system reasonably within the intended design requirements.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1167, 1959.)

11.22.550 Drainage from wet processes.

Where wet processes are used, provision shall be made so drainage therefrom does not create a hazardous or unsanitary condition. Drainage shall be arranged so as not to regularly run across the floor or walkways.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1165, 1959.)

11.22.560 Stacking of materials—Unopened containers.

Full, unopened drums and boxed carboys, if stacked upright and two or more layers high, shall be staggered or with pallets between layers, so as to provide stability to such stacks.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1169, 1959.)

11.22.570 Stacking of materials—Opened carboys prohibited.

Boxed carboys which have been opened shall not be stacked.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1171, 1959.)

11.22.580 Storage—Opened drums.

Opened drums shall be stored upright and shall not be stacked. Exception: For the purpose of dispensing, such drums may be stored on their sides, not over two tiers high, if dispensing spigots are installed on the drums and the drums are secured in place.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1170, 1959.)

11.22.590 Storage—Materials toxic when in combination.

Substances which are not toxic by themselves in their normal state, but when in combination may create products which are toxic, shall be separated from each other in storage.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1168, 1959.)

11.22.600 Storage—Toxic substances.

Toxic substances shall be stored in an organized and orderly manner, and identified as may be necessary to aid in preventing accidents, and shall be reasonably protected from sources of external corrosion or damage.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1172, 1959.)

Part 6 HEALTH HAZARD CONTROL

11.22.610 Occupational health hazards—Restrictions generally.

No person, firm, corporation or other employer shall use or permit to be used, in the conduct of any business, manufacturing establishment or other place of employment, any process, material or condition known to have any

possible adverse effect on the health of any person or persons employed therein, unless arrangements have been made to maintain the occupational environment to the extent that such injury will not result. Every industrial establishment shall be continually maintained in a sanitary condition.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1154, 1959.)

11.22.620 Control systems—Plan review and approval prerequisite to operation.

The director shall review and approve or disapprove all plans and specifications pertaining to the design of ventilation systems for the control of occupational health hazards and shielding for a source of radiation, and shall have the authority to require the submission of such plans and specifications. The employer shall submit all plans and specifications at the request of the director, and shall not use, operate or allow any person to work with any hazardous materials or sources of radiation until the director has approved said installation.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1191, 1959.)

11.22.630 Exposure to hazards—Maximum acceptable concentration—Exhaust system required when.

No employee shall be exposed to concentrations of dust, fumes, mists, vapors or gases in excess of the maximum acceptable concentrations set forth in the Rules and Regulations established by this Division and set out at Part 3 of Appendix 1 of this Title 11. When excess concentrations of dust, fumes, mists, vapors or gases are present, a local exhaust ventilation system meeting the requirements of the Rules and Regulations shall be provided.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1159, 1959.)

11.22.640 Exposure to hazards—Other control procedures authorized when.

The director may authorize substitute procedures or controls in lieu of the specific design or installation requirements established by the Rules and Regulations when he finds the conditions of such variance will protect protection equivalent to that required therein. Such variance shall not be effective until the specific conditions thereof are approved, in writing, by the director.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1160, 1959.)

11.22.650 Hazards—Information provided by director.

The director shall make available information concerning maximum acceptable concentrations of toxic vapors, gases, fumes, mists, dusts and such environmental standards as may pertain to the health and safety of the employees of industrial establishments in its area of jurisdiction.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1155, 1959.)

11.22.660 Review and updating of regulations.

It shall be the policy of the department of public health to continuously review new data concerning toxic substances and to keep this Division 1 and the Rules and Regulations established by this Division 1 up to date.

(Ord. 2006-0040 § 96, 2006; Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1156, 1959.)

11.22.670 Toxic substances—Determination by director.

Whenever in the judgment of the director such action will promote the objective of this Division 1 by avoiding or resolving uncertainty as to their application, the director may declare any specifically named material, compound, substance or mixture thereof to be a "toxic substance" subject to requirements established by this Division 1 and interpreted by the Rules and Regulations which he determines to fall within the scope of the definition of the "toxic substance."

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1157, 1959.)

11.22.680 Survey of establishments to locate health hazards.

The director shall make health and sanitary surveys and studies of industrial establishments to determine whether or not manufacturing processes or procedures may cause adverse conditions which may be responsible for or cause ill health of industrial workers. The result of such survey or study shall be brought to the attention of each establishment involved, together with any recommendations which may be deemed necessary for the adequate protection of the health and well-being of the workers.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1158, 1959.)

11.22.690 Toxic substances—Ventilation requirements—Respirator use limitations.

Whenever necessary to control fumes, dust, mists, gases or vapors to comply with Section 11.22.670, a reliable, adequate ventilating system shall be installed and maintained so that the concentration of such substances is below the maximum acceptable concentration, or the process shall be so located, isolated and arranged that persons are not exposed to such quantities as constitute a toxic substance. Respirators may be provided and used in lieu of reducing the concentration of dust, fumes, mists, gases or vapors only when the use of such respirators is of a temporary or intermittent nature and only when such respirators are approved for protection against the particular toxic substance.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1162, 1959.)

11.22.700 Personal protective equipment—Wearing required when.

Where the removal of harmful dusts, fumes, mists, vapors or gases at their source is impracticable, the employee who may be liable to harmful exposure shall be protected by means of respiratory or other protective equipment approved by the director.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1149, 1959.)

11.22.710 Respiratory protective equipment—Approval required.

Respiratory protective equipment, including filter, cartridge and supplied-air respirators, hose masks, canister-type gas masks, supplied-air hoods and helmets, and self-contained oxygen breathing apparatus, shall be of a type approved by the director.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1150, 1959.)

11.22.720 Respiratory protective equipment—Regarded as emergency protection.

The use of respiratory equipment shall, in general, be regarded as emergency protection against occasional relatively brief exposure.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1151, 1959.)

11.22.730 Personal protective equipment—Provided and replaced by employer.

It shall be the duty of the employer to provide and replace, when necessary, such respiratory and other personal protective equipment as may be required, and to maintain same in efficient and sanitary condition.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1152, 1959.)

11.22.740 Respiratory protective equipment—Sanitation and storage.

The employer shall provide the means for cleaning and sanitizing all respiratory equipment, and it shall be the duty of the employer to cause such equipment to be maintained in a clean and sanitary condition. Respiratory equipment shall not be passed on from one man to another until such equipment is cleaned and sanitized. When filter or cartridge-type respirators are used, each employee shall have such respirator for his own exclusive use. Respiratory equipment and replacement units shall be stored, when not in use, in approved containers.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1153, 1959.)

Part 7 LOCAL EXHAUST VENTILATION SYSTEMS

11.22.750 Rules and Regulations applicable.

A. Local exhaust ventilation systems required to control air contaminants shall be designed, installed, maintained and operated to meet the minimum requirements in the tables in Part VII of the Rules and Regulations set forth in Part 3 of Appendix 1 of this Title 11, unless specified otherwise elsewhere, or unless otherwise approved in writing by the director.

B. Such systems shall be designated so contaminants are not brought to the workers' breathing zones on their way to the exhaust hood.

C. Rooms of areas in which such systems are installed shall be provided with properly located air inlets to provide as much make-up air as is exhausted.

D. Air from local exhaust ventilation systems shall not be recirculated if the contamination is a toxic substance.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1173, 1959.)

11.22.760 Design, operation and maintenance.

All ventilation systems required by this Division 1 shall be provided in accordance with design requirements set forth in this Division 1 relative to the contaminant or hazard involved, and shall be operated and maintained to produce the required health protection; and such general ventilation shall be provided as may be necessary to ventilate all portions of all places of employment.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1174, 1959.)

Part 8 SURFACE COATING PROCESS VENTILATION SYSTEMS

11.22.770 Conventional air spraying—Specifications generally.

A. For spray booths at which the operator remains outside the booth, the minimum face velocity shall be 150 fpm and the minimum air flow into the booth shall be at a rate of 150 cfm per square foot of open booth face.

B. For booths where the operator and work are located within the booth, the minimum face velocity shall be 100 fpm and the minimum flow rate 100 cfm per square foot of open booth face.

C. Where spraying is done over a downdraft ventilation system, the minimum control velocity shall be 100 fpm.

D. The size of the grill shall be larger than the object being sprayed, and the entire object being sprayed shall rest over the grill area.

E. Workers engaged in spraying out of doors shall be provided with and required to wear approved respiratory protective devices.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1175, 1959.)

11.22.780 Spray booth design.

Spray booths shall be of a size and design to adequately protect workers within and outside thereof against unnecessary exposure to such material, and all items being sprayed shall be placed far enough within and otherwise be so located in the booth to effectively remove vapor and overspray.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1181, 1959.)

11.22.790 Exhaust systems.

A. The fan shall have sufficient capacity to exhaust the necessary volume of air to meet requirements of this Division 1 against a static pressure equivalent to all resistances to be overcome in operating the unit.

B. The ducts shall be designed for a velocity of not less than 1,500 fpm and not more than 2,200 fpm, except for metalizing booths, where the velocity shall not be less than 3,000 fpm.

C. The discharge from the ventilation system shall extend to at least two feet above the roof level and be so directed as to not cause vapors or fumes to enter the work area.

D. Baffles or filters shall be installed in the booth as may be necessary to provide proper and effective air distribution.

E. Provision shall be made for admitting a supply of air to a room in which an exhaust system is located that is equal or slightly greater than that amount being exhausted.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1182, 1959.)

11.22.800 Electrostatic spraying.

A. For air-atomized electrostatic spray booths, the minimum face velocity shall be 100 fpm and the volume of air exhausted shall be 100 cfm per square foot of face opening or of grill area in the case of a downdraft exhaust system.

B. The minimum inlet ventilation-air velocity for airless atomized electrostatic spray booths shall be 75 fpm, and the volume of such air shall be 75 cfm per square foot of face opening or of grill area for a downdraft exhaust system.

C. Use of portable electrostatic spray guns in a building shall be only in a booth or area provided with local exhaust ventilation providing a minimum capture velocity of 75 fpm at the point of use.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1176, 1959.)

11.22.810 Airless spraying.

A. Spray booths in which airless spray units are used shall have a minimum face velocity of 100 fpm and a minimum flow rate of 100 cfm per square foot of open booth face.

B. Use of portable electrostatic spray guns in a building shall be only in a booth area provided with local exhaust ventilation providing a minimum capture velocity of 100 fpm at the point where such spray unit is used.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1177, 1959.)

11.22.820 Metal spraying—Additional protective equipment required when.

A. Spraying with highly toxic metals such as lead, beryllium, low-tin babbit and cadmium shall be done only within a suitable spray booth. Both the material being sprayed and the workers doing the spraying shall be positioned within the booth to minimize worker exposure to such materials. Metals with a toxicity comparable to zinc, bronze or copper may be sprayed in a suitable spray booth or hood. Nontoxic materials need not be sprayed in a booth or under a hood except as to maintain reasonably proper working condition.

B. Spray booths and hoods used for metal spraying shall have a minimum face velocity of 200 fpm and a minimum flow rate of 200 cfm per square foot of open booth face.

C. Workers involved in spraying either highly toxic materials or toxic materials for such periods as may produce a health hazard shall be supplied with and required to wear Bureau of Mines-approved supplied-air respirators, and required to wear adequate protective clothing and gloves.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1179, 1959.)

11.22.830 Flow coating.

Flow coating operations shall he done within an enclosure, with a minimum face velocity of 100 fpm and a minimum flow rate of 100 cfm per square foot of open face.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1178, 1959.)

11.22.840 Dip tanks.

A. All dip tanks, or the room in which the tank is located, shall be equipped with a mechanical exhaust ventilation.

B. Dip tanks which are equipped with local exhaust ventilation shall exhaust air at the rate of 100 cfm per square foot of tank area.

C. Where general ventilation is used, there shall be a minimum of 12 air changes per hour, ventilating all occupied areas of the room.

D. Where paint-dipped parts are air dried and local exhaust ventilation is not provided, general ventilation shall be provided and the minimum quantity of air exhausted shall be as required by recognized national standards, as stated in the Rules and Regulations.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1180, 1959.)

Part 9 VAPOR DEGREASERS USING CHLORINATED SOLVENTS

11.22.850 Location.

A. Degreasing tanks with an open surface area in excess of 600 square inches shall be located in a room with a volume of at least 8,000 cubic feet, or the room or degreasing tank shall be provided with mechanical exhaust ventilation.

B. Tanks shall be located so that drafts from nearby doors, spray booths, other ventilated equipment, windows and moving equipment will not disturb the solvent vapors. Where there are extreme drafts across the degreaser, the tank shall be baffled in a manner which will eliminate such cross-drafts.

C. The tank shall be located at least 25 feet from an open flame, electric arcs or red-hot metals.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1183, 1959.)

11.22.860 Design.

A. Work baskets, racks and the method of handling materials shall be such as to minimize dragout of liquid or vapor solvent. Racks or slings shall not be constructed of porous materials, such as wood or rope.

B. Vertical speed of hoist movement shall not exceed 11 feet per minute.

C. The freeboard shall be at least one-half the tank width. All tanks which are used only intermittently or occasionally shall be provided with a sliding or rolling cover.

D. Both boiling solvent and vapor zones shall be thermostatically controlled, with manual reset for the heat supply.

E. Where low-flashpoint contaminants are being removed by vapor degreasing, the thermostat shall be set with due regard to the flashpoint characteristics of the contaminant-solvent mixture.

F. The thermostat in the freeboard area shall be set at a maximum of 165 degrees Fahrenheit for trichloroethylene and 230 degrees Fahrenheit for perchloroethylene.

G. Degreasers shall be equipped with an adequate condenser system to control the vapor level.

H. The condenser system shall be regulated so as to provide an outlet water temperature of not less than 100 degrees Fahrenheit or more than 130 degrees Fahrenheit.

I. A water separator shall be installed in machines having an open surface area greater than 300 square inches.

J. Gas-heated combustion chambers shall be vented to the outside atmosphere.

K. A back-draft diverter shall be installed on the vent pipe to insure a positive draft.

L. There shall be a sump drain at the lowest point of the tank for solvent and sludge removal.

M. Where equipment is of sufficient size to require entrance of personnel for cleaning, a side cleanout door shall be provided for the purpose of scraping out sludge.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1184, 1959.)

11.22.870 Operation.

A. Clear, concise, step-by-step instructions for proper operation of the degreaser shall be placed in a conspicuous location on or near the degreaser.

B. All degreaser operators shall be taught to operate equipment according to proper operating instructions.

C. Only the solvent for which the unit is designed shall be used.

D. Solvent must have an inhibitor to prevent decomposition due to high temperature, light, or catalytic agents.

E. The level of the boiling solvent shall never be allowed to drop below the top of the heating surfaces.

F. Work shall be held in the vapor zone until it has reached the vapor temperature as evidenced by the stopping of condensation.

G. The spray nozzle shall be kept well below the vapor level zone at all times during use of spray.

H. Covers shall be closed when a degreaser is not in use, whether the machine is cold or in a standby condition.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1185, 1959.)

11.22.880 Welding prohibited where.

Welding shall not be attempted on or near any part of a degreaser until all solvent liquid has been removed and the machine thoroughly ventilated.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1188, 1959.)

11.22.890 Ventilation.

A. Local exhaust ventilation shall be provided on tanks which are wider than 3.5 feet and on any other tank where the design, method of operation or location results in workers being exposed to more than the threshold limit value.

B. Where exhaust ventilation is used, a slot-type exhaust shall be installed.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1189, 1959.)

11.22.900 Local mechanical exhaust required when.

Where general exhaust ventilation does not adequately remove noxious solvent vapors, local mechanical exhaust shall be provided.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1190, 1959.)

11.22.910 Tank cleaning operations.

A. When temperature of the boiling liquid reaches 195 degrees Fahrenheit for trichloroethylene and 250 degrees Fahrenheit for perchloroethylene, the employer shall clean out the degreaser.

B. Tank cleaning operations shall be done during periods when a minimum number of employees are in the area.

C. Tanks should not be entered unless absolutely necessary. If entry is necessary, the following steps shall be taken:

1. Remove all solvent from the tank;

2. Remove all sludge after it has cooled to below 180 degrees Fahrenheit;

3. Aerate the tank to remove residual solvent.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1186, 1959.)

11.22.920 Pit maintenance.

A. The pit shall be aerated for a long enough period to insure safe conditions before entering.

B. Positive ventilation shall be provided while the man is in the pit.

(Ord. 8588 § 9 (part), 1964; Ord. 7583 Part 3 Ch. 16 § 1187, 1959.)

*Chapter 11.24 INSTITUTIONS**

Part 1 GENERAL REGULATIONS

11.24.010 Applicable provisions designated—Interpretation of language.

A. Institutions shall comply with the provisions of this chapter, and Chapters 11.14, 11.16, 11.30, 11.32, and Sections 11.02.150, 11.02.180 through 11.02.200, 11.02.280, 11.02.300, 11.20.020 and 11.20.170 and other sections of this Division 1, except Chapter 11.04 and Part 1 of Chapter 11.02, as specifically mentioned herein.

B. For the purpose of this chapter, certain words and phrases are defined and certain provisions shall be construed as herein set forth, unless it is apparent from the context that a different meaning is intended.

(Ord. 2007-0089 § 96, 2007; Ord. 2004-0019 § 3, 2004; Ord. 8614 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 12 § 850, 1959.)

11.24.020 Definitions.

A. "Children's boarding homes" means any institution providing room and board for the reception and care of one or more children below the age of 18 years, regardless of sex, unrelated to caretaker, in absence of parents or guardian, with or without compensation, but shall not include children's camps, as defined in Chapter 11.08.

B. "Day nursery" or "day nursery school" means any establishment providing day or hourly care for children between the ages of two years, and four years and nine months, inclusive, but, shall not include any day nursery or day nursery school maintained by any public school or the federal government. If day care is also provided for children more than four years and nine months of age, but not providing a course of training similar to that given in any grade of public school, the establishment shall be considered as a day nursery or a day nursery school.

C. "Home for the aged" means any institution, boarding home or other place for the reception or care of one or more aged persons 65 years of age or older, except any hospital as defined in Section 1401 of the California State Health and Safety Code.

D. Where the word "institution" is used alone in this Division 1, except for Chapter 11.04 and Part 1 of Chapter 11.04, it means and includes homes for the aged, mental institutions, private or parochial day schools or colleges, day nurseries, day nursery schools, private or parochial boarding schools or colleges, and children's boarding homes, but shall not include any institution or establishment maintained by any governmental agency.

E. "Mental institution" means any hospital, sanitarium or other place receiving or caring for one or more insane, allegedly insane, mentally ill, mentally retarded, alcoholic, epileptic or mentally incompetent persons, but shall not include any institution or establishment maintained by any federal or governmental agency.

F. "Private or parochial boarding school" means any institution providing room and board and giving a course of training similar to that given in any grade of public school or college, but shall not include any establishment maintained by a public school or college, nor shall it include children's camps, as defined in Chapter 11.08.

G. "Private or parochial day school" means any establishment providing a course of training similar to that given in any grade of public school or college, but shall not include any establishment maintained by any public school, nor shall it include children's camps, as defined in Chapter 11.08.

(Ord. 7583 Part 3 Ch. 12 §§ 851—857, 1959.)

11.24.030 Registry required—Contents—Inspection authority.

Every institution where children are kept shall maintain a registry, which shall show the name and birth date of each child and the name and address of the parents of persons having legal custody of such child, and shall be open to the inspection of the director.

(Ord. 7583 Part 3 Ch. 12 § 859, 1959.)

11.24.040 Communicable disease control measures.

A. Whenever, because of an unusually high incidence of communicable disease in the community, the director deems it necessary, he may order that each child, before enrolling in a private school, private boarding school, day nursery, day nursery school and children's boarding home, be inspected for signs of communicable disease. Such inspections shall be made by and certified to, in writing, within 24 hours of enrollment, by a physician in good professional standing or by the director, and must reveal that such child

showed no signs of communicable disease which would cause the child's association with other children to be in any way detrimental to their health.

B. Every child, upon returning after an illness of more than three days to a private school, private boarding school, day nursery, day nursery school or children's boarding home, shall present a certificate, signed by a physician in good professional standing or, other practitioner authorized or permitted by law to practice in this state, or by the director, stating that personal inspection of said child within 24 hours immediately preceding had revealed no signs of a communicable disease which would cause the child's association with other children to be in any way detrimental to their health. Daily, on admission, each child shall be inspected for suspicious signs of communicable disease, and if a child is under six years of age, such inspection shall be made before the child mingles with others. It shall be the duty of the principal, or other person in charge of any of the institutions referred to in this section, immediately to isolate any child or other person affected with an illness presumably communicable, and immediately make arrangements for his care in isolation quarters or exclusion from the institutions as required by the director. Whenever required by Section 120250 of the Health and Safety Code, the department of public health shall be notified that such child has been isolated or excluded, pending presentation of a readmission certificate. If the attending physician, school physician, or the director finds, upon examination, that the child is not suffering from a communicable disease, he may submit a certificate to this effect to the school authority, who shall readmit the person. (Section 2526, Title 17, California Code of Regulations.)

C. If upon examination the child is found to be suffering from a communicable disease which, according to State Health Department regulations is subject to strict isolation or quarantine of contacts, Section 120545 of the California Health and Safety Code shall apply. "No instructor, pupil or child who resides where any contagious, infectious, or communicable disease exists or has recently existed, which is subject to strict isolation or quarantine of contacts, shall be permitted by any superintendent, principal, or teacher of any college seminary or public or private school to attend the college, seminary, or school, except by the written permission of the Health Officer." If upon examination the child is found to be suffering from a communicable disease other than one requiring strict isolation or quarantine, the readmission certificate or permit may be signed by the attending physician, school physician or director of public health.

(Ord. 2006-0040 § 97, 2006; Ord. 7583 Part 3 Ch. 12 § 868, 1959.)

11.24.050 Isolation room required.

Every institution shall have a separate, approved room or rooms available for isolation purposes.

(Ord. 7583 Part 3 Ch. 12 § 869, 1959.)

11.24.060 Sleeping quarters.

In homes for the aged, mental institutions, private boarding schools and children's boarding homes, sleeping rooms shall have a ceiling height of not less than eight feet, beds shall be kept at least three feet apart, the window areas shall be as required by the Building Code for new structures of that occupancy, and all rooms shall be well lighted and ventilated to the outside air, with at least one-half the required window area openable; provided, however, that such window area need not be openable if an approved air-conditioning system is provided.

(Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 12 § 872, 1959.)

11.24.070 Linen and bedding.

All institutions wherein beds are used shall provide an adequate amount of clean bedding, and springs and mattresses in good repair. All such beds, springs and mattresses shall be maintained in a sanitary condition and, after being used by one person, shall be thoroughly cleaned before being used by another person. Institutions shall provide an adequate amount of washcloths, hand and bath towels, and other linen necessary to properly care for the persons therein.

(Ord. 7583 Part 3 Ch. 12 § 870, 1959.)

11.24.080 Protection from heaters and fireplaces.

All gas or oil heaters shall comply with the provisions of Section 11.20.210, 11.20.220 and 11.20.230 of this Division 1. An effective barrier or protection shall be provided for each heater or fireplace to prevent injury to persons using such heaters or fireplaces.

(Ord. 7583 Part 3 Ch. 12 § 867, 1959.)

11.24.090 Play yards and equipment.

All play equipment shall be maintained in a safe condition and in a state of good repair, and shall be securely installed. Play yards shall be properly drained, of an even surface, and free from all rubbish and refuse.

(Ord. 7583 Part 3 Ch. 12 § 866, 1959.)

11.24.100 Drugs and poisons—Proper storage.

All poisons and drugs in an institution shall be kept in locked cupboards or stored in a safe manner approved by the department of public health.

(Ord. 2006-0040 § 98, 2006; Ord. 8588 § 2 (part), 1964; Ord. 7583 Part 3 Ch. 12 § 879, 1959.)

11.24.110 Milk supply—Approval of source.

All milk used or served in an institution shall be pasteurized and shall be from a source approved by the director, except that certified milk may be used where not prohibited by state law or state regulations.

(Ord. 7583 Part 3 Ch. 12 § 863, 1959.)

11.24.120 Employees' quarters—Applicable regulations designated.

Employees' quarters shall be maintained in a clean sanitary condition, and shall comply with the provisions of Sections 11.20.050, 11.20.090, 11.20.140, 11.20.160, 11.20.170, 11.20.190, 11.20.210 through 11.20.240, 11.20.280 through 11.20.310, 11.20.330 and 11.24.010. One toilet, one lavatory, and one bath or shower for each 10 employees or fraction thereof, of each sex shall be maintained in such employees' quarters.

(Ord. 2007-0089 § 97, 2007; Ord. 2004-0019 § 4, 2004; Ord. 7583 Part 3 Ch. 12 § 865, 1959.)

11.24.130 Employees and owners—Cleanliness required—Smoking prohibited when.

All employees and owners, while engaged in the preparation or serving of food in an institution, shall wear clean outer garments, shall keep their hands clean, and shall not expectorate or use tobacco, in any form, while so engaged.

(Ord. 7583 Part 3 Ch. 12 § 871, 1959.)

11.24.140 Kitchens—Sink requirements.

Any institution that prepares and serves food shall be provided with at least one two-compartment sink in the kitchen, and such kitchen shall comply with the provisions of Sections 11.12.010, 11.12.030, 11.12.040, 11.12.090 through 11.12.120, 11.12.160, 11.12.180 through 11.12.210, 11.12.230, 11.12.240, 11.12.260, 11.12.270, 11.12.300 and 11.12.320 of this Division 1.

(Ord. 7583 Part 3 Ch. 12 § 860, 1959.)

11.24.150 Kitchens—Mechanical dishwasher required when.

Every home for the aged, mental institution, private boarding school and children's boarding home caring for more than 15 persons or children, or any day nursery school having more than 20 children and serving at least one meal a day, shall be provided with an approved mechanical dishwasher.

(Ord. 7583 Part 3 Ch. 12 § 862, 1959.)

11.24.160 Kitchens—Sanitation of utensils.

All dishes, glasses and other utensils used in the preparation and serving of food shall be free from cracks and chips. All eating and drinking utensils, except single-service, shall be thoroughly cleaned and then effectively subjected to sanitization in an approved dishwashing machine providing 180 degree Fahrenheit hot rinse water, in accordance with the manufacturer's instructions and the standards of the National Sanitation Foundation.

(Ord. 2006-0040 § 99, 2006; Ord. 7583 Part 3 Ch. 12 § 861, 1959.)

11.24.170 Kitchen workers—Health and food handling restrictions.

It is unlawful for any person who is afflicted with an infection or contagious disease to work in a kitchen, or to prepare, serve or handle food.

(Ord. 7583 Part 3 Ch. 12 § 858, 1959.)

11.24.180 Kitchens—Toilet facilities required.

Every kitchen shall be provided with a conveniently located toilet and lavatory for the use of kitchen workers. No toilet room shall open directly into any room where food is prepared, stored or served. Such toilets shall comply with the provisions of Section 11.20.190 of this Division 1.

(Ord. 7583 Part 3 Ch. 12 § 864, 1959.)

11.24.190 Sewage disposal.

A. Sewage disposal systems shall be maintained in an efficient and sanitary manner. Sewage shall be discharged either into sanitary sewers or into approved private sewage disposal systems.

B. All institutions installing new private sewage disposal systems shall install approved treatment plants or septic tanks. The effluents of such septic tanks shall discharge into seepage pits or subsurface leaching lines of adequate capacity to prevent insanitary conditions.

(Ord. 7583 Part 3 Ch. 12 § 878, 1959.)

Part 2 DAY NURSERIES, DAY SCHOOLS AND PAROCHIAL SCHOOLS

11.24.200 Toilet facilities—Additional requirements.

In addition to the provisions of Part 1 of this chapter, day nurseries and day nursery schools shall comply with the following provisions:

A. On each floor of every day nursery and day nursery school building, any part of which is used for the care of children between the age of two years and the age of four years and nine months, there shall be provided one water flush toilet for the first 14 children or fractional part thereof, and one lavatory for the first 14 children or fractional part thereof. An additional toilet and lavatory shall be provided for every 10 children or fraction thereof above 14. Toilets and lavatories shall be of suitable height and size as to be reached easily by the children. Adjustable steps for young children shall be available.

B. There shall be provided one conveniently located toilet and hand-washing facility, separate from the general-use toilets, for isolation, staff and emergency use. Toilet facilities shall comply with the provisions of Section 11.20.190 of this Division 1.

(Ord. 7583 Part 3 Ch. 12 § 875, 1959.)

11.24.210 Rest and play area—Standards.

In addition to the provisions of Part 1 of this chapter, private day schools, day nurseries, day nursery schools and children's boarding homes shall comply with other sections of this Division 1 pertaining specifically thereto, and with the following provision:

Any room or rooms in any building of a private day school, day nursery, day nursery school or children's boarding home used for daytime rest period or day play area shall not have less than 35 square feet of superficial floor area for each child. Such rooms shall have a ceiling height of not less than eight feet and, shall be well lighted and ventilated to the outside air. Windows shall be not less than one-eighth of the superficial floor area and shall be one-half openable.

(Ord. 7583 Part 3 Ch. 12 § 876, 1959.)

11.24.220 Classrooms—Regulations applicable.

The classrooms in private day schools, private boarding schools, day nurseries and day nursery schools shall comply with the provisions of Sections 11.24.230 through 11.24.300.

(Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 12 § 877 (part), 1959.)

11.24.230 Classrooms—Floors, walls and ceilings.

The floors, walls and ceilings shall be kept clean. The walls of every classroom shall be so treated and maintained that the reflector factor is not more than 80 percent nor less than 40 percent. The ceilings of every classroom shall be so treated and maintained that the reflection factor is not more than 80 percent nor less than 60 percent.

(Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 12 § 877 (a), 1959.)

11.24.240 Classrooms—Size and ventilation.

Every classroom shall have good ventilation. Every classroom shall have a ceiling height of not less than eight feet. The occupant load of each classroom shall be in conformance with the requirements of the Building Code and the County Fire Code. (See Titles 26 and 32 of this code.)

(Ord. 8588 § 1 (part), 1964; Ord. 7624 § 1, 1959; Ord. 7583 Part 3 Ch. 12 § 877 (c), 1959.)

11.24.250 Classrooms—Heating.

Classrooms shall be properly heated when in use. The temperature shall be sufficient for the maintenance of health and comfort of the pupils, and shall in no case be below 68 degrees Fahrenheit, measured at a height of two feet above the floor.

(Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 12 § 877 (b), 1959.)

11.24.260 Classrooms—Window area.

In every classroom of a private day school or private boarding school constructed, or any room converted into a classroom, the window area shall be not less than one-eighth of the floor area as required for new structures by the Building Code, and shall be one-half openable unless such school is completely air-conditioned.

(Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 12 § 877 (e), 1959.)

11.24.270 Classrooms—Illumination.

Classrooms shall be so illuminated when in use that:

A. There is not less than 30 to 50 footlamberts of illumination in every part of the classroom, measured 30 inches above the floor;

B. There is no direct glare;

C. Indirect glare is reduced to a minimum.

(Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 12 § 877 (d), 1959.)

11.24.280 Classrooms—Seats and desks.

All seats and desks shall be maintained in good repair. All seats shall have backrests. Seats shall be of such height that any pupil sitting therein in a normal position can comfortably rest his feet upon the floor. Seats shall be so placed that no pupil, when sitting in a normal position in any one of them, shall face a window.

(Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 12 § 877 (f), 1959.)

11.24.290 Classrooms—Toilet facilities.

In each building of a private day school containing one or more classrooms on each floor, the toilet facilities shall be as provided by the Building Code.

(Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 12 § 877(g) 1959.)

Part 3 PRIVATE BOARDING SCHOOLS AND CHILDREN'S BOARDING HOMES

11.24.300 Additional regulations applicable.

In addition to the provisions of Part 1 of this chapter, private boarding schools and children's boarding homes shall comply with the provisions set out in this Part 3.

(Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 12 § 874 (part), 1959.)

11.24.310 Sleeping room restrictions.

No person providing overnight care in a private boarding school or in a children's boarding home shall cause, permit or suffer any child to sleep in any room except a room used exclusively for sleeping purposes.

(Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 12 § 874 (e), 1959.)

11.24.320 Sleeping quarters—Area—Double-deck beds prohibited.

Where a private room is provided for one child, there shall be not less than 80 square feet of superficial floor area. Where a dormitory or semiprivate room is occupied by more than one child, there shall be provided not less than 60 square feet of superficial floor area for each such child. No double-deck beds shall be installed or used.

(Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 12 § 874 (a), 1959.)

11.24.330 Drinking facilities.

Drinking facilities shall be available on each floor. When drinking facilities other than drinking fountain are provided, individual drinking cups shall be available. When drinking fountains are used, approved angle-jet drinking fountains shall be provided.

(Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 12 § 874 (c), 1959.)

11.24.340 Toilet articles—Storage facilities.

All children in a private boarding school and children's boarding home shall be provided with an individual cup, comb, toothbrush, towel and washrag. These articles shall be maintained in a clean and sanitary condition at all times. Facilities shall be provided for the keeping or storage of each child's personal effects and belongings.

(Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 12 § 874 (f), 1959.)

11.24.350 Toilet facilities—Construction and sanitation.

In each building of a private boarding school containing one or more classrooms on each floor, the toilet facilities shall be as required by the Building Code. Such toilet facilities shall comply with the provisions of Section 11.20.190 of this Division 1.

(Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 12 § 874 (d), 1959.)

11.24.360 Toilet facilities—Number and kind required.

A. On each floor of every private boarding school or children's boarding home which is used for sleeping purposes for children up to the age of 16 years, there shall be provided for each 10 children or fractional part thereof, for each sex, conveniently located for the use of such children, not less than:

   1. One water closet;

   2. One bathtub or shower;

   3. Two lavatories;

   4. When there are 20 or more boys cared for, the director may require one or more urinals.

B. Such toilet facilities shall comply with the provisions of Section 11.20.190 for children below six years of age, separate facilities for each sex shall not be required.

(Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 12 § 874 (b), 1959.)

Part 4 HOMES FOR THE AGED AND MENTAL INSTITUTIONS

11.24.370 Additional regulations applicable.

In addition to the provisions of Part 1 of this chapter, homes for the aged and mental institutions shall comply with the provisions set out in this Part 4.

(Ord. 7583 Part 3 Ch. 12 § 873 (part), 1959.)

11.24.380 Sleeping quarters—Area per person in institutions existing before September, 1959.

No person shall be kept, cared for, or maintained as a boarder or patient in any sleeping room existing as of September 25, 1959, which has less than 80 square feet of superficial floor area. Where a ward or semiprivate room is occupied by more than one person, there shall be provided not less than 60 square feet of superficial floor area for each person.

(Ord. 7583 Part 3 Ch. 12 § 873 (a), 1959.)

11.24.390 Sleeping quarters—Current area-per-person requirements.

No person shall be kept, cared for or maintained as a border or patient in any sleeping room which has less than 100 square feet of superficial floor area. When two or more persons are kept in any sleeping room, not less than 70 square feet of superficial floor area for each person shall be required.

(Ord. 7583 Part 3 Ch. 12 § 873 (b), 1959.)

11.24.400 Storage areas for patients' belongings.

Each bedroom, or bed in a ward shall be provided with a table or similar facility for the keeping of personal belongings of each individual inmate. Sufficient additional storage facilities shall be provided for the reasonably safekeeping of articles or personal belongings which are not in daily use.

(Ord. 7583 Part 3 Ch. 12 § 873 (c), 1959.)

11.24.410 Patients' utensils—Sanitation.

All bedpans, washbasins, mouthwash cups and other utensils used by patients and inmates shall be free from cracks or chips. Bedpans used individually shall be properly stored, marked and thoroughly cleaned after each use. Bedpans not individually used shall be sterilized after each use by boiling in water for 30 minutes, or autoclaved (15 pounds pressure for 30 minutes). All bedpans and urinals shall be sterilized once a week by boiling in water for 30 minutes, or autoclaved (15 pounds pressure for 20 minutes).

(Ord. 7583 Part 3 Ch. 12 § 873 (d), 1959.)

11.24.420 Toilet facilities.

A. Utility Rooms. Utility rooms of adequate size shall be provided for any home for the aged or mental institution which has bed patients. Such rooms shall be provided with a bedpan hopper or its equivalent. Bathtubs, lavatories and laundry trays shall not be used for the cleaning of bedpans.

B. Water Closets and Lavatories. Where seven or more ambulatory or semiambulatory patients or aged boarders are cared for or housed, there shall be provided at least one water closet and one lavatory for each seven patients, or fractional part thereof, of each sex, within the building. Where there are less than seven ambulatory or semiambulatory patients or aged boarders, there shall be one water closet and one lavatory, regardless of sex.

C. Baths and Showers. Where there are 10 or more ambulatory or semiambulatory patients or aged boarders cared for or housed, there shall be provided at least one bath or one shower for each 10 patients, or fractional part thereof, of each sex, within the building. Where there are less than 10 ambulatory or semiambulatory patients, or aged boarders, there shall be at least one bath or one shower, regardless of sex.

D. Such toilet rooms, baths and showers shall comply with the provisions of Section 11.20.190 of this Division 1.

(Ord. 7583 Part 3 Ch. 12 § 873 (e), 1959.)

11.24.430 Emergency lighting.

Adequate emergency lighting facilities shall be provided and distributed so as to be readily available to the personnel on duty. An open-flame light shall not be used at any time.

(Ord. 7583 Part 3 Ch. 12 § 873 (f), 1959.)

Chapter 11.26 LAUNDRIES

11.26.010 Location, construction and installation of equipment.

A. All laundries shall be in a building. The floors shall be constructed of smooth, nonabsorbent, durable materials sloped to drains, except when the type of equipment or method of operation prevents or avoids splashing to the floor, drains and sloped floors shall not be required. All walls and ceilings shall be constructed of smooth material. All floors, walls and ceilings shall be kept clean and in good repair. Adequate rooms or space shall be provided for each sex for the changing and storing of their clothing.

B. Washing machines shall be installed in such a manner that the area under and around the machines may be kept clean and in good repair.

C. Every self-service laundry shall post and maintain in a conspicuous place a sign giving the name, address and telephone number of the owner or other responsible person who can be contacted in case of equipment breakdown or other emergency.

D. All laundries shall provide drinking fountains convenient to the employees.

(Ord. 8588 § 8 (part), 1964; Ord. 7583 Part 3 Ch. 15 § 1070, 1959.)

11.26.020 Sanitation requirements.

A. Lint-collection devices shall be installed and maintained on all dryers or other equipment that creates dust or lint.

B. When required by the director, laundry machines shall be subjected to a bactericidal treatment between uses for laundry from different families.

C. Water at a temperature of at least 140 degrees Fahrenheit shall be available at all washing machines. Thermometers in good working order shall be installed and maintained on all water heaters and shall be readily accessible for reading.

D. All containers provided for customer use, and intended for handling soiled laundry, shall be plainly marked "FOR SOILED LAUNDRY ONLY." All containers intended for clean laundry shall be plainly marked "FOR CLEAN LAUNDRY."

(Ord. 8588 § 8 (part), 1964; Ord. 7583 Part 3 Ch. 15 § 1071, 1959.)

11.26.030 Separation of clean and soiled articles.

A. Separate areas and equipment shall be provided, maintained and used for the reception, sorting, counting and marking of soiled laundry so that such laundry shall not come into contact with or in the immediate proximity of laundered or washed articles, or equipment used for storing or handling laundered articles.

B. Articles to be laundered, originating from any place or source where they have been or may have been exposed to any communicable or infectious disease, shall not be received or handled in any public laundry, truck or establishment until such articles have first been either boiled or disinfected, or unless otherwise collected and handled in a manner approved by the director.

C. No person shall handle any laundered articles in any insanitary manner. Linen supplies shall be securely wrapped or shall be conveyed from the delivery vehicle to the place of delivery in a compartment separate from soiled linen and otherwise protected from contamination. All other laundry such as finished laundry, wet wash or rough dry shall be handled in a sanitary manner.

D. No person shall spray any clothing or other articles in any public laundry by means of water or other liquid substance ejected from the mouth.

(Ord. 8588 § 8 (part), 1964; Ord. 7583 Part 3 Ch. 15 § 1072, 1959.)

11.26.040 Laundry vehicles—Lettering—Separation of clean and soiled articles.

A. Every receiving or delivery wagon of any public laundry shall have plainly printed or painted on each side thereof, in lettering at least three inches high, the name or trade name of the laundry and the address where it is located.

B. Every wagon or vehicle used for the collection or delivery of laundry which is not owned by the public laundry for which it is collecting, shall have on both sides thereof the name and address of the person owning such wagon or vehicle, in letters not less than three inches high.

C. Clean articles shall be kept separate and apart from soiled articles in all vehicles which are used for laundry pickup and deliveries.

(Ord. 8588 § 8 (part), 1964; Ord. 7583 Part 3 Ch. 15 § 1073, 1959.)

Chapter 11.28 LEAD HAZARDS

11.28.010 Definitions.

A. "Child," for the purpose of Division 1 of this title as it relates to lead hazards, means any person who is under seven years of age.

B. "Child care facility" means any structure or portion thereof used as a residence, school, nursery, day care center, clinic, treatment center or other facility catering to the needs of children, including any outbuilding, fencing or other structure used in conjunction therewith.

C. "Dangerous levels of lead-bearing substances" means any paint, varnish, lacquer, putty, plaster, or similar coating or structural material which contains lead or its compounds in excess of seven-tenths (.7) of one milligram per square centimeter, when measured by a lead-detecting instrument approved by the director; or any substance, when measured by any scientifically accepted method, in a quantity determined by the director to constitute a hazard to children; or that level as determined in the most recent standards as established by the United States Department of Health, Education and Welfare, Public Health Service, Center for Disease Control.

D. "Elevated blood-lead level" means a confirmed blood-lead level of 30 micrograms per deciliter or greater, or that level as determined in the most recent standards as established by the United States Department of Health, Education and Welfare, Public Health Service, Center for Disease Control.

E. "Lead hazard to children" means the presence of readily accessible, dangerous levels of lead-bearing substances on any toy, furniture, food utensil, household product, or the exterior or interior surfaces, fixtures or appurtenances of any dwelling, dwelling unit, child care facility, institution, hotel guest room, or any premises inhabited or frequented by children.

F. "Readily accessible lead-bearing substance" means any dangerous levels of lead-bearing substances, as defined in subsection C of this section which, in the judgment of the director, is in a peeling, flaking or chipped condition, or located on or in a substance or surface from which it may be chewed, ingested or inhaled by children.

(Ord. 12158 § 1 (part), 1980; Ord. 7583 Part 3 Ch. 17 §§ 1200—1204 and 1210, 1959.)

11.28.020 Health hazard to children—Order to remove authorized when.

Where the director determines that the presence of a lead-bearing substance upon any premises creates a health hazard to children, he shall issue an order to the property owner, or his agent or occupant, to eliminate the hazard.

(Ord. 12158 § 1 (part), 1980; Ord. 7583 Part 3 Ch. 17 § 1205, 1959.)

11.28.030 Lead-bearing substances prohibited where.

No person shall permit readily accessible, dangerous levels of leadbearing substances, as defined in subsections C and F of Section 11.28.010, to remain on any toy, furniture, food utensil, household product, or the exterior or interior surfaces, fixtures or appurtenances of any dwelling, dwelling unit, child care facility, institution, hotel guest room, or on any premises inhabited or frequented by children.

(Ord. 12158 § 1 (part), 1980; Ord. 7583 Part 3 Ch. 17 § 1206, 1959.)

11.28.040 Failure to comply with order to remove prohibited.

No person shall refuse or neglect to remove or reduce the hazard of readily accessible, dangerous levels of leadbearing substances, as defined in subsections C and F of Section 11.28.010, as ordered or directed by the director.

(Ord. 12158 § 1 (part), 1980; Ord. 7583 Part 3 Ch. 17 § 1207, 1959.)

11.28.050 Lead-based paint—Sale and use prohibited when.

No person shall sell, offer for sale, display for sale, hold for sale, give away, apply or cause to be applied any paint in excess of 0.06 percent lead by weight for use on interior or exterior surfaces, fixtures or appurtenances of any dwelling, dwelling unit, institution, hotel guest room, recreational facilities or equipment, furniture, cooking, eating or drinking utensils, or other household items.

(Ord. 12158 § 1 (part), 1980; Ord. 7583 Part 3 Ch. 17 § 1208, 1959.)

11.28.060 Elevated Blood-Lead Level—Report Requirements.

A. Physicians and Other Medical Personnel. It shall be the duty of every physician, practitioner, dentist, medical examiner, every superintendent or manager of a dispensary, hospital, clinic or laboratory, to notify the Director promptly upon determining an elevated blood-lead level of thirty (30) micrograms per deciliter or greater in any child under seven (7) years of age.

B. Notification. Each notification shall give the date and result of the test performed; name of laboratory and type of blood test performed; the name, age and address of the child from whom the specimen was obtained; and the name and address of the physician for whom such examination or test was performed.

(Ord. 2023-0032 § 14, 2023; Ord. 12158 § 1 (part), 1980; Ord. 7583 Part 3 Ch. 17 § 1209, 1959.)

Chapter 11.30 RODENT AND PEST CONTROL[23]

11.30.010 Maintaining rodent or pest harborage conditions unlawful—Notice to abate.

No person shall occupy, maintain, or cause or permit another person to occupy or maintain any building, lot, premises, vehicle or any other place, in such condition of construction or maintenance as will permit the breeding or harborage therein or thereon of rodents, fleas, bedbugs, cockroaches, lice, mosquitoes or any other vermin. No person may permit an accumulation of any material that may serve as a rodent harborage unless such material be elevated not less than 18 inches above the ground or floor with a clear intervening space thereunder. Whenever the director finds any building, lot, premises, vehicle or other place to be infested with vermin or rodents, or to be in such an insanitary condition as to require fumigation or renovation, the director may notify the owner, his agent, the tenant or possessor thereof, in writing, specifying the manner in which the provisions of this chapter are being violated, and indicating the specific measures that shall be taken by the recipient of such notice to abate said conditions.

(Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 8 § 628, 1959.)

11.30.020 Rodentproofing—Structures housing food for human consumption.

No person shall use any building or structure or portion thereof for the manufacture, preparation, storage, handling or display of any food or food products for human or animal consumption which, in the opinion of the director, is or is likely to become infested with rodents, unless such building or structure or portion thereof be rodentproofed.

(Ord. 7583 Part 3 Ch. 8 § 625, 1959.)

11.30.030 Rodentproofing—Structures housing grain or other food products.

No person shall use any building or structure or portion thereof for the storage, handling, preparation or sale of any food, grain or grain product which, in the opinion of the director, is infested or is likely to become infested with rodents, unless such building or structure is constructed so as to be rodentproof, and is actually kept free from rodents.

(Ord. 7583 Part 3 Ch. 8 § 629, 1959.)

11.30.040 Notice to perform rodentproofing—Authorized when.

A. When the director determines that any building or structure constitutes a rodent harborage, he may serve upon the person in charge or control thereof a notice, in writing, to rodentproof such building or structure within a reasonable time, as stated in such notice.

B. When determined by the director that it is unnecessary to rodentproof such building or structure in its entirety, he may specify in such notice that portion which is to be rodentproofed.

(Ord. 7583 Part 3 Ch. 8 § 626, 1959.)

11.30.050 Rodentproof defined—Construction specifications.

A. As used in this chapter, "rodentproof" means having the characteristic of being constructed and maintained in such manner as will prevent the entrance or harborage of rodents. A rodentproof building or structure is one which is so constructed and maintained as to prevent the entrance into, or the harborage within, of rodents.

B. Open spaces around doors and windows shall not be wider than one-fourth inch in order to prevent the passage of rodents. Exterior openings of buildings or structures, such as pipe holes, louver vents and ventilating systems, shall be covered with corrosion-resistant wire mesh, the area of each opening of which shall not exceed one-sixteenth of one square inch or the equivalent of a mesh square with sides not to exceed one-fourth inch.

(Ord. 94-0052 § 20, 1994; Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 8 § 627, 1959.)

11.30.060 Flies and mosquitoes—Control measures.

All premises shall be cleaned, and effective insecticides applied, as often as is necessary to prevent the breeding or harboring therein or thereon of flies or mosquitoes. The director may prescribe the type of insecticides, their manner and frequency of application, and the manner and frequency of cleaning for such purposes.

(Ord. 2004-0054 § 2, 2004; Ord. 8588 § 2 (part), 1964; Ord. 7583 Part 3 Ch. 8 § 632, 1959.)

11.30.070 Flies and mosquitoes—Removal of breeding material required.

All fly or mosquito breeding materials shall be removed from all premises as often as is necessary to prevent the breeding or harboring of flies or mosquitoes.

(Ord. 2004-0054 § 2, 2004; Ord. 8588 § 2 (part), 1964; Ord. 7583 Part 3 Ch. 8 § 631, 1959.)

11.30.080 Flies and mosquitoes—Breeding or harboring on premises prohibited.

No person shall operate or maintain or cause to be operated or maintained any premises in such a manner as will permit the breeding or harboring therein or thereon of flies or mosquitoes.

(Ord. 2004-0054 § 3, 2004; Ord. 8588 § 2 (part), 1964; Ord. 7583 Part 3 Ch. 8 § 630, 1959.)

Chapter 11.32 SWIMMING POOLS AND OTHER WATER AREAS[25]

11.32.005 Title.

The Ordinance codified in this chapter shall be known as "Roxie's Swim Safe Ordinance."

(Ord. 2022-0032 § 2, 2022.)

11.32.010 Applicability of Chapter Provisions.

This chapter shall apply to all pools, as defined herein, except pools located on the grounds of a private home. This chapter shall apply, but not be limited to, all public swimming pools, commercial pools, real estate and community pools, pools at hotels, motels, resorts, mobilehome parks, auto courts, apartment houses consisting of four (4) or more residential units, clubs, public and private schools, gymnasia and health establishments, juvenile detention facilities, and children's camps. This chapter shall apply to all auxiliary structures and equipment thereof, such as locker rooms, shower rooms, dressing rooms, and toilet facilities; and filtration, pumping, piping, disinfecting, and safety equipment provided and maintained in connection with such facility.

(Ord. 2022-0032 § 3, 2022; Ord. 91-0099 § 1, 1991; Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 6 § 550, 1959.)

11.32.020 Definitions.

A. "Accredited lifeguard" means a person who possesses a current certificate from an American Red Cross or YMCA of the U.S.A. lifeguard training program, or has equivalent qualifications, a current American Red Cross Standard First Aid certificate or equivalent, and complies with the requirements of California Health and Safety Code section 116028. In addition, for public swimming areas, the lifeguard shall have experience as an accredited lifeguard for at least one swimming season or 100 hours of advanced open water training or equivalent qualifications.

B. "Accredited lifeguard supervisor" means an accredited lifeguard who has the ability to monitor lifeguard performance as it relates to lifeguard and facility-specific training, including performing pre-service assessments; successful completion of a lifeguard supervisor training course; previous experience as an accredited lifeguard for at least three (3) months; knowledge of strategies to reduce risk and mitigate the health and safety hazards to both the patrons and the staff; and knowledge of development and evaluation of zones of bather surveillance responsibility diagrams for an aquatic venue.

C. "Children's camp" has the same meaning as defined in Section 8.04.080.

D. "Children's day camp" has the same meaning as defined in Section 8.04.081.

E. "Children's overnight camp" has the same meaning as defined in Section 8.04.082.

F. "Department" means the Los Angeles County Department of Public Health.

G. "Direct fee" means a separately stated fee or charge for the use of a public swimming pool to the exclusion of any other service, facility, or amenity.

H. "Lazy river" means channeled flow of water of near constant depth in which the water is moved by pumps or other means of propulsion to provide a river like flow that transports bathers over a defined path. A lazy river may also be referred to as a tubing pool, leisure river, leisure pool, or a current channel.

I. "Lifeguard in training" means a person who performs lifeguard duty under the direct supervision of an accredited lifeguard during a training program or preparatory to becoming an accredited lifeguard.

J. "Lifeguard services" means the attendance at a public swimming pool, during periods of use, of one or more lifeguards who are accredited lifeguards and who are trained to administer first aid, including, but not limited to, cardiopulmonary resuscitation (CPR) as referenced in California Health and Safety Code section 1797.182 and who have no duties to perform other than to supervise the safety of participants in water-contact activities.

K. "Public swimming area" means any portion of a body of water owned, operated, or under the control of any person which is permitted to be used for swimming and bathing, except:

1. A swimming pool;

2. A wading pool;

3. Any portion of the Pacific Ocean; and

4. Swimming areas owned and controlled by a single family and used only by that family and its guests.

For any body of water other than described in paragraphs 1, 2, 3, or 4 above, swimming or recreative bathing shall be at the user's discretion, unless it is clearly and plainly posted, in a manner acceptable to the Department, warning that swimming or recreative bathing is prohibited.

If the Department finds that a body of water or any portion thereof is, in the normal course of events, used by such a small number of persons in relation to the area of such body of water or portion thereof, that those

provisions of this division relating to public swimming areas are not necessary for the preservation of public peace, health or safety, such body of water or such portion thereof is not a "public swimming area."

L. "Public swimming pool" means any swimming pool, hot tub, spa, or non-portable wading pool, that is any of the following:

1. Open to the public generally, whether for a fee or free of charge.

2. Open exclusively to members of an organization and their guests; residents of an apartment building, apartment complex, residential real estate development, or other multifamily residential area, consisting of four (4) or more units; patrons of a hotel or other public accommodations facility; or campers participating in a children's camp.

3. Located on the premises of an athletic club, or public or private school.

4. Owned or operated by the state or any local government entity.

M. "Spray pool" means any artificially constructed pool or basin, used or intended to be used by the public, which intercepts, but does not impound water sprayed over or onto it.

N. "Swimming pool" and "pool" each means an artificial basin, chamber or tank constructed or prefabricated with impervious material, located outdoors or indoors, whether in-ground or above-ground, and used, or intended to be used, for swimming, diving, or recreative bathing. It does not include baths where the main purpose is the cleaning of the body, nor individual-type therapeutic tubs.

O. "Wading pool" means any artificially constructed pool used or intended to be used for wading by the public, with a maximum depth of not more than eighteen (18) inches.

P. "Waterslide" means a slide that runs into a landing pool or runout through a fabricated channel with flowing water.

Q. "Wave pool" means a swimming pool designed for the purpose of producing breaking wave action in the water and that is not primarily designed for standup surfing, or bodyboarding.

(Ord. 2022-0032 § 4, 2022; Ord. 9656 § 1, 1968; Ord. 9375 §§ 1 (part) and 2 (part), 1967; Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 6 §§ 551, 552, 554, 559, 562 and 563, 1959.)

11.32.030 Public Swimming Areas—Water Quality Standards.

The water used in a public swimming area shall meet the following:

A. No sewage discharges shall exist in the immediate vicinity of, or immediately upstream from, bathing areas;

B. Dilution and time of travel between point of sewage discharge and bathing area shall be sufficient to allow natural purification to occur so that the presence of harmful organisms of sewage origin is unlikely;

C. The complete sanitary survey of the area is satisfactory; and

D. The waters meet the following bacteriological standards:

1. Of all the samples collected during any 30day period, the average coliform index Most Probable Number (MPN) (confirmed test) shall not exceed five (5) coliform organisms per milliliter (500 per 100 ml.).

2. Not more than ten percent (10%) of the samples tested shall exceed a coliform index MPN (conformed test) of ten (10) coliform organisms per milliliter (1,000 per 100 ml.), provided further that no single sample, when verified by a repeat sample taken within 48 hours, shall exceed 100 per milliliter (10,000 per 100 ml.).

3. The bacteriological standards shall be run in accordance with Standard Methods for the Examination of Water and Sewage, published by the American Public Health Association.

(Ord. 2022-0032 § 5, 2022; Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 6 § 553, 1959.)

11.32.040 Public Swimming Areas—Lifesaving and First Aid Equipment.

A. Every public swimming area shall be provided with a minimum of one (1) approved life ring, buoy or equivalent at least fifteen (15) inches in diameter and, where so required, one rescue pole at least twelve (12) feet long, with hook. Such life rings, buoys or equivalent and rescue hook shall be readily accessible to each lifeguard, the location and spacing thereof to be determined by consideration of the area to be covered, configuration of water area and related factors, and approved by the Department. Such life rings, buoys, or equivalent shall have attached to them 75 feet of sound, 3/16-inch line, which shall be stored, when not in use, in such a way as to prevent kinking or fouling.

B. When, in the opinion of the Department, any public swimming area is of such size that unaided swimming rescues by lifeguards do not offer sufficient protection to swimmers, one or more square-sterned boats equipped with oars, oarlocks, life rings, or hollow-type paddle boards, as the Department approves, shall be provided.

C. A standard, 24-unit or larger first aid kit shall be provided and properly maintained, and kept readily available at all public swimming areas.

(Ord. 2022-0032 § 6, 2022; Ord. 9375 § 2 (part), 1967; Ord. 7583 Part 3 Ch. 6 § 565, 1959.)

11.32.050 Public Swimming Areas, Public Swimming Pools and Swimming Pools—Lifeguards and Aquatic Safety Plans.

A. The following locations shall provide lifeguard services:

1. Public swimming pools located at or used by children's camps and schools.
2. Public swimming pools where a direct fee is charged.
3. Public swimming pools with an induced current or wave action, including but not limited to, wave pools.
4. Swimming pools located at or used by juvenile detention facilities.
5. Lazy rivers.
6. Waterslides.
7. Public swimming pools where alcohol is served.
8. Public swimming areas when open or in use.

B. For all other public swimming pools, lifeguard service shall be provided, or signs shall be erected clearly indicating that lifeguard service is not provided. The lettering shall be legible and at least one (1) inch (25.4 mm or 36 point type) high, with a contrasting background.

C. All swimming pools requiring lifeguard services in this section shall create and implement an Aquatic Safety Plan as described below. The Aquatic Safety Plan shall include, but is not limited to, the following:

1. Pool areas staffing plan, which describes how pool staff will maintain the public swimming pool in a safe condition, including addressing health and safety hazards, water quality, staff training, facility rules and regulations, and responding to hazards and emergencies.

2. Accredited lifeguard plan, developed by an accredited lifeguard, which describes lifeguard responsibilities, including those responsibilities identified in the pool areas staffing plan and related activities.

3. Lifeguard staffing plan, which identifies the number of on-duty lifeguards needed to meet swimming pool safety and staffing requirements, and describes the duration and rotation of lifeguard tasks, staffing requirements, including any needed breaks and coverage, supervisor staffing and other staffing needs, and any additional lifeguard responsibilities.

4. Emergency Action Plan (EAP), which describes how the swimming pool staff will respond to emergency situations, including identifying responding staff, communications, equipment, and procedures.

5. Biohazard action plan, which describes the decontamination requirements should a swimming pool become contaminated, including access and restriction by the public, cleaning and disinfection, and maintenance of a record of the details of the contamination, and disposal of contaminants.

6. Accidental chemical release plan, which describes the procedures to appropriately respond to a chemical release in a swimming pool, including necessary equipment and response and cleanup procedures.

D. The swimming pool owner/operator shall retain a copy of the Aquatic Safety Plan on file at the pool facility and shall make it available for inspection by the Department. The Aquatic Safety Plan must satisfactorily contain each of the elements provided in C. 1 - 6 of this Section. The owner/operator of a swimming pool shall review and update the Aquatic Safety Plan at least annually and shall make the Aquatic Safety Plan available to the Department upon request. If, after review of the Aquatic Safety Plan, the Department finds it deficient in the Department's opinion, the Department shall notify the owner/operator to correct and/or revise the Aquatic Safety Plan. Upon such notification, the owner/operator shall provide a revised Aquatic Safety Plan with corrections within fourteen (14) days to the Department.

E. The owner/operator shall maintain incident report records of all lifeguard rescues where the accredited lifeguards enter the water and activate the EAP. Such records shall be maintained by the owner/operator for a minimum of two (2) years from the date of incident.

F. All incidents of drowning and near-drowning which required emergency medical treatment and transportation to a health facility shall be reported by the owner/operator of a public swimming pool or public swimming area to the Department within 24 hours of the incident.

(Ord. 2022-0032 § 7, 2022; Ord. 9375 § 2 (part), 1967; Ord. 7583 Part 3 Ch. 6 § 564, 1959.)

11.32.060 Public Swimming Areas—Dressing Room Requirements.

If dressing rooms are provided at a public swimming area, they shall comply with the following:

A. Public swimming areas used simultaneously by both sexes shall be provided with separate dressing rooms, with separate entrances to and exits from the dressing rooms.

B. All dressing room walls and partitions shall have smooth surfaces which are impervious to moisture and free from cracks or open joints. Walls of compartments within a dressing room shall be constructed in such a manner that there is a clear, intervening space of not less than eight (8) inches between the bottom of the partition and the floor, unless otherwise approved by the Department.

C. Floors in the dressing rooms, toilet rooms, and shower rooms shall be impervious and rough enough (but not abrasive to the feet) so as to be nonskid, similar to a "rough rotary, raised rubber, or wood float," finished, and shall be free from cracks or open joints. Floors shall pitch not less than one-fourth inch per foot to floor

drains or surface-water disposal areas. All junctures of floors with walls and partitions shall be coved. Wood floors or wooden slats over concrete floors shall not be permitted.

D. When lockers are provided, they shall be kept clean and free from vermin, properly ventilated, and shall be fastened firmly to concrete islands, or shall be installed with at least a six (6)-inch-high clear space beneath to permit flushing of the floor.

E. All dressing rooms, shower rooms, toilets, lavatory rooms, and all other rooms in a bathhouse, shall be adequately ventilated and lighted. A minimum light intensity of three footcandles shall be provided in all parts of said rooms.

F. Toilets shall be provided in close proximity to any dressing rooms, in addition to requirements specified in Section 11.32.070.

(Ord. 2022-0032 § 8, 2022; Ord. 9375 § 2 (part), 1967; Ord. 7583 Part 3 Ch. 6 § 568, 1959.)

11.32.070 Public Swimming Areas—Toilet Facilities.

A. Adequate toilets for each sex shall be provided and maintained not over 300 feet distant from any portion of public swimming areas.

B. All toilet facilities shall be maintained in a sanitary condition, well lighted and ventilated, and shall be kept supplied with toilet paper at all times.

C. The type and location for such existing toilets shall be acceptable to the Department and plans for new toilet facilities shall be approved by the Department prior to construction.

(Ord. 2022-0032 § 9, 2022; Ord. 9375 § 2 (part), 1967; Ord. 7583 Part 3 Ch. 6 § 567, 1959.)

11.32.080 Health Restrictions For Employees and Other Persons.

Public pool employees and users must not present a health hazard to others using the public pool or ancillary facilities, pursuant to Title 22, California Code of Regulation section 65541, and the same provisions shall apply to employees and users of public swimming areas.

(Ord. 2022-0032 § 10, 2022; Ord. 9375 § 2 (part), 1967; Ord. 7583 Part 3 Ch. 6 § 570, 1959.)

11.32.090 Drinking Fountains Required Where.

At least one approved drinking fountain shall be installed and maintained in each wading pool area and each public swimming area for the use of the persons using the public swimming area or wading pool.

(Ord. 2022-0032 § 11, 2022; Ord. 9375 § 2 (Part), 1967; Ord. 7583 Part 3 Ch. 6 § 569, 1959.)

11.32.100 Wading Pools—Construction.

A. The lining material of all wading pools shall be impervious to moisture and shall have a smooth finish, and the wading pool bottom shall be constructed to minimize slippage. There shall be a deck of not less than four (4) feet in width surrounding the wading pool; said deck shall be constructed of impervious material and shall have a smooth, nonslip finish.

B. Wading pools shall have a bottom slope of not less than one (1) inch to each four (4) feet, nor more than one (1) inch per foot, toward the drains. There shall be no raised drains, steps or other obstructions on which children may fall or become injured in the wading pool.

C. The wading pool shall be equipped with a drain at its lowest point. The drain shall not be connected directly to any part of a sewage disposal system.

(Ord. 2022-0032 § 12, 2022; Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 6 § 556, 1959.)

11.32.110 Wading Pools—Adult Supervision Required.

Every person maintaining a wading pool which is open to the public shall supply constant adult supervision at all times when such wading pool is open to the public.

(Ord. 2022-0032 § 13, 2022; Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 6 § 555, 1959.)

11.32.120 Wading Pools—Disinfection.

A chlorine residual of at least 3 ppm and a pH in the range of 7.2—7.8 shall be maintained at all times the wading pool is in use. A testing kit shall be maintained at the wading pool for this purpose.

(Ord. 2022-0032 § 14, 2022; Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 6 § 557, 1959.)

11.32.130 Wading Pool—Water Clarity and Recirculation.

The water of all wading pools shall be kept sufficiently clear that the bottom of the wading pool will be visible at all times. A recirculating system shall be provided for each wading pool constructed subsequent to July 1, 1964. In lieu of a recirculating system, existing wading pools may be emptied and refilled at least every two hours during the time the wading pool is open for use.

(Ord. 2022-0032 § 15, 2022; Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 6 § 558, 1959.)

11.32.140 Water Supply.

A. All water supplied to a wading pool or spray pool shall be from a source approved by the Department.

B. The water supply for all showers, toilets, lavatories, and drinking facilities provided or maintained in connection with public swimming areas, spray pools and wading pools shall be adequate in quantity and shall meet the Department's requirements for drinking water.

(Ord. 2022-0032 § 16, 2022; Ord. 9375 § 2 (part), 1967; Ord. 7583 Part 3 Ch. 6 § 566, 1959.)

11.32.150 Spray Pool Requirements.

Spray pools shall be constructed in such a manner that all sprayed water falls into the pool or basin and runs to a drain which discharges into an approved disposal system. No obstructions, such as raised drains or steps which might cause injury to children in such pools, shall be permitted.

(Ord. 2022-0032 § 17, 2022; Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 6 § 560, 1959.)

11.32.160 Swimming Pool Equipment—Requirements.

A. All swimming pool equipment shall comply with the requirements of the California Building Code, Title 24, section 3123B.

B. All recirculation and purification equipment shall be subject to review and approval by the Department before installation in connection with a swimming pool.

C. It is unlawful for any person to install any recirculation and purification equipment related to a swimming pool unless such equipment has first been reviewed and approved by the Department.

(Ord. 2022-0032 § 18, 2022; Ord. 2014-0024 § 31, 2014; Ord. 9375 § 1 (part), 1967; Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 6 § 561, 1959.)

11.32.170 Implementation Date of Amendments.

Amendments made to this chapter and adopted in 2022 are effective on January 1, 2023.

(Ord. 2022-0032 § 19, 2022; Ord. 9375 § 2 (part), 1967; Ord. 7583 Part 3 Ch. 6 § 561.2, 1959.)

Chapter 11.34 SWIMMING POOL SERVICES

11.34.010 Definitions.

A. "Director" means the Director of Public Health of the County of Los Angeles, or a duly authorized representative, as provided for in Section 2.77.050 of this code.

B. "Swimming pool" and "pool" shall have the same meaning as defined in Section 11.32.020.

C. "Swimming pool service technician" means any individual engaged in the business or occupation of treating or disinfecting swimming pool waters, or cleaning, servicing, or maintaining swimming pools.

D. "Swimming pool service technician apprentice" means any individual engaged in the business or occupation of treating or disinfecting swimming pool waters, or cleaning, servicing, or maintaining swimming pools or facilities and appurtenances thereof.

This chapter does not apply to an individual who maintains their own swimming pool or a manager or owner of a residential structure of three units or less who maintains or services the pool or pools exclusively at said structure.

(Ord. 2022-0032 § 22, 2022; Ord. 2006-0040 § 100, 2006; Ord. 91-0099 § 2, 1991; Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 14 §§ 1001 and 1002, 1959.)

11.34.030 Swimming Pool Service Technician—Certification Requirements.

A. Every swimming pool service technician and swimming pool service technician apprentice must be certified pursuant to the requirements of this chapter

B. Persons certified hereunder may lawfully engage in said business or occupation only to the extent permitted pursuant to said certification.

C. Every person required to be certified by the terms hereof, and before engaging in the business or activity, shall make application thereof and shall, within time limitations established by rules of the Department, become certified.

(Ord. 2022-0032 § 23, 2022; Ord. 91-0099 § 4, 1991; Ord. 9375 § 1 (part), 1967; Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 14 § 1000, 1959.)

11.34.040 Swimming Pool Service Technician—Activities Authorized Following Certification.

A person certified pursuant to this chapter as a swimming pool service technician may engage in the occupation or business of treating or disinfecting swimming pool waters or cleaning, servicing, or maintaining swimming pools or facilities and appurtenances thereof. Swimming pool service technicians shall report all incidents of drowning and near-drowning at public swimming pools to the Department within 24 hours of becoming aware of the incident.

(Ord. 2022-0032 § 24, 2022; Ord. 91-0099 § 10, 1991; Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 13 § 1008, 1959.)

11.34.050 Swimming Pool Service Technician Apprentice—Activities Authorized Following Certification.

A person certified pursuant to this chapter as a swimming pool service technician apprentice may perform the same activities as a swimming pool service technician but only under the direct and immediate supervision and employment of a certified swimming pool service technician. Upon application for certification and on any annual renewal thereto, the apprentice must identify the swimming pool service technician supervising same.

(Ord. 2022-0032 § 25, 2022; Ord. 91-0099 § 11, 1991; Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 13 § 1009, 1959.)

11.34.060 Certification—Application and Fees—Penalty for Late Application.

A. Every person desiring certification as a swimming pool service technician or as a swimming pool service technician apprentice shall file with the Department an application for certification, and shall then pay all applicable application fees, as provided for in Section 8.04.728 of Title 8, to cover the cost of giving the examination and processing the application. No portion of said fee is refundable. The applicant shall pay a penalty equal to twenty-five percent (25%) of the fee if application is not made within 31 days after commencement of the activity. A new application fee shall be paid each time the applicant takes the examination.

B. The applicant shall designate on the application, by address, the principal office of the applicant which is located within the County of Los Angeles, State of California, and if the applicant has no office within the County of Los Angeles, then the applicant shall designate on the application the applicant's principal office, wherever located.

(Ord. 2022-0032 § 26, 2022; Ord. 2012-0032 § 20, 2012; Ord. 93-0055 § 12, 1993; Ord. 92-0078 § 6, 1992; Ord. 91-0099 § 13, 1991; Ord. 90-0090 § 3, 1990; Ord. 88-0106 § 31, 1988; Ord. 83-0054 § 4, 1983; Ord. 9375 § 1 (part), 1967; Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 13 § 1011, 1959.)

11.34.070 Examination for Swimming Pool Service Technician.

The examination given by the Department shall be for the purpose of determining that:

A. The applicant fully understands the technical aspects of swimming pool water purification and equipment, and materials used in connection therewith;

B. The applicant is fully competent to service, clean, operate, and maintain swimming pools and incidental appurtenances;

C. The applicant has a thorough knowledge of the following: the chemicals used in swimming pool water and their effects, testing procedures for determination of pH and of chlorine and bromine content of water and related applied water chemistry, and pool operation and cleaning methods; and

D. The applicant has a general knowledge of filters, flow rates, pumps, motors, heaters and chemical feeders, and of local laws, ordinances, rules, and regulations applicable to swimming pools.

(Ord. 2022-0032 § 27, 2022; Ord. 91-0099 § 14, 1991; Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 13 § 1012, 1959.)

11.34.080 Examination for Swimming Pool Service Technician Apprentice.

The examination given by the Department shall not be as broad in scope as the examination for the swimming pool service technician and shall be for the purpose of determining that:

A. The applicant understands the basic concepts of swimming pool water purification and equipment and materials used in connection therewith;

B. The applicant is competent to clean, service and maintain swimming pools;

C. The applicant has a basic knowledge of the common chemicals used in swimming pool waters and their effects, testing procedures of the determination of pH and of chlorine residual, pool operation, and cleaning methods; and

D. The applicant has a basic knowledge of filters, pumps, motors, and chemical feeders, and of local laws, ordinances, rules, and regulations applicable to swimming pools.

(Ord. 2022-0032 § 28, 2022; Ord. 91-0099 § 15, 1991; Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 13 § 1013, 1959.)

11.34.090 Certificate—Display Requirements.

Every person certified pursuant to this chapter as a swimming pool service technician or swimming pool service technician apprentice, while performing the functions for which certification is required, shall carry upon one's person and shall display to the Department upon request such certificate or other written evidence of certification as is issued by the Department.

(Ord. 2022-0032 § 29, 2022; Ord. 91-0099 § 16, 1991; Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 13 § 1015, 1959.)

11.34.100 Failure to Obtain Certification—Actions to Recover Fees Authorized When.

The County Counsel is authorized, in the name of the County of Los Angeles as plaintiff, to bring suit for the recovery of certification fees against any person required to have this certification, who carries on, or attempts to engage in, such business, occupation or activity without first being certified.

(Ord. 2022-0032 § 30, 2022; Ord. 91-0099 § 17, 1991; Ord. 88-0106 § 32, 1988; Ord. 9375 § 2 (part), 1967; Ord. 7583 Part 3 Ch. 13 § 1001.1, 1959.)

11.34.110 Certification—Period of Validity—Renewal.

Certification as a swimming pool service technician and certification as a swimming pool service technician apprentice are each effective from July 1st through June 30th of each year. Every person desiring to renew such certification shall pay a renewal fee for renewal before July 31st in the amount as provided for in Section 8.04.728 of Title 8 for each certificate for the following fiscal year. A penalty equal to twenty-five percent (25%) of the renewal fee shall be submitted on or after July 31st for the renewal of the annual certification.

(Ord. 2022-0032 § 31, 2022; Ord. 2012-0032 § 21, 2012; Ord. 93-0055 § 13, 1993; Ord. 92-0078 § 7, 1992; Ord. 91-0099 § 18, 1991; Ord. 90-0090 § 4, 1990; Ord. 88-0106 § 33, 1988; Ord. 9375 § 1 (part), 1967; Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 13 § 1018, 1959.)

11.34.120 Certification—New Application Following Failure to Renew.

Any person failing to renew a certification within two years of the expiration date shall be required to make a new application, therefore, and retake the examination in order to become recertified.

(Ord. 2022-0032 § 32, 2022; Ord. 91-0099 § 19, 1991; Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 13 § 1022, 1959.)

11.34.130 Certification—Duplicates—Fee.

If the written evidence of certification issued by the Department is lost or destroyed, a duplicate thereof shall be obtained from the Department. A fee of $10.00 shall be paid when filing applications for such duplicate. Said fee is charged to cover the cost of issuance of the duplicate, and no portion thereof is refundable.

(Ord. 2022-0032 § 33, 2022; Ord. 91-0099 § 20, 1991; Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 13 § 1016, 1959.)

11.34.140 Certification—Transfer Prohibited.

No certification made pursuant to this chapter shall be transferable to another person.

(Ord. 2022-0032 § 34, 2022; Ord. 91-0099 § 21, 1991; Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 13 § 1014, 1959.)

11.34.141 Performance Standards.

Every certified swimming pool service technician or swimming pool service technician apprentice shall perform to those standards contained in this chapter or as prescribed by the Department.

(Ord. 2022-0032 § 35, 2022; Ord 91-0099 § 22, 1991.)

11.34.150 Certification—Suspension Conditions.

The Department may suspend certification of a swimming pool service technician or of a swimming pool service technician apprentice if the work of such person permitted by the certification is performed in such manner as to create an unsanitary, unsafe, or unhealthful condition. Any person whose certification has been suspended shall surrender the written evidence of certification to the Department upon request.

(Ord. 2022-0032 § 36, 2022; Ord. 91-0099 § 23, Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 13 § 1019, 1959.)

11.34.160 Certification—Reinstatement Following Suspension—Conditions.

When a certification has been suspended, an application may be made for reinstatement. Such application shall include a verified statement declaring that the bases for suspension of certification have been eliminated. If, upon investigation, which the Department shall make upon receipt of said application, it is determined that all bases for suspension have been eliminated and that all provisions of this chapter have been complied with, then the Department shall reinstate said certification.

(Ord. 2022-0032 § 37, 2022; Ord. 91-0099 § 24, 1991; Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 13 § 1020, 1959.)

11.34.170 Certification—Hearing Following Suspension.

Any person who has applied for reinstatement of certification and has been denied said reinstatement may make a written request to the Department for a hearing thereon. Upon receipt of such written request, the Department shall set a time and place for the hearing.

(Ord. 2022-0032 § 38, 2022; Ord 91-0099 § 25, 1991; Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 13 § 1021, 1959.)

11.34.180 Hearings—Notice Requirements.

Notice of any hearings pursuant to any of the provisions of this chapter shall be given not less than five (5) days prior to the day scheduled therefor by the Department. Such notice shall specify the time and place of the hearing, the subject matter thereof, and the bases, grounds, and reasons therefor. Notice may be given either by registered mail, postage prepaid, directed to the person notified at such place as is designated in the application for certification as the principal office within the County of Los Angeles, or at such place as is designated as the principal office wherever located, or in the manner provided for the service of summons in civil actions.

(Ord. 2022-0032 § 39, 2022; Ord. 91-0099 § 26, 1991; Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 13 § 1023, 1959.)

11.34.190 Hearings—Conducted by Director or Referee.

In cases where hearings are provided for herein, such hearings shall be conducted either by the Director or by a referee appointed by the Director to perform such function. Such referee shall take testimony and report the findings and recommendations to the Director.

(Ord. 2022-0032 § 40, 2022; Ord. 91-0099 § 27, 1991; Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 13 § 1024, 1959.)

11.34.200 Hearings—Referee Qualifications and Compensation.

Any referee appointed by the director shall be an employee of the County, not an officer thereof. Any such person so appointed as referee shall serve without any additional compensation, and all time spent as referee shall be considered to have been spent by such person in performing the regular employment duties.

(Ord. 2022-0032 § 41, 2022; Ord. 2006-0040 § 101, 2006; Ord. 91-0099 § 28, 1991; Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 13 § 1025, 1959.)

11.34.210 Hearings—Procedures Generally.

A. At any hearing, the Director or referee shall hear evidence from and on behalf of any person certified hereunder which may tend to show that the certification should not be suspended or revoked. The Director may also take evidence from or on behalf of other persons which may tend to show the existence of grounds for suspension or revocation of the certification. The burden of proof shall be upon the Director or referee proposing suspension or revocation of certification.

B. A full, true and correct record of all oral testimony adduced at such hearings shall be kept by shorthand, stenotype, recording device or otherwise.

(Ord. 2022-0032 § 42, 2022; Ord. 91-0099 § 29, 1991; Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 13 § 1026, 1959.)

11.34.220 Hearings—Decision Determination.

At the close of the hearing or at any time within thirty days thereafter, the Director shall determine from the facts adduced at said hearing, whether or not certification should be revoked or suspension continued. If suspension is continued, the Director shall state the conditions necessary to reinstate said certification. When it is determined that all bases for suspension have been eliminated and that all provisions of this chapter have been complied with, the Director shall reinstate said certification. If it is the decision of the Director to revoke the certification, the certification may be revoked up to a period of one year from the date of suspension. After this period of time the individual may reapply for certification.

(Ord. 2022-0032 § 43, 2022; Ord. 91-0099 § 30, 1991; Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 13 § 1027, 1959.)

11.34.230 Hearings—Notice of Decision.

Unless the Director should announce the Director's decision immediately following termination of the hearing, the Director shall notify the certified person of such decision in writing by mail.

(Ord. 2022-0032 § 44, 2022; Ord. 91-0099 § 31, 1991; Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 13 § 1028, 1959.)

11.34.235 Hearing Procedures.

The Department may elect to conduct a hearing in accordance with this chapter, or in accordance with the provisions of Chapter 1.25.

(Ord. 2022-0032 § 45, 2022.)

11.34.240 Severability.

If any provisions of this chapter or the application thereof to any person or circumstance is held invalid, the remainder of this chapter and the application of such provision to other persons or circumstances shall not be affected thereby.

(Ord. 91-0099 § 32, 1991.)

11.34.250 Implementation Date of Amendments.

Amendments made to this chapter and adopted in 2022 shall be effective January 1, 2023.

(Ord. 2022-0032 § 46, 2022.)

Chapter 11.35 TOBACCO RETAILING

11.35.010 Purpose and Application.

In promoting the health, safety, and general welfare of its residents, the County of Los Angeles has a substantial interest in encouraging compliance with federal, State, and local laws regulating tobacco sales and use; discouraging the purchase and use of tobacco products by anyone under the age of 21; increasing compliance with laws prohibiting the sale of tobacco products to anyone under the age of 21; and protecting children from being lured into nicotine and tobacco use through the illegal sale of products, including vaping products. It is the intent of the Ordinance codified in this Title, together with the additions to Title 7, to encourage responsible tobacco retailing and to discourage violations of tobacco-related laws, especially those that prohibit the sale or distribution of tobacco products to anyone under the age of 21. This Ordinance does not expand or reduce the degree to which the acts regulated by federal or State law are criminally proscribed or otherwise regulated.

(Ord. 2019-0049 § 4, 2019; Ord. 2007-0118 § 3 (part), 2007.)

11.35.020 Definitions.

For the purpose of this Chapter, the words and terms listed below shall have the following meanings:

A. "Accessory" means equipment, products, or materials that are used, intended for use, or designed for use in smoking, vaping, ingesting, inhaling, or otherwise introducing tobacco or tobacco products into the human body and can be an object or device that is not essential in itself but adds to the beauty, convenience, or effectiveness of something else.

B. "Arm's length transaction" means a sale in good faith and for valuable consideration that reflects the fair market value in the open market between two informed and willing parties, when neither is under any compulsion to participate in the transaction. A sale between relatives, related companies or partners, or a sale for the primary purpose of avoiding the effect of the violations of this Chapter that occurred at the location, is presumed not to be an arm's length transaction.

C. "Characterizing flavor" means a taste or aroma, other than the taste or aroma of tobacco, imparted either prior to or during consumption of a tobacco product or any byproduct produced by the tobacco product, including, but not limited to, tastes or aromas relating to menthol, mint, wintergreen, fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, herb, or spice. Characterizing flavor includes flavor in any form, mixed with or otherwise added to any tobacco product or nicotine delivery device, including electronic smoking devices.

D. "Cigarette" is any roll of tobacco wrapped in paper or in any substance not containing tobacco, or any roll of tobacco wrapped in any substance containing tobacco which is likely to be offered to, or purchased as a cigarette, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling.

E. "Cigarillo" means any roll of tobacco other than a cigarette wrapped entirely or in part in tobacco or any substance containing tobacco and weighing no more than three pounds per thousand units. "Cigarillo" includes, but is not limited to, tobacco products known or labeled as small cigar or little cigar.

F. "Component" means any item intended or reasonably expected to be used with or for the human consumption of a tobacco product.

G. "Department" means the Los Angeles County Department of Public Health.

H. "Director" means the Director of the Los Angeles County Department of Public Health or designee.

I. "Electronic Smoking Device" means an electronic device, including but not limited to an electronic cigarette, electronic cigar or cigarillo, electronic pipe, electronic hookah, vaping device, or any other product name or descriptor, which can be used to deliver an inhaled dose of nicotine or other substances, including any component, part, or accessory of such a device, whether manufactured, distributed, marketed, or sold as such.

J. "Flavored Tobacco Product" means any tobacco product, as defined in this Chapter, which imparts a characterizing flavor.

K. "License" means a Tobacco Retail License issued by the County pursuant to this Section.

L. "Licensee" means any proprietor holding a license issued by the County pursuant to this Chapter.

M. "Little Cigar" means any roll of tobacco other than a cigarette wrapped entirely or in part in tobacco or any substance containing tobacco and weighing no more than three pounds per thousand units. "Little Cigar" includes, but is not limited to, tobacco products known or labeled as small cigar or cigarillo.

N. "Package" or "Packaging" means a pack, box, carton, or container of any kind or, if no other container, any wrapping (including cellophane) in which a tobacco product is sold or offered for sale.

O. "Part" means a piece or segment of something, which combined with other pieces makes up the whole.

P. "Person" means any individual, entity, firm, partnership, joint venture, limited liability company, association, social or professional club, fraternal organization, corporation, estate, trust, business trust, receiver, trustee, syndicate, or other group or combination of the above acting as a single unit.

Q. "Pharmacy" means any retail establishment, including any location with an on-site pharmacy, in which the profession of pharmacy is practiced by a pharmacist licensed by the State of California in accordance with the Business and Professions Code and where prescription pharmaceuticals are offered for sale, regardless of whether the retail establishment sells other retail goods in addition to prescription pharmaceuticals.

R. "Proprietor" means a person with an ownership interest in a business. An ownership interest shall be deemed to exist when a person has a ten percent or greater interest in the stock, assets, or income of a business other than the sole interest of security for debt.

S. "Self-service Display" means the open display or storage of tobacco products or tobacco paraphernalia in a manner that is physically accessible in any way to the general public without the assistance of the retailer or employee of the retailer and a direct person-to-person transfer between the purchaser and the retailer or employee of the retailer. A vending machine is a form of self-service display.

T. "Tobacco Paraphernalia" means cigarette papers or wrappers, pipes, holders of smoking materials of all types, cigarette rolling machines, characterizing flavors in any form, mixed with or otherwise added to any tobacco product or nicotine delivery device, including electronic smoking devices, and any other item designed or used for the smoking or ingestion of tobacco products.

U. "Tobacco Product" means the following:

1. Any product containing, made, or derived from tobacco or nicotine whether natural or synthetic, that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, and snuff; or

2. Any electronic smoking device that delivers nicotine or other substances, whether natural or synthetic, to the person inhaling from the device, including, but not limited to, an electronic cigarette, electronic cigar, electronic pipe, electronic hookah, or vaping device.

3. Notwithstanding any provision of subsections (1) and (2) to the contrary, "tobacco product" includes any component, part, or accessory intended or reasonably expected to be used with a tobacco product, whether or not sold separately.

4. "Tobacco Product" does not include drugs, devices, or combination products authorized for sale by the United States Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act.

V. "Tobacco Retailer" means any person who sells, offers for sale or distribution, exchanges, or offers to exchange for any form of consideration, tobacco, tobacco products, or tobacco paraphernalia without regard to the quantity sold, distributed, exchanged, or offered for exchange.

W. "Tobacco Retailing" means selling, offering for sale, exchanging, or offering to exchange for any form of consideration, tobacco, tobacco products, or tobacco paraphernalia without regard to the quantity sold, offered for sale, exchanged, or offered for exchange.

(Ord. 2019-0049 § 5, 2019; Ord. 2007-0118 § 3 (part), 2007.)

11.35.030 Mandatory Tobacco Retail License.

A. Any person intending to act as a tobacco retailer, who does not currently hold a Tobacco Retail License, shall, within 180 days of the effective date of the Ordinance codified in this Chapter, obtain a Tobacco Retail License for each location at which tobacco retailing is to occur.

B. Nothing in this Chapter shall be construed to grant any licensee any status or right other than to act as a tobacco retailer at the location identified on the face of the Tobacco Retail License, subject to compliance with all other applicable laws, regulations, or ordinances. Nothing in this Chapter shall be construed to render inapplicable, supersede, or apply in lieu of any other provision of applicable law.

(Ord. 2019-0049 § 6, 2019; Ord. 2007-0118 § 3 (part), 2007.)

11.35.040 Application Procedure for Tobacco Retail License.

All applications for a Tobacco Retail License shall be submitted in the name of each proprietor proposing to conduct tobacco retailing and signed by each prospective proprietor or an authorized agent. Each Tobacco Retail License application must be accompanied by the required Tobacco Retail License fee pursuant to Section 8.04.720 of this Code. A proprietor proposing to conduct tobacco retailing at more than one location shall submit a separate application for each location. Every application shall contain the following information:

A. The name, address, and telephone number of each proprietor.

B. The business name, address, and telephone number of the fixed location for which the Tobacco Retail License is sought.

C. Whether any proprietor has previously been issued a Tobacco Retail License pursuant to this Chapter that is, or was at any time, suspended or revoked and, if so, the date of the suspension or revocation.

D. Proof that the location for which a Tobacco Retail License is sought has been issued a valid State tobacco retailer's license by the California Department of Tax and Fee Administration, in addition to any other required or applicable licenses, permits, or certifications.

E. A signed affirmation by each proprietor of being informed of, and agreeing to abide by, the laws affecting tobacco retail licenses.

F. Such other information as the County deems necessary for the administration of this Chapter.

Any application that is denied is subject to an administrative review, at the request of the applicant, which shall be held pursuant to the provisions of Section 11.35.110 of this Chapter.

(Ord. 2019-0049 § 7, 2019; Ord. 2007-0118 § 3 (part), 2007.)

11.35.050 Issuance and Renewal of Tobacco Retail License.

A. Upon receipt of an application for a new Tobacco Retail License and applicable fee, as set forth in Section 8.04.720, the applicant(s) shall be issued a Tobacco Retail License unless:

1. The application is incomplete, inaccurate, false, or misleading;

2. The Department has information that the applicant, or the applicant's agent(s) or employee(s), violated any local, State, or federal tobacco control law within the preceding 180 days; or

3. The application seeks authorization for tobacco retailing at an address where a previous Tobacco Retail License has been suspended, revoked, or is subject to suspension or revocation proceedings for any violation of any of the provisions of this Chapter. However, this shall not constitute a basis for denial of a Tobacco Retail License if either or both of the following apply:

a. The applicant provides documentation which clearly demonstrates that the applicant has acquired or is in the process of acquiring the premises or business in an arm's length transaction; or

b. It has been more than five years since the most recent Tobacco Retail License for that location was revoked.

B. Renewal of Tobacco Retail License. A Tobacco Retail License shall be valid for one year and must be renewed between 30 and 60 days prior to the expiration of the Tobacco Retail License. A Tobacco Retail License may be renewed for additional one year periods by submission of a renewal application and the applicable fee. Any Tobacco Retail License that is suspended, has been revoked within the previous five years, or is subject to suspension or revocation proceedings shall not be renewed until suspension or revocation proceedings are complete and the suspension or revocation period, if any, is over.

(Ord. 2019-0049 § 8, 2019; Ord. 2007-0118 § 3 (part), 2007.)

11.35.055 Business License Required.

A. In addition to the Tobacco Retail License, any Tobacco Shop in an unincorporated area of the County, devoted exclusively or predominantly to the sale of tobacco, tobacco products, and tobacco paraphernalia, must have a valid business license as required by Title 7 of this Code.

B. Tobacco Shops currently holding a valid Tobacco Retail License as of the effective date of the Ordinance codified in this Chapter must apply for a business license as required by Title 7 of this Code and may legally operate while such application is in active process.

C. Any retailer establishing a new Tobacco Shop after the effective date of this Ordinance must apply for and obtain a business license as required by Title 7 of this Code and a Tobacco Retail License, as required by this Chapter, before it may legally operate.

D. If the business license is revoked or suspended for any period of time, the Tobacco Retail License shall be automatically revoked or suspended for the same period.

(Ord. 2019-0049 § 9, 2019.)

11.35.060 Tobacco Retail License Nontransferable.

A Tobacco Retail License is nontransferable. If a licensee changes business location, that licensee must obtain a new Tobacco Retail License prior to acting as a tobacco retailer at the new location. If a business licensed as a tobacco retailer is sold or transferred, the new proprietor must obtain a Tobacco Retail License for that location before acting as a tobacco retailer.

(Ord. 2019-0049 § 10, 2019; Ord. 2007-0118 § 3 (part), 2007.)

11.35.070 Violations.

A. It shall be a violation of this Chapter for a tobacco retailer/licensee, or its agent(s) or employee(s), to violate any federal, State, or local tobacco law or regulation, including any provision of this Chapter.

B. Causing, permitting, aiding, abetting, or concealing a violation of any provision of this Chapter shall constitute a violation.

C. Failure to prominently display the Tobacco Retail License in a publicly visible location at the licensed premises shall constitute a violation.

D. The failure of the tobacco retailer/licensee, or the applicant's agent(s) or employee(s) to allow any peace officer, the Director, or any authorized County official to conduct unscheduled inspections of the premises of the business for the purpose of ensuring compliance with any federal, State, or local tobacco law or regulation, including any provision of this Chapter, at any time the business is open for business shall constitute a violation.

E. After 180 days of the effective date of the Ordinance codified in this Chapter, it shall be a violation of this Chapter for a tobacco retailer/licensee or its agent(s) or employee(s) to sell or offer for sale, or to possess with the intent to sell or offer for sale, any flavored tobacco product or any component, part, or accessory intended to impart, or imparting a characterizing flavor in any form, to any tobacco product or nicotine delivery device, including electronic smoking devices.

F. No tobacco retailer/licensee or its agent(s) or employee(s) may sell or offer for sale any little cigar or cigarillo unless it is sold in a package of at least 20 little cigars or cigarillos. Little cigars or cigarillos may not be sold individually or in packages of less than 20 units.

G. Tobacco retailing by means of a self-service display is prohibited, pursuant to State law.

H. A Tobacco Retail License may be issued to authorize tobacco retailing at a fixed location only. Tobacco retailing on foot or from vehicles, carts, or any other non-fixed location, is prohibited and shall be considered a violation of this Chapter.

I. No Tobacco Retail License may issue and no existing Tobacco Retail License may be renewed, to authorize tobacco retailing in a pharmacy, including any location with an on-site pharmacy.

J. Each tobacco retailer/licensee and its agent(s) or employee(s) must be over the age of 21 in order to sell tobacco and/or tobacco products.

(Ord. 2019-0049 § 11, 2019; Ord. 2007-0118 § 3 (part), 2007.)

11.35.080 Compliance Checks.

A. Compliance with this Chapter shall be monitored by the Department of Public Health ("Department") or any law enforcement officer. Any law enforcement officer may conduct compliance checks, including but not limited to youth decoy operations, and enforce the penal provisions of this Chapter.

B. The Department shall check the compliance of each tobacco retailer a minimum of one time per 12 month period. Compliance checks may be unannounced.

(Ord. 2019-0049 § 12, 2019; Ord. 2007-0118 § 3 (part), 2007.)

11.35.090 Administrative Fines.

Subject to the requirements of Chapter 1.25 of this County Code, the Director may impose administrative fines on persons violating any provision of this Chapter or any federal, State, or local law or regulation incorporated into this Chapter. The Director may impose a fine upon such violators in an amount determined by the Director. The imposition of any such fine shall in no way limit the Director's ability or authority to impose other requirements of this Chapter or seek other remedies against violators.

(Ord. 2019-0049 § 13, 2019; Ord. 2007-0118 § 3 (part), 2007.)

11.35.100 Suspension or Revocation of Tobacco Retail License.

A. In addition to any other remedy authorized by law, a Tobacco Retail License may be suspended or revoked as provided in this Section if it is discovered that any of the following occurred:

1. The licensee, or the licensee's agent(s) or employee(s), violated any provision of this Chapter. Violation by a licensee at one location shall not be construed as a violation at another location of the same licensee, nor shall violations by a prior licensee at the same location be accumulated against a subsequent licensee at the same location;

2. The original or renewal application contained incomplete, inaccurate, false, or misleading information;

3. One or more of the bases for denial listed in Section 11.35.050 existed before the Tobacco Retail License was issued; or

4. A licensee is convicted of a misdemeanor or felony violation of any federal, State, or local tobacco law or regulation, including any provision of this Code.

B. During any period of suspension or revocation, the licensee shall remove all tobacco products and tobacco paraphernalia from view, including from displays and behind counter storage areas, whether or not visible to the public. All tobacco products and tobacco paraphernalia must be placed in a room that is separate from the area where point of sale transactions occur, or removed from the tobacco retail location entirely. Failure to do so may be considered a subsequent violation.

C. During any period of suspension or revocation, the tobacco retailer/licensee shall conspicuously post, at each point of sale register and near the entrance door of the tobacco retail location, a notice of a Tobacco Retail License suspension provided by the Department of Public Health. The notice shall include the suspension or

revocation period, reason for suspension or revocation, tobacco retailer/licensee and location information, and Department of Public Health contact information to report violations.

D. When the Director finds a violation as set forth in this Chapter, the Tobacco Retail License may be suspended or revoked as follows:

1. Upon finding by the Director of a first Tobacco Retail License violation within any five year period, the Tobacco Retail License may be suspended for up to 30 days;

2. Upon a finding by the Director of a second Tobacco Retail License violation within any five year period, the Tobacco Retail License may be suspended for up to 90 days;

3. Upon a finding by the Director of a third Tobacco Retail License violation in any five year period, the Tobacco Retail License may be suspended for up to 120 days; and

4. Upon a finding by the Director of a fourth Tobacco Retail License violation within a five year period, the Tobacco Retail License shall be revoked.

(Ord. 2019-0049 § 14, 2019; Ord. 2007-0118 § 3 (part), 2007.)

11.35.110 Suspension or Revocation Procedure.

A. Before a Tobacco Retail License is suspended or revoked, the Director shall provide written notice to the licensee. Said notice shall include the following:

1. A statement that the proprietor's Tobacco Retail License is being suspended or revoked pursuant to this Chapter;

2. The Code Section violated by licensee or licensee's agents or employees;

3. A description of the violation that occurred;

4. The address of the business where the violation occurred; and

5. The procedure for requesting an administrative review.

B. A licensee served with a notice of suspension or revocation may request an administrative review to contest the suspension or revocation. The request must be made in writing and filed with the Director within 10 calendar days of service of the notice of suspension or revocation. Failure to timely request an administrative review shall be deemed a waiver of the right to request such a review and a failure to exhaust administrative remedies.

C. After receiving a timely administrative review request, the Director shall schedule an administrative review within 20 calendar days of receipt of the written request and designate a reviewing officer. The Director may appoint as a reviewing officer, any Department or other County employee with expertise in public health who is not directly involved in inspection or enforcement of tobacco retailing establishments.

D. The proprietor shall be given written notice of the date, time, and location of the administrative review and the name of the reviewing officer who will conduct the administrative review at least 10 calendar days in advance of the review.

E. The reviewing officer, in their discretion, may grant a reasonable continuance upon the written request and showing of good cause.

F. At the administrative review, the Department has the burden of providing by a preponderance of the evidence that the alleged violation occurred.

G. The failure to appear at the administrative review shall constitute an abandonment of the review request and a failure to exhaust administrative remedies.

H. Within 10 calendar days after the close of the administrative review, the reviewing officer shall issue a written decision on the suspension or revocation of the Tobacco Retail License, including a statement of the basis for the decision. The reviewing officer's written decision shall constitute the final administrative decision of the County.

I. If the Director revokes a Tobacco Retail License, no new Tobacco Retail License may be issued for five years after that revocation.

(Ord. 2019-0049 § 15, 2019; Ord. 2007-0118 § 3 (part), 2007.)

11.35.120 Violation—Other Penalties.

A. In addition to any other penalties and remedies provided by law, including the provisions of this Chapter, any violation of the provisions of this Chapter may be charged as a misdemeanor pursuant to Chapter 1.24 of this Code, or, in the discretion of the prosecutor, as an infraction. Any person who violates any provision of this Chapter is subject to a civil action, including but not limited to, an injunction, as well as prosecution for any criminal violation.

B. In addition to any other penalty under this Chapter, a person found to have engaged in tobacco retailing without a valid Tobacco Retail License shall be ineligible to apply for or be issued a Tobacco Retail License as follows:

1. After a person is caught in violation of this Section, no new Tobacco Retail License may be issued for the person as a proprietor until 30 days have passed from the date of the violation; and

2. Each day that a person engages in tobacco retailing without a valid Tobacco Retail License shall constitute a separate violation.

C. Any person found by the Director to be ineligible to be issued a Tobacco Retail License pursuant to this Section may request an administrative review within 10 days of notice of the violation. The request must be made to the Director in writing. Any administrative review shall be held pursuant to the provisions of Section 11.35.110 of this Chapter.

D. Violations of this Chapter are hereby declared to be public nuisances pursuant to this Code.

(Ord. 2019-0049 § 16, 2019; Ord. 2007-0118 § 3 (part), 2007.)

11.35.130 Conflict with Other Law, Severability, Saving Clause.

Nothing in this Chapter shall be interpreted or applied so as to create any power or duty in conflict with any federal or State law. If any provision of this Chapter or the application thereof to any person or circumstance is held invalid, the remainder of this Chapter or the application of such provision to other persons or circumstances shall not be affected thereby.

(Ord. 2019-0049 § 17, 2019; Ord. 2007-0118 § 3 (part), 2007.)

Chapter 11.36 MASSAGE ESTABLISHMENTS

Part 1 GENERAL PROVISIONS

11.36.010 Purpose and Intent.

The ordinance codified in this Title, together with the additions and amendments to Titles 7, 8, and 22, are collectively referred to as the Los Angeles County Massage Establishment Ordinance. These Titles should be read together to understand an applicant and permittee's legal obligations and the Board of Supervisors' intent in implementing these provisions.

(Ord. 2020-0008 § 43, 2020.)

11.36.020 Definitions.

Definitions contained within Title 8, Chapter 8.04 of the Consumer Protection, Business and Wage Regulations shall pertain to this Chapter.

(Ord. 2020-0008 § 43, 2020.)

11.36.030 Referral of Massage Establishment Public Health Permit Applications and Law Enforcement Notification.

A. The County Health Officer, or his or her designee, within ten (10) days of receiving an application for a public health permit to operate a Massage Establishment shall refer the applicant to the Tax Collector or the incorporated city agency to obtain the applicable business license.

B. The County Health Officer, or his or her designee, shall notify the Sheriff's Department or local police department of all approved and denied Massage Establishment public health permit applications.

(Ord. 2020-0008 § 43, 2020.)

Part 2 GENERAL REQUIREMENTS OF MASSAGE ESTABLISHMENTS

11.36.040 Employment of Minors Prohibited.

It shall be unlawful to employ in a Massage Establishment any individual who is not at least eighteen (18) years of age, including the use of independent contractors.

(Ord. 2020-0008 § 43, 2020.)

11.36.050 Maintenance of Premises and Equipment.

A. All walls, ceilings, floors, pools, showers, bathtubs, steam rooms and all other physical facilities for the Massage Establishment shall be in good repair and maintained in a clean and sanitary condition.

B. The Massage Establishment's windows may not be completely obstructed.

C. Pools, showers, wet and dry heat rooms, steam or vapor rooms, or steam or vapor cabinets, shower compartments and toilet rooms shall be thoroughly cleaned each day the business is in operation. Bathtubs shall be thoroughly cleaned after each use.

D. Clean and sanitized towels and linens shall be provided for each patron of the establishment or each patron receiving massage services. No common use of towels or linens shall be permitted.

E. Separate, adequate, closed cabinets shall be provided for the storage of clean and soiled linen, and shall be plainly marked: "Clean Linen," "Soiled Linen." Linen includes, but is not limited to, sheets, towels, and apparel. Soiled towels, linens and sheets shall be laundered and dried on the premises of suitable laundry facilities or at a commercial laundry service.

F. Standard or portable massage tables with a durable, washable plastic or other waterproof material as a covering shall be used. Foam pads more than four (4) inches thick or more than four (4) feet wide may not be used. Beds, mattresses and water beds may not be used in the administration of a massage.

G. The facility shall be free of vermin, including but not limited to cockroaches, mice, rats, and other pests that carry disease.

H. A room, enclosure, or designated area that is separate from the toilet, massage room(s), steam room, or other common areas shared by the clients shall be designated and provided to employees at all times. The employee area(s) shall be furnished with adequate storage space for employees' personal belongings. Clients and members of the public may not have access to the employee area.

I. Liquid waste shall be disposed of through the approved plumbing system and shall discharge into the public sewerage or into an approved private sewage disposal system.

(Ord. 2020-0008 § 43, 2020.)

11.36.060 Draping the Client—Required.

No massage, massage services, or massage therapy may be administered unless the patron's genitalia, and female breasts, are covered.

(Ord. 2020-0008 § 43, 2020.)

11.36.070 Attire Requirements.

All Massage Technicians shall meet the attire requirements specified in the California Business and Professions Code section 4609, subdivision (a)(10). All other employees, independent contractors, and owners of the Massage Establishment shall remain fully clothed in clean outer garments while on the premises of the Massage Establishment. At a minimum, such clothing shall be made of non-transparent material and shall cover the entirety of the torso area from above the chest to the knee.

(Ord. 2020-0008 § 43, 2020.)

Part 3 OPERATIONAL REQUIREMENTS OF MASSAGE ESTABLISHMENTS

11.36.080 Hours of Operation and Other Restrictions.

The permittee shall not conduct business or operate a Massage Establishment between the hours of 10:30 p.m. and 7:00 a.m. of any day.

(Ord. 2020-0008 § 43, 2020.)

11.36.090 Massage Technician—Required.

A. It shall be unlawful for any individual to practice massage therapy for compensation at a Massage Establishment unless that individual is a Massage Technician, as defined in Section 8.04.1410.

B. CAMTC-certification or a picture identification issued by the Tax Collector shall be worn by and clearly visible on the massage technician's person during working hours and at all times when the massage technician is in the Massage Establishment.

C. Massage Technicians shall not engage in lewd conduct on business premises of the Massage Establishment. Lewd conduct means touching the genitals, buttocks, or female breast of either the Massage Technician or customer with some part of the other person's body for the purpose of sexual arousal or gratification.

(Ord. 2020-0008 § 43, 2020.)

11.36.100 Manager—Required.

While open, all Massage Establishments licensed under Section 8.04.288, except Sole Proprietors, shall have a manager as defined in Section 8.04.1410 on the premises. The manager must be familiar with and capable of communicating with employees, independent contractors, and patrons of the establishment on the requirements of this Chapter and State law as it relates to massage therapy.

(Ord. 2020-0008 § 43, 2020.)

11.36.110 Entry and Exit.

Massage Establishment clients shall enter and exit exclusively through the main entrance of the Massage Establishment. The main entrance shall be the door facing the street or, if no such door exists, the door that is most visible to members of the public passing by the Massage Establishment.

(Ord. 2020-0008 § 43, 2020.)

11.36.120 Cleanliness.

A. Instruments used for massage shall be disinfected prior to each use by a reasonable method approved by the County Health Officer or his or her designee. Where such instruments for massage are employed, adequate quantities of supplies for disinfection shall be available during all hours of operation.

B. Adequate equipment for disinfecting and sterilizing instruments used in performing the acts of massage shall be provided.

C. Hot (100°F) and cold running water shall be provided at all times.

(Ord. 2020-0008 § 43, 2020.)

11.36.130 Contamination Prevention.

A. Skin products, such as oil, lotions, and creams, shall be dispensed from single-use containers. Skin products stored in multi-use containers shall be dispensed in a manner to prevent contamination.

B. Sponges used to rub the skin must be single use, and disposed of after each use.

(Ord. 2020-0008 § 43, 2020.)

11.36.140 Operating Requirements.

A. No alcohol, cannabis or illegal drugs shall be permitted on premises. No alcoholic beverages, cannabis or drugs may be sold, served, used, consumed or possessed on business premises during business hours.

B. A person shall not enter, be or remain in any part of a Massage Establishment or premises licensed as such while in the possession of, consuming or using any alcoholic beverage or drugs. The owner, operator, manager, and every supervising employee shall not permit any such person to enter or remain upon such premises.

C. Massage Establishment owners or operators shall provide all employees with culturally and linguistically appropriate educational materials regarding employee rights, and information on a variety of resources, including linkages to health services, victim assistance services, and emergency numbers and hotlines to call for information and assistance.

D. Massage Establishment premises shall not be used as a sleeping room or for any other residential purpose.

E. A Massage Establishment owner shall notify the County Health Officer, or his or her designee, of any changes to the owner's address and/or phone number.

F. A Massage Establishment owner shall report to the County Health Officer, or his or her designee, any of the following within ninety-six (96) hours of the occurrence:

1. Arrests of any employees, independent contractors, or owners of the Massage Establishment for an offense other than a misdemeanor traffic offense;

2. Any event involving the Massage Establishment owner or a Massage Technician employed therein that constitutes a violation of this ordinance or State or federal law;

3. Any provision which requires reporting to the County Health Officer or his or her designee even if the Massage Establishment owner believes that the County Health Officer or his or her designee has or will receive the information from another source.

G. Massage, massage services, or massage therapy are not permitted in rooms, booths, or other areas with doors capable of being locked.

H. The exterior doors and the doors separating the waiting or reception area from the remainder of the establishment shall remain unlocked during business hours (including electric locking devices). This subdivision shall not apply to sole proprietorship Massage Establishments as defined in Section 8.04.1410.

I. A copy of the CAMTC certificate or valid Massage Technician license issued by the Treasurer and Tax Collector of each and every Massage Technician employed in the business shall be displayed in the reception area or similar open public place on the premises. CAMTC certificates or Massage Technician licenses of former employees and/or independent contractors shall be removed as soon as those Massage Technicians are no longer employed by or offering services through the massage business.

J. For each massage service provided, every massage business shall keep a complete and legible written or electronic record of the following information: (1) the date and hour that service was provided; (2) the service provided; (3) the name or initials of the employee entering the information; and (4) the name of the Massage Technician administering the service and the CAMTC certificate number, and business license identification number. Such records shall be open to inspection and copying by the Sheriff's Department, or other officials charged with enforcement of this Chapter. These records may not be used by any Massage Technician or operator for any purpose other than as records of service provided and may not be provided to other parties by the Massage Technician or operator unless otherwise required by law. Such records shall be retained on the premises of the massage business for a period of two (2) years and be immediately available for inspection during business hours.

K. Condoms are prohibited on or within the premises of a Massage Establishment.

L. All massages, massage services, and massage therapy must be performed at the Massage Establishment.

(Ord. 2020-0008 § 43, 2020.)

11.36.150 Lighting and Ventilation.

Massage Establishments shall comply with the local building code for lighting and ventilation.

(Ord. 2020-0008 § 43, 2020.)

11.36.160 Toilet Facilities, Dressing and Lockers.

A. A minimum of one (1) toilet and one (1) washbasin, shall be provided in every Massage Establishment as per local building code for patrons and employees. Hand wash sinks shall be provided with approved, sanitary drying method(s), which includes single-use paper towels, and soap placed in permanently installed dispensers. A trash receptacle shall be provided in each toilet room.

B. Adequate dressing rooms shall be provided for patrons. Dressing rooms will be used only by patrons of the same sex at the same time. Dressing rooms need not be separate from the room in which the massage is being performed. If the massage takes place without disrobing of patrons, then separate dressing rooms are not required for each patron. A location for each patron served to safely store their valuables shall be provided such as a locker or other approved methods as approved by the County Health Officer or his or her designee.

(Ord. 2020-0008 § 43, 2020.)

11.36.170 Hand Wash Sink for Employees.

A minimum of one separate hand wash sink shall be provided in each Massage Establishment for the use of employees. The hand wash sink shall have hot (100°F) and cold running water at all times, and shall be located within or as close as practical to the area devoted to performing massage services. In addition, there shall be provided at each hand wash sink, liquid hand soap, single-use wall mounted disposable paper towels and soap placed in permanently installed dispensers.

(Ord. 2020-0008 § 43, 2020.)

11.36.180 Recording of Activities Prohibited.

No part of a Massage Establishment where massage, massage services or massage therapy are being conducted shall be equipped with any electronic, mechanical or artificial device used, or capable of being used, for recording or videotaping, for monitoring the activities, conversation, or other sounds in the treatment room or room used by customers, except in the designated reception areas.

(Ord. 2020-0008 § 43, 2020.)

Part 4 INSPECTION OF MASSAGE ESTABLISHMENTS AND ENFORCEMENTS

11.36.190 Inspection by Officials.

Any County of Los Angeles officials, including but not limited to Los Angeles County Sheriff's Department or local law enforcement, County Health Officer, Director of Environmental Health, and Director of Regional Planning for the County of Los Angeles, or their designees, shall have the right to enter the premises from time to time during regular business hours to make reasonable inspections to observe and enforce compliance with building, fire, electrical, plumbing or health regulations, and to enforce compliance with applicable regulations, laws, and statutes.

(Ord. 2020-0008 § 43, 2020.)

11.36.200 Abatement.

Any Massage Establishment operated or maintained in a manner contrary to the requirements of this Chapter or as deemed by the County Health Officer, is hereby declared to be unlawful and a public nuisance.

(Ord. 2020-0008 § 43, 2020.)

11.36.210 Hearing Process.

A. Any Massage Establishment public health permit issued to a permittee may be suspended or revoked by the Department of Public Health for a violation of the requirements of Titles 7, 8, or 11, or State and local laws or regulations. Any Massage Establishment for which the public health permit has been suspended or revoked shall close and cease doing business and remain closed until the permit has been reinstated or reissued by the Department of Public Health.

B. Whenever the Department of Public Health finds that a Massage Establishment does not comply with the requirements of Titles 7, 8, or 11, or State and local laws or regulations, a report that contains a required compliance date shall be issued to the permittee. If the permittee fails to correct the violation by the compliance date, the Department of Public Health shall issue to the permittee a written notice setting forth the permit violations found by the Department of Public Health. The notice shall inform the permittee of a right to compliance review and if applicable, why the permittee's public health permit should be suspended or revoked. A permittee must make a written request to the Department of Public Health for a compliance review within ten (10) calendar days of service of the notice, or correct the violation. A failure to request a compliance review within ten (10) calendar days after service of the notice shall be deemed a waiver of the right to a compliance review, and may subject the permittee's permit to immediate suspension by the Department of Public Health.

C. The compliance review shall be held within fifteen (15) calendar days of the Department of Public Health's receipt of the permittee's written request for a compliance review. Upon written request by the permittee, the compliance review officer may postpone any compliance review date, if circumstances warrant such action, or cancel the compliance review if the permittee's violations are corrected as verified by the Department of Public Health.

D. At the compliance review, the compliance review officer shall hear testimony, and read and consider documents submissions from the permittee and the Department of Public Health representatives.

E. The compliance review officer shall issue and serve a written decision to the permittee within fifteen (15) calendar days following the compliance review. In the event of suspension or revocation, the decision shall specify the permit violations that were found to exist and/or continue that were the basis of the suspension or revocation, the time period of the suspension of the permit, and the actions required for the correction of the continuing violations.

F. Failure to appear at the compliance review shall constitute an abandonment of the compliance review request.

G. Notwithstanding any other provision of this Chapter, if any immediate danger to the public health or safety is found or is reasonably suspected, unless the danger is immediately corrected, the Department of Public Health may immediately suspend the permittee's public health permit and order the Massage Establishment immediately closed, pending the determination of a compliance review. Immediate danger to the public health or safety shall include any condition, based upon inspection findings or other evidence that can cause or is reasonably suspected of causing, infection, illness or disease transmission, lewd conduct, human trafficking, or any known or reasonably suspected hazardous condition.

H. Whenever a public health permit is suspended as the result of an immediate danger to the public health or safety, the Department of Public Health shall issue to the permittee a notice setting forth the violations that have caused the immediate danger, specifying the Sections of this Chapter, or State or local laws or regulations, allegedly violated, and informing the permittee of the right to a compliance review and why the permittee's public health permit should be suspended.

I. The Department of Public Health may, after providing an opportunity for a compliance review, suspend or revoke a public health permit for serious or repeated violations of the requirements of the County Code, regulations, laws, statutes, or for interference in the performance of the inspection and investigation duties of the Department of Public Health.

J. A public health permit may be reinstated, or a new public health permit issued if the Department of Public Health determines that the conditions which prompted the suspension or revocation no longer exist.

(Ord. 2020-0008 § 43, 2020.)

11.36.220 Suspension or Revocation of Massage Establishment Public Health Permit.

A. Any Massage Establishment public health permit issued under this Chapter may be suspended pending an Office Review when, in the opinion of the County Health Officer or his or her designee, the public health or safety requires such suspension. A written notice of such suspension shall be provided to the permit holder by hand delivery or registered mail.

B. A Massage Establishment public health permit may be revoked or suspended after an Office Review, if the County Health Officer or his or her designee finds:

1. Facts sufficient to support denial of a Massage Establishment public health permit on any ground set forth in Section 8.04.1470.

2. The Massage Technician has violated the conduct requirements in Section 11.36.090.

3. There is good cause to suspend or revoke the public health permit in accordance with Chapter 8.04 - Public Health Licenses.

4. The Massage Technician has violated any of the provisions of this Chapter or a rule or regulation adopted by the County Health Officer or his or her designee related to the practice of massage.

5. The owner of the Massage Establishment must register under the provisions of Penal Code section 290 or register as a sex offender in any state of the United States.

6. The owner has been convicted of Penal Code sections 266h (pimping), 266i (pandering), 314 (indecent exposure, obscene exhibitions, and bawdy and other disorderly houses), 315 (keeping or residing in a house of ill-fame), 316 (keeping disorderly house), 318 (prevailing upon person to visit a place for prostitution), 647(b) (engaging in or soliciting prostitution), 653.22 (loitering with intent to commit prostitution), or 653.23 (supervision of prostitute); has a business permit or license denied, revoked,

restricted, or suspended by any agency, board, city, county, territory, or state; is subject to an injunction for nuisance pursuant to Penal Code sections 11225—11235 (red light abatement); is convicted of a felony offense involving the sale of a controlled substance; is convicted of any crime involving dishonesty, fraud, deceit, violence, or moral turpitude; or is convicted in any other state of an offense which, if committed in this State, would have been punishable as one or more referenced offenses in this subdivision.

7. The overflow or backup of toilets, sinks, floor sinks/drains resulting in the accumulation of sewage/wastewater on or within the premises.

8. The presence of a vermin infestation within the Massage Establishment.

9. The lack of available water or hot water (100°F) at all faucets within the facility.

10. The city or County business license has been revoked or suspended.

C. Whenever a public health permit has been revoked, the former permittee, whether a person, partnership, or corporation, shall not be granted a new public health permit for a period of one (1) year from the date of revocation.

(Ord. 2020-0008 § 43, 2020.)

11.36.230 Implementation.

The County Health Officer is responsible for administration of this Chapter which may include public education, public outreach, and promulgating guidelines and rules consistent with the provisions of this Chapter and the County Code.

(Ord. 2020-0008 § 43, 2020.)

Chapter 11.37 CANNABIS FACILITIES

Part 1 GENERAL PROVISIONS

11.37.010 Purpose.

A. The purpose of this Chapter is to create public health regulatory requirements to ensure that commercial cannabis activities are conducted in a manner that protects the health and safety of the consumer and the public.

B. The authority for this Chapter 11.37 is contained in Division 10 of the California Business and Professions Code, which expressly permits local regulation of commercial cannabis activities.

C. The definitions contained within this Section, also pertain to Part 7 of Chapter 8.04 of Title 8 of this Code.

(Ord. 2017-0060 § 3, 2017.)

11.37.020 Definitions.

A. "Adulterated Product" means the cannabis or cannabis product that is manufactured, prepared, packed, held, or sold under insanitary conditions whereby it may have become contaminated with filth or rendered injurious to health.

B. "Batch" means a specific quantity of homogeneous cannabis or cannabis product that is one of the following types:

1. "Harvest batch" means a specifically identified quantity of dried flower or trim, leaves, and other cannabis plant matter that is uniform in strain, harvested at the same time, and, if applicable, cultivated using the same pesticides and other agricultural chemicals.

2. "Manufactured cannabis batch" means either of the following:

a. An amount of cannabis concentrates or extract produced in one production cycle using identical input materials, extraction methods, and standard operating procedures, and intended to have uniform character and quality; or

b. An amount of a type of manufactured cannabis produced in one production cycle using identical formulation and standard operating procedures that is intended to have uniform character and quality.

C. "Batch number" means any distinct group of numbers, letters, or symbols, or any combination thereof, assigned, as required by State law, to a specific Harvest Batch or Manufactured Cannabis Batch, and from which the complete history of the manufacturing, packaging, labeling, and/or holding of a lot of cannabis product can be determined.

D. "Best management practice" means methods or techniques found to be the most effective and practical means in achieving an objective.

E. "Cannabidiol" or "CBD" means one of the chemical compounds that are the active principles of cannabis.

F. "Cannabis" means all parts of the plant Cannabis sativa Linnaeus, Cannabis *indica*, or Cannabis *ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from cannabis. "Cannabis" also means marijuana as defined by section 11018 of the Health and Safety Code. "Cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. "Cannabis" does not mean "industrial hemp" as defined by section 81000 of the Food and Agricultural Code or section 1018.5 of the Health and Safety Code.

G. "Cannabis concentrate" means manufactured cannabis that has undergone a process to concentrate one or more active cannabinoids, thereby increasing the product's potency. Resin from granular trichomes from a cannabis plant is a concentrate. A cannabis concentrate is not considered food, as defined by section 109935 of the Health and Safety Code, or a drug, as defined by section 109925 of the Health and Safety Code.

H. "Cannabis labeling" means any label or other written, printed, or graphic matter upon a cannabis product, or upon its container or wrapper, or that accompanies any cannabis product.

I. "Cannabis waste" means waste that is not hazardous waste, as defined in Public Resources Code section 40191, that contains cannabis and that has been made unusable and unrecognizable in a manner required by State and local laws and regulations.

J. "Component" means any substance or item intended for use in the manufacture of a cannabis product, including those substances or items that are not intended to appear in the final form of the product. Component can include cannabis and cannabis products used as ingredients, other ingredients, and processing aids.

K. "Cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

L. "Delivery" means the commercial transfer of cannabis or cannabis products to a customer. "Delivery" also includes the use by a retailer of any technology platform owned, leased, or controlled by the retailer.

M. "Distribution" means the procurement, sale, and transport of cannabis and cannabis products between permittees.

N. "Dried flower" means all dead cannabis that has been harvested, dried, cured, or otherwise processed, excluding leaves and stems.

O. "Edible cannabis product" means cannabis product that is intended to be used, in whole or in part, for human consumption, including, but not limited to, chewing gum, but excluding products set forth in Division 15 (commencing with section 32501) of the Food and Agricultural Code. An edible cannabis product is not considered food, as defined by section 109935 of the Health and Safety Code, or a drug, as defined by section 109925 of the Health and Safety Code.

P. "Extraction" means a process by which cannabinoids are separated from cannabis plant material through chemical or physical means.

Q. "Finished product" means a manufactured cannabis product in its final form to be sold to a customer at a retail store.

R. "Holding" means storage of cannabis or cannabis products and includes activities performed incidental to storage of a cannabis product and activities performed as a practical necessity for the distribution of that cannabis product.

S. "Infusion" means a process by which cannabis, cannabinoids, cannabis concentrates, or manufactured cannabis are directly incorporated into a product formulation to produce a cannabis product.

T. "Limited-access area" means an area in which cannabis and cannabis products are stored or held and are only accessible to the owner, operator and cannabis facility authorized personnel.

U. "Local licensing agency" means a local public entity that licenses or permits any commercial cannabis activity, as defined in this Part.

V. "Lot" means a batch or a specifically identified portion of a batch.

W. "Manufacture" means to compound, blend, extract, infuse, or otherwise make or prepare a cannabis product.

X. "Manufactured cannabis" means raw cannabis that has undergone a process whereby the raw agricultural product has been transformed into a concentrate, an edible product, or a topical product.

Y. "Manufacturing" or "manufacturing operation" means all aspects of the extraction and/or infusion processes, including processing, preparing, holding, storing, packaging, or labeling of cannabis products. Manufacturing also includes any processing, preparing, holding, or storing of components and ingredients used in cannabis products.

Z. "Manufacturing site" means the premises that produces, prepares, propagates, or compounds manufactured cannabis or cannabis products, directly or indirectly, by extraction methods, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and is owned, leased, or controlled and operated by a permittee for these activities.

AA. "Undesirable Microorganisms" means those yeasts, molds, bacteria, viruses, protozoa, and/or microscopic parasites that are pathogens, that subject manufactured cannabis to decomposition, that indicate that manufactured cannabis is contaminated with filth, or that otherwise may cause manufactured cannabis to be adulterated.

BB. "Misbranding" means misbranded cannabis or cannabis products as defined in the California Business and Professions Code, section 26121.

CC. "Package" means any container or receptacle used for holding cannabis or cannabis products.

DD. "Permittee" means a person who has obtained a public health permit from the Department to operate a cannabis facility.

EE. "Person" means any individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular.

FF. "Person in charge" means the individual present at a commercial cannabis facility who is responsible for the operation of the commercial cannabis facility.

GG. "Pest" means undesired insect, rodent, nematode, fungus, bird, vertebrate, invertebrate, weed, virus, bacteria, or other microorganism that is injurious to human health or environment.

HH. "Pesticide" means, but is not limited to:

1. Any substance or mixture of substances intended to prevent, destroy, control, repel, or mitigate any insect, rodent, snail, slug, fungus, weed, or any other form of plant or animal life or virus, fungus, bacteria or other microorganism which is normally considered to be a pest, except viruses on or in a living person or other living animal.

2. Any substance or mixture of substances intended to be used as a plant regulator, defoliant, or desiccant.

3. Any spray adjuvant.

Pesticides include substances commonly referred to as herbicides, fungicides, insecticides, and cloning agents.

II. "Premises" means the designated structure or structures and land specified in the application for a cannabis public health permit that is owned, leased, or otherwise held under the control of the applicant or permittee where the commercial cannabis activity will be or is conducted. The premises shall be a contiguous area and shall only be occupied by a permittee.

JJ. "Retail area" means a building, room, or other area upon the permitted premises in which cannabis and cannabis products are sold or displayed.

KK. "Sell," "sale," and "to sell" means any transaction whereby, for any consideration, title to cannabis or cannabis products is transferred from one person to another, and includes the delivery of cannabis or cannabis products pursuant to an order placed for the purchase of the same and soliciting or receiving an order for the same, but does not include the return of cannabis or cannabis products by a permittee to the permittee from whom the cannabis or cannabis product was purchased.

LL. "Time/temperature control for cannabis or cannabis product safety or TCS" means a cannabis or cannabis product that requires time/temperature control for safety to limit pathogenic microorganism growth or toxin formation.

MM. "THC" means the compound tetrahydrocannabinol. "THC" refers specifically to delta 9-tetrahydrocannabinol.

NN. "Topical product" means a product intended for external use such as with cannabis-enriched lotions, balms and salves. A topical cannabis product is not considered a drug as defined by section 109925 of the Health and Safety Code.

OO. "Track and trace system" means the universal identification certificate program for commercial cannabis activity. It is the seed-to-sale tracking system that tracks cannabis and cannabis product throughout the distribution chain, from either the sprouted seed or rooted cutting (or clone) until the cannabis or cannabis product is sold or delivered to a retail customer or is destroyed. It includes the program administered by the

California Department of Food and Agriculture, pursuant to section 26069 of the Business and Professions Code, as well as any track and trace system administered by a local jurisdiction.

PP. "Unique identifier (UID)" means an alphanumeric code or designation used for reference to a specific plant on permitted premises and any cannabis or cannabis product derived or manufactured from that plant.

(Ord. 2017-0060 § 3, 2017.)

Part 2 OPERATIONAL REQUIREMENTS OF CANNABIS FACILITIES

11.37.030 Cannabis Facilities Backflow Prevention Devices.

Cannabis facilities that have approved backflow prevention devices as required by Title 17 of the California Code of Regulations shall be tested at least once each calendar year by a person having received a certificate of competence from the Department. Records of backflow prevention device test(s) shall be submitted to the Department within 30 days using the form provided by the Department.

(Ord. 2017-0060 § 3, 2017.)

11.37.040 Commercial Cannabis Manufacturing Facilities.

A. Cannabis or cannabis product manufacturing facilities shall meet all health protection operating criteria for the manufacturing of cannabis and cannabis products as required by State law and regulations promulgated by the California Department of Public Health.

B. Manufacturing cannabis facilities shall operate in a permanently constructed structure and shall not operate from a vehicle or non-permanent structure.

C. Edible cannabis products shall be:

1. Manufactured and sold under sanitation standards established by the State Department of Public Health that are similar for preparation, storage, handling, and sale of food products.

2. Marked with a universal symbol on its packaging, as required by State law, regulations adopted by the State Department of Public Health or local laws.

D. Cannabis, including concentrated cannabis, included in a cannabis product manufactured in compliance with law is not considered an adulterant under State law.

E. Prior to delivery or sale at a retailer, cannabis and cannabis products shall be labeled and placed in a resealable, tamper-evident, child-resistant package and shall include a unique identifier for the purposes of identifying and tracking cannabis and cannabis products.

F. All cannabis products shall be labeled with all health and dosage information or warnings as required by State laws and regulations, and local laws.

G. All TCS products, extractions, concentrates, and infusions intended for human consumption must be refrigerated at temperatures of 41°F or below unless otherwise approved by the Department. Approvals are based on a review of written procedures that are followed to make the product; the use of control measures; and any other scientific evidence submitted by the manufacturer from a certified laboratory or process authority that demonstrates the shelf stability of the product in question.

(Ord. 2017-0060 § 3, 2017.)

11.37.050 Commercial Cannabis Distribution Facilities.

A. A cannabis distribution facility shall meet all health protection operating criteria for the distribution of cannabis and cannabis products as required by State law and regulations promulgated by the California Bureau of Cannabis Control.

B. A distributor shall ensure that each cannabis batch is stored separately and distinctly from every other cannabis batch on the distributor's premises.

C. A distributor shall ensure a label with the following information is physically attached to each container of each batch: The manufacturer or cultivator's name and permit number; the date of entry into the distributor's storage area; the unique identifiers and batch number associated with the batch; a description of the cannabis products with enough detail to easily identify the batch; and the weight of or quantity of units in the batch.

D. A distributor shall store cannabis and cannabis products in a building designed to permit control of temperature and humidity and shall prevent the entry of environmental contaminants such as smoke and dust. The area in which cannabis and cannabis products are stored shall be vermin proof and shall not be exposed to direct sunlight. A distributor may not store cannabis or cannabis products outdoors.

E. A distributor may provide cannabis or cannabis product storage-only services to a cultivator, manufacturer, or other distributor, which are unrelated to the quality assurance and laboratory testing processes required of the distributor.

F. A distributor shall maintain a written contract with other permitted cannabis facilities storing cannabis or cannabis products on the distributor's premises. A distributor shall maintain a separate cannabis and cannabis products storage inventory for each cannabis facility and all of distributor's storage inventories and written contracts shall be provided to the Department upon request. All inventory documents shall contain the identity and State license number of all contracting parties.

G. A distributor shall ensure compliance with cannabis and cannabis product packaging and labeling requirements of State law and regulations, and local laws.

H. After taking physical possession of a cannabis batch, the distributor shall meet all testing requirements and procedures as required by State law and regulations, and local laws. Upon the request of the Department, the distributor shall immediately make available the results of all tests performed on each cannabis batch by a certified testing laboratory.

I. A distributor shall not transport or arrange for the transportation of, or in any way transfer, a batch that failed a laboratory testing to a cultivator, manufacturer, or other permittee unless specifically authorized to do so by the Department.

J. All TCS products, extractions, concentrates, and infusions intended for human consumption must be refrigerated at temperatures of 41°F unless otherwise approved by the Department. The operator of a cannabis distribution facility shall follow the manufacturer's requirement for safe storage of such products.

(Ord. 2017-0060 § 3, 2017.)

11.37.060 Retail Cannabis Facilities.

A. Retail cannabis facilities, which also specifically include licensed microbusinesses that offer cannabis or cannabis products for retail sale, shall meet all health protection operating criteria for the sale of cannabis and cannabis products as required by State law and regulations, and local laws.

B. Retail cannabis facilities shall operate in a permanently constructed structure and shall not operate from a vehicle or non-permanent structure. Retail cannabis facilities may conduct cannabis and cannabis product delivery services, if authorized to do so by the local licensing agency.

C. Permitted retail cannabis facilities shall only sell cannabis and cannabis products approved and permitted by the State.

D. Permitted retail cannabis facilities shall not sell or provide alcohol or tobacco to any customer or the public.

E. Permitted retail cannabis facilities are prohibited from giving away any amount of cannabis or cannabis products as part of a business promotion.

F. Permitted retail cannabis or microbusiness facilities shall not allow the on-site consumption of cannabis and cannabis products by any customer, person, or employee, except as authorized by local law.

G. All TCS products, extractions, concentrates, and infusions, and cannabis products intended for human consumption must be refrigerated at temperatures of 41°F unless otherwise approved by the Department. Retail cannabis operator shall follow the manufacturer's requirement for safe storage of such products.

(Ord. 2017-0060 § 3, 2017.)

Part 3 GENERAL REQUIREMENTS OF CANNABIS FACILITIES

11.37.070 Odor Management Plan.

A. Any person proposing to apply for a public health permit for a cannabis facility, or applying as a new owner of an existing cannabis facility shall submit an Odor Management Plan along with the submission of a public health permit application and plans to the Department. The Odor Management Plan shall, comply with the requirements of the local licensing agency, if any, and describe sufficient processes which, if implemented, will prevent odors from the cannabis facility from being detected by a person outside of the facility or indoor cultivation site.

B. The Odor Management Plan shall include a detailed description of the ventilation system used by the cannabis facility, including but not limited to, how the ventilation systems prevent odor from escaping the facility or indoor cultivation site and how to mitigate the noxious fumes or gases.

C. The cannabis facility operator shall be responsible for the development, implementation, and maintenance of the Odor Management Plan. Odor mitigation practices shall be based on industry-specific best control technologies and best management practices. The plan shall include the range of odor mitigation practices to be deployed to control odor-emitting activities, sources, and locations, how and when these practices will be deployed, and accounting for any identified odor-emitting activity.

D. The permittee, operator, or person in charge of a cannabis facility shall maintain, and provide to the Department upon request, all records relating to odor management, including but not limited to, system installation, maintenance, any equipment malfunctions and deviations from Odor Management Plan.

E. The permittee, operator, or person in charge of a cannabis facility shall maintain records of odor complaints received and response actions thereto.

F. If an inspection or complaint investigation by the Department reveals any deviation from the Odor Management Plan, such deviation shall be a violation of this Chapter.

G. If an inspection reveals that the existing Odor Management Plan does not effectively mitigate odors emanating from the cannabis facility or cannabis facility's cultivation site, the Department shall provide the operator or person in charge with a notice of deficiencies. The operator or person in charge of the cannabis

facility shall be required to submit a modified Odor Management Plan within a reasonable amount of time, as determined by the Department. Failure to submit a modified Odor Management Plan within the required time period shall be a violation of this Chapter. Failure of an operator to submit and implement a modified Odor Management Plan may result in the suspension of the cannabis facility's public health permit.

H. When a modification is made to a cannabis facility, or the facility operation, that has the potential to impact the nature or degree of odor, or affects the control of odor, the cannabis facility operator must update its Odor Management Plan within 30 days of facility modification. Failure to submit an updated Odor Management Plan within 30 days of facility modification shall be a violation of this Chapter.

(Ord. 2017-0060 § 3, 2017.)

11.37.080 Waste Management Plan.

A. Any person proposing to apply for a public health permit for a cannabis facility, or apply as a new owner of an existing cannabis facility shall submit a Waste Management Plan along with the submission of a public health permit application or plans to the Department.

B. A Waste Management Plan shall address the storing, handling, disposing, and reusing of all waste by-products and shall characterize the volume and types of waste generated for all commercial cannabis activities in compliance with the best management practices and State law and regulations.

C. A cannabis facility shall not sell or otherwise transfer title of cannabis waste, except as permitted by State law and regulation.

D. All cannabis and cannabis products that a cannabis facility intends to render into cannabis waste, whether voluntarily or directed by the Department shall be held on the premises in quarantine for a minimum of 72 hours. The cannabis facility operator shall affix to each batch the required document(s) with batch information and weight. At no time during the quarantine period may the cannabis or cannabis products be handled, moved, or rendered into cannabis waste. The quarantined cannabis and cannabis products are subject to inspection by the Department.

E. All garbage and refuse on the cannabis facility premises shall be stored in nonabsorbent, water-tight, vector resistant, durable, easily cleanable, galvanized metal or heavy plastic containers with tight fitting lids. No refuse container shall be filled beyond the capacity that prevents complete closure of the lid. All garbage and refuse on the premises, whether mixed with rubbish or other material or not, shall not be accumulated or stored for more than seven calendar days, and shall be properly disposed of before the end of the seventh day. All waste, including but not limited to refuse, garbage, green waste and recyclables, must be disposed of in accordance with State law and regulation, and local law. All waste generated from commercial cannabis operations must be properly stored and secured, whether in the control of the cannabis facility operator or not, in order to prevent access to the public.

F. The cannabis facility shall render cannabis and cannabis product into cannabis waste before removing the cannabis waste from the premises. The rendering process shall be recorded on video. The resulting cannabis waste shall be placed in the cannabis facility's refuse bin or transferred to a waste disposal facility approved by the State. All cannabis waste shall be rendered unusable and unrecognizable by mixing, grinding, and incorporating the cannabis waste with a non-consumable material or by incorporating any nonhazardous compostable material so that the resulting mixture is at least 50 percent non-cannabis waste by volume. The cannabis waste shall be tracked by one batch at a time and the cannabis facility shall not comingle different batches into cannabis waste.

G. After a cannabis facility operator renders the cannabis and cannabis product into cannabis waste, the cannabis facility operator shall do one of the following with the cannabis waste:

1. Dispose of the cannabis waste at a manned and fully permitted solid waste landfill.
2. Deposit the cannabis waste at a manned and fully permitted compostable materials handling facility or operation.
3. Deposit the cannabis waste at a manned and fully permitted in-vessel digestion facility or operation.

H. The cannabis facility operator shall use the track-and-trace database and onsite documents to ensure the cannabis waste materials are identified, weighed, and tracked while on the cannabis facility premises and when disposed of or deposited. The cannabis facility operator shall enter the date and time that the cannabis product was rendered into cannabis waste and the weight of the resulting cannabis waste into the track-and-trace database.

I. All cannabis facility operators shall maintain accurate and comprehensive records regarding cannabis waste material that account for, reconcile, and evidence all activity related to the generation and disposal or deposition of cannabis waste. The cannabis facility operator shall obtain a record from the solid waste facility or operation evidencing the acceptance of the cannabis waste material at the facility or operation. The record must contain the name and address of the operation or facility, the date, the volume or weight of the cannabis waste accepted, and the name and signature of the person in charge of the facility or operator who accepts the cannabis waste. Once the cannabis waste is accepted by the solid waste facility, the cannabis facility operator shall input the date and time of the disposal or deposition of the cannabis waste at a solid waste facility into the track-and-trace database. These documents are records subject to inspection by the Department.

J. All commercial cannabis operations that utilize and generate hazardous materials or hazardous waste shall comply with all applicable hazardous material regulations, including but not limited to, hazardous waste generator, underground storage tank, above ground storage tanks, and hazardous materials handling requirements and maintain any applicable permits for these programs from the Fire Prevention Division, Certified Unified Program Agency (CUPA) of Los Angeles County and Emergency Services Department or Agricultural Commissioner.

(Ord. 2017-0060 § 3, 2017.)

11.37.090 Record Keeping.

A. A cannabis facility shall ensure compliance with the requirements for record keeping as required by the State and local enforcement agencies.

B. A cannabis facility operator shall make such records available upon request by the Department.

(Ord. 2017-0060 § 3, 2017.)

11.37.100 Track and Trace System.

A. A permitted cannabis facility shall utilize the track and trace system as required by State law and regulations and local laws.

B. A permitted cannabis facility shall make track and trace system records available to the Department upon request.

(Ord. 2017-0060 § 3, 2017.)

11.37.110 Employee Health.

A. The Department shall have authority to exclude any cannabis facility employee that handles edible cannabis and cannabis products from any cannabis facility conducting operations, including but not limited to cultivation, extraction, preparation, manufacturing, distribution, and testing, if the employee is diagnosed with an infectious agent specified in Subdivision B.1-8, and the employee is either symptomatic and still considered infectious, or is not experiencing symptoms of the illness associated with that agent but is still considered infectious.

B. For purposes of this Section, "illness" means a condition caused by any of the following infectious agents:

1. Hepatitis A virus.

2. Salmonella typhi.

3. Salmonella spp.

4. Shigella spp.

5. Entamoeba histolytica.

6. Enterohemorrhagic or shiga toxin producing Escherichia coli.

7. Norovirus.

8. Other communicable diseases that may be transmitted to others through the handling of edible cannabis and cannabis products.

C. The person in charge shall do either of the following:

1. Exclude an employee that handles edible cannabis and cannabis products from a cannabis facility if the employee is diagnosed with an infectious agent specified in this Chapter.

2. Restrict an employee from working with exposed edible cannabis and cannabis products, or cleaning equipment, utensils, and linens in an edible cannabis manufacturing and distributing facility if the employee is suffering from symptoms of an acute gastrointestinal illness.

D. The person in charge may remove a restriction for an employee upon the resolution of symptoms as reported by an employee that handles edible cannabis and cannabis products if the employee states that he or she no longer has any symptoms of an acute gastrointestinal illness.

E. Only the Department shall remove exclusions or restrictions, or both, related to diagnosed illnesses due to infectious agents specified in this Chapter after the Department provides a written clearance stating that the excluded or restricted employee is no longer considered infectious.

(Ord. 2017-0060 § 3, 2017.)

11.37.120 Training Program

A. The cannabis facility operator shall implement a training program to ensure that all employees, including the person in charge, present at the premises are provided information, training, and shall have adequate knowledge of cannabis safety procedures and protocols, which, at minimum, shall include, but not be limited to the following:

1. All cannabis facility employees within 30 calendar days of the start of employment shall be trained in all health and safety hazards, hazards presented by all solvents or chemicals used at the premises as

described in the material safety data sheet for each solvent or chemical. All employees shall review all emergency procedures, security procedures, record keeping requirements, and training requirements.

2. Prior to independently engaging in any commercial cannabis activity, the cannabis facility employee shall be trained on the overview of the cannabis facility operation and all standard operating procedures, all quality control procedures, and all hazard analysis and control procedures as appropriate. The employee shall be trained on the proper and safe usage of equipment or machinery as applicable and safe work practices applicable to an employee's job tasks. This shall include appropriate usage of any necessary safety or sanitary equipment, cleaning and maintenance requirements, and emergency operations, including shutdown procedures, or any additional information reasonably related to an employee's job duties.

3. All cannabis facilities that produce or manufacture edible cannabis products shall ensure that all employees who prepare, handle, or package edible cannabis products successfully complete a food handler course accredited by the American National Standards Institute (ANSI) within 90 days of commencing employment at the premises and again every three years thereafter. Applicable employees shall complete the ANSI-accredited food handler course no later than 90 calendar days after the effective date of the public health permit. The cannabis facility operator shall obtain documentation evidencing the fulfillment of this requirement.

4. The cannabis facility operator shall ensure that all personnel receive annual refresher training to cover, at minimum, the topics listed in this section. This annual refresher training must be completed within 12 months of the previous training completion date.

B. The cannabis facility operator shall maintain a record which contains at minimum, but not limited to:

1. An annual confirmation by the cannabis facility operator that the employee has received and understood all information and training provided in the training program.

2. A list of all employees at the premises, including at minimum, name and job duties of each.

3. Documentation of training topics and dates of training completion for all employees.

4. Training topics and dates of refresher training completion for all employees.

5. The signature of the employee and the cannabis facility operator verifying receipt and understanding of each training or refresher training completed by the employee.

6. Any official documentation attesting to the successful completion of required training by the employee.

C. The cannabis facility operator may assign the responsibility for ensuring compliance by an employee with the requirements of this Chapter to the person in charge. The assigned person in charge must have the education, training, experience, or a combination thereof necessary to ensure the production of clean and safe cannabis and cannabis products by all employees. The designated person in charge shall sign and date a document on an annual basis attesting that the supervisor has received and understood all information and training provided in the training program. This documentation shall be maintained as part of the record requirements.

(Ord. 2017-0060 § 3, 2017.)

Part 4 INSPECTION OF CANNABIS FACILITIES

11.37.130 Inspection.

A. The Department shall have the right to enter a cannabis facility to conduct an inspection during the facility's hours of operation to inspect the premises of the facility and enforce compliance with this Chapter, and applicable State and local public health laws and regulations.

B. Inspections shall consist of at least two unannounced site visits conducted per year by the Department to determine compliance with this Chapter; applicable State public health laws and regulations; and with the requirements of the public health permit issued and any additional investigations conducted in response to complaints received by the Department or other licensing entities, alleging that a cannabis facility is not operating in compliance with the requirements of its public health permit, and to determine compliance with this Chapter and applicable State public health laws and regulations.

C. The person in charge of the cannabis facility shall allow the Department's inspectors access to all areas of the cannabis facility during the cannabis facility's hours of operation to inspect the cannabis facility premises, storage areas, equipment, production, labeling, and packaging processes, and conveyances used in the manufacture, storage, or delivery of cannabis and cannabis products, or any place at which cannabis or cannabis products are sold, cultivated, or stored, or at any site where evidence of activities are allegedly taking place.

D. Inspections shall include review of all pertinent records including, but not limited to, the track and trace system, plans required by the Department, and standard operating procedures. The person in charge of the cannabis facility shall provide records upon request to the Department.

E. The Department shall be granted access to conduct investigations concerning the adulteration and misbranding of cannabis and cannabis products, unpermitted cannabis operations, and overall sanitation of any cannabis facility including the ability to enter and inspect any place where any cannabis or cannabis product is reasonably suspected of being manufactured or held in violation of this Chapter or State or local laws and regulations.

F. When the operator, person in charge, or employee of a cannabis facility fails to fully cooperate with the Department's inspectors and/or investigation by not allowing access to the facility areas and/or records required by this Chapter, that act or omission shall be a violation of this Chapter, and shall subject the cannabis facility to the immediate suspension or revocation of its public health permit.

(Ord. 2017-0060 § 3, 2017.)

11.37.140 Cannabis and Cannabis Product Quality Assurance.

A. The Department or its designee may collect from a cannabis facility samples of cannabis and cannabis product, at no cost to the Department, to verify compliance with the cannabis and cannabis product laboratory testing and labeling requirements from a cannabis facility during the cannabis facility's operational hours without advance notice.

B. The Department may secure any sample or specimen of any cannabis product or ingredients used therein by the cannabis facility and make analyses or examinations of any sample obtained.

C. The Department shall provide the cannabis facility operator with a receipt or documentation of sample(s) collected prior to leaving the premises.

D. A copy of the results of the sample analysis shall be provided to the person in charge of the cannabis facility.

E. The Department may take an enforcement action necessary to protect the health of the public depending on the testing results and analysis of the sample or samples collected at the cannabis facility.

(Ord. 2017-0060 § 3, 2017.)

Part 5 ENFORCEMENT

11.37.150 Public Health Permit Suspension and Revocation.

A. Any cannabis facility public health permit issued to a permittee may be suspended or revoked by the Department for a violation of the requirements of this Chapter or Part 7 of Chapter 8.04, or State and local laws or regulations. Any cannabis facility, or portion of a microbusiness, for which the public health permit has been suspended or revoked shall close and cease doing business and remain closed until the permit has been reinstated or reissued by the Department.

B. Whenever the Department finds that a cannabis facility is not in compliance with the requirements of this Chapter or State and local laws or regulations, a written notice of violation that contains a required compliance date shall be issued to the permittee. If the permittee fails to correct the violation within the specified time, the Department shall issue to the permittee a written notice setting forth the permit violations found by the Department. The notice shall inform the permittee of a right to a compliance review, if requested, to show cause why the permittee's public health permit should not be suspended or revoked. A permittee must make a written request to the Department for a compliance review within 10 calendar days of service of the notice, or correct the violation. A failure to request a compliance review within 10 calendar days after service of the notice shall be deemed a waiver of the right to a compliance review, and may subject the permittee's permit to immediate suspension by the Department.

C. The compliance review shall be held within 15 calendar days of the Department's receipt of the permittee's written request for a compliance review. Upon written request by the permittee, the compliance review officer may postpone any compliance review date, if circumstances warrant such action, or cancel the compliance review if the permittee's violations are corrected as verified by the Department.

D. At the compliance review, the Department's compliance review officer shall hear testimony and read and consider document submissions from the permittee and Department representatives.

E. The compliance review officer shall issue and serve a written decision to the permittee within 15 working days following the compliance review. In the event of suspension or revocation, the decision shall specify the permit violations that were found to exist and/or continue, the extent of the suspension of the permit, and the actions required for correction of the continuing violations. If the permittee's public health permit has been revoked, the decisions shall state the reasons for the revocation.

F. Notwithstanding any other provision of this Chapter, if any immediate danger to the public health or safety is found or is reasonably suspected, unless the danger is immediately corrected, the Department may immediately suspend the permittee's public health permit and order the cannabis facility immediately closed, pending the determination of a compliance review. Immediate danger to the public health or safety shall include any condition, based upon inspection findings or other evidence, that can cause, or is reasonably suspected of causing, infection, illness or disease transmission, or any known or reasonably suspected hazardous condition.

    1. Whenever a public health permit is suspended as the result of an immediate danger to the public health or safety, the Department shall issue to the permittee a notice setting forth the violations that have caused the immediate danger, specifying the sections of this Chapter or State and local laws or regulations, allegedly violated, and informing the permittee of the right to a compliance review.

    2. At any time within 10 calendar days of service of a notice pursuant to subsection G, the permittee may request, in writing, a compliance review before a compliance review officer to show cause why the public health permit suspension is not warranted. The compliance review shall be held within 15

calendar days of the receipt of a request for a compliance review. A failure to request a compliance review within 10 calendar days shall be deemed a waiver of the right to such compliance review.

H. The Department may, after providing opportunity for a compliance review, modify, suspend, or revoke a public health permit for serious or repeated violations of the requirements of this Chapter or State and local laws and regulations, or for interference in the performance of the inspection and investigations duties of the Department.

I. A public health permit may be reinstated, or a new public health permit issued, if the Department determines that conditions which prompted the suspension or revocation no longer exist.

(Ord. 2017-0060 § 3, 2017.)

11.37.160 Recall of Cannabis And Cannabis Products.

A. All cannabis facilities shall establish and implement a written procedure approved by the Department for the recall of cannabis and cannabis products that are determined to be misbranded or adulterated in accordance with the requirements of State and local laws or regulations. Recall procedures shall include, but not limited to:

1. Factors which dictate a recall.

2. Employees responsible for implementing the recall procedures.

3. Notification protocols, including:

a. A mechanism to immediately notify the Department.

b. A mechanism to notify all customers that have, or could have, obtained the product, including communication and outreach via media, as necessary and appropriate.

c. A mechanism to notify any operator of a cannabis facility that was supplied or received the recalled product.

d. Instructions to the general public and/or other cannabis facilities for the return and/or destruction of the recalled product.

4. The person in charge of the cannabis facility shall provide the following information to the Department upon request to assist in the recall investigation:

a. Source of the implicated cannabis or cannabis product.

b. Name, contact information, and State license number of the distributor and manufacturer.

c. Complete distribution list including name, address, and contact information; and product identification information (e.g. batch number, lot number, product coding, etc.).

B. Cannabis or cannabis products that are subject to recall or embargo because they are or are reasonably suspected of being adulterated or misbranded shall include, but are not limited to, the following circumstances:

1. Laboratory testing reports show presence of pesticide residues not permitted for use on cannabis, or a residual of permitted or approved pesticide above that which has been determined as safe in sampled cannabis or cannabis products.

2. Retail cannabis and cannabis product found to have contaminant levels exceeding those established as permissible by the State, which shall be considered to be a failed contaminant test.

3. Use of solvents that were not approved for use.

4. If a test is found to contain levels above those established by the State agency, of any mold, mildew, or filth that could be toxic if consumed.

5. If the THC content of a cannabis product is determined through testing not be homogenous, within the allowable margin of error as established by applicable State regulations, then it shall be considered to have failed potency testing.

6. Cannabis product contains of undeclared allergens.

C. The Department may initiate a recall investigation.

D. When the Department has evidence that any cannabis or cannabis products are adulterated or misbranded, the Department, shall notify the permittee and order the cannabis facility to immediately cease activities related to the manufacturing, sale and distribution of all cannabis and cannabis products that have been identified as being potentially adulterated or misbranded. The Department may, after consultation with the State, order a recall or embargo of any adulterated or misbranded cannabis or cannabis products if the manufacture, distribution, or sale of the product would create or pose an immediate and serious threat to human life or health.

E. Upon confirmation by the Department or other licensing entity that the identified cannabis or cannabis product is adulterated or misbranded, the Department may issue orders to permittees regarding the required movement, segregation, isolation, or destruction of the adulterated or misbranded cannabis and cannabis products, and may order those to be held in place, embargoed, or quarantined. It is unlawful for any person or permittee to move or allow to be moved any cannabis or cannabis products that is subject to an order issued pursuant to this Chapter, unless that person has first obtained written authorization from the Department.

F. The Department shall provide the permittee an opportunity for an informal review proceeding on the matter, as determined by the Department, within five days, on the actions required by the Department's recall order and on why the quarantined or embargoed cannabis or cannabis product should not be recalled. Following the proceeding, the order may be affirmed, modified, or set aside as determined appropriate by the Department.

G. A permittee shall follow its recall procedures for the collection, storage and destruction of any recalled cannabis products. Such procedures shall include, but are not limited to, the following requirements:

1. All recalled cannabis and cannabis products that are intended to be destroyed shall be quarantined for a minimum of 72 hours. The product held in quarantine shall be subject to auditing from the Department.

2. Following the quarantine period, the permittee shall render the recalled cannabis product unusable and unrecognizable, and the rendering shall be recorded on video and maintained by the permittee for inspection by Department or other licensing entities.

3. A permittee shall dispose of chemical, dangerous, or hazardous waste in a manner consistent with Federal, State, and local laws. This requirement shall include, but is not limited to, recalled products containing pesticide or other agricultural chemicals, and flammable solvents or other chemicals used for the purpose of producing manufactured cannabis batches.

4. A permittee shall not dispose of recalled product in an unsecured waste receptacle that is not in the possession and/or control of the permittee.

H. All recalled cannabis and cannabis products shall be separated and stored in a manner that shall prevent the contamination of other cannabis or cannabis products.

I. A permittee shall use the track-and-trace system database and on-site documentation to ensure that recalled cannabis or cannabis products intended for destruction are identified, weighed, and tracked while on the premises and when disposed of in accordance with State law and regulation, and local laws.

(Ord. 2017-0060 § 3, 2017.)

11.37.170 No Conflict With State Law.

This Chapter is not intended to conflict with State law. This Chapter shall be interpreted to be compatible with State enactments and in furtherance of the public health and safety purposes that those enactments encompass.

(Ord. 2017-0060 § 3, 2017.)

11.37.180 No Conflict With Federal Law.

This Chapter is not intended to conflict with federal law or stand as an obstacle or conflict with any efforts made by the federal government to enforce federal laws related to Cannabis related activities.

(Ord. 2017-0060 § 3, 2017.)

11.37.190 Severability.

If any section, subsection, subdivision, clause, sentence, phrase, or portion of this Chapter is held unconstitutional or invalid or unenforceable by any court or tribunal of competent jurisdiction, the remaining sections, subsections, subdivisions, clauses, phrases or portions of this measure shall remain in full force and effect, and to this end the provisions of this Chapter are severable.

(Ord. 2017-0060 § 3, 2017.)

11.37.210 Effective Date.

The requirements of this Chapter shall not take effect in the unincorporated areas of the County of Los Angeles, unless and until the County board of supervisors allows all or certain specified commercial cannabis activities as a zoned permitted use within specified zones within the unincorporated areas of the County of Los Angeles.

(Ord. 2017-0060 § 3, 2017.)

11.37.220 Adoption of Ordinance by Cities.

This ordinance shall be effective within the territorial jurisdiction of each city that incorporates the entirety of this ordinance into its municipal code by adoption or resolution. County shall enforce the provisions of this ordinance only if a city that has incorporated this ordinance into its municipal code, and enters into a service agreement with the County, as approved by the board of supervisors, for public health regulatory services for commercial cannabis activities to be performed by County. Should the contract between the city and County expire or be terminated, neither the County nor the County Health Officer shall have an obligation to enforce this ordinance or public health laws regarding commercial cannabis activities within the territorial limits of that city.

(Ord. 2017-0060 § 3, 2017.)

Chapter 11.38 WATER AND SEWERS[27]

Part 1 DEFINITIONS

11.38.010 Abandoned water well.

"Abandoned water well" means a nonoperating well which is not maintained in conformity with Section 11.38.290 of this chapter.

(Ord. 10075 § 1 (part), 1970; Ord. 9375 § 2 (part), 1967; Ord. 7583 Part 3 Ch. 5 § 504.3, 1959.)

11.38.015 Average Annual Rainfall.

"Average annual rainfall" means the average annual amount of precipitation for a location over a year as measured by the nearest National Weather Service station for the preceding three decades. For example, the data set used to make a determination in 2016 would be between 1981 - 2010.

(Ord. 2018-0037 § 3, 2018.)

11.38.018 Cesspool.

"Cesspool" means an excavation with permeable sides and/or bottom that receives untreated sewage, wastewater, or drainage and is designed to retain organic matter or solids but permits liquids to seep through the bottom or sides.

(Ord. 2018-0037 § 4, 2018.)

11.38.020 Chemical toilet.

"Chemical toilet" means a privy structure constructed over a tank into which human fecal matter or urine is to be deposited, the tank designed to contain a disinfecting or bactericidal chemical solution.

(Ord. 7583 Part 3 Ch. 5 § 531, 1959.)

11.38.025 Covenant.

"Covenant" means a written agreement between the property owner and the Director that runs with the land for the benefit of the County, which is recorded and filed with the Los Angeles County Registrar-Recorder/County Clerk.

(Ord. 2018-0037 § 5, 2018.)

11.38.030 Cross-connection.

"Cross-connection" means any connection, physical or otherwise, between an approved water supply system and any nonapproved water supply system, or any condition, connection or arrangement between any domestic water supply system and any plumbing fixture, or any tank, receptacle, equipment or device through which it may be

possible for nonpotable, used, unclean, polluted or contaminated water or other substance to enter any part of such domestic water system, under any condition.

(Ord. 7583 Part 3 Ch. 5 § 501, 1959.)

11.38.033 Domestic Wastewater.

"Domestic wastewater" means wastewater normally discharged from plumbing fixtures, appliances, and other household devices including toilets, sinks, showers, bathtubs, kitchen sinks, laundry washing machines, dishwashing machines, and garbage disposals. Domestic wastewater includes wastewater normally discharged from commercial buildings such as office buildings, retail stores, and restaurants with a properly sized and functioning grease interceptor where, the wastewater does not exceed nine hundred (900) mg/L Biochemical Oxygen Demand (BOD) or from industrial facilities where domestic wastewater is segregated from industrial wastewater. Domestic wastewater does not include onsite wastewater treatment systems receiving a majority of its wastewater from recreational vehicle (RV) holding tank discharges, such as at RV dump stations.

(Ord. 2018-0037 § 6, 2018.)

11.38.035 Effluent.

"Effluent" means sewage or partially treated sewage flowing out of a septic tank, aerobic treatment unit, dispersal system, or other onsite wastewater treatment system component.

(Ord. 2018-0037 § 7, 2018.)

11.38.040 Electrode well.

"Electrode well" means any artificial excavation in excess of 50 feet deep, constructed by any method for the purpose of installing electrodes or electrical conductors, including, but not limited to, cathodic protection wells and grounding rod wells.

(Ord. 10075 § 1 (part), 1970; Ord. 9375 § 2 (part), 1967; Ord. 7583 Part 3 Ch. 5 § 504.2, 1959.)

11.38.042 Failing Onsite Wastewater Treatment System.

"Failing onsite wastewater treatment system" means a conventional or non-conventional onsite wastewater treatment system that is no longer able to safely treat or discharge wastewater, which may present a health risk to humans or adversely impact the environment. Factors that evidence a failing onsite wastewater treatment system include, but are not limited to:

A. A backup of sewage into a structure which is caused by a septic tank or dispersal system malfunction other than a plumbing line blockage.

B. A discharge of sewage or effluent to the ground surface.

C. A septic tank that requires pumping more than two (2) times within a one hundred eighty (180) day period in order to provide adequate dispersal of sewage.

D. A structural failure that causes effluent to discharge at a location other than where intended or allows groundwater to infiltrate the system.

E. A system affects or will likely affect groundwater or surface water to a degree that makes the water unfit for drinking or other domestic uses or causes a human health hazard or other public nuisance condition.

F. Inability to use the onsite wastewater treatment system as intended.

(Ord. 2018-0037 § 8, 2018.)

11.38.044 Feasibility Report.

"Feasibility report" means the documents, test results, and geological reports required to be prepared and submitted to the Director in order to demonstrate the feasibility of installing an onsite wastewater treatment system or a non-conventional onsite wastewater treatment system, including the entirety of any future expansion area.

(Ord. 2018-0037 § 9, 2018.)

11.38.046 Future Expansion Area.

"Future expansion area" means an area designated and tested as the location for an additional dispersal system capable of handling one hundred (100) percent of the wastewater from the onsite wastewater treatment system once the original dispersal system fails.

(Ord. 2018-0037 § 10, 2018.)

11.38.048 Groundwater.

"Groundwater" means water located below the land surface in the saturated zone of the soil or rock. Groundwater includes perched water tables, shallow water tables, and zones that are seasonally or permanently saturated.

(Ord. 2018-0037 § 11, 2018.)

11.38.050 Health hazard.

"Health hazard" means any faulty operating condition, water treatment practice or method of distribution which creates, or may create, a danger to the well-being of any consumer.

(Ord. 7583 Part 3 Ch. 5 § 502, 1959.)

11.38.052 Impaired Water Body.

"Impaired water body" means those surface water bodies or segments thereof that are identified on a list approved first by the State Water Resources Control Board and then approved by the U.S. Environmental Protection Agency (EPA) pursuant to Section 303(d) of the Federal Clean Water Act.

(Ord. 2018-0037 § 12, 2018.)

11.38.055 Non-Conventional Onsite Wastewater Treatment System (NOWTS).

"Non-conventional onsite wastewater treatment system" or (NOWTS) means an onsite wastewater treatment system that utilizes, in addition to the septic tank, one (1) or more supplemental treatment components and may include an alternative dispersal system. Supplemental treatment may include systems to reduce the nitrogen concentration of the effluent, provide disinfection of the effluent, or both.

(Ord. 2018-0037 § 13, 2018.)

11.38.060 Nonactive water well.

"Nonactive water well" is one which is not in active use, but which is maintained in conformance with the provisions of Section 11.38.290 of this chapter.

(Ord. 9375 § 2 (part), 1967; Ord. 7583 Part 3 Ch. 5 § 504.4, 1959.)

11.38.070 Nonconforming electrode well.

"Nonconforming electrode well" means one which, as of October 2, 1970, the effective date of the ordinance codified in this section, has not been constructed in conformance with Section 11.38.240, or is not maintained in conformance with Section 11.38.290 of this chapter.

(Ord. 10075 § 2 (part), 1970; Ord. 7583 Part 3 Ch. 5 § 504.5, 1959.)

11.38.075 Onsite Wastewater Treatment System (OWTS).

"Onsite wastewater treatment system" or (OWTS) means a sewage disposal system consisting of a wastewater holding tank and a method to dispose of treated effluent below the ground surface. The term OWTS refers to both conventional and non-conventional onsite wastewater treatment systems.

(Ord. 2018-0037 § 14, 2018.)

11.38.078 OWTS Requirements and Procedures.

"OWTS requirements and procedures" means the required standards and procedures promulgated by the Director for the installation, operation, and discharge of effluent by conventional and non-conventional OWTS.

(Ord. 2018-0037 § 15, 2018.)

11.38.080 Privy Structure.

"Privy structure" means a room or compartment constructed over a water tight vault or tank, into which human fecal matter or urine is to be deposited.

(Ord. 2018-0037 § 16, 2018; Ord. 7583 Part 3 Ch. 5 § 530, 1959.)

11.38.090 Sanitary defect.

"Sanitary defect" means any faulty structural condition, whether of location, design or construction of collection facilities, treatment works or distribution works, which may regularly or occasionally prevent satisfactory purification of the water supply, or cause it to be contaminated or polluted.

(Ord. 7583 Part 3 Ch. 5 § 503, 1959.)

11.38.092 Seepage Pit.

"Seepage pit" means an excavation at least ten (10) feet deep and three (3) to six (6) feet in diameter, typically cylindrical in shape with six (6) inches of rock between the pit wall and a concrete or brick liner, constructed for the purpose of disposing of sewage effluent from a septic tank or treatment tank.

(Ord. 2018-0037 § 17, 2018.)

11.38.094 Septic Tank.

"Septic tank" means a water tight, compartmentalized, covered receptacle designed for primary treatment of wastewater and constructed to:

A. Receive wastewater discharged from a building.

B. Separate settleable solids from liquid.

C. Digest organic matter by anaerobic bacterial action.

D. Store digested solids.

E. Clarify wastewater for further treatment with final subsurface discharge.

(Ord. 2018-0037 § 18, 2018.)

11.38.096 Sewage.

"Sewage" means waste substance, liquid or solid, which contains or may contain human or animal excreta or excrement.

(Ord. 2018-0037 § 19, 2018.)

11.38.098 Telemetric Monitoring.

"Telemetric monitoring" means the ability to automatically measure and transmit OWTS data by wire, radio, or other means.

(Ord. 2018-0037 § 20, 2018.)

11.38.100 Toilet room and toilet facilities.

"Toilet room" means a room in which is located at least a water flush toilet. "Toilet facilities" means and includes water flush toilet, chemical toilets, pit privies and any other type of toilet.

(Ord. 7583 Part 3 Ch. 5 § 529, 1959.)

11.38.110 Water supply system.

"Water supply system" means and includes the works and auxiliaries for collection, storage, treatment and distribution of water from the source to the free-flowing outlet of the ultimate consumer.

(Ord. 7583 Part 3 Ch. 5 § 504, 1959.)

11.38.120 Water well.

"Water well" means any drilled, excavated, jetted or otherwise constructed excavation which is used or intended to be used to extract water from or inject water into the underground for any purpose, or to observe or test underground waters. This definition shall not include:

A. Saltwater wells;

B. Wells under the jurisdiction of the state of California, Division of Oil and Gas, except those wells converted to use as water wells; or

C. Wells used for the purpose of dewatering excavation during construction, or stabilizing hillsides or earth embankments.

(Ord. 10075 § 1 (part), 1970; Ord. 9375 § 2 (part), 1967; Ord. 7583 Part 3 Ch. 5 § 504.1, 1959.)

Part 2 WATER AND WATER WELLS

11.38.130 Domestic water—Sanitation standards designated.

Every person supplying water for domestic or human consumption shall supply the water free from contamination or pollution so as to comply with the bacteriological drinking water standards as set forth in the United States Public Health Service Drinking Water Standards.

(Ord. 7583 Part 3 Ch. 5 § 507, 1959.)

11.38.140 Water supply—Permit or other compliance required.

It is unlawful for any person to supply water from a newly constructed water system, or from a newly constructed portion of a water system, without valid permits as may be required by the director therefor, or until such construction complies with all of the provisions of this Division 1.

(Ord. 7583 Part 3 Ch. 5 § 508, 1959.)

11.38.150 Permit—Well construction.

A. No person shall drill, dig, bore, deepen or excavate any well, or destroy an existing well, without first making application and securing a well construction permit from the director.

B. No person shall convert any industrial, oil or irrigation well for use as a domestic water well, without first making application and securing a well construction permit from the director.

(Ord. 2005-0053 § 7, 2005; Ord. 11992 § 2, 1979; Ord. 10075 § 1 (part), 1970; Ord. 9375 § 1 (part), 1967; Ord. 7583 Part 3 Ch. 5 § 523, 1959.)

11.38.155 Permit—Well yield test.

No person shall perform a well yield test for the purpose of establishing water availability for residential and commercial development without first making application and securing a well yield test permit from the director.

(Ord. 2005-0053 § 8, 2005.)

11.38.160 Well construction permit—Application and issuance conditions.

A. Applications for a well construction permit, as described in Section 11.38.150, shall be made on forms provided for that purpose by the director. All applicable fees, as provided for in Chapter 8.04 of Title 8, shall be paid at the time of application.

B. The application shall include the name and address of the well owner and the well driller, the location of the proposed or existing well, a workplan that details the type of casing, the manner of sealing the casing, the method of destruction, where applicable and any other data required by the director.

C. Upon receipt of an application, the director shall make an investigation. If the applicant has complied with all applicable laws and regulations, and the drilling, digging, boring, excavating, converting, destruction or design of the well will not create a condition which, in the opinion of the director, can pollute or contaminate the underground water or the water produced by the well, the director shall approve the workplan. A workplan approval remains valid for 180 days from the date of issuance.

D. The well driller shall provide notification to the director at least two business days prior to the placement of the sanitary seal.

E. Upon witnessing the placement of the annular seal for a new well or the final decommissioning seal, and all other requirements being met, the director shall approve the final inspection.

F. When the director has received a copy of the well completion report, as defined in Section 13751 of the California Water Code, the director shall issue a well construction permit.

(Ord. 2005-0053 § 9, 2005; Ord. 11992 § 4, 1979; Ord. 10075 § 1 (part), 1970; Ord. 9375 § 2 (part), 1967; Ord. 7583 Part 3 Ch. 5 § 523.2, 1959.)

11.38.165 Well yield permit—Application and issuance conditions.

A. Applications for well yield testing permit as described in 11.38.155 shall be made on forms provided for that purpose by the director. All applicable fees, as provided for in Chapter 8.04 of Title 8 shall be paid at the time of application.

B. The application shall include the name and address of the well owner and the well driller, and the name of the well yield tester, the location of the proposed or existing well, the type of casing, the manner of sealing the casing, and any other data required by the director.

C. When the well yield test has been completed to the satisfaction of the director and documentation of laboratory analysis showing that the water quality meets the primary bacteriological and chemical requirements of the Safe Drinking Water Standards, is provided to the department, a water availability approval shall be issued by the director for the purpose of obtaining a building permit. Well yield test results are valid for three (3) years from the date of approval.

(Ord. 2005-0053 § 10, 2005.)

11.38.170 Permit—Scope of work authorized—Suspension or revocation conditions.

A permit shall be valid only for the location described on the permit. Construction, reconstruction or destruction of a well shall be carried out in compliance with all applicable regulations and requirements of the director of public health and with all ordinances and laws of the county of Los Angeles and of the state of California, and shall comply with the terms and conditions specified in the permit. If any of such conditions, regulations, ordinances or

laws are not complied with, the director of public health may suspend or revoke the permit by mailing or personally serving written notice of suspension or revocation upon the applicant.

(Ord. 2006-0040 § 103, 2006; Ord. 10075 § 1 (part), 1970; Ord. 9375 § 2 (part), 1967; Ord. 7583 Part 3 Ch. 5 § 523.3, 1959.)

11.38.180 Permit—Hearings following denial, suspension or revocation.

Any person whose application for a permit has been denied, or whose permit has been suspended or revoked, may petition the director for a hearing. Such petition shall be in writing, signed by the applicant, and shall set forth in detail the facts and reasons upon which his petition is based. The time limit within which the petition must be filed is 20 business days following the date on which the notice of denial, suspension or revocation was mailed to the applicant. Notice of the time and place of the hearing shall be given to the applicant not less than five business days prior to such hearing, either by registered mail or in the manner required for the service of summons in civil actions. At the time and place set for the hearing, the director will give the applicant and other interested persons an adequate opportunity to present any relevant facts. The director may place any person involved in the matter, including the applicant, under oath. The director may, when he deems it necessary, continue any hearing by setting a new time and place and by giving notice to the applicant of such action. At the close of the hearing, or at any time within 10 days thereafter, the director will order such disposition of the application or permit as he has determined to be proper, and will make such disposition known to the applicant.

(Ord. 10075 § 2 (part), 1970; Ord. 7583 Part 3 Ch. 5 § 523.4, 1959.)

11.38.190 Wells—Location restrictions concerning contamination.

It is unlawful for any person to drill, dig, excavate or bore any water well in any location in which sources of pollution or contamination are known to exist, or at such location whereby such water may become contaminated or polluted when the well is properly constructed and maintained.

(Ord. 9375 § 1 (part), 1967; Ord. 7583 Part 3 Ch. 5 § 516, 1959.)

11.38.200 Wells—Location restrictions concerning flooding.

It is unlawful for a person to drill, dig, excavate or bore a water well in any location which is subject to flooding or inundation, unless it is protected from flooding or inundation and the location and method of protection approved by the director.

(Ord. 7583 Part 3 Ch. 5 § 518, 1959.)

11.38.210 Wells—Location restrictions concerning sewage disposal and animal keeping areas.

A. It is unlawful for a person to drill, dig, excavate or bore a water well within 100 feet of a seepage pit or cesspool, within 50 feet of a sewage disposal field, a private or public sewer, privy, or place where animals or fowl are kept. Where special hazards are involved, the distance required may be increased or special construction required, as may be directed by the director.

B. Where perforations or screens are located at or over 100 feet below the ground surface and where sealed and maintained in accordance with Section 11.38.290 of this chapter, or in such other circumstances as he determines lesser distances will not subject the water to contamination or pollution, the director may authorize lesser distances than those specified in this section.

(Ord. 9375 § 1 (part), 1967; Ord. 7583 Part 3 Ch. 5 § 517, 1959.)

11.38.220 Existing wells—New well requirements applicable when.

A. All water wells used to supply domestic water shall conform to the requirements of a new water well, except the director may accept substitute methods when he finds it is impractical to fully meet such requirements and if he determines the substitute methods satisfactorily accomplish the intended purpose.

B. Existing wells shall meet requirements for new wells regarding protection from flooding or contamination, or such protection which the director determines to be equivalent.

(Ord. 9375 § 1 (part), 1967; Ord. 7583 Part 3 Ch. 5 § 525, 1959.)

11.38.230 Construction of wells—Casing specifications.

A. All water wells drilled, dug, or bored after August 11, 1967, shall have a durable, watertight casing, which shall extend to a depth that will exclude contamination or pollution by surface drainage and undesirable groundwater, and extend at least 18 inches above the surrounding natural ground level at the well site after drilling and until the pump is permanently mounted.

B. All gravel-packed wells shall have an outside, watertight casing meeting the requirements of subsection A of this section. The top of the space between the outer and inner casings shall be closed or sealed to exclude surface drainage. The space between the outer easing and the drill hole shall be sealed as required by Section 11.38.280 of this chapter. When an additional pipe is provided for a "gravel chute," the top thereof shall extend above the floor or ground level, and be fitted with a tight cap or lid, unless in a locked room or an enclosure which is locked, bolted or screwed on tightly.

(Ord. 9375 § 1 (part), 1967; Ord. 7583 Part 3 Ch. 5 § 520, 1959.)

11.38.240 Electrode wells—Construction specifications.

All electrode wells constructed after October 2, 1970, shall be constructed to the satisfaction of the director in such a manner as to exclude contamination or pollution of any usable underground water.

(Ord. 10075 § 1 (part), 1970; Ord. 7583 Part 3 Ch. 5 § 520.1, 1959.)

11.38.250 Construction of wells—Slab, pedestal and curtain wall requirements—Exemptions.

All water wells drilled, dug, excavated, or bored after August 11, 1967, shall be provided with:

A. A watertight, reinforced-concrete slab of a minimum thickness of six inches shall extend horizontally at least three feet from the well casing in all directions. The concrete slab shall adequately slope so as to drain water away from the well casing. The top surface of the slab at its outer edge shall be at least four inches above the surrounding ground level. This slab need not be provided, or the size and method of construction thereof may be modified, when the protection intended by this requirement or the exception of subsection D of this section is provided by an alternate method approved by the director.

B. For pumps or pump motors installed above the well casing, the pump or motor shall be mounted on a concrete pedestal constructed around the well casing and sealed thereto, the top of which is at least eight inches above the finished grade at the well site and at least four inches above the slab surrounding such well.

C. The pedestal and slab (and curtain wall, if required to protect an existing well) shall be poured monolithically, or otherwise constructed as approved by the director, to effectively prevent leakage between the pedestal and the slab.

D. Exemptions. Means or methods other than those specified in subsections B or C of this section may be used to provide the required protection when the director determines such alternates are necessary and that they provide equivalent protection. A submersible-type pump may be installed with subsurface discharge and access when all subsurface entrances to the well or casing, other than into the aquifer, are effectively sealed, the enclosure is designed and constructed to exclude surface water or drainage, the area around the casing is provided with effective drainage, and other protective features are provided which the director determines will effectively prevent contamination or pollution from entering the well or the aquifer.

(Ord. 9375 § 1 (part), 1967; Ord. 7583 Part 3 Ch. 5 § 521, 1959.)

11.38.255 Wells—Shared wells.

Any well intended to be shared with one to three residences other than the primary residence, shall demonstrate a safety factor in well capacity to the satisfaction of the director.

(Ord. 2005-0053 § 11, 2005.)

11.38.270 Domestic water—Disinfection procedures and standards.

Every new, repaired or reconstructed domestic water well, after completion of construction, repair or reconstruction, and before being placed in service, shall be thoroughly cleaned of all foreign substances. The well, including the gravel used in gravel-packed wells, the pump, and all portions of equipment coming in contact with well water, shall be disinfected with a solution containing at least 50 parts per million available chlorine, which shall remain in the well for a period of at least 24 hours, or by an equivalent method of disinfection satisfactory to the director, and such procedure shall be repeated, as necessary, to produce water meeting bacteriological standards as set forth in State Drinking Water Standards. No well water from a new or reconstructed well shall be used for domestic purposes until the water meets such bacteriological and chemical requirements.

(Ord. 2005-0053 § 13, 2005; Ord. 10075 § 1 (part), 1970; Ord. 8588 § 2 (part), 1964; Ord. 7583 Part 3 Ch. 5 § 525.1, 1959.)

11.38.275 Well yield testing—Authorized tester.

Well yield testing to determine an adequate and sustainable source of water shall be performed by a California Registered Geologist, or a California Registered Engineer or class A General Engineering Contractor, or C-57, or C-61 (D-21) license issued by the State of California.

(Ord. 2005-0053 § 14, 2005.)

11.38.280 Domestic water—Sealing required.

All domestic water wells and springs shall be sealed with concrete or other impervious material so as to protect against surface or subsurface contamination or pollution.

(Ord. 9375 § 1 (part), 1967; Ord. 7583 Part 3 Ch. 5 § 513, 1959.)

11.38.285 Wells—Well seal inspection required.

No person shall pour the sanitary seal of the annular space between the casing and the borehole wall unless the director is present to witness the placement of sealing material.

(Ord. 2005-0053 § 15, 2005.)

11.38.290 Wells—Sealing required when.

All water wells and electrode wells shall be kept sealed and maintained in a manner that will prevent the entrance of pump leakage, surface drainage, or any other contamination or pollution into the well or the aquifer, except that nonconforming electrode wells need not comply with this section until such time as the electrode is expended, or the well is reconstructed, or the well is no longer being used for its intended purpose, unless, in the judgment of the director, such exception constitutes a threat to the quality of an aquifer.

(Ord. 10075 § 1 (part), 1970; Ord. 9375 § 1 (part), 1967; Ord. 7583 Part 3 Ch. 5 § 519, 1959.)

11.38.295 Wells—Depth of seal required.

The annular seal of all new or reconstructed wells shall extend a minimum of 50 feet below grade, or a greater amount, if in the judgment of the director, such additional depth is necessary to prevent ground water contamination.

(Ord. 2005-0053 § 16, 2005.)

11.38.300 Domestic water—Apparatus for disinfection and venting.

All domestic water wells shall be provided with a pipe or other effective means through which chlorine or other disinfecting agents may be introduced directly into the well. The pipe, if provided, shall be extended to a height equal to the pump pedestal or at least eight inches above the finish grade, shall be kept sealed, and shall be provided with a threaded or equivalently secure cap. Equivalent protection for excluding contamination from the well shall be provided for subsurface-pump discharge installations. If an air-relief vent is used, it shall terminate downward and be screened and protected against the possibility of contaminating material entering the vent.

(Ord. 9375 § 1 (part), 1967; Ord. 7583 Part 3 Ch. 5 § 522, 1959.)

11.38.310 Wells—Discharge lines.

All pump discharge lines shall leave the well at a higher elevation than the top of the casing.

(Ord. 7583 Part 3 Ch. 5 § 526, 1959.)

11.38.320 Log requirements.

Any person who has drilled, dug, excavated or bored a water well shall, within 30 days after completion of the drillings, digging, excavating or boring of such water well, furnish the director with a complete log of such water well. This log shall include the type of casing, the depth of the well, the number and location of the perforations in the casing, and any other data required by the director. A copy of the log providing such information submitted to state agencies shall satisfy this requirement.

(Ord. 9375 § 1 (part), 1967; Ord. 7583 Part 3 Ch. 5 § 515, 1959.)

11.38.330 Destruction of water wells.

All water wells, unless made to comply with Sections 11.38.280 and 11.38.290 of this chapter, shall be destroyed to the satisfaction of the director by filling with cement grout, puddled clay or similar impervious material as approved by the director, to thoroughly seal the well, including all voids, annular spaces, gravel envelopes, or other spaces, as necessary to protect the aquifer.

(Ord. 10075 § 1 (part), 1970; Ord. 7583 Part 3 Ch. 5 § 524, 1959.)

11.38.340 Destruction of electrode wells.

All electrode wells, unless in compliance with Section 11.38.240 of this chapter, shall be destroyed to the satisfaction of the director, in such a manner as to exclude contamination or pollution of any usable underground water.

(Ord. 10075 § 2 (part), 1970; Ord. 7583 Part 3 Ch. 5 § 524.1, 1959.)

11.38.350 Inlets from public water supply—Backflow prevention restrictions.

No person shall install or allow to exist any inlet discharging water from a public water supply to be used for domestic or human consumption or industrial purposes in or into any tank, cistern, reservoir or receptacle for storage or use of water on the consumer's premises unless such inlet discharges such water at a height at least double the diameter of the inlet pipe above the maximum possible high-water level of such tank, cistern, reservoir or other receptacle for the storage or use of water, or unless such inlet is equipped with an approved backflow preventer. A backflow preventer is a device or means to prevent backflow into the potable water system.

(Ord. 7583 Part 3 Ch. 5 § 512, 1959.)

11.38.360 Pipelines—Disinfection procedures.

Every new water main and every repaired section of an existing water main must be cleared of coliform bacteria by the proper application of chlorine in sufficient quantities to give a minimum of 50 parts per million of available chlorine. The new or repaired pipe shall be thoroughly flushed before and after chlorination. If the first application of chlorine is not sufficient, the procedure shall be repeated until the water will meet the standards set forth in the United States Public Health Service Drinking Water Standards. Means or methods providing equivalent treatment may be used if approved by the director.

(Ord. 10075 § 1 (part), 1970; Ord. 7583 Part 3 Ch. 5 § 509, 1959.)

11.38.370 Domestic water—Reservoirs and tanks—Protection from contamination.

A. Durable protection and substantial covers shall be provided and maintained for each reservoir, tank, cistern, standpipe or other structure used for distribution or storage of domestic water. Covers shall be watertight, and shall be constructed so as to provide drainage away from the structure. All openings for ventilation shall be screened with corrosion-resistant screen not coarser than one-fourth-inch mesh to exclude rodents and birds, or with 16-mesh screen when such screen is necessary to control mosquito or insect breeding in such reservoir. All manholes shall be constructed with curbs raised above the surrounding surface, and installed in a manner to prevent roof or surface drainage from entering the structure. When it is determined by the

director that it is impractical, due to size, shape or other unusual conditions, to provide and maintain a cover as provided for in this section, adequate treatment and protection of the water shall be provided as required and approved by the director.

B. Any reservoir, standpipe, cistern, forebay, tank, weir box, receptacle, or any other form of installation used for the production, distribution or storage of any domestic water supply or water used for human consumption, shall be securely protected against pollution or contamination.

(Ord. 9375 § 1 (part), 1967; Ord. 7583 Part 3 Ch. 5 § 514, 1959.)

11.38.380 Cross-connections—Prohibited.

It is unlawful for any person to have, keep, maintain, install or allow the existence of a cross-connection.

(Ord. 7583 Part 3 Ch. 5 § 527, 1959.)

11.38.390 Cross-connections—Corrections to comply with Building Code.

Any device, fixture or equipment installed for the purpose of eliminating a cross-connection shall be of a type in compliance with and installed in accordance with the Building Code. (See Title 26 of the Los Angeles County Code.)

(Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 5 § 528, 1959.)

11.38.400 Sanitary defects and health hazards—Prohibited when.

All domestic water supply systems shall be constructed and maintained free from sanitary defects and health hazards.

(Ord. 7583 Part 3 Ch. 5 § 505, 1959.)

11.38.410 Sanitary defects and health hazards—Correction.

When it is determined by the director that a sanitary defect or a health hazard exists, the director may order whatever steps he deems necessary to insure the safety of the water supply for the protection of the public health.

(Ord. 7583 Part 3 Ch. 5 § 506, 1959.)

11.38.420 Equipment or chemicals that may cause pollution—Sale and use restrictions.

No person shall advertise, sell or offer for use or sale any water-treating chemical or substance, water-using or water-operated equipment, mechanism or contrivance, which may cause contamination or pollution of the domestic water supply. Such devices may be permitted when equipped with backflow protection devices meeting the requirements of the Building Code.

(Ord. 8588 § 2 (part), 1964; Ord. 7583 Part 3 Ch. 5 § 528.1, 1959.)

11.38.430 Chlorination—Required when—Procedures.

Upon notice by the director to the owner or operator of a water supply system, such owner or operator shall thoroughly cleanse and chlorinate any reservoir, tank, well, spring or pipe used in the production, distribution or storage of any domestic water or water used for human consumption, as directed by the director, to insure the

safety of the water. When chemical disinfection is employed, the dosage or rates of application shall at all times be sufficient to provide adequately disinfected water at all points of the distribution system. The director may order continuous automatic disinfection for any water supply when, in his opinion, such treatment is necessary for the protection of the public health.

(Ord. 7583 Part 3 Ch. 5 § 510, 1959.)

11.38.440 Chlorination—Recordkeeping and testing.

All suppliers of domestic water, when required by the director to use continuous chlorination, shall add chlorine in sufficient quantity to insure the bacteriological safety of the water at all points in the distribution system. A free-chlorine residual shall be maintained at all times at sampling points approved by the director. Routine chlorine residual tests shall be made daily, and permanent records kept of such tests. Copies of the records shall be furnished the director upon request.

(Ord. 7583 Part 3 Ch. 5 § 511, 1959.)

Part 3 PRIVIES, CHEMICAL TOILETS, CESSPOOLS, AND TOILET FACILITIES[2]

11.38.450 Reserved.

11.38.460 Reserved.

11.38.470 Reserved.

11.38.480 Backflow prevention devices.

A. Qualified Testers. No person shall test and make reports on backflow prevention devices as required in Title 17 of the California Code of Regulations unless he has a certificate of competence issued by the director. The director may conduct examinations to determine the competency of any person desiring to test and make reports on backflow prevention devices for the purpose of complying with the requirements of Title 17 of the California Code of Regulations. Those persons who have been determined by the director to be competent shall receive from the director a certificate of competence. It is unlawful for any person to maintain a backflow prevention device unless it is tested at least annually.

B. Test Required. Backflow prevention devices which have been installed to meet the requirements of Title 17 of the California Code of Regulations shall be tested at least once each calendar year by a person having received a certificate of competence from the director. Records of such tests shall be filed with the director within 30 days after such tests, upon forms provided by the director.

C. Devices in Good Repair. It is unlawful to use any backflow prevention device installed to meet the requirements of Title 17 of the California Code of Regulations unless it is in good repair. Devices which are defective shall be repaired and tested immediately upon being put into use, and a report of such shall be filed with the director within 30 days after such test.

[2]Ord. 2021-0062 § 3, adopted Nov. 30, 2021, amended the title of Ch. 11.38, Part 3, to read as herein set out. The former part was entitled "Privies, Chemical Toilets, and Cesspools."

D. Director may distribute to the public a list of those persons certified under paragraph A. above and may charge $159.00 for inclusion on such list.

(Ord. 2006-0040 § 105, 2006; Ord. 93-0055 § 14, 1993; Ord. 8588 § 2 (part), 1964; Ord. 7583 Part 3 Ch. 5 § 528.2, 1959.)

11.38.490 Privies—Location Restrictions.

A privy or privy structure shall only be installed in remote public or private recreation areas, where there is no running water or practical means of sewage disposal. Privies shall only be permitted to be installed where they are accessible for servicing by a seepage/sewage pumping vehicle. A privy or privy structure shall not be in close proximity of any food establishments of any kind or character. A privy or privy structure shall not be associated with any residential dwelling. When determined by the Director that necessity for permitted privy or privy structure no longer exists, the Director may revoke the permit. No person shall continue to maintain a privy after the permit for maintenance thereof has been revoked. Whenever any privy or privy structure is to be abandoned or no longer in service, notification shall be provided to the Director, and destruction of the privy or privy structure shall be accomplished in a manner approved by the Director.

(Ord. 2018-0037 § 25, 2018; Ord. 7583 Part 3 Ch. 5 § 537, 1959.)

11.38.500 Privies—Construction Specifications.

It is unlawful to erect or maintain a privy unless a suitable shelter is provided to afford privacy and protection from the elements. The openings of such structure shall be enclosed by metal mosquito-screening. The door thereof shall be so constructed as to close automatically by means of a spring or other device.

The construction of the privy structure shall be such as to exclude all rodents, flies and other insects from the tank or vault. The privy structure shall be maintained in good repair, in a clean and sanitary condition, and free from flies, other insects and rodents, and shall be properly ventilated. The tank or vault where waste is held shall be made of a water tight material and all seams or joints shall be water tight. The privy structure over the tank or vault shall completely cover the tank or vault and shall be mounted on a cement or masonry foundation at least four (4) inches wide and extending at least six (6) inches above and twelve (12) inches below ground level. The tank or vault shall be at least four (4) feet deep and shall be provided with a vent at least six (6) inches in cross-Sectional dimension, extending from the pit to a point higher than the highest point of the roof. Such vent shall be effectively screened. There shall be an access port to allow cleaning of the tank or vault by a sewage cleaning and carrying vehicle.

(Ord. 2018-0037 § 26, 2018; Ord. 8588 § 1 (part), 1964; Ord. 7583 Part 3 Ch. 5 § 535, 1959.)

11.38.510 Privies—Maintenance.

The tank or vault of a privy shall not be permitted to become filled with excreta nearer than two (2) feet from the surface of the ground. The content of the privy shall be pumped out as needed by a seepage/sewage pumping vehicle permitted by the Director.

(Ord. 2018-0037 § 27, 2018; Ord. 7583 Part 3 Ch. 5 § 536, 1959.)

11.38.520 Earthen Pit Privies and Cesspools—Construction Prohibited.

The construction of new earthen pit privies and cesspools is prohibited. An earthen pit privy currently in existence may continue to be used until it is determined that the cesspool has failed, is contaminating groundwater, or a building permit is issued to modify the residential structure served by the earthen pit privy.

(Ord. 2018-0037 § 28, 2018; Ord. 7583 Part 3 Ch. 5 § 534, 1959.)

11.38.530 Privies—Contamination of Water Prohibited.

It is unlawful for any person to construct, maintain or keep a privy in any location in which it may contaminate or pollute any stream, channel, pond, lake, reservoir or any source of water. In no case shall a privy be constructed, maintained, or kept less than one hundred (100) feet from any stream, water channel, spring, or well, and two hundred (200) feet from any pond, lake, reservoir or infiltration gallery.

(Ord. 2018-0037 § 29, 2018; Ord. 7583 Part 3 Ch. 5 § 538, 1959.)

11.38.535 Chemical Toilets.

Chemical toilets are intended to serve non-residential, limited use activities, such as field labor operations, special events, and temporary construction sites where connection to the sewer or construction of an OWTS is not practicable. Except for those activities covered under California Occupational Health and Safety requirements or businesses permitted by the Department of Regional Planning to operate under electric transmission lines, the use of chemical toilets at a location for over three (3) days requires a public health permit.

(Ord. 2018-0037 § 30, 2018.)

11.38.540 Chemical toilets—Construction and maintenance.

It is unlawful to erect or maintain a chemical toilet unless it complies with the following:

A. Chemical toilets shall have a suitable structure to afford privacy and protection from the elements, and be constructed to exclude all rodents, flies and other insects. All openings of the structure to the outside shall be enclosed with metal mosquito-screening. The door shall be constructed as to be self-closing. A vent or window shall be provided for light during daylight hours. Artificial light shall be provided when the chemical toilets is to be used at night.

B. The walls and ceilings of the structure shall be reasonably smooth and well painted in a light color, and be capable of withstanding repeated washing and scrubbing.

C. Chemical-toilet storage tanks shall be enclosed within the structure, properly vented, watertight, and in good repair.

D. The toilet seat shall be a commercial, split-front type, oval in shape, with a smooth, impervious surface, and installed so as to be easily cleaned. The seat shall be centered over the hole to prevent the deposition of fecal matter on sides of the drop tube. The drop tube shall have sides that are installed vertically or flared out at the connection to the tank.

E. The metal drop tube beneath the toilet seat shall follow the shape of the toilet seat and fit smoothly into the top of the tank enclosure. It shall have a noncorrosive surface. There shall be no cracks or rough edges around this opening or in the entire bench. Circular openings shall be permitted only if their diameter is at least equal to the largest dimension of the toilet seat opening.

F. The maximum distance between the inside edge of the opening between the toilet seat and the front of the tank enclosure shall be two inches.

G. All structures intended for male use shall contain a urinal located at least 20 inches from the toilet seat openings. The urinal shall be made from durable, noncorrosive, impervious material finished with smooth surfaces and proper slopes so that it is easily cleaned and readily drains. A splash board of similar material at least eight inches higher than the overflow rim shall be provided. Hoses or pipes used to drain urinals shall be a minimum of one inch inside diameter, shall be securely attached, and shall be constructed of a noncorrosive, watertight, easily cleanable material. The urinal shall be designed to minimize splashing.

H. The toilet structure shall be adequately ventilated with openings screened with 16-mesh screen or equal. These ventilation openings shall contain at least four square feet of total area.

I. The chemical toilet structure shall be sufficiently large to provide adequate space for the users, with the minimum width or depth equal to three feet, six inches.

J. Each chemical toilet structure shall have painted thereon, in clear letters at least three inches in height, the name of the owner and the company number of the unit.

K. A suitable device for holding toilet paper shall be provided.

L. The interior of the structure and tanks shall be cleaned at least once a week while the units are in use and more frequently when necessary to maintain them in a clean and odorfree condition.

M. Toilet paper shall be available at all times.

N. After cleaning, there shall be placed in the tank a solution of a type which effectively controls odors. When initially filled, and at all times when in use, the tank shall contain sufficient solution to cover all solids accumulated and to prevent fly breeding.

O. Sewage from chemical toilets shall be disposed of only in a sanitary sewer system approved by the director.

P. Whenever chemical toilets are returned after a job, the interior shall be thoroughly cleaned and repainted when necessary.

Q. A chemical toilet shall be located at least four feet from a property line, at least 20 feet from the nearest occupied residence, and at least 10 feet from a street or public sidewalk.

R. A chemical toilet shall be kept clean and in good repair at all times.

(Ord. 8588 § 2 (part), 1964; Ord. 7583 Part 3 Ch. 5 § 535.1, 1959.)

11.38.550 Toilets at construction sites.

There shall be not less than one toilet facility for each multiple of 20 employees, or fractional part thereof, work at a construction job site. for the purpose of this section, the term "construction site" shall mean the location on which actual construction of a building, structure, or facility, is in progress.

(Ord. 7583 Part 3 Ch. 5 § 539, 1959.)

11.38.560 Public washrooms, toilet facilities, showers, and baths.

Every person maintaining a privy structure, toilet room, washroom, bath or shower room for the use of his employees, or the public, shall at all times keep the floors, walls, ceilings, toilet facilities, urinals, lavatories and other equipment therein in good repair and free from dirt, filth and corrosion. All baths, showers, lavatories and urinals, except urinals constructed in connection with a privy, shall be adequately supplied with running water.

Rooms used for such facilities shall be well ventilated and lighted. All lavatories shall be kept supplied with soap and individual towels with a receptacle for their disposal. All toilet facilities shall be kept supplied with toilet paper. In connection with every public toilet hereafter erected, there shall be maintained hand-washing facilities for the public and employees.

(Ord. 7583 Part 3 Ch. 5 § 533, 1959.)

11.38.570 Facilities Required—Business Establishments and Public Gatherings.

It is unlawful for any person to conduct a business or place of public gathering unless there is provided adequate and conveniently located toilet facilities and sinks (lavatories) that meet the requirements of applicable local, State, and/or federal law. Single-user toilet facilities must comply with signage requirements of section 118600 of the Health and Safety Code and Title 24 of the California Code of Regulations. If, in the opinion of the Director, the number of toilet facilities and sinks (lavatories) is inadequate, the Director must order additional toilet facilities or sinks (lavatories), or both, to be provided.

A. If toilet facilities are made available for the public, clients, or employees, no person owning, controlling, or having charge of such accommodation or facility shall prohibit or prevent the use of such toilet facilities by a person with a physical handicap, regardless of whether that person is a customer, client, employee, or paid entrant to the accommodation or facility. Separate employee toilet facilities need not be made available to the public if there are other toilet facilities available on the premises, unless employee toilet facilities have been constructed or altered to accommodate the physically handicapped and such toilet facilities are not available elsewhere on the premises. Toilet facilities located within food establishments which are accessible only through the food preparation area must be made available to persons requiring the use of a service animal by having an employee or other person escort the individual to the facility, and No live animals are allowed in the food preparation area.

B. The following definitions are applicable to this section:

    1. "A person with a physical handicap" includes:

        a. An individual who has an impairment, either permanent or temporary in nature as follows:

            i. Impairments that affect ambulation due to cerebral palsy, poliomyelitis, spinal cord injury, amputation, arthritis, cardiac, and pulmonary conditions and other conditions or diseases which reduce mobility, including aging,

            ii. Impairments that require the use of crutches, canes, wheelchairs, braces, walkers, or other ambulatory assistive devices,

            iii. Total blindness or impairments affecting sight to the extent that the individual functioning in public areas may be insecure or exposed to danger, and

            iv. Deafness or hearing impairments that may expose an individual to danger or insecurity;

        b. An individual who requests the use of the toilet facilities and states that because of a physical infirmity he or she requires immediate access to toilet facilities.

    2. "Public accommodation or facility" means a building, structure, complex, or improved area that is used by the general public and includes those accommodations and facilities listed in sections 19955 and 19955.5 of the Health and Safety Code.

C. Nothing in this section requires the making of structural alterations, repairs, remodels, modifications, or additions not otherwise required by applicable local, State and/or federal law.

(Ord. 2021-0062 § 4, 2021; Ord. 2007-0089 § 98, 2007; Ord. 89-0033 § 1, 1989; Ord. 7583 Part 3 Ch. 5 § 532, 1959.)

11.38.580 Facilities required—Theaters, clubs and other places for public assembly.

No person conducting, managing or operating any moving picture show or theater, dance hall, nightclub, circus, amusement park or other place of public amusement or public assemblage shall fail, refuse or neglect to comply with the following requirements:

A. The floors, walls, ceilings, doors, windows, stairways, hallways and every other part thereof shall be maintained in good repair, in a clean, sanitary condition, and shall be painted or otherwise renovated whenever necessary.

B. All rugs, carpets or other floor coverings, tables, chairs, seats, counters and all similar equipment shall be kept clean and in good repair.

C. Suitable approved drinking fountains, with guarded angle jets and with properly adjusted water pressure, shall be provided and maintained in good condition.

D. Exhaust fans and other ventilation equipment shall be provided, and shall be operated so as to keep the air in a reasonably fresh and wholesome condition whenever a building, or part thereof, is occupied as a place of public assemblage.

(Ord. 8588 § 2 (part), 1964; Ord. 7583 Part 3 Ch. 5 § 532.1, 1959.)

11.38.590 Industrial waste—Discharge prohibited where—Exceptions.

A. No person shall discharge, deposit, drain or place any material, liquid waste or other substance, directly or indirectly, into any channel, natural or artificial drain, watercourse, river, tributary, water or subsurface water, whether such water be fresh, salt or saline, or combinations of these, in such a manner which may liberate or produce any noxious or dangerous odors, or produce unsightly or offensive deposits, or which may be injurious, deleterious or dangerous to the health, or which may cause a nuisance or may cause an impairment of the quality of such waters, or which may adversely or unreasonably affect such waters for domestic, recreational or other beneficial uses.

B. Exception: This section shall not apply in the unincorporated territory of the county or in those cities which have adopted county Ordinance 6130, on sewers and industrial waste, directly or by reference. (See Title 20 of this code.)

(Ord. 8588 § 2 (part), 1964; Ord. 7583 Part 3 Ch. 5 § 500.1, 1959.)

11.38.600 Keeping animals or fowl—Restrictions—Contaminating water supply prohibited.

It shall be unlawful for any person to locate or maintain any animal or fowl in such manner or location whereby any portion of a domestic water supply system may become contaminated or polluted, or for any animal or fowl to be kept within 50 feet from any stream, water channel, spring, well, pond, lake, reservoir, infiltration gallery or underground water from which water may be drawn for domestic consumption.

(Ord. 7583 Part 3 Ch. 5 § 540, 1959.)

11.38.610 Sewage discharge prohibited where—Abatement.

A. When sewage, other than the discharge from an approved sewage-treatment plant, is overflowing or being discharged upon the surface of any premises, the director may order the occupant or occupants thereof who contribute to such overflow or discharge to abate the same forthwith.

B. If such occupant or occupants fail to abate such overflow or discharge as ordered, the director may order such occupant or occupants to vacate the premises within 24 hours.

(Ord. 8588 § 2 (part), 1964; Ord. 7583 Part 3 Ch. 5 § 543, 1959.)

Part 4 WATER CONSERVATION REQUIREMENTS FOR THE UNINCORPORATED LOS ANGELES COUNTY AREA

11.38.620 Hose Watering Prohibition.

No person shall hose water or wash down any sidewalks, walkways, driveways, parking areas or other paved surfaces, except as is required for the benefit of public health and safety. Willful violation hereof shall be subject to a written warning for the first violation, and shall be an infraction punishable by a fine of $500.00 for each day thereafter on which a violation occurs.

(Ord. 2015-0004 § 1, 2015; Ord. 2008-0052U § 1 (part), 2008; Ord. 91-0046U § 1 (part), 1991.)

11.38.630 Watering of Lawns and Landscaping.

A. No person shall water or cause to be watered any lawn or landscaping between the hours of 10:00 a.m. and 5:00 p.m.

B. No person shall water or cause to be watered any lawn or landscaping more than once a day.

C. No person shall water or cause to be watered any lawn or landscaping to such an extent that runoff into adjacent property, non-irrigated areas, private and public walkways, roadways, structures, adjoining streets, parking lots or alleys occurs due to incorrectly directed or maintained sprinklers or excessive watering.

D. It shall be the duty of all persons who own or rent premises that have hoses, faucets and sprinkling systems to inspect for leaks, and to cause all leaks to be repaired as soon as is reasonably practicable.

E. Willful violation hereof shall be subject to a written warning for the first violation, and shall be an infraction punishable by a fine of $500.00 for each day thereafter on which a violation occurs.

(Ord. 2015-0004 § 2, 2015; Ord. 2008-0052U § 1 (part), 2008; Ord. 91-0046U § 1 (part), 1991.)

11.38.640 Indoor Plumbing and Fixtures.

A. It shall be the duty of all persons who own or rent premises that have accessible indoor plumbing and faucets to inspect for leaks, and to cause all leaks to be repaired as soon as is reasonably practicable.

B. Willful violation hereof shall be subject to a written warning for the first violation, and shall be an infraction punishable by a fine of $500.00 for each day thereafter on which a violation occurs.

(Ord. 2015-0004 § 3, 2015; Ord. 2008-0052U § 1 (part), 2008; Ord. 91-0046U § 1 (part), 1991.)

11.38.650 Washing Vehicles.

No motor vehicle, boat, trailer, or other type of mobile equipment may be washed, except at a commercial carwash or with reclaimed water, unless such vehicle is washed by using a hand-held bucket or a water hose equipped with an automatic shutoff nozzle. No person shall leave a water hose running while washing a vehicle or

at any other time. Willful violation hereof shall be subject to a written warning for the first violation, and shall be an infraction punishable by a fine of $500.00 for each day thereafter on which a violation occurs.

(Ord. 2015-0004 § 4, 2015; Ord. 2008-0052U § 1 (part), 2008; Ord. 91-0046U § 1 (part), 1991.)

11.38.660 Public Eating Places.

No restaurant, hotel, cafeteria, café, or other public place where food is sold or served shall serve drinking water to any customer unless specifically requested to do so by such customer. Willful violation hereof shall be subject to a written warning for the first violation, and shall be an infraction punishable by a fine of $500.00 for each day thereafter on which a violation occurs.

(Ord. 2015-0004 § 5, 2015; Ord. 2008-0052U § 1 (part), 2008; Ord. 91-0046U § 1 (part), 1991.)

11.38.670 Decorative Fountains.

No person shall use water to clean, fill, or maintain levels in decorative fountains, ponds, lakes, or other similar aesthetic structures unless such water flows through a recycling system. Willful violation hereof shall be subject to a written warning for the first violation, and shall be an infraction punishable by a fine of $500.00 for each day thereafter on which a violation occurs.

(Ord. 2015-0004 § 6, 2015; Ord. 2008-0052U § 1 (part), 2008; Ord. 91-0046U § 1 (part), 1991.)

11.38.680 Procedural Requirements.

The Director of Public Works, with input and concurrence from the Director of Public Health, shall periodically review the provisions of this Part and recommend necessary updates to the Board of Supervisors. The review of these provisions and preparation of resulting recommendations, if any, shall be performed, at a minimum, every two years following the first review, which shall be completed by December 31, 2010.

(Ord. 2015-0004 § 7, 2015; Ord. 2008-0052U § 1 (part), 2008.)

Part 5 REQUIREMENTS FOR ONSITE WASTEWATER TREATMENT SYSTEMS

11.38.700 Discharge of Material or Liquid.

A. No person shall allow sewage, domestic or industrial wastewater, or any matter or substance, offensive, injurious, or dangerous to health, to empty, flow, seep, or drain onto the surface of any land.

B. No person shall allow sewage, treated effluent, or any matter or substance, offensive, injurious, or dangerous, to health to empty, flow, seep, or drain into, or affect any well, spring, stream, river, lake or other waters.

C. A violation of this Section is declared a public nuisance.

(Ord. 2018-0037 § 31, 2018.)

11.38.710 OWTS Requirements and Procedures.

The Director shall promulgate the OWTS requirements and procedures within thirty (30) calendar days of the adoption of this ordinance. The OWTS requirements and procedures shall be made available to the public at no charge, upon request. The Director shall review the requirements and procedures a minimum of once every five (5) years and amend the OWTS requirements and procedures as necessary to protect the health of the public and the waters of the State. The Director shall provide notice to the public of any proposed change(s) and provide members of the public an opportunity to comment prior to implementation.

(Ord. 2018-0037 § 31, 2018.)

11.38.720 Onsite Wastewater Treatment Systems—Plan Review and Permit Requirements.

A. The Director shall have the authority to require the submission of any plans and specifications pertaining to or impacting onsite wastewater treatment systems. Such plans include, but are not limited to, subdivision of parcels where a public sewer is not available, building expansion, and the addition of a structure on a parcel of property utilizing an onsite wastewater treatment system.

B. A person proposing to construct, install, alter or repair any onsite wastewater treatment system or part thereof, or a privy structure shall submit an application and receive plan approval from the Director in accordance with the requirements of this Chapter and Title 28, Plumbing Code, including Appendix H, of the Los Angeles County Code and with the OWTS requirements and procedures prior to any work being performed.

C. A person proposing to construct or expand a building or other structure, upon which property an onsite wastewater treatment system or non-conventional onsite wastewater treatment system is installed, shall submit an application and receive a plan approval from the Director. The Director's evaluation of the proposed construction or expansion plan shall determine whether the new building, structure or expansion interferes with the existing onsite wastewater treatment system or any future expansion area required by Los Angeles County Code, Title 28, Plumbing Code.

D. An application shall be made on forms provided for that purpose by the Director. Any required fee shall be paid at the time of application.

E. The Director's approval of an onsite wastewater treatment system plan under this Section is separate from, and does not constitute compliance with, any permit requirements contained elsewhere in this code, including, but not limited to, the requirements under this Title 11 for obtaining a renewable operating permit for NOWTS and any requirements under Title 28, Plumbing Code for obtaining a permit for the construction or installation of an OWTS.

F. All onsite wastewater treatment systems must be installed in accordance with the plans as approved by the Director. Any changes in the installation plans must be reviewed and approved by the Director prior to installation.

G. Any plan approval issued by the Director shall be valid for one (1) year from the date of approval. If a property owner has not obtained a building permit within one year, a property owner may request an extension of the plan approval for up to one (1) additional year. If the property owner has not obtained a building permit within two (2) years, the property owner must submit a new application meeting the requirements of the most recent version of the California Plumbing Code, and pay the required fee.

(Ord. 2018-0037 § 31, 2018.)

11.38.730 Restrictions on Use of OWTS when a Public Sewer is Available.

The Director shall not issue a permit for a new onsite wastewater treatment system, approve the repair or replacement of an onsite wastewater treatment system, nor approve a project requiring the evaluation of an existing onsite wastewater treatment system if a public sewer is available within two hundred (200) feet of the building or proposed building.

(Ord. 2018-0037 § 31, 2018.)

11.38.740 Limitations on Sub-Divisions without Public Sewer Available.

Land development projects including Conditional Use Permits (CUP) and parcel sub-division projects where a public sewer is not available and that are proposed after the effective date of this ordinance, shall require the installation of a non-conventional onsite wastewater treatment system if the parcel size is smaller than the allowable density values in the following table for a single family dwelling unit, or its equivalent. The requirement for a NOWTS requires recordation of a covenant through the County Office of the Registrar-Recorder/County Clerk as part of the approval of the CUP or approval of the new parcels.

Average Annual Rainfall (inches/year)	Allowable Density Value (acres/single family dwelling unit)
0 - 15	2.5
>15 - 20	2
>20 - 25	1.5
>25 - 35	1
>35 - 40	0.75
>40	0.5

(Ord. 2018-0037 § 31, 2018.)

11.38.750 Horizontal Setback Requirements.

OWTS shall not be installed in such a manner that any of its components are located within the horizontal setbacks identified in the following table.

Minimum Horizontal Distance in Clear Required From:	Septic Tank	Disposal Field	Seepage Pit
Buildings or Structures[1]	5 feet (1.52 meters)	8 feet (2.44 meters)	8 feet (2.44 meters)
Property line adjoining private property	5 feet (1.52 meters)	5 feet (1.52 meters)	8 feet (2.44 meters)
Public Water Well, Where depth of effluent dispersal system >10 feet[7,8]	200 feet (61 meters)[8]		200 feet (61 meters)
Public Water Well, Where depth of	150 feet (45.7 meters)	150 feet (45.7 meters)	

effluent dispersal system ≤10 feet[7]			
Springs, and Flowing Surface Water[7,9]	100 feet[9] (30.5 meters)	100 feet[6,9] (30.5 meters)	150 feet[6,9] (45.7 meters)
Vernal Pools, Wetlands, Lakes, Ponds, or Other (Non-Flowing) Surface Water Bodies[7,10]	200 feet[10] (61 meters)	200 feet[6,10] (61 meters)	200 feet[6,10] (61 meters)
Seepage pits	5 feet (1.52 meters)	5 feet (1.52 meters)	12 feet (3.66 meters)
Disposal field	5 feet (1.52 meters)	4 feet[4] (1.22 meters)	5 feet (1.52 meters)
On site domestic water service line	5 feet (1.52 meters)	5 feet (1.52 meters)	5 feet (1.52 meters)
Distribution box		5 feet (1.52 meters)	5 feet (1.52 meters)
Pressure public water main	10 feet (3.05 meters)	10 feet (3.05 meters)	10 feet (3.05 meters)
Private Water Wells[7]	100 feet (30.5 meters)	100 feet (30.5 meters)	150 feet (45.72 meters)
Monitoring wells[11]	100 feet (30.5 meters)	100 feet (30.5 meters)	100 feet (30.5 meters)
Unstable Land Mass or Areas Subject to Earth Slides[12]	100 feet (30.5 meters)	100 feet (30.5 meters)	100 feet (30.5 meters)
High Water Mark of Reservoir, Lake, or Flowing Water Body, Type I[13]	400 feet (122 meters)	400 feet (122 meters)	400 feet (122 meters)
High Water Mark of Reservoir, Lake, or Flowing Water Body, Type II[14]	200 feet (61 meters)	200 feet (61 meters)	200 feet (61 meters)
Trunk of any tree[15]	10 feet (3.05 meters)	10 feet (3.05 meters)	10 feet (3.05 meters)

*Notes:

When disposal fields and/or seepage pits are installed in sloping ground, the minimum horizontal distance between any part of the leaching system and ground surface shall be fifteen (15) feet (4.57 meters).

1. Including decks, patios, porches and steps, whether covered or uncovered, breezeways, roofed porte-cocheres, roofed patios, carports, covered walks, covered driveways, and similar structures or appurtenances.

2. Reserved.

3. Reserved.

4. Plus two (2) feet (.61m) for each additional one (1) foot (.305 meters) of depth in excess of one (1) foot (.305 meters) below the bottom of the drain line. (See also Section K 6 in Appendix K of the Plumbing Code.)

5. Reserved.

6. These minimum clear horizontal distances shall also apply between disposal field, seepage pits, and the ocean mean higher high tide line.

7. Where special hazards are involved, the distance required shall be increased as may be directed by the authority having jurisdiction.

8. If the depth of the effluent dispersal system exceeds twenty (20) feet (6.1 meters) and is within six hundred (600) feet (182.88 meters) of a public water well, the setback must be such that there is at least two-year travel time for microbiological contaminants.

9. Includes springs and flowing surface water bodies where the edge of that water body is the natural or levied bank for creeks and rivers, or may be less where site conditions prevent migration of wastewater to the water body.

10. Distance from vernal pools, wetlands, lakes, ponds, or other surface water bodies where the edge of that water body is the high water mark for lakes and reservoirs, and the mean high tide line for tidally influenced water bodies.

11. Where regulatory or legitimate data requirements necessitate, the required distance to monitoring wells may be decreased as may be directed by the authority having jurisdiction. If the monitoring well is installed to monitor the groundwater at the waste effluent discharge, the setbacks do not apply.

12. Unstable land mass or areas subject to earth slides shall be identified by a registered engineer or registered geologist; other setback distances are allowed, if recommended by a geotechnical report prepared by a qualified professional.

13. Four hundred (400) feet (121.92 meters) from the high water mark of a reservoir, lake, or flowing water body when the effluent dispersal system is within one thousand two hundred (1,200) feet (365.76 meters) from a public water systems' surface water intake point, within the catchment of the drainage, and located such that it may impact water quality at the intake point such as upstream of the intake point for flowing water bodies.

14. Two hundred (200) feet (60.96 meters) from the high water mark of a reservoir, lake, or flowing water body when the effluent dispersal system is located more than one thousand two hundred (1,200) feet (365.76 meters) but less than two thousand five hundred (2,500) feet (762 meters) from a public water systems' surface water intake point, within the catchment of the drainage, and located such that it may impact water quality at the intake point such as upstream of the intake point for flowing water bodies.

15. For oak trees, this requirement extends to five (5) feet (1.52m) outside of the drip line or fifteen (15) feet (4.57 meters) from the trunk, whichever is greater.

In the event of inconsistencies between the setback requirements specified in the Los Angeles County Plumbing Code, Title 28, Appendix H, the California Well Standards, and Chapter 38, Part 2 of this code, the more restrictive requirements shall prevail.

(Ord. 2018-0037 § 31, 2018.)

11.38.760 Requirements for Soil Depth and Vertical Distance to Groundwater.

A. A conventional OWTS shall have a minimum five (5) feet of natural undisturbed soil, excluding bedrock, below the bottom of a leach line, leach bed, or infiltrative chamber.

B. A conventional OWTS shall have a minimum five (5) feet of separation from the bottom of the leach line, leach bed, or infiltrative chamber and the highest known groundwater level if the percolation rate is five (5) minutes per inch to sixty (60) minutes per inch.

C. A conventional OWTS shall have a minimum of twenty (20) feet of vertical separation from the bottom of the leach line, leach bed, or infiltrative chamber and the highest known groundwater if the percolation rate is greater than one (1) minute per inch but less than five (5) minutes per inch.

D. A NOWTS shall have a minimum of three (3) feet of natural undisturbed soil, excluding bedrock, below the bottom of the leach line, leach bed, or infiltrative chamber.

E. A NOWTS shall have a minimum of two (2) feet of separation from the bottom of the leach line, leach bed, or infiltrative chamber and the highest known groundwater level, except in areas near impaired water bodies where the minimum distance shall be three (3) feet.

F. Any OWTS utilizing a seepage pit shall have a minimum separation of ten (10) feet from the bottom of the pit to the highest known groundwater.

(Ord. 2018-0037 § 31, 2018.)

11.38.770 Structural Requirements for Septic Tanks.

It shall be unlawful to install a septic tank in a manner that does not comply with the following requirements:

A. All new or replacement tanks shall be approved by the International Association of Plumbing and Mechanical Officers (IAPMO) or stamped and certified by a California registered civil engineer as meeting industry standards and installation shall be accomplished to the manufacturer's recommendations.

B. New and replacement tanks on conventional OWTS shall be equipped with an effluent filter to prevent solids in excess of 3/16th of an inch from passing to the dispersal area. Septic tanks that use a National Sanitation Foundation/American National Standards Institute (NSF/ANSI) Standard forty-six (46) effluent filter shall be deemed in compliance with this requirement.

C. All joints between the septic tank and its components shall be watertight and constructed of solid, durable materials to prevent excessive corrosion or decay.

D. The invert level of the inlet pipe shall be at least two inches higher than the invert level of the outlet pipe.

E. All septic tank access points shall have watertight risers the tops of which are set not more than six (6) inches below grade. Access openings at grade or above shall be locked or secured to prevent unauthorized access.

(Ord. 2018-0037 § 31, 2018.)

11.38.780 OWTS Utilizing Pumps to Move Effluent.

OWTS that utilize pumps to move effluent to the septic tank or from the septic tank to the dispersal system shall:

A. Be equipped with a visual, audible, or telemetric alarm that alerts the owner or service provider in the event of pump failure.

B. Provide sufficient additional storage space in the second compartment of the septic tank or pump chamber during a twenty-four (24) hour power outage or pump failure and shall not allow an emergency overflow discharge. The capacity for the storage space shall be equal to 60 - 75 percent of the interior capacity of the pipes to be dosed.

(Ord. 2018-0037 § 31, 2018.)

11.38.790 Percolation Rates for Dispersal Fields.

As an alternative to the percolation rates required in Appendix H of Los Angeles County Code, Title 28 (Plumbing Code), proposed OWTS utilizing a leach bed, leach field, or infiltrative chamber may report percolation test results as Minutes Per Inch (MPI). Percolation rates in MPI shall be either:

A. In the range between five (5) MPI and sixty (60) MPI for use with a conventional OWTS.

B. In the range between one (1) MPI and 4.9 MPI with a separation between the bottom on the dispersal system and groundwater of at least twenty (20) feet.

(Ord. 2018-0037 § 31, 2018.)

11.38.800 Interconnection of Dispersal Systems.

Upon installation of a new dispersal system, the new system shall be interconnected with the existing system with an approved flow diversion device to allow for the alternating use of the two dispersal systems.

(Ord. 2018-0037 § 31, 2018.)

11.38.810 Prohibition on the Use of Seepage Pits for New Construction.

A. The use of a seepage pit is prohibited for use with construction of onsite wastewater treatment systems for new buildings with applications submitted after the effective date of this ordinance, unless the system is equipped with additional treatment that meets the requirements of a NOWTS.

B. Notwithstanding Section A, the use of a seepage pit in conjunction with a conventional OWTS is permitted for new construction for single unit dwellings with four (4) or fewer bedrooms.

(Ord. 2018-0037 § 31, 2018.)

11.38.820 Evidence of a Failing OWTS.

Whenever the Director is made aware that an OWTS is at risk of failing, the Director shall send a letter directing the property owner to have the system evaluated by a qualified contractor within seven (7) calendar days to determine whether the system must be repaired or replaced. If the evaluation reveals that the system requires repair or replacement the property owner shall:

A. Prevent any further discharges of sewage by having the system pumped by a sewage pumper truck at a frequency that will prevent overflow.

B. Follow any directive issued by the Director that is necessary to protect groundwater or prevent surfacing of sewage effluent.

C. Complete all repairs within a time determined by the Director.

(Ord. 2018-0037 § 31, 2018.)

11.38.830 When a NOWTS is Required.

A. A NOWTS is required to be installed for new construction when any of the following conditions exist:

1. The percolation rate is faster than 5.12 gallons per square foot per day for a replacement seepage pit.

2. A seepage pit is proposed for installation at a new building other than a single unit dwelling with four (4) or fewer bedrooms.

3. The percolation rate for a leach field or leach bed system is faster than one (1) MPI or greater than one (1) MPI but less than 4.9 MPI and groundwater is within twenty (20) feet of the bottom of the dispersal system for a new or replacement OWTS.

4. There is less than five (5) feet but at least two (2) feet of continuous, natural, undisturbed soil beneath a dispersal system.

5. The property of the proposed system is within six hundred (600) feet of an impaired water body that is listed for pathogens or nitrogen and no established Total Maximum Daily Load (TMDL) for that water body is present.

6. The property of the proposed system is within the area defined by an Advanced Protection Management Program (APMP) established by a TMDL implementation plan.

B. A NOWTS proposed to be installed in the areas of the Antelope Valley within the jurisdiction of the Lahontan Regional Water Quality Control Board (LRWQCB) shall not be required to include a disinfection system.

C. In addition to the circumstances listed in A above, the Director may require the installation of a NOWTS as a condition of a variance to setback requirements for repair of a failed existing system. All variances shall comply with the OWTS requirements and procedures to the maximum extent possible.

(Ord. 2018-0037 § 31, 2018.)

11.38.840 Minimum Conditions for Authorization to Install a NOWTS.

All NOWTS shall meet the following minimum conditions:

A. The system shall be certified by an agency accredited by the American National Standards Institute (ANSI) as meeting the National Sanitation Foundation (NSF) Standard two hundred forty-five (245) or the system shall be approved by the Director after completing a demonstration test described in the OWTS requirements and procedures.

B. NOWTS requiring a disinfection system, shall be certified by an ANSI accredited agency as meeting NSF Standard forty-six (46) for disinfection devices.

C. The septic tank shall be part of the NSF certified system, certified by the IAPMO, or evaluated by the local plumbing official and determined to be Plumbing Code equivalent.

D. The NOWTS shall be equipped with a visual or audible alarm as well as a telemetric alarm that notifies the owner and the service provider of the NOWTS in the event of system malfunction. If the property requiring an NOWTS is in a location where telemetric monitoring is not possible, more frequent physical inspections are required per Section 11.38.880.

E. The owner shall record a covenant against the title of the property meeting the requirements of Section 11.38.890.

F. The owner, prior to approval of the NOWTS, shall enter into and maintain in effect at all times throughout the operational life of the system, a contract signed by both the property owner and a service provider certified by the components' manufacturer. The contract shall include:

1. Telemetric monitoring of the system for component failures or quarterly inspections of the disinfection system when telemetric monitoring is not available.

2. Annual inspections of the system or more frequent routine maintenance as recommended by the manufacturer when telemetric monitoring is available.

3. Any required sampling of influent and effluent based on the system type, age, and location.

G. The Director may, at any reasonable time, require samples to be taken from the NOWTS while a department representative and/or a contractor or agent of the department is present.

(Ord. 2018-0037 § 31, 2018.)

11.38.850 Performance Standards for NOWTS.

A. All NOWTS shall be designed to produce effluent that meets the following criteria:

1. Total Suspended Solids of less than thirty (30) mg.

2. Biological Oxygen Demand five (5) day average (BOD_5) of less than thirty (30) mg/l.

3. PH not less than 6.0 or greater than 9.0.

B. NOWTS treatment of nitrogen must result in a fifty (50) percent reduction in Total Nitrogen.

C. NOWTS provide disinfection that does not exceed a fecal coliform content of two hundred (200) per one hundred (100) milliliters using the Most Probable Number (MPN) analytical method with a minimum detection limit of 2.2 MPN.

(Ord. 2018-0037 § 31, 2018.)

11.38.860 NOWTS Permit.

A. A permit shall be issued by the Director for the operation of a NOWTS upon the approval of the system. A permit shall be valid for the location, type of system, and conditions of the approval, unless suspended or revoked by the Director.

B. The permit fee shall be collected in accordance with Los Angeles County Code Title 8, Sections 8.04.950 - 8.04.995.

C. A permit may be suspended or revoked by the Director for the following reasons:

1. The NOWTS is contributing to the contamination of groundwater, surface water, or resulting in the surfacing of effluent, and the owner has not returned the NOWTS to operating condition within the time required by the Director.

2. The owner does not submit records of maintenance inspections or results of effluent testing as required by this ordinance within the time required by the Director.

D. It shall be a violation of this code to operate a NOWTS for which the permit has been suspended or revoked.

E. The owner of the NOWTS shall make the system available within five (5) calendar days for inspection upon notice by the department.

(Ord. 2018-0037 § 31, 2018.)

11.38.870 Maintenance Required and Reporting Results.

A. The property owner shall have the NOWTS inspected and serviced at the rate set by the manufacturer as set forth in the manufacturer's operation and maintenance manual or at least annually, by a service provider certified by the manufacturer.

B. If the property is located in an area where telemetric monitoring is not possible, the property owner shall cause the NOWTS to be inspected monthly by the NOWTS owner as directed and instructed by a NOWTS service provider, and quarterly by the NOWTS service provider, in order to determine whether the NOWTS is operating as required.

C. The service provider shall submit copies of all inspection and maintenance reports to the Director within thirty (30) days of any inspection or maintenance of the NOWTS.

(Ord. 2018-0037 § 31, 2018.)

11.38.880 Influent and Effluent Testing and Reporting Requirements.

Owners of NOWTS shall have their maintenance service provider collect and submit samples for laboratory testing of influent and effluent to determine if the system meets the performance standards specified in Section 11.38.850. The frequency of this sampling shall comply with the following table.

Type of System	When Testing is Required
All NOWTS	After completions of repairs (Within seven (7) days)
NOWTS installed in within six hundred (600) feet of a water body impaired for pathogenic bacteria or in response to a TMDL for bacteria	Annually with telemetric monitoring or Quarterly without telemetric monitoring
NOWTS larger than a single family residence located in the Antelope Valley	Annually

The service provider shall submit a copy of the laboratory analysis of effluent testing to the Director within thirty (30) days of the date the results are provided to the owner or service provider by the laboratory.

(Ord. 2018-0037 § 31, 2018.)

11.38.890 Covenant.

A. The approval of a NOWTS for a future expansion area requires recordation of a covenant through the County office of the Registrar-Recorder/County Clerk.

B. The installation of a NOWTS requires recordation of a covenant through the County Office of the Registrar-Recorder/County Clerk.

C. The covenant shall inform all future prospective owners of the property of the following:

1. A NOWTS is installed on the property.
2. Operation and maintenance of the NOWTS is required to comply with State and local laws.
3. A service agreement for maintenance and monitoring is required at all times with an approved servicing company.
4. The Director must be notified in writing within thirty (30) days of a change of servicing company.
5. Maintenance records and effluent testing results must be submitted to the Director within thirty (30) days of annual servicing.
6. The owner is required to repair the system and conduct effluent testing of the system if inspection reveals that it is not in compliance with State or local laws.
7. The owner is required to replace the NOWTS at their own expense if it cannot be repaired to be in compliance.
8. The owner agrees to allow inspection of the NOWTS within five (5) calendar days, upon notice by the Director, absent an emergency.

(Ord. 2018-0037 § 31, 2018.)

Part 6 SEWAGE PUMPING VEHICLES

11.38.900 Seepage/Sewage Pumping Vehicle Operator.

An operator of a seepage/sewage pumping vehicle is required to register with the local jurisdiction as per California Health and Safety Code Sections 117400-117450. A public health license shall be issued to the owner of a seepage/sewage pumping vehicle when that person has demonstrated that either the owner or an employee of the owner has adequate knowledge to train other employees as described in Section 11.38.910.

A change of address of the owner including a member of a partnership that is registered and of the place of business thereof shall be reported in writing by the owner to the Director within two (2) days after the change of address.

(Ord. 2018-0037 § 32, 2018.)

11.38.910 Adequate Knowledge.

A public health license shall only be issued after the applicant or his or her representative submits demonstrates adequate knowledge of the following topics:

A. Knowledge of the equipment to be used.

B. The applicant's knowledge of sanitary principles and of the laws and ordinances affecting human health or nuisances, including the factors that evidence a failing OWTS and appropriate locations for disposal of septage. Proper use of personal protective equipment.

C. Clean up of spills or discharges of sewage from failed plumbing systems.

Knowledge may be demonstrated by submitting curriculum for the training of new staff to the Director for approval, completion of a training course from a professional organization, such as the California Onsite Water Association (COWA), or an approved public entity or an online course acceptable to the Director. The individual receiving the training shall be designated as the trainer for his or her organization. The applicant shall maintain a trainer as part of the organization. If the trainer leaves the organization, it has ninety (90) days to obtain a new trainer.

The owner shall be responsible for ensuring that employees responsible for the clean out of septic tanks, chemical toilets, cesspools and sewage seepage pits are properly trained before they work independently, and get trained annually thereafter.

The owner shall have available for the Director upon request the name of the trainer and records of the employee's annual trainings.

(Ord. 2018-0037 § 32, 2018.)

11.38.920 Required for Seepage/Sewage Pumping Vehicle.

No person shall operate a sewage pumping vehicle without first making application and securing a license from the Director.

(Ord. 2018-0037 § 32, 2018.)

11.38.930 Application and Issuance Conditions.

A. Applications for seepage/sewage pumping vehicles shall be made on forms provided for that purpose by the Director. All applicable fees, shall be paid at the time of the application.

B. The application shall include the Vehicle Identification Number (VIN), the year and make of vehicle, the vehicle license number, the tank capacity, the owner information, the location where the vehicle shall be stored, and any other data required by the Director.

C. Upon receipt of an application, the Director shall make an inspection of the seepage/sewage pumping vehicle. If the applicant has complied with all applicable laws and regulations, and the vehicle meets the requirements of the inspection, the Director shall approve the application, and issue an annual license.

(Ord. 2018-0037 § 32, 2018.)

11.38.940 Suspension and Revocation of License.

The Director may suspend or revoke the license of an operator of one (1) or more seepage/sewage pumping vehicles or the license of an individual seepage/sewage pumping vehicle.

The Director may suspend or revoke a license issued to an operator of one (1) or more sewage pumping vehicle for any of the following violations:

A. Discharge of sewage or the contents of one (1) or more trucks in a location other than one approved by the Director.

B. Failure to submit quarterly reports identifying all of the locations serviced and where the contents of the truck were discharged.

C. Failure to report locations that evidence conditions of a failing OWTS, a cesspool, or an earthen pit privy.

The Director may suspend or revoke a license issued to a sewage pumping vehicle for violations of this code, including, leakage of sewage from the tank, valves, piping, or other equipment that may discharge to the ground surface.

(Ord. 2018-0037 § 32, 2018.)

11.38.950 Identification of Vehicle.

Seepage/sewage pumping vehicles shall be identified with the business name, City, State, Zip Code and phone number on both sides of vehicle. The business name shall be in letters and numbers at least three (3) inches in height, additional information shall be at least one (1) inch in height and all letters and numbers shall be of a color contrasting to the vehicle. The public health registration number shall be located on the rear of the vehicle in letters and numbers at least three (3) inches high and of a color contrasting to the vehicle.

(Ord. 2018-0037 § 32, 2018.)

11.38.960 Construction of Seepage/Sewage Cleaning Vehicle.

A seepage/sewage pumping vehicle shall be constructed and maintained at all times with the following components in good working order:

A. A water tight tank, valves, piping, pumps and equipment maintained free from leakage.

B. A hose for flushing contaminated areas.

C. A quick release valve on the discharge outlet.

D. A metal sleeve or other suitable device provided to reach from discharge outlet to manhole.

E. Tight fitting covers for tank openings.

(Ord. 2018-0037 § 32, 2018.)

11.38.970 Seepage/Sewage Pumping Vehicle Operation Requirements.

A. All contents of the sewage holding tank shall be deposited in an approved County Sanitation District location or at a location approved by the Director.

B. Personal protective equipment including gloves, goggles, and boots shall be provided to all employees working with sewage or septage.

C. A sewage spill kit shall be maintained on the vehicle for use in cleaning-up any sewage spills. The sewage spill kit shall contain at a minimum:

1. Containment barriers to prevent the spill from entering a storm drain.
2. Absorbent material.
3. A shovel.
4. Garbage bags.
5. Liquid disinfectant and powdered lime.

D. The vehicle registration shall be maintained on the vehicle.

E. The vehicle exterior shall be maintained free of sewage or other waste material.

(Ord. 2018-0037 § 32, 2018.)

11.38.980 Seepage/Sewage Pumping Vehicle Service Reports.

A. Seepage/sewage pumping vehicles are required to file with the Director a quarterly report specifying all of the following:

1. The name and address of the owner or tenant of each and every one of the premises where a septic tank, cesspool, or sewage seepage pit has been cleaned out by the registrant, his or her employees, or by others on his or her behalf and the date of each cleaning.
2. The location where the cleanings are disposed of.
3. Discharges of waste that may result in violation of laws or ordinances required to be known by the registrant pursuant to Health and Safety Code Section 117420.

B. OWTS showing symptoms of failure must be reported to the Director within twenty-four (24) hours of pumping. Factors evidencing a failing OWTS are identified in Section 11.38.042.

(Ord. 2018-0037 § 32, 2018.)

Chapter 11.39 ADULT FILMS; SHORT TITLE AND PUBLIC POLICY

Part 1 DEFINITIONS

11.39.005 Definitions.

Unless the provision or the context otherwise requires, the definitions in this part shall govern the construction of this chapter.

(Measure B, § 4, approved by voters in Nov. 6, 2012 General Election.)

11.39.010 Adult film.

An "adult film" is defined as any film, video, multimedia or other representation of sexual intercourse in which performers actually engage in oral, vaginal, or anal penetration, including, but not limited to, penetration by a penis, finger, or inanimate object; oral contact with the anus or genitals of another performer; and/or any other sexual activity that may result in the transmission of blood and/or any other potentially infectious materials.

(Measure B, § 4, approved by voters in Nov. 6, 2012 General Election.)

11.39.020 County.

"County" means the County of Los Angeles.

(Measure B, § 4, approved by voters in Nov. 6, 2012 General Election.)

11.39.030 Department.

"Department" means the Los Angeles County Department of Public Health.

(Measure B, § 4, approved by voters in Nov. 6, 2012 General Election.)

11.39.040 Departmental regulations.

"Departmental regulations" means the regulations pertaining to filming of adult films promulgated by the department as currently written or as may from time to time be amended. When adopted by the department, these regulations are incorporated in and become part of this chapter.

(Measure B, § 4, approved by voters in Nov. 6, 2012 General Election.)

11.39.050 Exposure control plan.

"Exposure control plan" means a written plan that meets all requirements of Title 8 California Code of Regulations sections 3203 and 5193, to minimize employees' risk of exposure to blood or potentially infectious material.

(Measure B, § 4, approved by voters in Nov. 6, 2012 General Election.)

11.39.060 Filmed or filming.

"Filmed" and "filming" means the recording or real-time broadcast of any adult film, regardless of the medium used.

(Measure B, § 4, approved by voters in Nov. 6, 2012 General Election.)

11.39.070 Potentially infectious material.

"Potentially infectious material" shall have the same meaning as defined in Title 8 California Code of Regulations Section 5193(b), or any successor regulation.

(Measure B, § 4, approved by voters in Nov. 6, 2012 General Election.)

11.39.075 Producer of adult film.

"Producer of adult film " means any person or entity that produces, finances, or directs, adult films for commercial purposes.

(Measure B, § 4, approved by voters in Nov. 6, 2012 General Election.)

11.39.076 Permittee.

"Permittee " means any person or entity issued an adult film production public health permit pursuant to this chapter.

(Measure B, § 4, approved by voters in Nov. 6, 2012 General Election.)

Part 2 GENERAL REQUIREMENTS

11.39.080 Adult film production public health permit.

A. Producers of adult films shall obtain a public health permit by filing a completed application form with the department and paying the required fee. The fee shall be set by the Department in an amount sufficient to provide for the cost of any necessary enforcement.

1. During the twelve (12) months immediately following the effective date of this chapter, adult film production public health permits may be issued on a conditional basis. An individual issued a conditional permit shall have up to six months from the date of application to provide the department with proof of successful completion of a blood borne pathogen training course that has been approved by the department. If permittee is a business entity rather than an individual, permittee shall have up to six months from the date of application to provide the department with proof of successful completion of a blood borne pathogen training course that has been approved by the department for all principals and management-level employees of permittee, including, but not limited to, all film directors. Failure to provide such proof within the prescribed time shall cause the conditional adult film production public health permit to be revoked immediately.

2. At all times after the twelve (12) months following the effective date of this chapter, each applicant who is an individual must also provide the department with proof of successful completion of a blood borne pathogen training course that has been approved by the department. Each applicant who is a business entity rather than an individual must provide the department with proof of successful completion of a blood borne pathogen training course that has been approved by the department for all principals and management-level employees of permittee, including but not limited to all film directors.

B. Upon successful completion of the permit application process described in subsection A of this section, the department shall issue an adult film production public health permit to the applicant. The adult film production public health permit will be valid for two years from the date of issuance, unless revoked.

C. No producer of adult films may engage in the making of adult films in Los Angeles County for commercial purposes unless that producer of adult films has a valid adult film production public health permit issued by the department.

D. An adult film production public health permit is nontransferable.

(Measure B, § 4, approved by voters in Nov. 6, 2012 General Election.)

11.39.090 Posting requirements.

A. The adult film production public health permit issued to the producer of adult films must be displayed at all times at the location where any adult film is filmed in an area that is visible to performers.

B. A legible sign shall be displayed at all times at the location where any adult film is filmed in any conventional typeface with a font size not smaller than 36 points, that provides the following notice so as to be clearly visible to performers in said films:

> The use of condoms is required for all acts of anal or vaginal sex during the production of adult films to protect performers from sexually transmitted infections.

Any public health concerns regarding any activities occurring during the production of any adult films should be directed to the Los Angeles County Department of Public Health:

(the program office address and telephone number to be provided by the county health officer).

(Measure B, § 4, approved by voters in Nov. 6, 2012 General Election.)

11.39.100 Permit—Reporting requirements.

Every person that possesses a valid adult film production public health permit or registration shall report to the department any changes in status to the business made reportable by departmental regulations within fifteen (15) days of the change.

(Measure B, § 4, approved by voters in Nov. 6, 2012 General Election.)

11.39.110 Permit—Suspension and revocation and fines.

A. Any permit issued pursuant to this chapter may be suspended or revoked by the department and fines consistent with the provisions of this chapter may be imposed by the department for a violation of this chapter or any other violation of law creating a risk of exposing performers to sexually transmitted infections, including any violation of applicable provisions of the Los Angeles County Code, the California Health and Safety Code, the blood borne pathogen standard, California Code of Regulations Title 8, section 5193 or the exposure control plan of the producer of adult films, or any combination of such violations. The failure of a producer of adult films to require performers to use condoms during any acts of vaginal or anal sexual intercourse is a violation of this chapter.

B. Whenever the department determines that a permittee has failed to comply with the requirements of this chapter, any other violation of law creating a risk of exposing performers to sexually transmitted infections, including any violation of applicable provisions of the Los Angeles County Code, the California Health and Safety Code, the blood borne pathogen standard, California Code of Regulations Title 8, section 5193 or the exposure control plan of the producer of adult films, or any combination thereof, a written notice to comply shall be issued to the permittee. The notice to comply shall include a statement of the deficiencies found, set forth the corrective measures necessary for the permittee to be in compliance with this chapter, and inform the permittee that failure to comply may result in the imposition of a fine or other penalty, including suspension and/or revocation of any and all permits. The notice to comply shall also advise the permittee of his or her right to an administrative review.

C. A written request for an administrative review must be made by the noticed permittee within fifteen (15) calendar days of the issuance of the notice to comply. The failure to request an administrative review within the prescribed time shall be deemed a waiver of the right to an administrative review. The administrative review shall be held within fifteen (15) calendar days of the receipt of a written request for a review. Upon the written request of permittee or on its own motion, the department may advance or postpone the scheduled administrative review date, if permittee demonstrates good cause.

D. The department shall issue a written notice of decision specifying any penalties imposed on permittee to the permittee within five (5) days of the administrative review or waiver, excluding weekends and holidays. For permits that have been suspended or revoked, the notice of decision shall specify the acts or omissions found to be in violation of this chapter, and, in the case of a suspended permit, shall state the extent of the suspension. The notice of decision shall also state the terms upon which the permit may be reinstated or reissued, if any.

E. Notwithstanding any other provision of this chapter, if any immediate danger to the public health or safety is found or is reasonably suspected, the department may immediately suspend the adult film production public health permit, initiate a criminal complaint and/or impose any fine permitted by this chapter, pending a determination of an administrative review, as provided herein. Immediate danger to the public health and/or safety shall include any condition, based upon inspection findings or other evidence, that can cause, or is reasonably suspected of causing, infection or disease transmission, or any known or reasonably suspected hazardous condition.

1. Whenever an adult film production public health permit issued is immediately suspended or a fine is imposed pursuant to this subdivision E of this section, the department shall issue to the permittee so suspended or fined, a written notice to comply setting forth the acts or omissions with which the permittee is charged, specifying the sections of the Los Angeles County Code, California Health and Safety Code, blood borne pathogen standard, California Code of Regulations Title 8, section 5193 or the exposure control plan of the producer of adult films, or the combination of alleged violations, and informing the permittee of the right to an administrative review.

2. At any time within fifteen (15) calendar days of service of such notice to comply, the permittee may request, in writing, an administrative review by the department to show cause why the imposed suspension or fine is unwarranted. The administrative review shall be held within fifteen (15) calendar days of the receipt of a request. A failure to request an administrative review within fifteen (15) calendar days shall be deemed a waiver of the right to such review.

3. At any time prior to an administrative review or waiver thereof, the recipient of a notice to comply issued pursuant to this subsection F, may correct the deficiencies noted in the notice to comply and request a reinspection at any time when the producer of adult films is actually filming an adult film.

4. In the case of a request for reinspection as set forth in subsection E.3 above, the department shall reinspect as soon as practical. In the event the deficiencies noted in the notice to comply are corrected to the satisfaction of the health officer, the department has discretion to reinstate or modify any

suspension of a permit and cancel or modify any fine imposed pursuant to this subsection F. If the department determines that the deficiencies identified in the notice to comply have been corrected, but the department elects not to reinstate the suspension or cancel the fine imposed pursuant to this subsection F, the department shall notify the permittee of this decision in writing. The permittee shall have fifteen (15) calendar days from receipt of said notification to seek an administrative review of this decision.

F. The department may, after an administrative review or waiver thereof, modify, suspend, revoke or continue all such action previously imposed upon a permittee pursuant to this chapter or impose any fine imposed by law for violations of this chapter or any other laws or standards affecting public health and safety, including but not limited to the Los Angeles County Code, the California Health and Safety Code, the blood borne pathogen standard, California Code of Regulations Title 8, section 5193 or the exposure control plan of the permittee, or any combination thereof, or for interference with a county health officer's performance of duty.

G. A permit issued pursuant to this chapter may be reissued or reinstated, if the department determines that the conditions which prompted the suspension or revocation no longer exist and any fine imposed pursuant to this chapter has been satisfied.

H. In the event a permit is suspended or revoked, the producer of adult films whose permit was revoked shall cease filming any adult film unless and until the permit is reinstated or reissued.

(Measure B, § 4, approved by voters in Nov. 6, 2012 General Election.)

Part 3 COMPLIANCE AND ENFORCEMENT

11.39.120 Compliance with the provisions in this chapter shall be mandatory.

A. The provisions of this chapter are in full force and effect in the county.

B. Any producer of adult films filming any adult films within the county, including any person or entity owning or operating any business regulated by this chapter, must comply with the provisions of this chapter.

C. In addition to any other penalty provided for under this chapter, consistent with the process set forth herein for notice and administrative review, the department may impose a fine on persons violating any provision of this chapter or any law, regulation or standard incorporated into this chapter. The department may impose a civil fine upon such violators in an amount not to exceed $500.00 per violation, as appropriate. The imposition of such fines shall, in no way, limit the authority or ability to impose other requirements of this chapter or seek other remedies against alleged violators.

D. Any person or entity who produces or films adult films for commercial purposes within the county without a valid adult film production public health permit, or any person, who violates any law, ordinance or regulation governing any activity regulated by this chapter, or who, upon demand of the county health officer, refuses or neglects to conform to a lawful order or directive of a county health officer pertaining to conduct regulated by this chapter, is guilty of a misdemeanor, punishable by fine of $1,000.00, imprisonment in the county jail for a period not to exceed six months, or both. Each such act is punishable as a separate offense.

(Measure B, § 4, approved by voters in Nov. 6, 2012 General Election.)

11.39.130 Health officer—Enforcement.

The county health officer may enter and inspect any location suspected of conducting any activity regulated by this chapter, and, for purposes of enforcing this chapter, the county health officer may issue notices and impose fines therein and take possession of any sample, photograph, record or other evidence, including any documents bearing upon adult film producer's compliance with the provision of the chapter. Such inspections may be conducted as often as necessary to ensure compliance with the provisions of this chapter.

(Measure B, § 4, approved by voters in Nov. 6, 2012 General Election.)

11.39.140 Noncompliance with county health officer—Injunctive relief.

Any act or failure to act which is a violation of this chapter may be the subject of a civil action to enjoin the person or entity so acting or failing to act to conform his or her conduct to the provisions of this chapter. A civil action to enforce the provisions of this section may be brought by the county counsel, the district attorney or any person directly affected by said failure to comply with the provisions of this chapter. The filing and prosecution of such an action shall, in no way, limit the authority or ability to impose other requirements of this chapter or remedies or penalties as permitted by law.

(Measure B, § 4, approved by voters in Nov. 6, 2012 General Election.)

Part 4 OPERATIONS

11.39.150 Exposure control plan and reporting.

Every producer of adult films shall provide a written exposure control plan, approved by the department, describing how the requirements of this chapter will be implemented. The exposure control plan shall meet requirements established in departmental regulations.

(Measure B, § 4, approved by voters in Nov. 6, 2012 General Election.)

Division 2 GENERAL HAZARDS[29]

Chapter 11.40 GENERAL PROVISIONS

11.40.010 Title for citation.

The ordinance codified in Division 2 of Title 11 shall be known as and may be cited as the "general hazards ordinance."

(Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 1 § 101, 1949.)

11.40.020 Purpose of Division 2 provisions.

The purpose of the ordinance codified in this Division 2 is to provide minimum standards to safeguard life, limb, safety and public welfare by requiring protections from hazardous bodies of water, wells and other defined excavations and abandoned chests, not presently covered by statutes of the state of California.

(Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 1 § 102, 1949.)

11.40.030 Powers of deputies.

Whenever, by the provisions of this Division 2, a power is granted to a public officer or a duty imposed upon such officer, the power may be exercised or duty performed by a deputy of the officer, or by a person authorized pursuant to law by the officer, unless it is expressly otherwise provided.

(Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 1 § 103, 1949.)

11.40.040 References apply to amendments and additions.

Whenever any reference is made to any portion of the ordinance codified in this Division 2, or of any other ordinance, or to any statute, such reference shall apply to all amendments and additions thereto now or hereafter made.

(Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 1 § 104, 1949.)

11.40.050 Applicability and exceptions.

Should any exception to the provisions of this Division 2 be held invalid, or should any provision of this Division 2 be held invalid because of any exception, such exception shall be eliminated from Division 2. The board declares that it intends this Division 2 to apply to every excavation which, by reason of constitutional limitations, cannot be excepted from the provisions of this division, and to every excavation the exception of which would invalidate this Division 2 or any portion thereof.

(Ord. 9585 § 1 (part), 1968; Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 1 § 106, 1949.)

11.40.060 Interpretation of language.

A. Tenses. The present tense includes the past and future tenses.

B. Genders. Each gender includes the other two genders.

C. Number. The singular number includes the plural and the plural the singular.

(Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 1 §§ 107, 108, 109, 1949.)

11.40.070 Violation—Penalty.

Violation of this Division 2 is a misdemeanor, punishable by a fine of not more than $500.00 or by imprisonment in the County Jail for not more than six months, or by both such fine and imprisonment. Each day during any portion of which any violation of any provision of this Division 2 is committed, continued or permitted constitutes such violation a separate offense.

(Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 1 § 110, 1949.)

11.40.080 Severability.

If any portion of this Division 2 or the application thereof to any person or circumstances is held invalid, the remainder of this Division 2, and the application of such provision to other persons or circumstances, shall not be affected thereby.

(Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 1 § 105, 1949.)

Chapter 11.41 ADDRESSING MEDICAL DEBT THROUGH DATA COLLECTION

11.41.010 Title.

The Ordinance codified in this Chapter shall be known as "Addressing Medical Debt Through Data Collection."

(Ord. 2024-0048 § 2, 2024.)

11.41.015 Declaration of Findings and Purpose.

A. The Board of Supervisors finds that medical debt creates a substantial burden in Los Angeles County and that while some individuals may not owe money directly to medical or dental providers, they may have settled these debts by acquiring other forms of debt, such as credit cards, personal bank loans, or loans from relatives and friends.

B. The Board of Supervisors further finds the impact of medical debt is widespread, causing financial, mental, and physical distress for patients, who may have difficulty affording the basic necessities like food and housing and may delay necessary medical treatments, especially when these expenses are not covered by insurance and patients are unaware of or denied financial assistance.

C. The Board of Supervisors further finds that for lower-income patients, even a modest amount of debt can be debilitating.

D. The purpose of this Chapter is to authorize the Department of Public Health to collect and publish data and policies on debt collection and financial assistance activities to increase transparency related to medical debt, authorize the Department of Public Health to establish rules for reporting the collection of debt and financial assistance data and policies, and give the Department of Public Health enforcement authority for violations of this Chapter.

(Ord. 2024-0048 § 2, 2024.)

11.41.020 Definitions.

A. "Consumer Reporting Agency" means any Person which, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties, and which uses any means or facility of interstate commerce for the purpose of preparing or furnishing consumer reports.

B. "Debt" means money owed by a patient for health care services or goods the patient received from a Hospital.

C. "Debt Data" means information concerning a patient's Debt, including:

1. Patient name, patient and/or medical record number, date of birth, phone number(s), residence and mailing address, email address, and insurance name and policy number.
2. Time for which Debt was outstanding.
3. Original amount of the cost of the service(s) for which the Debt was incurred.
4. Itemization of all patient payments, insurance or other payor payments, and bill adjustments.
5. Additional information as required by the Department; however, Debt Data will not include a patient's diagnosis or treatment.

D. "Debt Collection" means any act or practice in connection with the collection of Debt from a patient, including but not limited to, the following:

1. Any attempt to contact a patient regarding a Debt more than ninety (90) days past-due, including, but not limited to, the following communication methods:
    a. Mail;
    b. Email;
    c. Text;
    d. Phone Calls; and
    e. In-person.
2. The sale or assignment of a patient's Debt to a third party.
3. Reporting adverse information about the patient to a Consumer Reporting Agency.
4. Undertaking actions to initiate a civil action, including but not limited to:
    a. Placing a lien on a patient's property;
    b. Attaching or seizing a patient's bank account or any other personal property;
    c. Obtaining an order for examination pursuant to California Code of Civil Procedure section 708.120; or
    d. Garnishing a patient's wages.
5. Delaying or denying care based on a Debt.

E. "Department" means the County of Los Angeles Department of Public Health.

F. "Financial Assistance" means free or discounted care provided to patients as required by the Hospital Fair Pricing Act and Internal Revenue Service (IRS) regulations (26 C.F.R. Section 1.501(r)-4(b)), or under the Hospital's own policies.

G. "Hospital" means any facility in the County of Los Angeles licensed as an acute care hospital by the California Department of Public Health.

H. "Patient" means an individual who has received treatment at a Hospital, or the parent or other financially responsible person of that individual.

I. "Person" means any individual, partnership, corporation, trust, estate, cooperative, association, government or governmental subdivision or agency, or other entity.

J. "Report" means a written or electronic form containing Debt Data for all Hospital patient Debts.

K. "Safety Net Hospital" means any Hospital with a low-income percent of seventy (70) or higher as determined by the most recent California Department of Health Care Services Disproportionate Share Hospital Program eligibility list.

L. "Working Days" means Monday through Friday, not including Saturday, Sunday, federal, State, or County holidays.

(Ord. 2024-0048 § 2, 2024.)

11.41.025 Reporting of Data.

A. Each Hospital that is not a Safety Net Hospital shall prepare and submit a Report with Debt Data to the Department within ten (10) Working Days of initiating any Debt Collection.

B. Each Safety Net Hospital shall prepare and submit a Report with Debt Data to the Department within twenty (20) Working Days of initiating any Debt Collection.

C. Each Hospital that is not a Safety Net Hospital shall prepare and submit to the Department a quarterly statement with aggregate Debt Data and Financial Assistance activities, including all offers and agreements of Financial Assistance. The first quarterly statement shall list information from the preceding three (3) months and each subsequent quarterly statement shall include new information for that quarter.

D. Each Safety Net Hospital shall prepare and submit to the Department an annual statement with aggregate Debt Data and Financial Assistance activities, including all offers and agreements of Financial Assistance. The first annual statement shall list information from the preceding twelve (12) months and each subsequent annual statement shall include new information for that year.

E. All Hospitals shall submit to the Department all Hospital policies on Financial Assistance unless already submitted to the California Department of Healthcare Access and Information and resubmit such policies within thirty (30) days following any policy revisions unless already submitted to the California Department of Healthcare Access and Information.

F. After one-hundred eighty (180) days of the effective date of the Ordinance codified in this Chapter, it shall be a violation of this Chapter for any Hospital who fails to submit the Reports required herein.

(Ord. 2024-0048 § 2, 2024.)

11.41.030 Administrative Fine for Violation.

A. Any Hospital that violates this Chapter may be subject to an administrative fine not to exceed five thousand dollars ($5,000) per violation pursuant to Chapter 1.25 of this Code. If the violation(s) is not remedied within thirty (30) days of notice from the Department, each violation is doubled, up to ten thousand dollars ($10,000). After thirty (30) days of non-compliance, each seven-day period thereafter is an additional fine of five thousand dollars ($5,000) for each violation until the violation is remedied.

B. Any Hospital that violates any provision of this Chapter may be subject to a civil action, including but not limited to, any injunction, in addition to administrative fines.

(Ord. 2024-0048 § 2, 2024.)

11.41.035 Department Responsibilities.

A. The Department has the authority to establish any rules it determines are necessary or appropriate for the implementation and enforcement of this Chapter. These rules shall be filed with the Executive Officer of the

Board and shall become effective immediately upon filing. Hospitals will have sixty (60) days from the issuance of the new rules to become compliant.

B. The Department shall maintain a public website and maintain the following information:

1. Instructions to Hospitals for preparing and submitting Reports and statements to the Department.

2. Aggregate Debt Data.

3. A link to the California Department of Healthcare Access and Information website and any Hospital policies on Financial Assistance, unless already available to the Department through the California Department of Healthcare Access and Information.

4. All rules adopted pursuant to Section 11.41.035.

(Ord. 2024-0048 § 2, 2024.)

11.41.040 Enforcement.

The Department is responsible for administering and ensuring compliance with this Chapter. If a possible violation of this Chapter is identified, the Hospital will be contacted and required to respond to the Department's inquiry within thirty (30) days from the date of inquiry or be subject to administrative fines as described in Section 11.41.030 of this Chapter.

(Ord. 2024-0048 § 2, 2024.)

11.41.045 Severability.

If any part of this Chapter is for any reason deemed invalid or unconstitutional by a court of competent jurisdiction, such a decision will not impact the validity of the remaining Chapter. The County of Los Angeles Board of Supervisors hereby declares that it would have adopted this Chapter and every subsection, sentence, clause, or phrase thereof not declared invalid or unconstitutional without regard to whether any one or more subsection, sentence, clause, or phrase would subsequently be declared unconstitutional or invalid.

(Ord. 2024-0048 § 2, 2024.)

Chapter 11.42 DEFINITIONS

11.42.010 Definitions applicable to Division 2.

Unless the provision or the context otherwise requires, the definitions in this chapter shall govern the construction of this Division 2.

(Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 2 § 201, 1949.)

11.42.020 Article.

"Article" means an article of the ordinance codified in this Division 2, unless some other ordinance or statute is mentioned.

(Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 2 § 202, 1949.)

11.42.030 Board.

"Board" means the board of supervisors of the county of Los Angeles.

(Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 2 § 203, 1949.)

11.42.040 County.

"County" means the county of Los Angeles.

(Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 2 § 204, 1949.)

11.42.050 County engineer.

"County engineer" means the county engineer of the county of Los Angeles.

(Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 2 § 205, 1949.)

11.42.060 Excavation.

"Excavation" means any hole or depression in the ground or body of water created wholly or in part by artificial means, including excavation, dam, fill, or combination thereof.

(Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 2 § 206, 1949.)

11.42.070 Parcel of land.

"Parcel of land" means a contiguous quantity of land, in the possession of, or owned by, or recorded as the property of, the same claimant or person.

(Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 2 § 207, 1949.)

11.42.080 Party concerned.

"Party concerned" means the person, if any, in real or apparent charge and control of the object or premises involved, the person who, by the last equalized assessment roll, appears to be the owner of the premises involved, the record owner, the holder of any mortgage, trust deed or other lien or encumbrance of record, the owner or holder of any lease of record, the record holder of any other estate or interest in or to the object or premises.

(Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 2 § 208, 1949.)

11.42.090 Person.

"Person" means any individual, firm, copartnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver, syndicate, or any other group or combination acting as a unit.

(Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 2 § 209, 1949.)

11.42.100 Section.

"Section" means a section of the ordinance codified in this Division 2 unless some other ordinance or statute is specifically mentioned.

(Ord. 9415 § (part), 1967; Ord. 5307 Art. 2 § 211, 1949.)

11.42.110 Shall and may.

"Shall" is mandatory; "may" is permissive.

(Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 2 § 210, 1949.)

11.42.120 Sheriff.

"Sheriff" means the sheriff of this county.

(Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 2 § 212, 1949.)

11.42.130 Superintendent.

"Superintendent" means:

A. The county engineer of the county of Los Angeles while enforcing Sections 50241, 50242, 50243, 50244 and 50254 of the Government Code;

B. The sheriff while enforcing Sections 50234 and 50236 of the Government Code.

(Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 2 § 213, 1949.)

Chapter 11.44 BOXES AND CHESTS

11.44.010 Removal of door or latch required—Failure deemed misdemeanor when.

Any person who discards or abandons or leaves in any place accessible to children any chest or box having a capacity of one and one-half cubic feet or more, which is no longer in use, which chest or box has an attached lid or door which may be opened or fastened shut by means of an attached latch, which has not had such door removed or the hinges and such portion of the lock mechanism removed to prevent latching or locking of the door, is guilty of a misdemeanor.

(Ord. 9415 § 1 (part) 1967; Ord. 5307 Art. 7 § 701, 1949.)

11.44.020 Exceptions to chapter applicability.

This chapter does not apply to any refrigerator, icebox or deep-freeze locker in current use. This chapter does not prohibit or cover any act prohibited by Section 402(b) of the Penal Code of the state of California, or by any other state statute.

(Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 7 § 702, 1949.)

11.44.030 Removal by sheriff authorized when.

If the sheriff finds any chest or box in violation of the provisions of this chapter, he may remove the latch so that such chest or box cannot be fastened shut, or he may remove such chest or box to a place not accessible to children. Neither of such actions bars a prosecution for violation of this chapter.

(Ord. 9415 § 1 (part) 1967; Ord. 5307 Art. 7 § 703, 1949.)

Chapter 11.46 HAZARDOUS OIL WELL MACHINERY

11.46.010 Enclosure requirements—Exemptions.

A. A person owning, having possession of or in control of any oil well shall not maintain or allow to exist thereon any moving parts or machinery, in use and/or operatable at such oil well, unless such machinery or moving parts are securely enclosed by a fence complying with the provisions of Section 11.48.030 or screening or housing sufficient to prevent the entry of unauthorized persons. If a fence is equipped with gates, such gates shall comply with Section 11.48.040. A single fence, screen or housing may be used to enclose more than one oil well.

B. Exception: Perimeter fencing need not be continuous where:

   1. The oil well is in an isolated area with no residences other than a caretaker within one-half mile; and

   2. The unfenced portion is located in terrain that is equivalent to the fenced portion in protection against trespassing.

(Ord. 10874 § 1, 1974; Ord. 10730 § 2 (part), 1973; Ord. 5307 Art. 9 § 901, 1949.)

11.46.020 Exempt facilities.

This chapter does not apply if a competent person is in constant attendance 24 hours per day at each oil well.

(Ord. 10730 § 2 (part), 1973; Ord. 5307 Art. 9 § 902, 1949.)

11.46.030 Violation deemed misdemeanor.

Any person owning, maintaining, operating or in possession of hazardous oil well machinery, as defined in this chapter, and who is in violation of this Division 2 is guilty of a misdemeanor, and may be arrested and taken immediately before the magistrate by the sheriff or released after giving his written promise to appear before the magistrate as provided in Ordinance 6723.

(Ord. 10874 § 2, 1974; Ord. 5307 Art. 9 § 903, 1949.)

Chapter 11.48 OIL WELL SUMPS, SAND AND GRAVEL PITS AND SIMILAR EXCAVATIONS[31]

11.48.010 Fencing—Required when.

Every person making, maintaining or using, and every person owning or in control of the premises on which there exists an oil-well sump of any depth, or a sand and gravel pit, clay pit or similar excavation exceeding three feet in depth, shall erect and continuously maintain around such excavation at all places, if an oil well sump, and in other cases at all places where the slope exceeds one foot vertical to one and one-half foot horizontal if not under water, or one foot vertical to four feet horizontal if under water, a fence complying with the requirements of this chapter.

(Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 3 § 301, 1949.)

11.48.020 Exceptions to chapter applicability.

This chapter does not apply to:

A. An oil-well sump constantly and immediately attended while drilling operations are continuously proceeding;

B. Harbors, marinas and artificial lakes exceeding one acre in surface area used for recreational purposes;

C. A temporary excavation for the installation of a public utility, if not abandoned.

(Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 3 § 302, 1949.)

11.48.030 Fencing—Specifications.

Fences required by this chapter shall be not less than five feet high, mounted on one and one-quarter-inch diameter galvanized-steel posts, with not less than three strands of barbed wire mounted at a 45-degree angle from the top of the fence. The fence shall be constructed of chain link or other industrial-type fencing of not less than 11-gauge wire, and of not greater than two-inch nominal mesh. The posts supporting the fence shall be set 36 inches in a concrete base and shall be spaced approximately 10 feet apart. Tension wires of at least No. 9 gauge coil-spring wire, or equivalent, shall be stretched at the top and bottom of the fence fabric, and shall be fastened to the fabric at 24-inch intervals. There shall be no aperture below the fence large enough to permit any child to crawl under the fence.

(Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 3 § 303, 1949.)

11.48.040 Gates.

Gates shall be of a structure substantially the same as the required fence, and shall be kept locked when not attended by an adult.

(Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 3 § 304, 1949.)

11.48.050 Alternate construction authorized when.

If the county engineer finds that any other type of construction has resulted in, or will result in, a fence or wall in all respects the equivalent in protection, strength and durability to a fence constructed as provided in Section 11.48.030, such alternate type of construction may be used.

(Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 3 § 305, 1949.)

11.48.060 Cleanup of sumps, cellars and ditches required when.

Every person operating or maintaining an oil well shall cause all sumps, cellars and ditches which were used, or installed, or maintained for use in connection with any well, and which have not been used for 90 days for the operation of or the drilling of such well or any other well in the vicinity, to be cleaned out, and all oil, rotary mud and rubbish removed therefrom.

(Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 3 § 306, 1949.)

Chapter 11.50 SWIMMING POOLS[33]

11.50.010 Fence or other enclosure—Required when.

Every person who shall own or be in possession of any premises on which there is situated a swimming pool, fish pond or other outside body of water created by artificial means, designed or used for swimming or other immersion purposes by men, women or children, any portion of which is two feet deep or more, and the surface area of the water in which does not exceed 10,000 square feet, shall erect and maintain on such lot or premises, and completely surrounding such body of water, lot or premises, a fence, wall or other structure, which fence, wall or other structure complies with the provisions of this chapter.

(Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 5 § 501, 1949.)

11.50.020 Sign posting required—Contents.

Every person who owns, operates or maintains a private swimming pool for the use of himself, his family or friends in the unincorporated area of the county of Los Angeles shall post or display a sign or poster which is clearly visible from any point immediately adjacent to such pool, which is protected against the elements, and which describes and illustrates the proper procedures for giving both mouth-to-mouth and manual artificial respiration. Every such sign or poster shall also contain the following statements or information:

A. A statement that in case of need, mouth-to-mouth or manual artificial respiration should be started immediately and should be continued until a physician arrives or until mechanical resuscitators are applied;

B. The words "FIRE DEPARTMENT PARAMEDIC RESCUE UNIT" followed by the telephone number of the nearest Los Angeles County fire department dispatcher;

C. The location and telephone number of the nearest emergency hospital or other emergency treatment facility and of the nearest physician; and

D. The telephone number of the nearest ambulance service.

(Ord. 11069 § 1, 1975; Ord. 5307 Art. 5 § 501.1, 1949.)

11.50.030 New pools—Sign posting required.

Every contractor or other person, firm, copartnership, association or corporation constructing any private swimming pool which is subject to the provisions of Section 11.50.020 shall upon completion of such swimming pool erect a sign or poster which in all respects complies with the requirements of said Section 11.50.020.

(Ord. 11069 § 2, 1975; Ord. 5307 Art. 5 § 501.2, 1949.)

11.50.040 Fence or other enclosure—Design requirements.

The fence, wall or other structure required by this chapter shall be not less than five feet high, measured from the existing surface to the top of the fence or wall on the side of the fence or wall opposite the side towards the pool, with no openings except doors or gates, with an area greater than 50 square inches, except that a rectangular opening having no horizontal dimension exceeding four inches may have a greater area.

(Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 5 § 502, 1949.)

11.50.050 Wood fences.

Wood fences shall have posts not less than three inches by three inches, spaced not over 10 feet on centers, and embedded at least 18 inches into the ground. Posts, other than redwood, shall be treated with a preservative. Fencing shall be at least one-half inch in thickness, and fastened securely to at least two rails not less than two inches by three inches in cross-section.

(Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 5 § 503, 1949.)

11.50.060 Wire fences.

Wire fences shall be constructed of wire mesh of not less than 11 gauge galvanized-steel wire supported on one and one-fourth inch diameter galvanized pipe spaced not over 10 feet on centers. Posts shall be embedded at least 12 inches into concrete fill, in holes not less than six inches in diameter and 18 inches in depth.

(Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 5 § 504, 1949.)

11.50.070 Masonry fences.

Masonry fences shall be supported on a foundation of concrete extending not less than 12 inches below grade, not less than 12 inches in width, and not less than six inches in thickness. Wall steel, when required, shall be embedded 16 diameters into the footing.

(Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 5 § 505, 1949.)

11.50.080 Fence—Alternate type authorized when.

If the county engineer finds that any other type of construction has resulted in, or will result in, a fence in all respects the equivalent in strength and durability to a fence constructed as provided in Sections 11.50.050, 11.50.060 or 11.50.070, such type of construction may be used.

(Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 5 § 506, 1949.)

11.50.090 Fences higher than six feet—Additional regulations.

All fences or walls exceeding six feet in height shall comply with the provisions of Ordinance 2225, the Building Code, set out at Title 26 of this code.

(Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 5 § 507, 1949.)

11.50.100 Gates and doors—Self-closing devices required.

All gates or doors opening through the fence or structure protecting a swimming pool, as required by this chapter, shall be equipped with self-closing and self-latching devices not less than four feet above grade, capable of keeping such gate or door securely closed at all times when not in actual use.

(Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 5 § 508, 1949.)

11.50.110 Gates and doors—Size and use.

All doors or gates shall be of such size as to completely fill any opening in the fence or wall. The owner or person in possession of the premises on which such swimming pool exists shall keep such doors and gates closed and securely latched at all times when such swimming pool is not in use.

(Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 5 § 509, 1949.)

11.50.120 Portable pools.

This chapter does not apply to portable swimming pools which are so designed that the water in them can, at no time, exceed two feet in depth, but does apply to all other portable swimming pools.

(Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 5 § 510, 1949.)

11.50.130 Violation deemed misdemeanor.

Any person owning, maintaining, operating or in possession of a pond or pool, as defined in this chapter, and who is in violation of this Division 2, is guilty of a misdemeanor, and may be arrested and taken immediately before the magistrate by the sheriff or released after giving his written promise to appear before the magistrate as provided in Ordinance 6723. (See Chapter 1.24 of this code.)

(Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 5 § 511, 1949.)

Chapter 11.51 BARRIERS FOR SWIMMING POOLS, SPAS AND HOT TUBS

11.51.010 Applicability of chapter.

The provisions of this chapter apply to the design and construction of barriers for new or altered swimming pools located on the premises of Group R, Division 3 Occupancies and are in addition to the requirements of Chapter 11.50.

(Ord. 95-0039 § 1 (part), 1995.)

11.51.015 Standards of quality.

In addition to the other requirements of this code, safety covers for spas shall meet the requirements as set forth in ASTM F 1346: Standard Performance Specification for Safety Covers and Labeling Requirement for All Covers for Swimming Pools, Spas and Hot Tubs.

(Ord. 96-0017 § 1 (part), 1996.)

11.51.020 Definitions.

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

A. "Above-ground/on-ground pool." See definition of "swimming pool."

B. "Barrier" is a fence, wall, building wall, or a combination thereof, which completely surrounds the swimming pool and obstructs access to the swimming pool.

C. "Dwelling unit" shall have the same meaning as that term is defined in Title 26 (Building Code) of the Los Angeles County Code.

D. "Group R, Division 3 Occupancies" shall have the same meaning as that term is defined in Title 26 (Building Code) of the Los Angeles County Code.

E. "Grade" is the underlying surface such as earth or a walking surface.

F. "Hot tub." See definition of "spa, nonself-contained" and "spa, self-contained."

G. "In-ground pool." See definition of "swimming pool."

H. "Pedestrian walkway" shall have the same meaning as that term is defined in Title 26 (Building Code) of the Los Angeles County Code.

I. "Spa, nonself-contained" is a hydromassage pool or tub for recreational or therapeutic use, not located in health-care facilities, designed for immersion of users and usually having a filter, heater and motor-driven blower. It may be installed indoors or outdoors, on the ground or on a supporting structure, or in the ground or in a supporting structure. It is intended for recreational bathing and contains water over 24 inches (610 mm) deep.

J. "Spa, self-contained" is a continuous-duty appliance in which all control, water-heating and water-circulating equipment are an integral part of the product, located entirely under the spa skirt. A self-contained spa is intended for recreational bathing and contains water over 24 inches (610 mm) deep.

K. "Swimming pool" is any structure intended for swimming or recreational bathing that contains water over 24 inches (610 mm) deep. This includes in-ground, above-ground and on-ground swimming and fixed-in-place wading pools.

L. "Swimming pool, indoor" is a swimming pool which is totally contained within a residential structure and surrounded on all four sides by walls of said structure.

M. "Swimming pool, outdoor" is any swimming pool which is not an indoor pool.

(Ord. 96-0017 § 2, 1996; Ord. 95-0039 § 1 (part), 1995.)

11.51.030 Requirements.

A. Outdoor Swimming Pool. An outdoor swimming pool shall be provided with a barrier that shall be installed, and inspected and approved by the building official prior to plastering or filling with water. The barrier shall comply with the following:

1. The top of the barrier shall be at least 60 inches (1524 mm) above grade measured on the side of the barrier which faces away from the swimming pool.

EXCEPTION: Separation Fences (as defined herein) shall be at least 48 inches (1219 mm) above grade measured on the side of the barrier which faces away from the swimming pool.

2. The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches (51 mm) measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance at the bottom of the barrier may be increased to 4 inches (102 mm) when grade is a solid surface such as a concrete deck, or when the barrier is mounted on the top of the above-ground pool structure. When barriers have horizontal members spaced less than 45 inches (1143 mm) apart, the horizontal members shall be placed on the pool side of the barrier. Any decorative design work on the side away from the swimming pool, such as protrusions, indentations or cutouts, which render the barrier easily climbable, is prohibited.

3. Openings in the barrier shall not allow passage of a 1-3/4 inch diameter (44 mm) sphere.

EXCEPTIONS:

a. When vertical spacing between such openings is 45 inches (1143 mm) or more, the opening size may be increased such that the passage of a 4-inch-diameter (102 mm) sphere is not allowed.

b. For fencing composed of vertical and horizontal members, the spacing between vertical members may be increased up to 4 inches (102 mm) when the distance between the tops of horizontal members is 45 inches (1143 mm) or more.

4. Chain link fences used as the barrier shall not be less than 11 gage.

5. Pedestrian walkway access gates shall comply with the requirements of Items 1 through 4. Pedestrian walkway access gates shall be self-closing and have a self-latching device. Where the release mechanism of the self-latching device is located less than 54 inches (1372 mm) from the bottom of the gate, (a) the release mechanism shall be located on the pool side of the barrier at least 3 inches (76 mm) below the top of the gate, and (b) the gate and barrier shall have no opening greater than 1/2 inch (13 mm) within 18 inches (457 mm) of the release mechanism. Pedestrian walkway access gates shall swing away from the pool. Any gates other than pedestrian walkway access gates shall be equipped with lockable hardware or padlocks and shall remain locked at all times when not in use.

6. Where a building wall of a Group R, Division 3 Occupancy dwelling unit serves as a part of the barrier and the building wall has door opening(s) which provide direct access to the swimming pool, a wall or fence (herein referred to as a separation fence) shall be provided so as to prevent direct access from the house to the swimming pool. The separation fence shall comply with the requirements of Items 1, 2, 3, 4 and 5 of this Section.

EXCEPTION: When approved by the building official, one of the following may be used instead of a separation fence:

a. Self-closing and self-latching devices installed on all doors with direct access to the pool with the release mechanism located at a minimum of 54 inches (1372 mm) above the floor.

b. An alarm installed on all doors with direct access to the pool. The alarm shall sound continuously for a minimum of 30 seconds within seven seconds after the door and its screen, if present, are opened, and be capable of providing a sound pressure level of not less than 85 dBA when measured indoors at 10 feet (3048 mm). The alarm shall automatically reset under all conditions. The alarm system shall be equipped with a manual means, such as a touchpad or switch, to temporarily deactivate the alarm for a single opening. Such deactivation shall last no longer than 15 seconds. The deactivation switch shall be located at least 54 inches (1372 mm) above the threshold of the door.

c. Other means of protection may be acceptable so long as the degree of protection afforded is not less than that afforded by any of the devices described above.

7. Where an above-ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps, then (a) the ladder or steps shall be

capable of being secured, locked or removed to prevent access or (b) the ladder or steps shall be surrounded by a separation fence which meets the requirements of Items 1 through 5 above. When the ladder or steps are secured, locked or removed, any opening created shall be protected by a separation fence complying with Items 1 through 6 above.

B. Indoor Swimming Pool. For an indoor swimming pool, protection shall comply with the requirements of subsection (A)(6) of this section.

C. Existing Fencing. If portions of the barrier are comprised of pre-existing fencing which complies with the provisions of Chapter 11.50 of this code, except as noted below, such pre-existing fencing need not comply with the provisions of this chapter. If a building wall of a Group R, Division 3 Occupancy dwelling unit serves as part of the barrier and the building wall has door opening(s) which provide direct access to the swimming pool, then the provisions of subsection (A)(6) of this section shall apply.

D. Nonself-Contained and Self-Contained Spas. For outdoor and indoor spas, protection shall comply with the requirements of this section.

EXCEPTION: A lockable spa cover complying with ASTM F 1346, as determined by the building official, shall be provided in lieu of the separation fence required by subsection (A)(6) of this section.

(Ord. 96-0017 § 3, 1996; Ord. 95-0039 § 1 (part), 1995.)

Chapter 11.52 WATER HAZARDS

11.52.010 Hazardous bodies of water—Board findings.

The board finds that there are numerous bodies of water, both natural and man-made, throughout the unincorporated territory of this county, which are not included within the provisions of Chapters 11.48, 11.50 or 11.54, yet are a serious hazard to children and others because of their depth, size, vegetable growth therein, nature of soil, and for many other reasons. The board further finds that these bodies of water are attractive to children and that children will use them for boating, floating and bathing.

(Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 6 § 601, 1949.)

11.52.020 Areas declared nuisance when—Abatement—Statutory provisions incorporated by reference.

Whenever any body of water, whether natural or man-made, or partially natural and partially man-made, is a hazard to children because of its size, depth, vegetable growth therein, nature of soil, or for any other reason, the board may declare by resolution such body of water to be a public nuisance and abate such hazard as provided in Article 9 (beginning with Section 50230) of Chapter 1 of Part 1 of Division 1 of Title 5 of the Government Code, the provisions of which article are incorporated by reference as a portion of this Division 2.

(Ord. 9585 § 1 (part), 1968; Ord. 9415 § 1 (part), 1367; Ord. 5307 Art. 6 § 602, 1949.)

11.52.030 Areas in multiple ownership—Abatement responsibility.

If such body of water occupies more than one premises, the owner or person in possession of each such premises shall be responsible for the abatement of the nuisance which exists on his property.

(Ord. 9585 § 1 (part), 1968; Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 6 § 603, 1949.)

11.52.040 Gate requirements.

Gates shall be kept locked when not attended by an adult.

(Ord. 9585 § 1 (part), 1968; Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 6 § 604, 1949.)

11.52.050 Hazard areas designated.

The board finds that those bodies of water located as described in this section are a hazard to life and are subject to the provisions of this Division 2, including this chapter:

A. Between 135th Street on the south, 133rd Street on the north, Broadway on the east and the railroad which is parallel to Broadway on the west.

(Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 6 § 605, 1949.)

Chapter 11.54 WELLS, TEST HOLES, CESSPOOLS, CISTERNS AND SEPTIC TANKS

11.54.010 Closure, capping or filling in holes required when.

Every person who digs, drills, excavates, constructs, owns or controls, and every person owning or having possession of any premises on which exists any oil or water well, test hole, cesspool, cistern, septic tank, seepage pit or similar excavation, shall cap, close or otherwise protect the opening to such well, hole, cesspool, cistern, septic tank, seepage pit or similar excavation in such a manner as to prevent persons from falling therein, and in such a manner that such capping, closing or other protection cannot be removed by accident or inadvertence, or such persons shall fill such well, cesspool or pit.

(Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 4 § 401, 1949.)

11.54.020 County may perform work when.

Whenever any person fails or refuses to perform any act required by this chapter, the county may itself cap, cover or fill such well, or the county may follow the procedure provided for in Chapter 11.56 of this code and Article 9 of the Government Code cited in Section 11.52.020.

(Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 4 § 402, 1949.)

11.54.030 Exceptions to chapter applicability.

This chapter does not apply to:

A. Wells, cesspools, cisterns, septic tanks or seepage pits under construction, when constantly and immediately attended by workmen or other adult persons;

B. Wells, pits or shafts less than three feet in depth or with an opening not exceeding six inches in diameter;

C. Abandoned excavations covered by Sections 24400, 24401 or 24402 of the Health and Safety Code.

(Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 4 § 403, 1949.)

Chapter 11.56 HEARINGS AND ENFORCEMENT[35]

11.56.010 Statutory nuisance abatement provisions applicable when.

Whenever any person fails or refuses to perform any act required by Chapters 11.48, 11.50 or 11.54 of this Division 2, the board may proceed as provided in said Article 9 (beginning with Section 50230) of Chapter 1 of Part 1, of Division 1, of Title 5 of the Government Code.

(Ord. 9585 § 2 (part), 1968; Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 8 § 801, 1949.)

11.56.020 Change of wording to designate specific nuisance.

Whenever Section 50236 of the Government Code or any other provision in that same Article refers to "abandoned excavation," in the case of oil-well sumps, excavations covered by this Division 2 but not abandoned, swimming pools and water hazards, the appropriate word or words "oil well sump," "excavation," "swimming pool," "water hazard" or other appropriate word or words shall be substituted.

(Ord. 9585 § 2 (part), 1968; Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 8 § 802, 1949.)

11.56.030 Hearing—Referee appointed by board—Exception.

Except in the case of an abandoned excavation, as defined by Section 50230 of the Government Code, the board may appoint a referee to hold any hearing required by this chapter.

(Ord. 9585 § 2 (part), 1968; Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 8 § 803, 1949.)

11.56.040 Hearing—Compensation of referee.

If the board appoints a county officer or county employee to act as referee, all time spent as a referee shall be considered as time spent by such officer or employee at performing the duties of his position. His compensation for performing both the duties of his position and as referee shall be at the rate of compensation provided for by the salary ordinance set out at Title 6 of this code.

(Ord. 9585 § 2 (part), 1968; Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 8 § 804, 1949.)

11.56.050 Hearing—Board action on referee recommendations.

Where a referee has held a hearing pursuant to this chapter, the board may act upon the findings and recommendations of the referee.

(Ord. 9585 § 2 (part), 1968; Ord. 9415 § 1 (part), 1967; Ord. 5307 Art. 8 § 805, 1949.)

Division 3 MISCELLANEOUS REGULATIONS

Chapter 11.57 COVID-19 WORKER AND CONSUMER SAFETY

11.57.010 Purpose, Application and Findings.

On March 4, 2020, the Los Angeles County Board of Supervisors declared a Local Emergency, and the Los Angeles County Health Officer declared a Local Health Emergency, regarding the outbreak of the novel coronavirus (COVID-19), and on March 11, 2020, the World Health Organization officially declared the health crisis a pandemic. On March 21, 2020, the Los Angeles County Health Officer issued a revised Safer at Home Order, requiring all residents to stay at home unless performing certain essential activities.

Retail Grocery Stores and Retail Drug Stores remain open, and their workers have become "front-line responders" to the local health emergency. In addition, many of the most vulnerable County residents, including those 60 years and older or with underlying health conditions, have turned to "Food Delivery Platforms" as a result of the requirements under the Safer at Home Order to meet many basic activities, such as obtaining groceries, toiletries and other essential items.

Food and grocery delivery drivers and shoppers are an essential population of workers, not employed directly by Retail Grocery Stores and Retail Drug Stores, but in contractual relationship with Food Delivery Platforms. These businesses, along with Retail Grocery Stores and Retail Drug Stores, must provide their workers with the necessary supplies, tools, equipment and safety practices to protect the workers and the public they are serving.

In promoting the health, safety, and general welfare of its residents, the County of Los Angeles has a substantial interest in encouraging Retail Grocery Stores, Retail Drug Stores and Food Delivery Platforms to comply with federal, State, and local laws, and Health Officer Orders and recommendations of health authorities to limit the spread of COVID-19.

(Ord. 2020-0018U § 1, 2020.)

11.57.020 Definitions.

For the purpose of this interim urgency ordinance, the following words and terms shall have the following meaning:

A. "Employer" means any of the following:

1. Retail Grocery Store;
2. Retail Drug Store; or
3. A Food Delivery Platform.

B. "Food Delivery Platform" means a business that utilizes an online website or other similar presence to interact with customers and acts as an intermediary between its customers/consumers and a Retail Grocery Store, Retail Drug Store and/or Restaurant.

C. "Health Officer Order" means any order issued by the Los Angeles County Health Officer, as amended.

D. "Restaurant" shall have the same meaning as set forth in Section 8.04.400 of the Los Angeles County Code.

E. "Retail Drug Store" means a retail store that sells a variety of prescription and non-prescription medicines and miscellaneous items, including but not limited to drugs, pharmaceuticals, sundries, fresh produce, meats, poultry, fish, deli products, dairy products, canned foods, dry foods, beverages, and prepared foods.

F. "Retail Grocery Store" means a retail store that sells primarily food or household goods, including fresh produce, meats, poultry, fish, deli products, dairy products, canned foods, dry foods, beverages, baked goods, and/or prepared foods.

G. "Retaliation" means taking adverse action against a Worker, such as reduction of work hours or compensation, or discharging a Worker for exercising rights granted by this interim urgency ordinance, or for complying with any Health Officer Order.

H. "Worker" means any person working for a Retail Grocery Store, Retail Drug Store, or Feed Delivery Platform, including as an employee or an independent contractor, that either physically works at a retail location that is open to the public and sells groceries, or shops or picks up prepared foods, groceries and other orders from a Restaurant, Retail Grocery Store and/or Retail Drug Store to deliver to a consumer. For purposes of this interim urgency ordinance, a Worker is presumed to be an employee of an Employer, and an Employer has the burden to demonstrate that a Worker is not an employee.

I. "Social Distancing" means the practice of avoiding large gatherings and maintaining a physical distance of at least six (6) feet from other people, or as otherwise defined in a Health Officer Order, and any other guidance issued by a Health Officer.

(Ord. 2020-0018U § 2, 2020.)

11.57.030 Provision of Equipment and Supplies.

A. Retail Grocery Stores and Retail Drug Stores shall provide their Workers who touch products for sale or otherwise interact with customers, at the Employers' expense, the following:

1. Gloves (if commercially available).
2. Hand sanitizer (if commercially available).
3. Disinfecting cleaning products and any other necessary sanitary tools and supplies.
4. Face coverings (non-medical grade).
5. Plexiglass barriers at all point of sale stations between a customer and a Worker.
6. Appropriate training on the proper use, cleaning, and maintenance of items 1 through 5 above.

B. Retail Grocery Stores and Retail Drug Stores shall provide the following:

1. Dedicated handwashing or sanitizing stations available in all stores for use by Workers prior to beginning their shifts.
2. Sanitary restrooms stocked with necessary soap, towels, toilet seat covers and toilet paper.

C. Food Delivery Platforms shall provide either (1) a face covering (non-medical grade), and gloves and/or hand sanitizer, or (2) a stipend or other sufficient, available funds for the purchase of a face covering (non-medical grade), and gloves and/or sanitizers.

D. Retail Grocery Stores, Retail Drug Stores, and Food Delivery Platforms will follow all Health Officer Orders and guidance issued by the Los Angeles County Health Officer related to the work environment, Workers, and COVID-19.

(Ord. 2020-0018U § 3, 2020.)

11.57.040 Staffing.

A. Retail Grocery Stores and Retail Drug Stores shall be maintained in clean condition, and shall cause the shopping carts and baskets to be sanitized between each use.

B. Retail Grocery Stores and Retail Drug Stores shall not unreasonably withhold approval of a Worker's request to change a work schedule due to childcare/family needs arising from a Health Officer Order, or due to a Worker experiencing symptoms consistent with COVID-19.

(Ord. 2020-0018U § 4, 2020.)

11.57.050 Other Worker and Customer Protections.

A. Retail Grocery Stores and Retail Drug Stores shall permit their respective Workers to wash their hands at least every thirty (30) minutes.

B. Retail Grocery Stores and Retail Drug Stores shall require their respective Workers to wear face coverings (non-medical grade) while on premises.

C. Retail Grocery Stores and Retail Drug Stores shall provide the following:

1. Shopping time dedicated solely for customers age 60 and over.

2. Proper signage at entrances to stores informing customers of the requirements for Social Distancing and visible markers for customers in line, in accord with Social Distancing at point of sale stations.

3. Access for Food Delivery Platform Workers to the restrooms on the premises for handwashing purposes.

D. Retail Grocery Stores and Retail Drug Stores may refuse admission or service to any individual who is not wearing a face covering.

E. Food Delivery Platforms shall require their Workers to wash or sanitize their hands prior to handling any food for delivery.

F. Food Delivery Platforms shall offer to its customers "no-contact" delivery options so deliveries can be made without Workers coming into close physical contact with customers.

(Ord. 2020-0018U § 5, 2020.)

11.57.060 Retaliation Prohibited.

Retail Grocery Stores, Retail Drug Stores, and Food Delivery Platforms shall be prohibited from retaliating against a Worker for exercising rights granted by this interim urgency ordinance or for complying with any Health Officer Order.

(Ord. 2020-0018U § 6, 2020.)

11.57.070 Sunset Clause.

This interim urgency ordinance shall sunset upon the latter of either the Governor of the State of California lifting his emergency order declared on March 4, 2020, or the Board of Supervisors lifting the Local Emergency declared on March 4, 2020.

(Ord. 2020-0018U § 7, 2020.)

Chapter 11.58 ELECTRICAL MATERIALS AND APPLIANCES[37]

11.58.010 Compliance with chapter provisions required when.

No person, firm or corporation shall hereafter sell, offer for sale, loan, rent, dispose of by gift or premium, give or otherwise furnish, provide or make available for use any electrical material, device or appliance designed or intended for attachment, directly or indirectly, to any electrical system, circuit or electrical service for light, heat or power in the unincorporated area of the county of Los Angeles, unless such electrical material, device or appliance complies with the provisions of this chapter.

(Ord. 4388 § 1, 1944.)

11.58.020 Rating and other information to appear on all materials.

All electrical materials, devices and appliances, designed or intended for attachment, directly or indirectly, to any electrical system, circuit or electrical service for light, heat or power shall be only those which conform with the requirements of this chapter and of rules and regulations adopted pursuant hereto. Each such article shall bear or contain the maker's name, trademark or identification symbol, together with such rating by the manufacturer as may be necessary to determine the intended use. The correct volts and amperes, or volts and watts shall be stated, and no person, firm or corporation shall remove, alter, deface or obliterate any such marking.

(Ord. 4388 § 2, 1944.)

11.58.030 National Safety Standards applicable.

All electrical materials, devices and appliances covered by and intended to be regulated by this chapter shall conform with the National Safety Standards for such materials, devices and appliances on file in the office of the National Bureau of Standards, as such standards exist when any such material, device or appliance is submitted for approval, and such standards are declared to be the minimum standards required to provide an adequate degree of safety to life and property in the unincorporated area of the county of Los Angeles.

(Ord. 4388 § 3, 1944.)

11.58.040 County engineer designated as chief electrical inspector.

Whenever the term "chief electrical inspector" is used in any section of this chapter, other than this section, such term shall be construed to mean "county engineer," or his authorized representative.

(Ord. 9510 § 1 (part), 1968; Ord. 4388 § 4, 1944.)

11.58.050 Evidence of compliance with standards.

Listing or labeling of materials, devices and appliances by the Underwriters' Laboratory, or other testing laboratory approved by the chief electrical inspector as complying with standards on file with the United States Bureau of Standards, may be accepted by the chief electrical inspector as prima facie evidence of the conformity of such

materials, devices and appliances with corresponding provisions of the standards of the county, or of corresponding rules and regulations adopted under this chapter.

(Ord. 4388 § 5, 1944.)

11.58.060 Procedure when no standards exist—Electrical inspector authority.

Where no standards have been adopted for any such materials, devices or appliances, the chief electrical inspector may designate a standard for each such article submitted and tested, which designation shall be in writing and shall be adopted and promulgated in the manner provided in this chapter. Any such standards so prescribed shall be designed to provide, as a minimum, the degree of safety to life and property as is required by the standards adopted in this chapter for materials, devices or appliances of similar or related character or nature. Before the chief electrical inspector approves any such material, device or appliance, he may require that such article be submitted to a testing laboratory approved by him in order to show compliance with the designated standards.

(Ord. 4388 § 6, 1944.)

11.58.070 Replacement or repair parts—Compliance required.

In the rebuilding or repair of any electrical materials, devices or appliances described in Section 11.58.010, all parts replaced or repaired shall conform in all particulars with the standards hereby provided for.

(Ord. 4388 § 13, 1944.)

11.58.080 Exceptions—Materials regulated by Building Code or Electrical Code.

The provisions of this chapter shall not apply to electrical materials, devices and appliances which are the subject matter of regulation in the Los Angeles County Building Code and Electrical Code, set out at Title 26 and Title 27, respectively, of this code, heretofore adopted and in effect as of the date of the ordinance codified in this chapter.

(Ord. 4388 § 8, 1944.)

11.58.090 Exceptions—Materials used by electrical utilities.

The provisions of this chapter do not apply to electrical materials, devices and appliances installed by or for an electric utility for its use in the generation, transmission, distribution or metering of electrical energy.

(Ord. 4388 § 12, 1944.)

11.58.100 Exceptions—Low-voltage devices.

The provisions of this chapter do not apply to electrical materials, devices or appliances designed or intended for attachment, directly or indirectly, to any electrical system, circuit or electrical service for light, heat or power operating at a primary voltage of not more than 25 volts and consuming not more than 50 watts.

(Ord. 4388 § 10, 1944.)

11.58.110 Exceptions—Certain industrial appliances—Application requirements.

The provisions of this chapter do not apply to those industrial appliances which are to be used in a specific location and which have been submitted to a laboratory for approval to determine their conformity with the standards provided for in this chapter, but with respect to which final approval by such laboratory is still pending, providing that an exception is applied for and granted in the manner herein prescribed. The person desiring to make such installation shall submit an application in writing for such exception to the chief electrical inspector, accompanied by written evidence satisfactory to such inspector, indicating that laboratory approval has been applied for. Such exception, if granted by the chief electrical inspector, shall continue in force only during such time as the inspector believes that the testing laboratory will grant final approval certifying compliance to the prescribed standards. If for any reason the chief electrical inspector believes that the testing laboratory has not made an adequate test of materials, devices or appliances, he may require further tests by the laboratory or by another laboratory approved by him.

(Ord. 4388 § 11, 1944.)

11.58.115 Exceptions—Certain laboratory equipment.

The provisions of this chapter do not apply to electrical laboratory and biomedical equipment and appliances which are not available for purchase with a listing or labeling by the Underwriters Laboratories, Inc., or other nationally recognized testing laboratory approved by the chief electrical inspector, when such electrical laboratory and biomedical equipment and appliances are:

A. Used for spectrometry, chromatography, microscopy or related or ancillary medical, forensic or similar scientific purposes; and

B. Located in areas specifically designated for occupance by medical/technical employees only; and

C. Tested and maintained by either trained technicians or manufacturer's representatives.

(Ord. 84-0235 § 1, 1984.)

11.58.120 Exceptions—Motor vehicles and equipment.

The provisions of this chapter do not apply to motor vehicles or to motor vehicle equipment.

(Ord. 4388 § 9, 1944.)

11.58.125 Exceptions—Certain telecommunications equipment.

The provisions of this chapter do not apply to electrical telecommunications equipment not available for purchase with a listing or labeling by the Underwriters Laboratories, Inc., or other nationally recognized testing laboratory approved by the chief electrical inspector, when such electrical telecommunications equipment is:

A. Located in areas accessible only to trained technicians;

B. Certified by an electrical engineer licensed to practice in California as complying with California and national safety standards;

C. Tested and maintained by either trained technicians or manufacturer's representatives.

(Ord. 86-0150 § 1, 1986.)

11.58.130 Approval—Revocation conditions—Notice requirements.

Any approval granted by the chief electrical inspector may be revoked by him if the electrical materials, devices or appliances are found to be hazardous to life and property for the purpose used or intended, or do not conform with the standards under which they were approved for use. Before any approval may be withdrawn, the chief electrical inspector shall give notice in writing to the person to whom approval was granted. Such person, who has had approval withdrawn, shall be afforded an opportunity to be heard with respect thereto at a public hearing to be held thereon as specified in Section 11.58.160 of this chapter.

(Ord. 4388 § 7, 1944.)

11.58.140 Enforcement—Electrical inspector authority.

The enforcement of this chapter shall be within the building and safety division of the department of county engineer and under the jurisdiction of the chief electrical inspector of said department.

(Ord. 9510 § 1 (part), 1968; Ord. 4388 § 14, 1944.)

11.58.150 Delegation of electrical inspector powers.

The chief electrical inspector may delegate to any of his assistants any of his powers under this chapter, except the power to designate standards.

(Ord. 4388 § 15, 1944.)

11.58.160 Appeal procedures.

Any person who has had approval withdrawn, and any person who believes that enforcement of any of the provisions of this chapter will cause him a manifest injury, may appeal to the county engineer, in writing, for a hearing.

(Ord. 9510 § 1 (part), 1968; Ord. 4388 § 17, 1944.)

11.58.170 Liability for damages—Limitations.

This chapter shall not be construed as relieving or limiting in any way the responsibility or liability of any person owning or operating, controlling or installing any electrical materials, devices or appliances for personal injury or property damage resulting from the use thereof by reason of any defect therein, or for any other cause, nor shall it be construed as imposing upon the county or its officers or employees any responsibility or liability by reason of the approval of any materials, devices or appliances under the provisions of this chapter.

(Ord. 4388 § 16, 1944.)

11.58.180 Violation—Penalty.

Any person, firm or corporation, or any partner or officer, agent or employees thereof violating the provisions of this chapter or of the Standards for Electrical Materials, Devices and Appliances hereby adopted, or of any of the rules or regulations adopted pursuant to this chapter is guilty of a misdemeanor, and upon conviction thereof shall

be punished by fine of not more than $500.00 or imprisonment in the County Jail for not more than six months, or both such fine and imprisonment.

(Ord. 4388 § 18, 1944.)

11.58.190 Severability.

If any provisions of this chapter, or the application thereof to any person or circumstances, are held invalid, the remainder of the chapter, or the application of such provisions to other persons or circumstances, shall not be affected thereby.

(Ord. 4388 § 19, 1944.)

Chapter 11.59 INDIGENT HEALTH CARE FACILITIES UPGRADE

11.59.010 Policy statement.

The board of supervisors of the county of Los Angeles declares its intent to meet or exceed state upgrade standards and timetables concerning the safety of indigent health care facilities.

(Ord. 94-0086 § 1 (part), 1994.)

11.59.020 Definitions.

For purposes of this chapter, the terms set forth below shall mean:

A. "Damage" means physical harm to or destruction of all or portions of a structure, caused by one or a combination of the following: fire, lightning, windstorm, hail, water, snow, flood, earthquake or other ground movement, riot or civil commotion, aircraft or falling objects. Damage includes, but is not limited to, harm to or destruction of architectural, structural, mechanical, electrical, electronic low-voltage and plumbing systems.

B. "Health facility" means a structure which OSHPD determines is under its jurisdiction.

C. "Hospital Seismic Safety Act" means California's Alfred E. Alquist Hospital Facilities Seismic Safety Act of 1983, and subsequent amendments.

D. "Indigent health care facility" means a health facility, as defined in this section, which the board of supervisors declares to be operated for the principal purpose of providing indigent medical care pursuant to Section 17000 of the California Welfare and Institutions Code, or a successor statute.

E. "OSHPD" means the California Office of State Health Planning and Development, in its role as the state agency with lead responsibility for administration of hospital design and construction including the Hospital Seismic Safety Act, or any successor lead agency.

F. "Repair cost" means the cost of labor and materials estimated by the director of the internal services department to be required to restore a damaged structure in compliance with current codes and standards.

G. "Replacement cost" means the cost of labor and materials estimated by the director of the internal services department to be required to replace a damaged or destroyed structure with a new one conforming to current codes and standards.

H. "Structure" means an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

I. "Upgrade" means to modify an existing structure and its vital nonstructural components so that the entire structure and all vital nonstructural components conform to current building regulations, methods and standards established pursuant to the Hospital Seismic Safety Act, and to regulations, methods and standards established pursuant to SB 1953, Chapter 740 of the 1994 California Statutes.

J. "Upgrade plan" means a schedule of preliminary estimates, prepared by the directors of the internal services department and the department of health services, and submitted to the board of supervisors by the chief administrative officer, showing the costs required to upgrade indigent health care facilities in accordance with the standards and timetables established pursuant to SB 1953, enacted into law as Chapter 740 of the Statutes of 1994.

(Ord. 94-0086 § 1 (part), 1994.)

11.59.030 Upgrade plan submission.

Commencing with the 1995-96 budget cycle, an upgrade plan shall be submitted each year as an addendum to the county's capital projects budget proposal.

(Ord. 94-0086 § 1 (part), 1994.)

11.59.040 Upgrade of damaged facilities.

In the event that an indigent health care facility sustains damage for which the repair costs exceed either $2.5 million, or 15 percent of the structure's replacement cost, the facility shall be upgraded at the time of repair.

(Ord. 94-0086 § 1 (part), 1994.)

11.59.050 Enforcement responsibility.

The director of internal services shall enforce the provisions of this chapter in coordination with the jurisdictional agencies.

(Ord. 94-0086 § 1 (part), 1994.)

Chapter 11.60 FLOODWAYS, WATER SURFACE ELEVATIONS, AND AREAS OF SPECIAL FLOOD HAZARD

11.60.010 Establishment.

Floodways and water surface elevations are established over those lands subject to a severe flood hazard by reason of inundation, overflow, erosion or deposition of debris.

(Ord. 12114 § 1, 1980.)

11.60.020 Areas Designated—Provisions Added by Reference.

The following floodways are added by reference, together with all maps, water surface elevations, and provisions pertaining thereto:

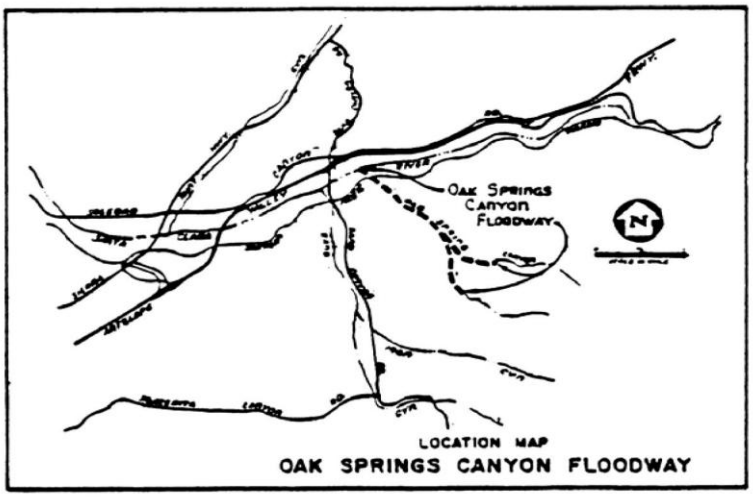
Floodway Name	Floodway Map No.
Oak Springs Canyon	382-ML1
Placerita Canyon	342-ML4
San Martinez-Chiquito	387-ML9 and ML10
Hasley Canyon	388-ML1, ML2, and ML3
Newhall Creek	340-ML9
Quigley Canyon	385-ML1
Railroad Canyon	386-ML1
Violin Canyon	39-ML1 Revised June 25, 1985, and ML2
Mint Canyon	366-ML9, ML10, 366-ML11, 366-ML12, 366-ML13, 366 ML14, 366-ML15, 366-ML16, 366-ML17, 366-ML18, 366 -ML19, 366-ML20
Plum Canyon	391-ML2 and ML3
Triunfo Canyon	154-ML1 and ML2
Zuma Canyon	413-ML1, ML2, and ML3
Lobo Canyon	425-ML1, ML2, and ML3
Texas Canyon	389-ML1
La Sierra Canyon	424-ML1 and 424-ML2
Las Virgenes	361-ML2, 361-ML3, and 361-ML4
Haskell Canyon	341-ML1 and ML2
Vasquez Canyon	390-ML1 and ML2
Cheeseboro	422-ML9 and 422-ML10
Palo Comado	423-ML1
Stokes Canyon	419-ML1 and 419-ML2
Solstice Canyon	416-ML1 and 416-ML2
Castaic Creek	335-ML1 through 335-ML4
Lopez Canyon	102-ML8 and 102-ML9
Agua Dulce Canyon	392-ML3, 392-ML4, 392 -ML5, 392-ML6, 392-ML7, 391-ML8 and 392-ML9
Liberty Canyon	420-ML and 420-ML2
Medea Creek	370-ML9, 370-ML10 and 370-ML11
Little Tujunga Canyon	12-ML2 and 12-ML3
Gavin Canyon—Rice Canyon	394-ML3
Santa Clara River	43-ML23, 43-ML24, 43-ML25, 43-ML26.2, 43-ML27.2, 43-ML28.1, 43-ML29, 43-ML40, 43-ML41, 43-ML42, 43-ML43, 43-ML44, 43-ML45, 43-ML46, 43-ML47, and 43-ML48
Escondido Canyon	415-ML2 and 415-ML3
Placerita Creek	342-ML5
Santa Maria Creek and Garapito Creek	73-ML21, 73-ML22, 73-ML23 and 73-ML31
Topanga Canyon	73-ML11, 73-ML12 and 73-ML13
Red Rock Canyon	73-ML29 and 73-ML30

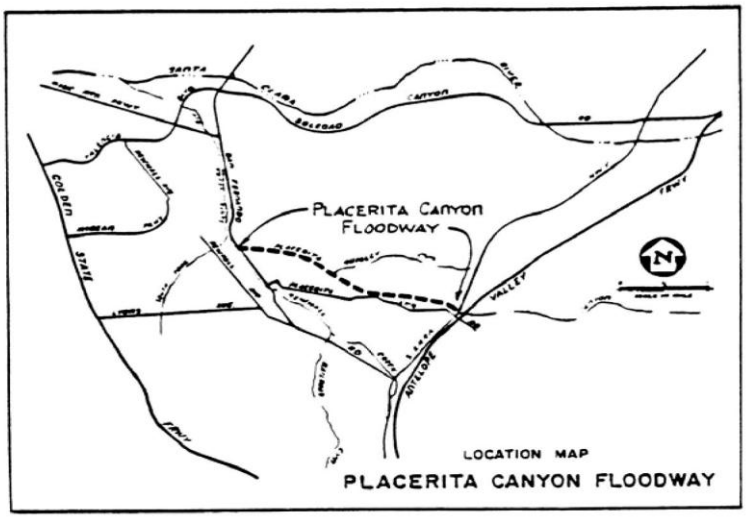
Latigo Canyon	720-ML1 and 720-ML2
Sierra Pelona Wash	881-ML1, 881-ML2 and 881-ML3
Red Rover Mine Canyon	441-ML1, 441-ML2, 441-ML3, 441-ML4 and 441-ML5
Crown Valley Drain	883-ML1, 883-ML2, 883-ML3, 883-ML4 and 883-ML5
Baker Canyon	410-ML24, 410-ML25, 410-ML26, 410-ML27 and 410-ML28
Jones Canyon	410-ML8, 410-ML9 and 410-ML10
Kashmere Canyon	410-ML4, 410-ML5, 410-ML6 and 410-ML7
Kentucky Springs Canyon	407-ML13, 407-ML14, 407-ML15, 407-ML16, 407-ML17, 407-ML18 and 407-ML19
Soledad Canyon	407-ML1, 407-ML2, 407-ML3, 407-ML4, 407-ML5, 407-ML6, 407-ML7, 407-ML8, 407-ML9, 407-ML10, 407-ML11 and 407-ML12
San Martinez Grande Canyon	748-ML1, 748-ML2, 748-ML3, 748-ML4 and 748-ML5
Spade Spring Canyon	366-ML21, 366-ML22
Letteau Canyon	392-ML10, 392-ML11, 392-ML12
Sloan Canyon	388-ML4, 388-ML5, 388-ML6
Romero Canyon	388-ML7, 388-ML8
Aliso Canyon	406-ML1, 406-ML-2 and 406-ML-3
Acton Canyon	403-ML3
Shannon Valley	410-ML1, 410-ML2
Browns Canyon	133-ML31, 133-ML33, 133-ML-34
Pasadena Glen	32-ML1, 32-ML2B, 32-ML3B and 32-ML4

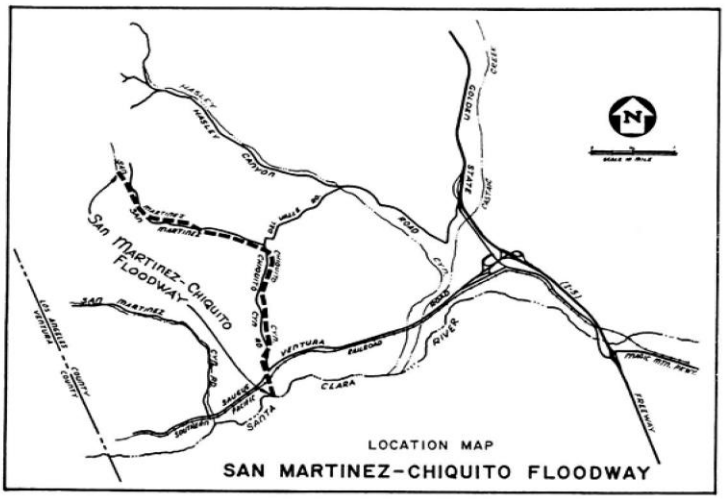
(Ord. 2022-0028 § 2, 2022; Ord. 2018-0005 § 2, 2018; Ord. 2016-0002 §§ 2, 3, 2016; Ord. 2011-0039 § 2, 2011; Ord. 94-0027 § 1, 1994; Ord. 91-0047 § 1, 1991; Ord. 90-0170 § 1, 1990; Ord. 90-0147 § 1, 1990; Ord. 90-0131 § 1, 1990; Ord. 90-0073 § 1, 1990; Ord. 90-0062 § 1, 1990; Ord. 90-0024 § 1, 1990; Ord. 90-0005 § 1, 1990; Ord. 89-0133 § 1, 1989; Ord. 89-0072 § 1, 1989; Ord. 89-0067 § 1, 1989; Ord. 87-0120 § 1, 1987; Ord. 86-0179 § 1, 1986; Ord. 86-0106 § 1, 1986; Ord. 86-0084 § 1, 1986; Ord. 86-0023 § 1, 1986; Ord. 86-0002 § 1, 1986; Ord. 85-0184 § 1, 1985; Ord. 86-0169 § 1, 1985; Ord. 85-0143 § 1, 1985; Ord. 85-0134 § 1, 1985; Ord. 85-0115 § 1, 1985; Ord. 84-0222 § 1, 1984; Ord. 84-0177 § 1, 1984; Ord. 84-0172 § 1, 1984; Ord. 84-0158 § 1, 1984; Ord. 84-0152 § 1, 1984; Ord. 84-0136 § 1, 1984; Ord. 84-0009 § 1, 1984; Ord. 84-0006 § 1, 1984; Ord. 84-0002 § 1, 1984; Ord. 83-202 § 1, 1983; Ord. 83-193 § 1, 1983; Ord. 83-0178 § 1, 1983; Ord. 83-0162 § 1, 1983; Ord. 83-0159 § 1, 1983; Ord. 83-0117 § 1, 1983; Ord. 83-0027 § 1, 1983; Ord. 81-0021 § 1, 1981; Ord. 12430 § 1, 1981; Ord. 12266 § 1, 1980; Ord. 12352 § 1, 1981; Ord. 12260 § 1, 1980; Ord. 12189 § 1, 1980; Ord. 12114 § 2, 1980.)

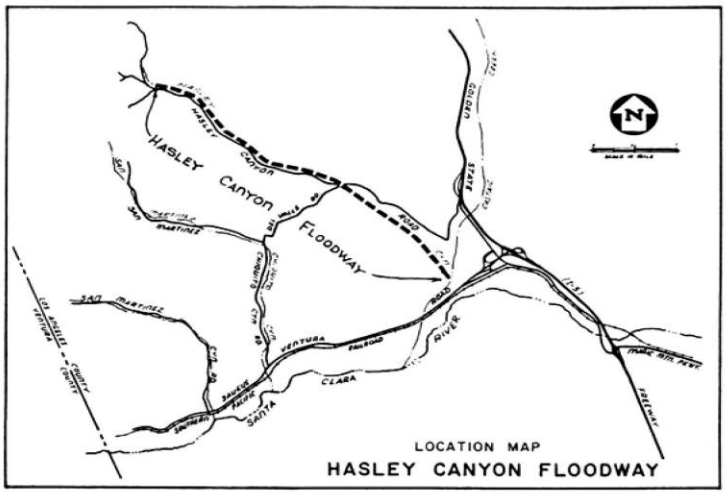
11.60.030 Maps.

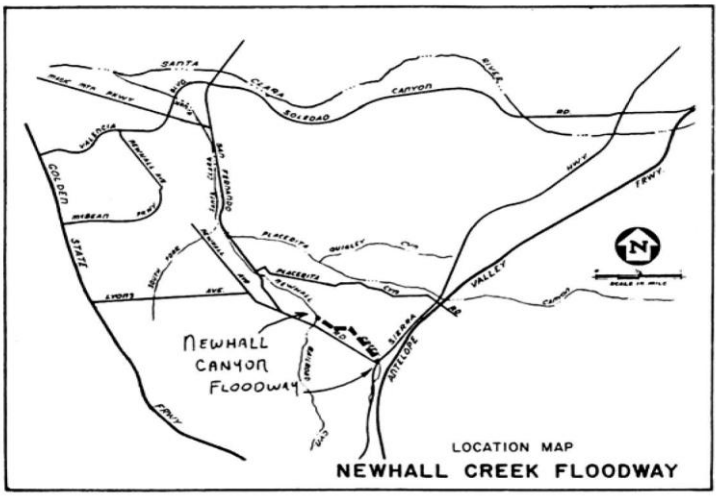
(**Editor's Note:** Maps were added by ordinances cited in Section 11.60.020.)

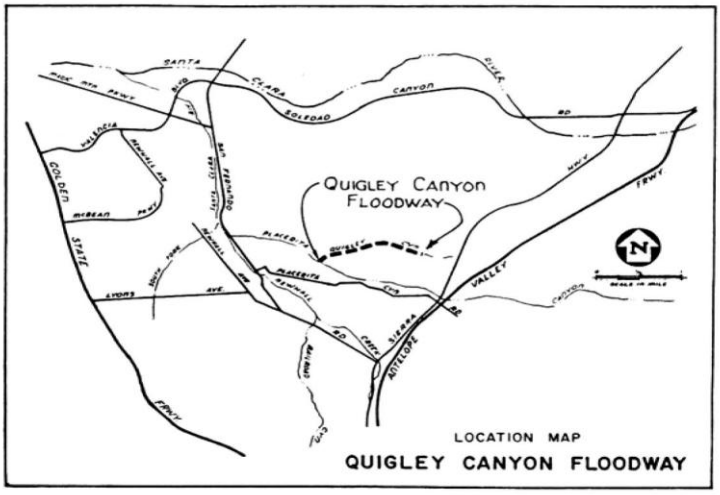

OAK SPRINGS CANYON FLOODWAY
LOCATION MAP
OAK SPRINGS CANYON FLOODWAY

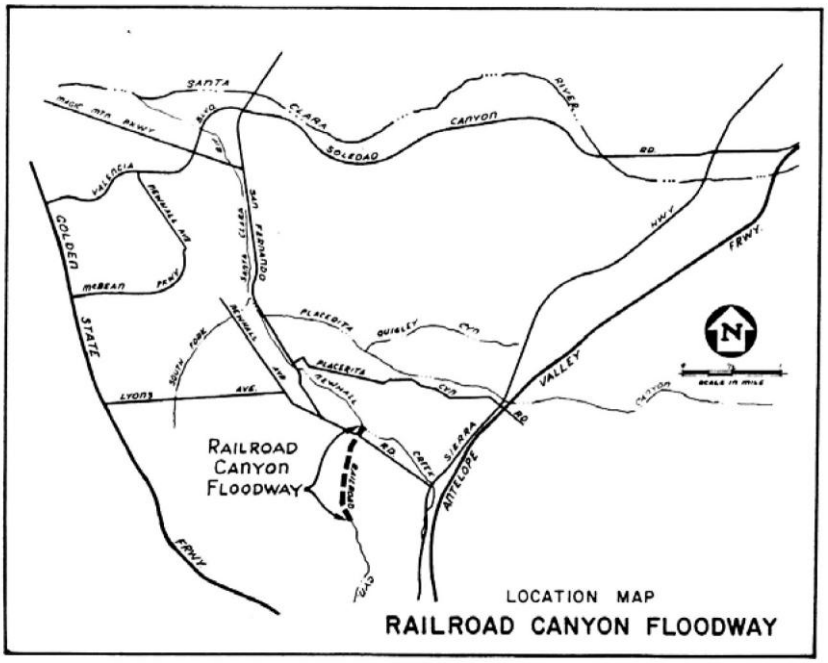

PLACERITA CANYON FLOODWAY
LOCATION MAP
PLACERITA CANYON FLOODWAY

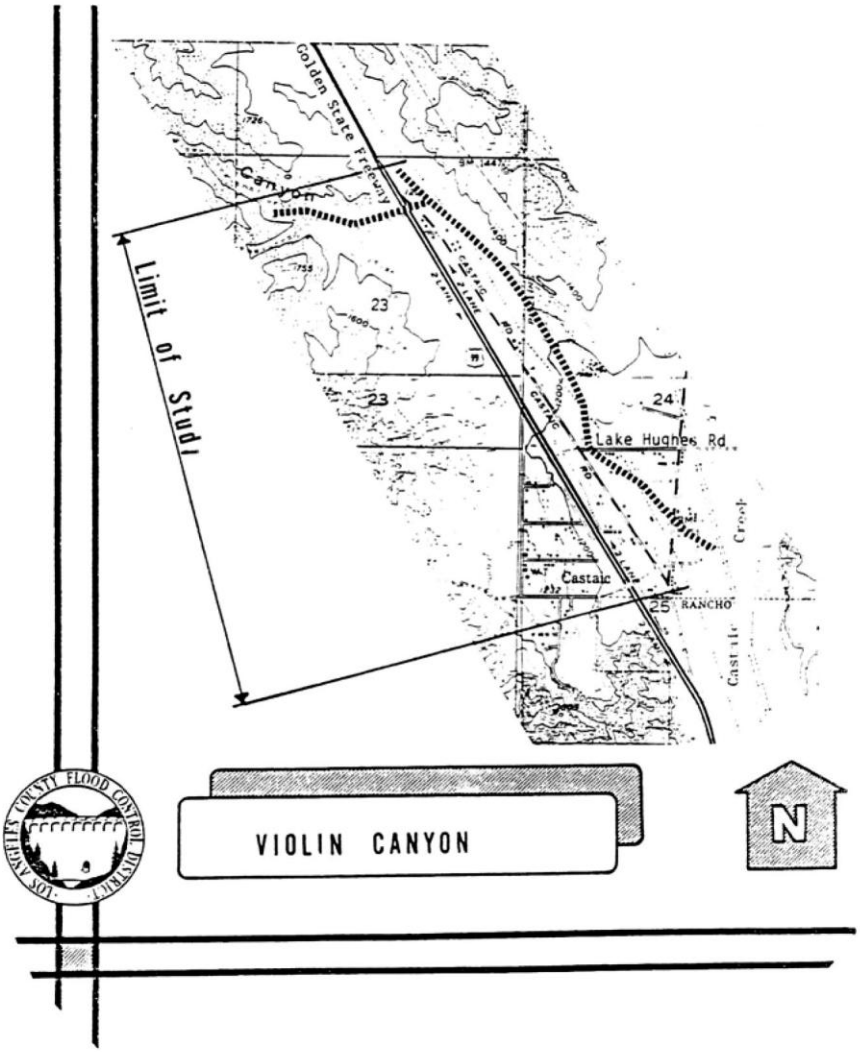

San Martinez-Chiquito Floodway
LOCATION MAP
SAN MARTINEZ-CHIQUITO FLOODWAY

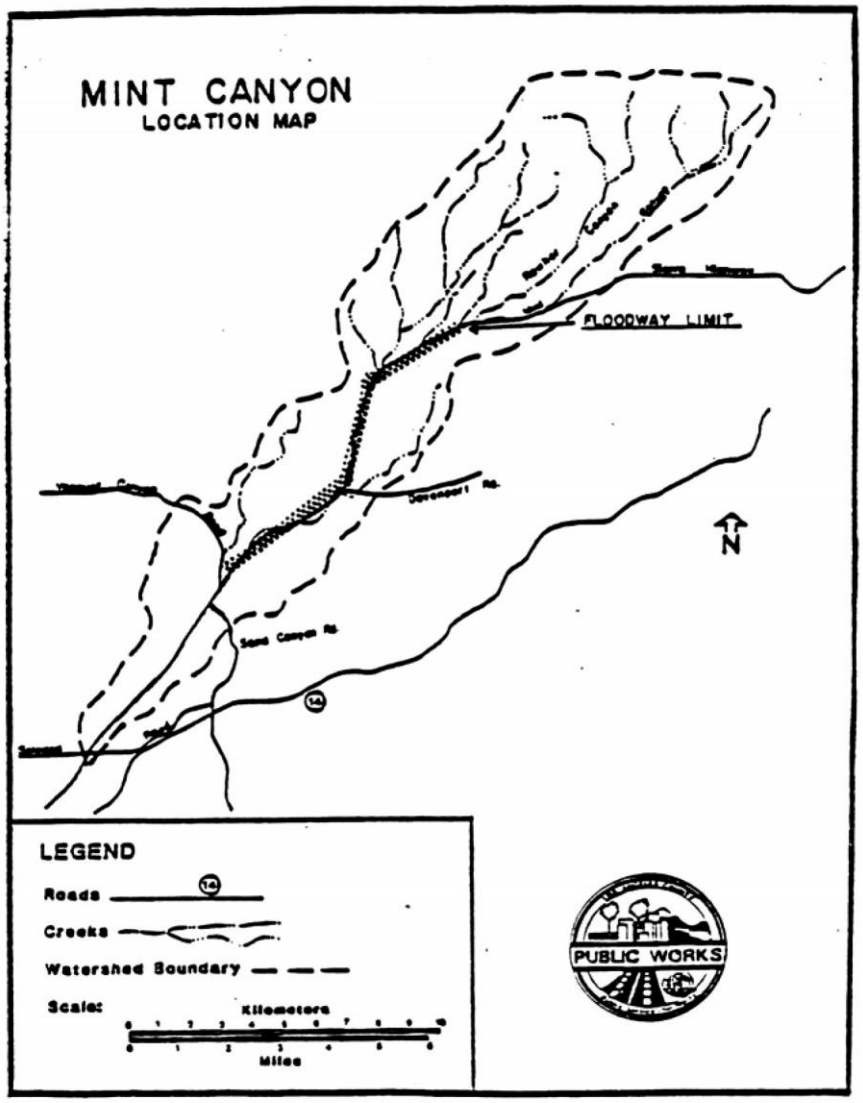

HASLEY CANYON FLOODWAY
LOCATION MAP
HASLEY CANYON FLOODWAY

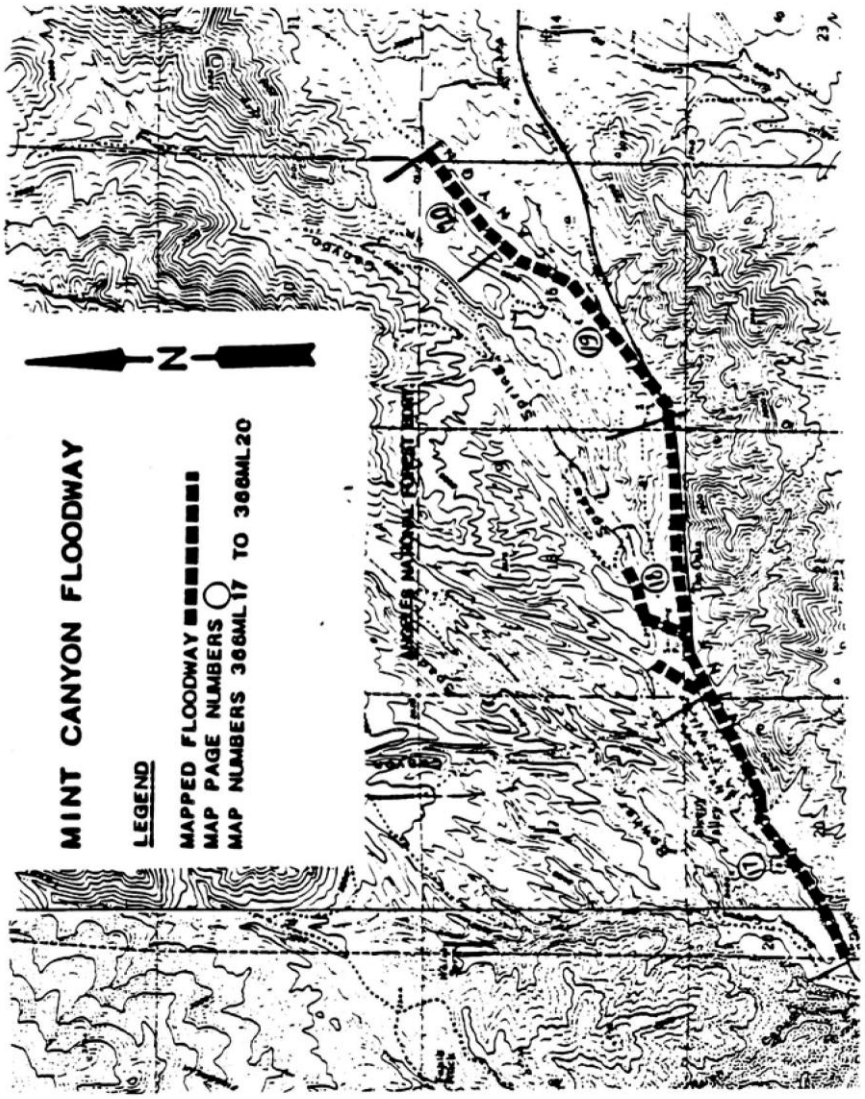

NEWHALL
CANYON
FLOODWAY
LOCATION MAP
NEWHALL CREEK FLOODWAY

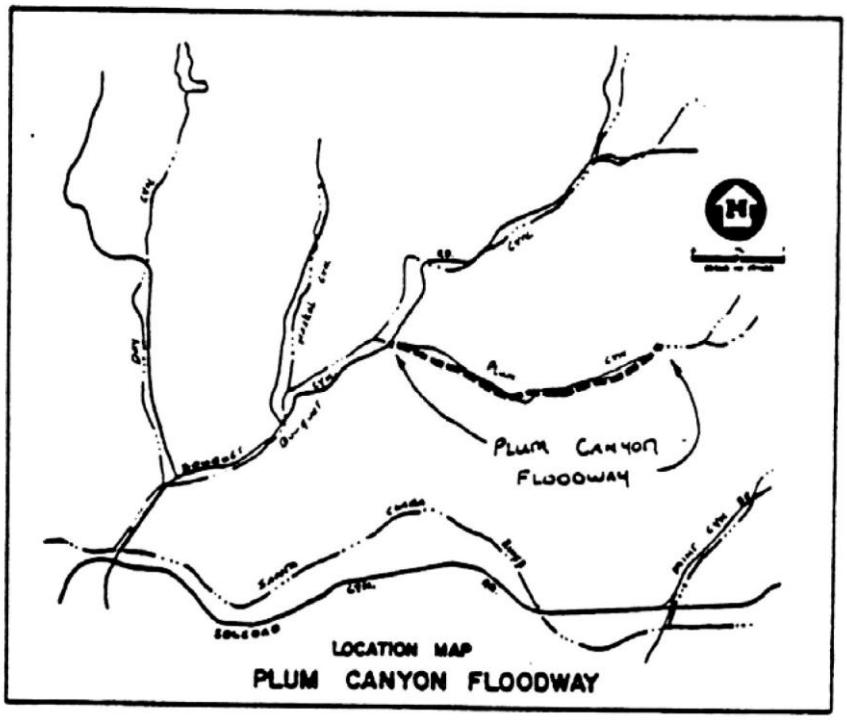

QUIGLEY CANYON
FLOODWAY
LOCATION MAP
QUIGLEY CANYON FLOODWAY

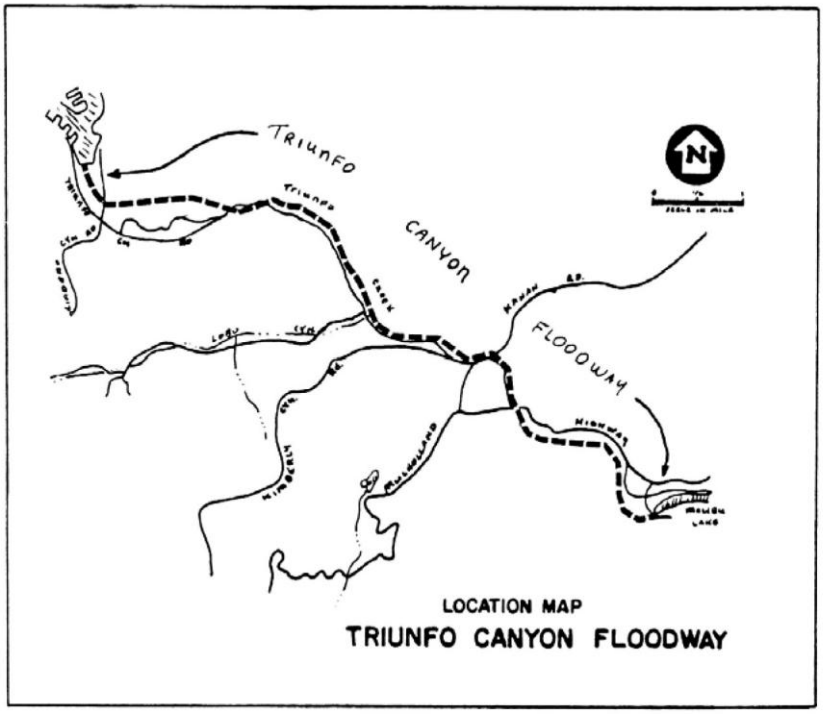

SANTA
CLARA
CANYON
SOLEDAD
RIVER
RD
VALENCIA
GOLDEN
STATE
McBEAN
FRWY
PLACERITA
QUIGLEY
CYN
VALLEY
LYONS
AVE
SIERRA
ANTELOPE
RAILROAD
Canyon
FLOODWAY
FRWY
LOCATION MAP
RAILROAD CANYON FLOODWAY

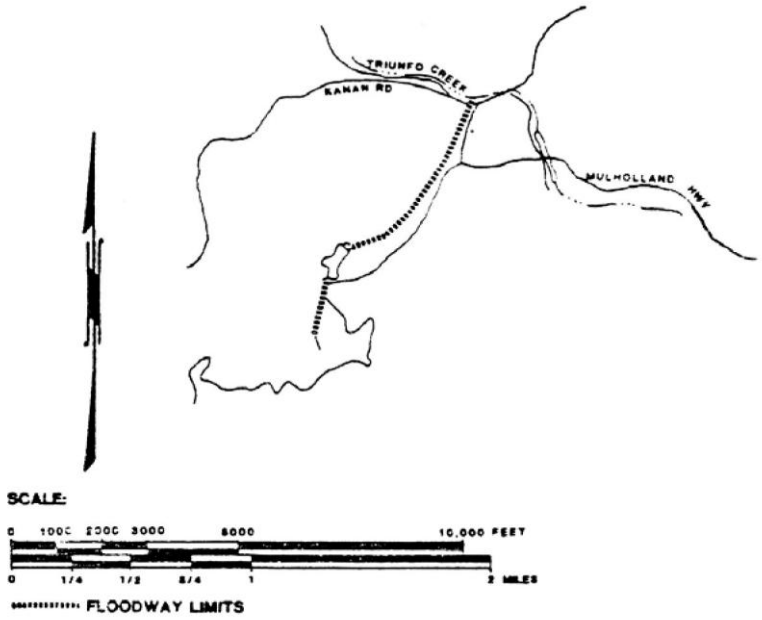

Golden State Freeway
Canyon
Limit of Study
23
23
24
25
Lake Hughes Rd.
Castaic
RANCHO
VIOLIN CANYON
N


MINT CANYON
LOCATION MAP
FLOODWAY LIMIT
N
LEGEND
Roads
Creeks
Watershed Boundary
Scale:
Kilometers
Miles
PUBLIC WORKS

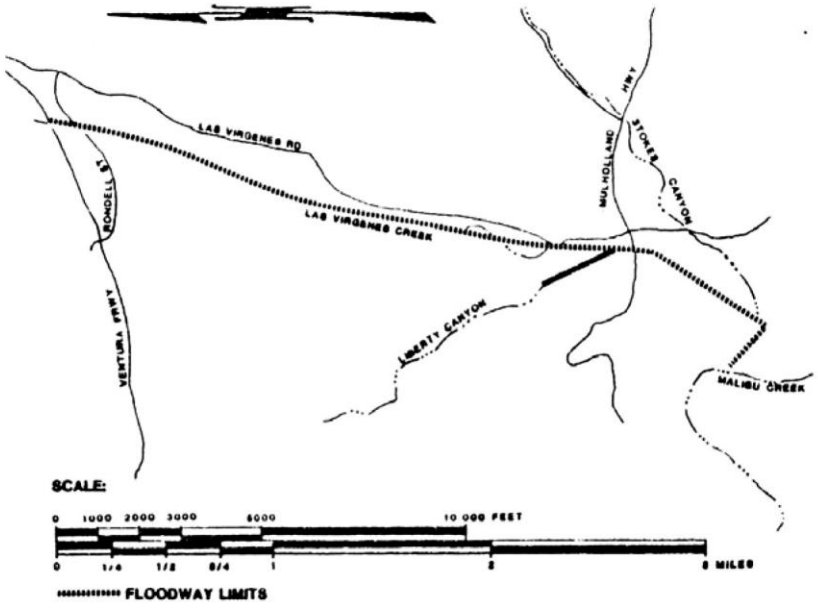

MINT CANYON FLOODWAY
LEGEND
MAPPED FLOODWAY
MAP PAGE NUMBERS
MAP NUMBERS 306ML17 TO 306ML20
N


PLUM CANYON
FLOODWAY
LOCATION MAP
PLUM CANYON FLOODWAY

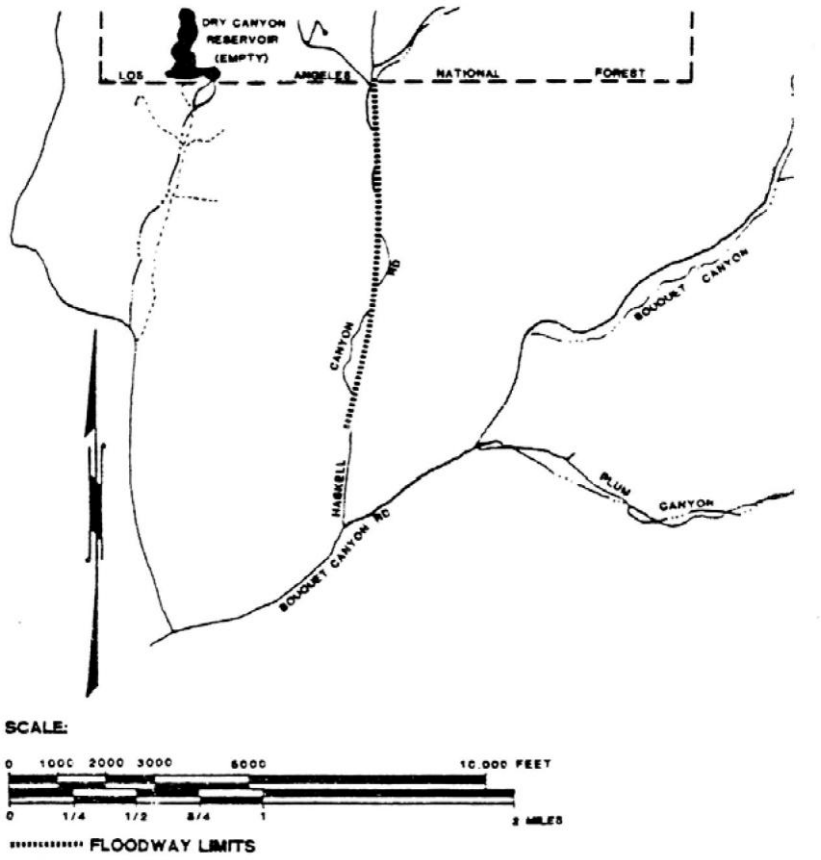

TRIUNFO
CANYON
FLOODWAY
LOCATION MAP
TRIUNFO CANYON FLOODWAY



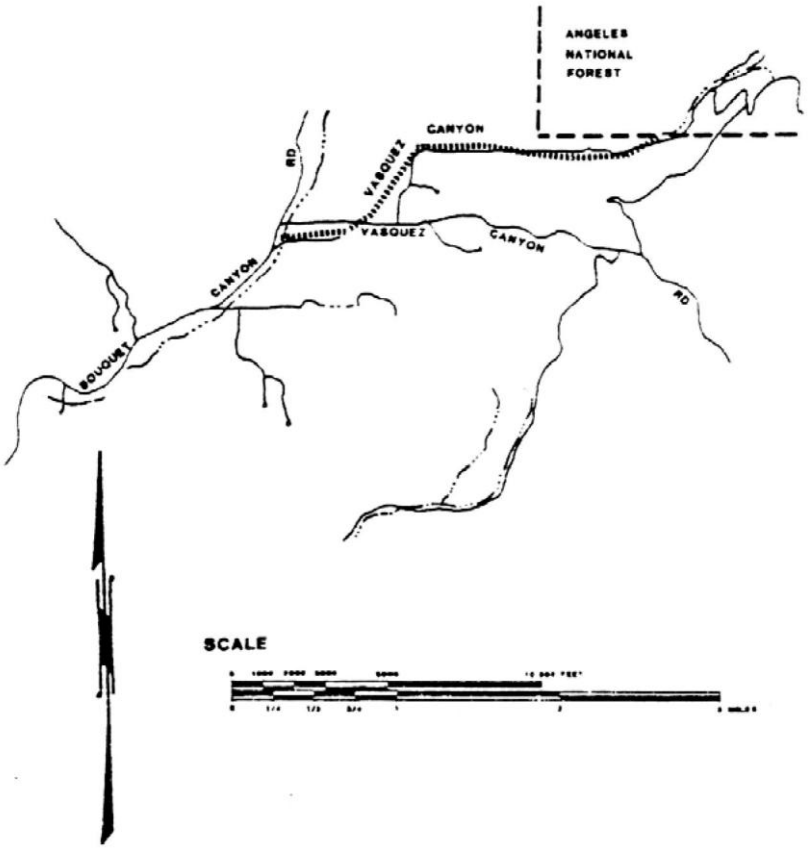
LA SIERRA CANYON FLOODWAY



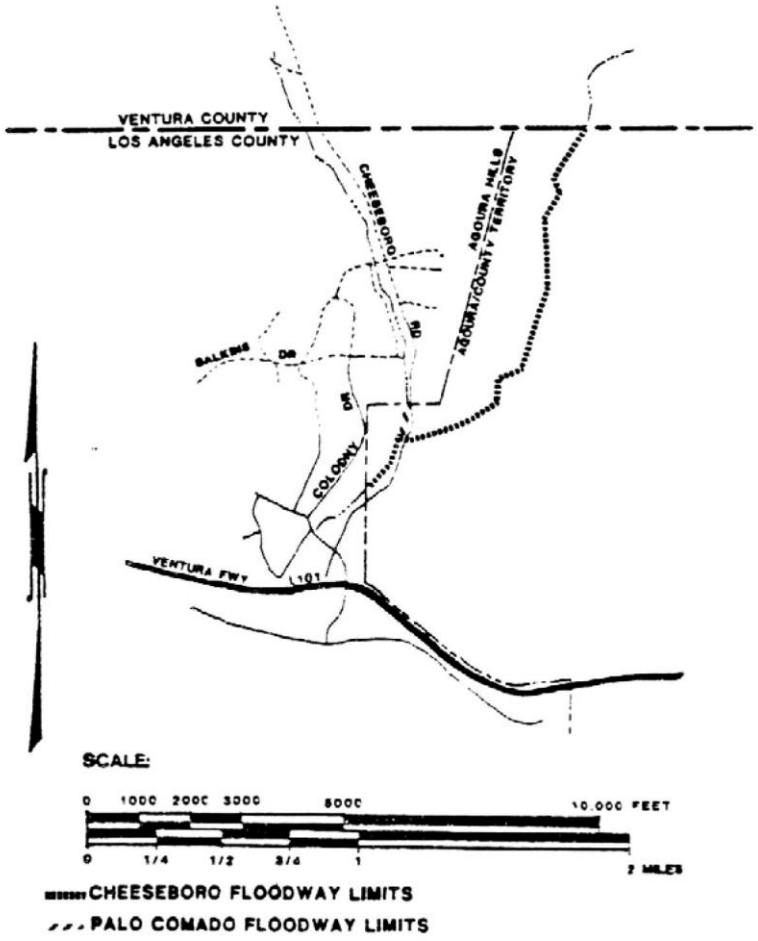
LAS VIRGENES FLOODWAY



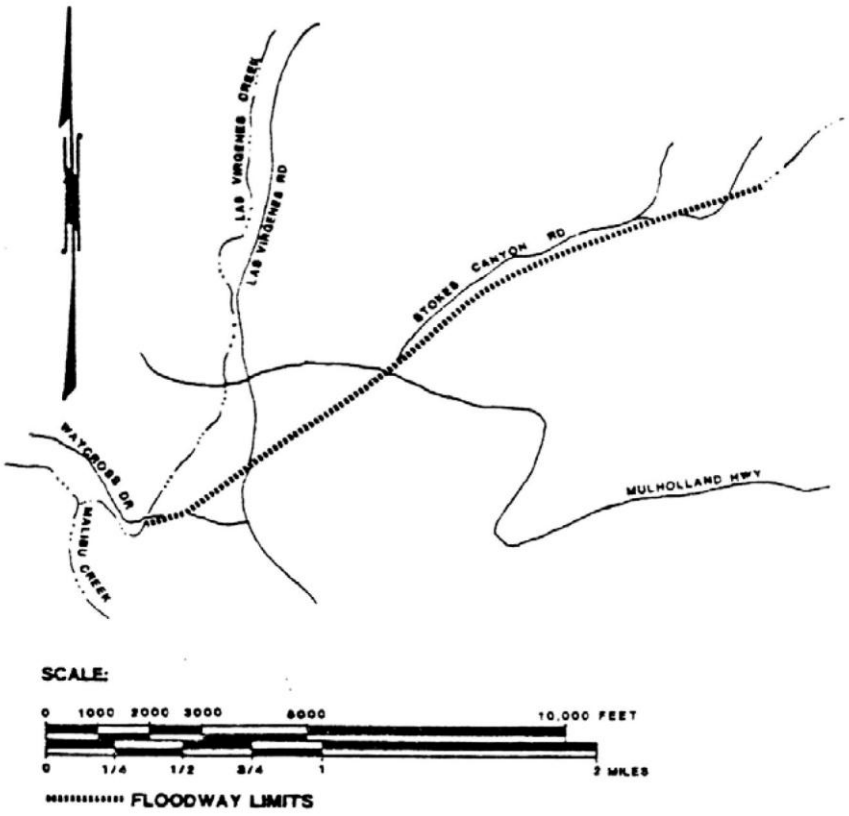
HASKELL CANYON FLOODWAY



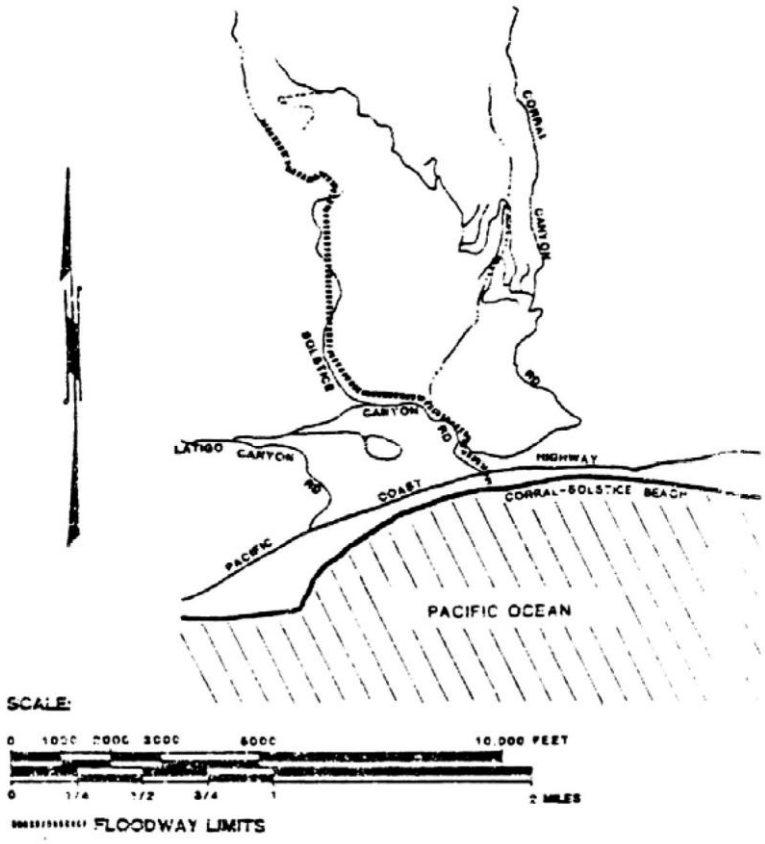
VASQUEZ CANYON FLOODWAY



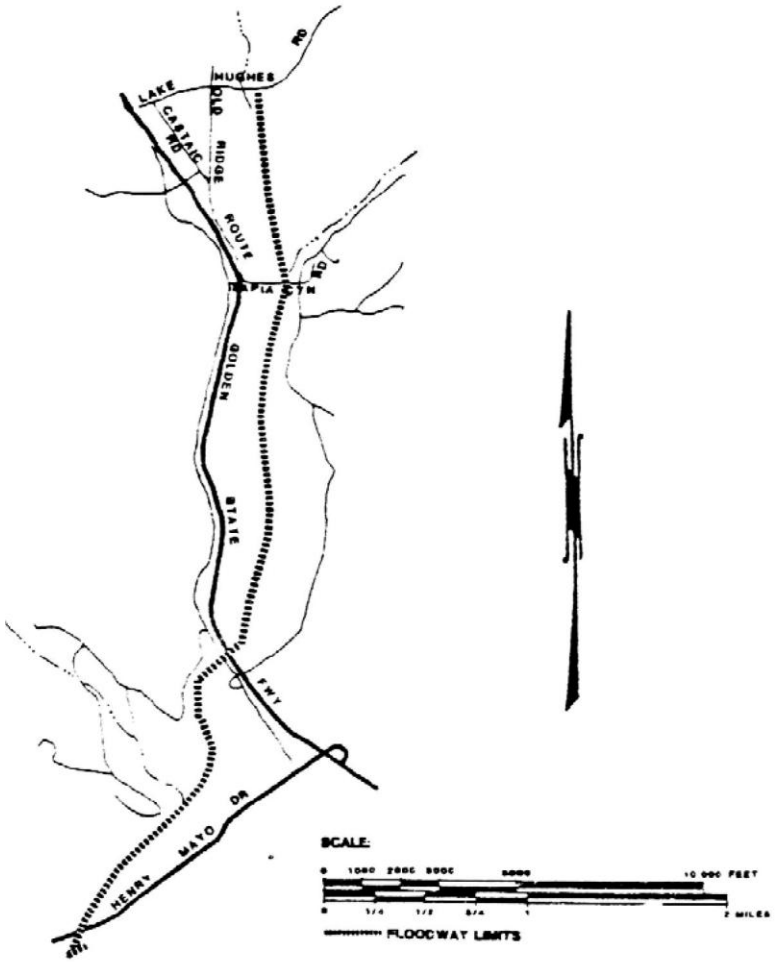
CHEESEBORO AND PALO COMADO FLOODWAYS



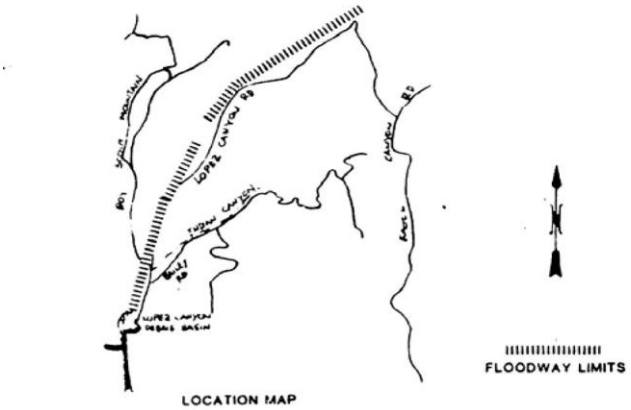
STOKES CANYON FLOODWAY



SOLSTICE CANYON FLOODWAY

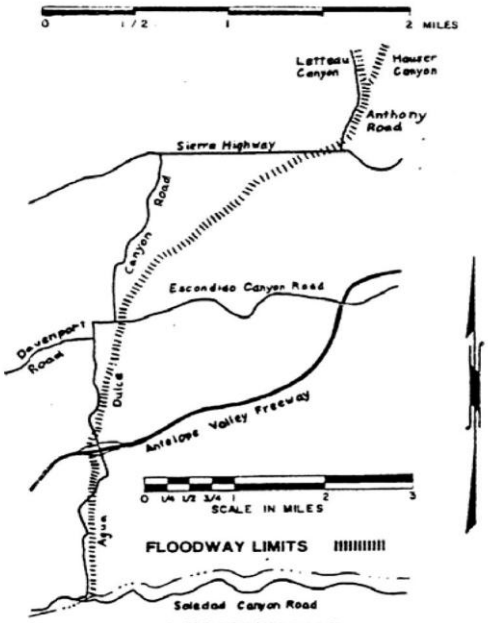


CASTAIC CREEK FLOODWAY



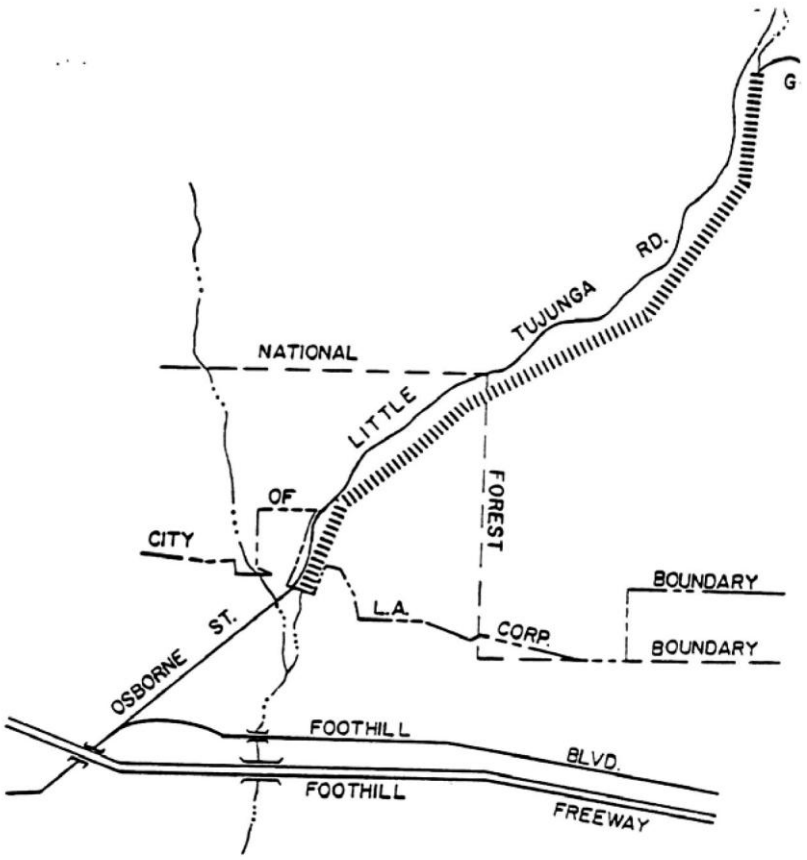
LOCATION MAP

LOPEZ CYN FLOODWAY



LOCATION MAP

AGUA DULCE CANYON FLOODWAY

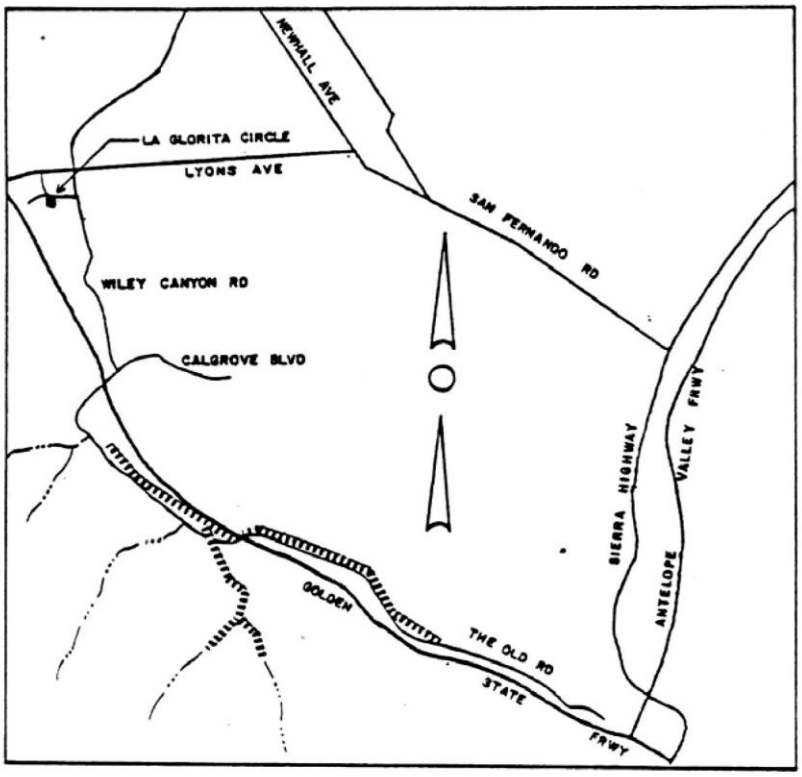


LITTLE TUJUNGA CANYON FLOODWAY

LOCATION MAP

FLOODWAY LIMITS

SCALE: 1"=2000'

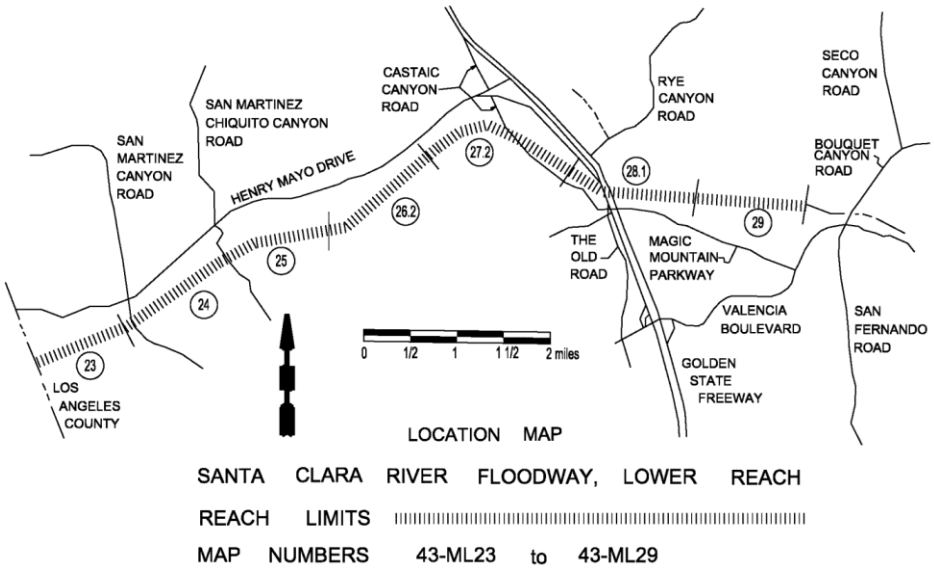


LOCATION MAP

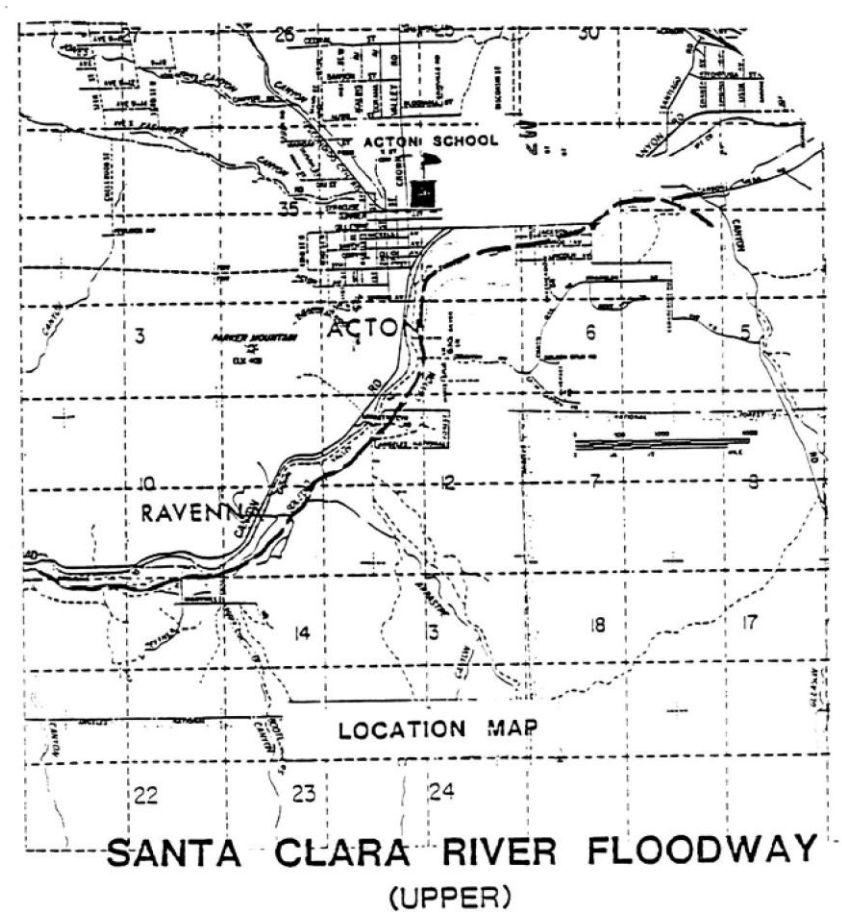
GAVIN CANYON FLOODWAY

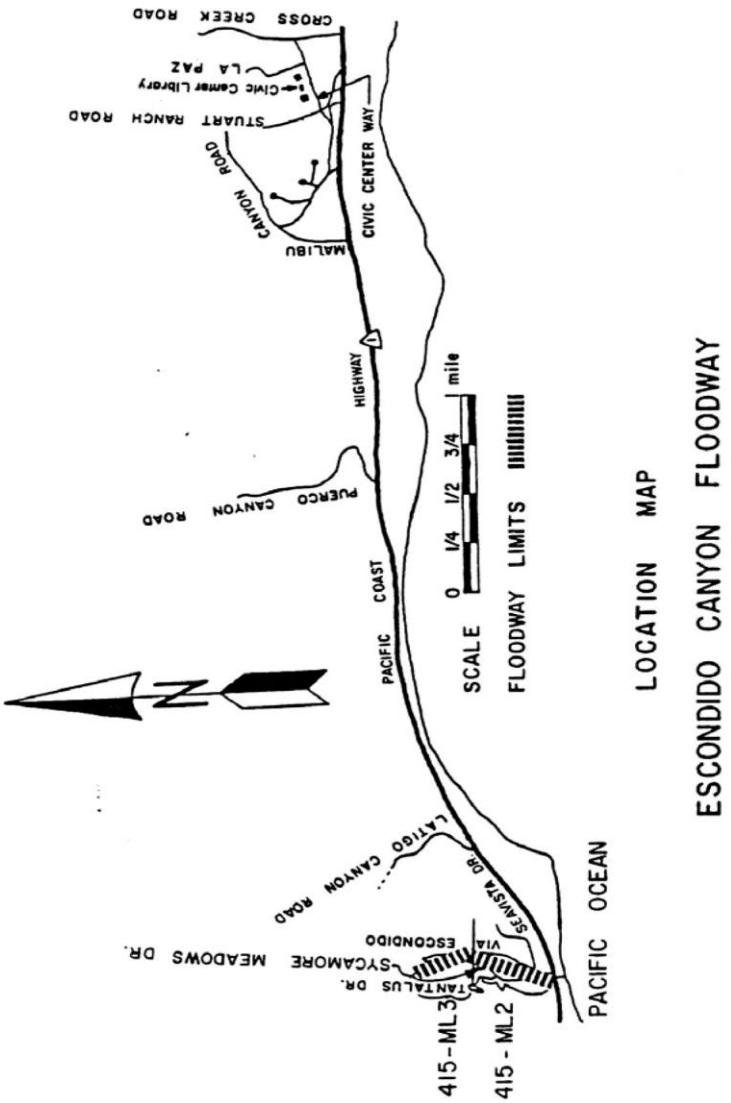
SCALE 0 1/4 1/2 3/4 1 mile

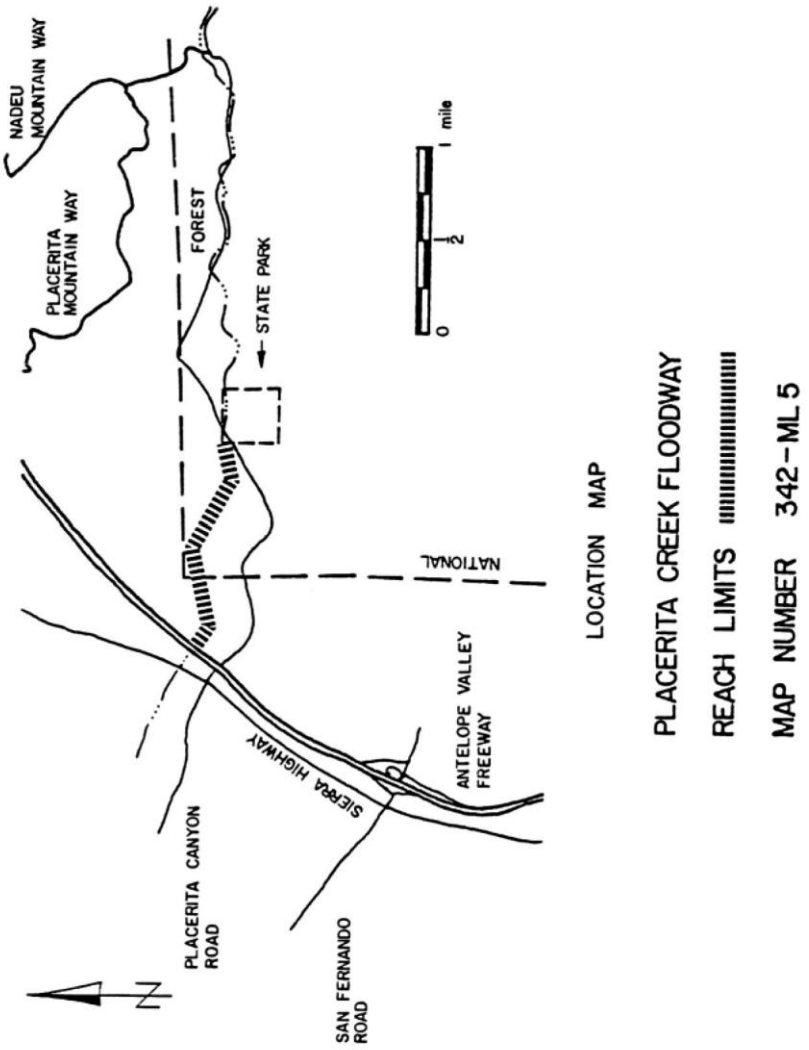
FLOODWAY LIMITS

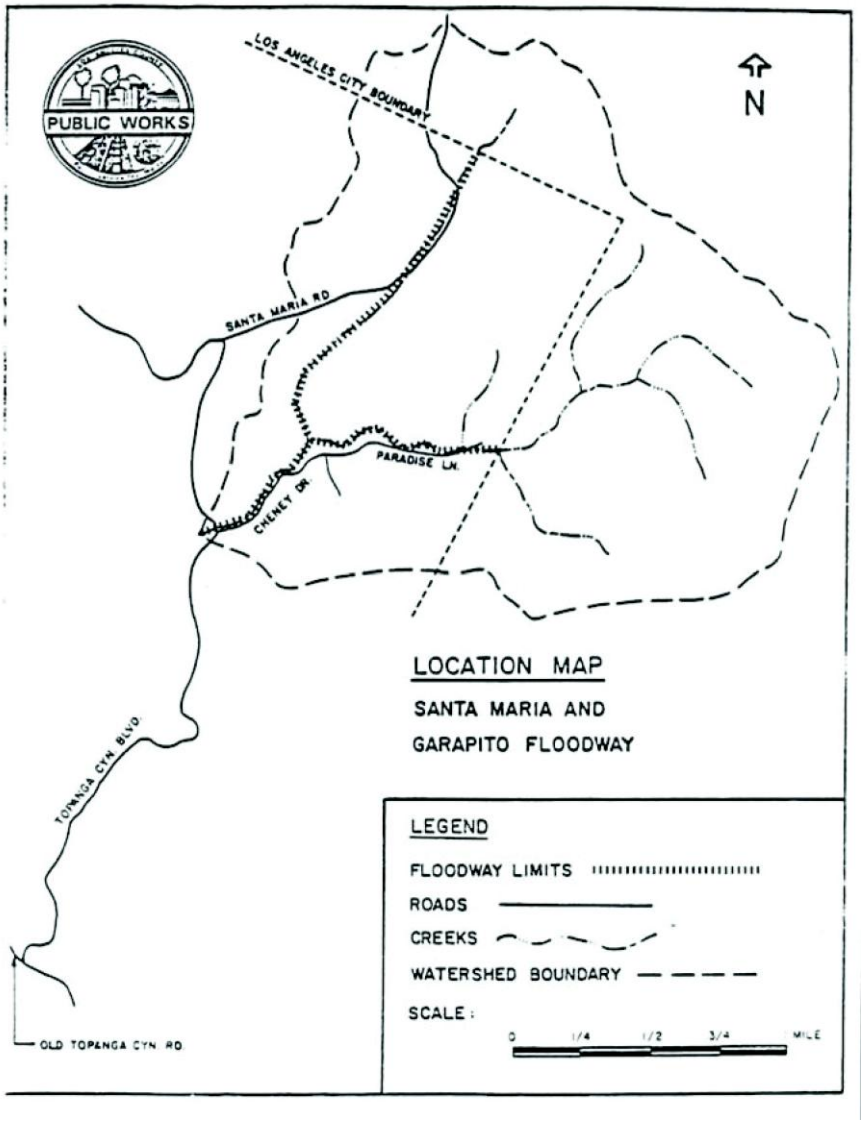


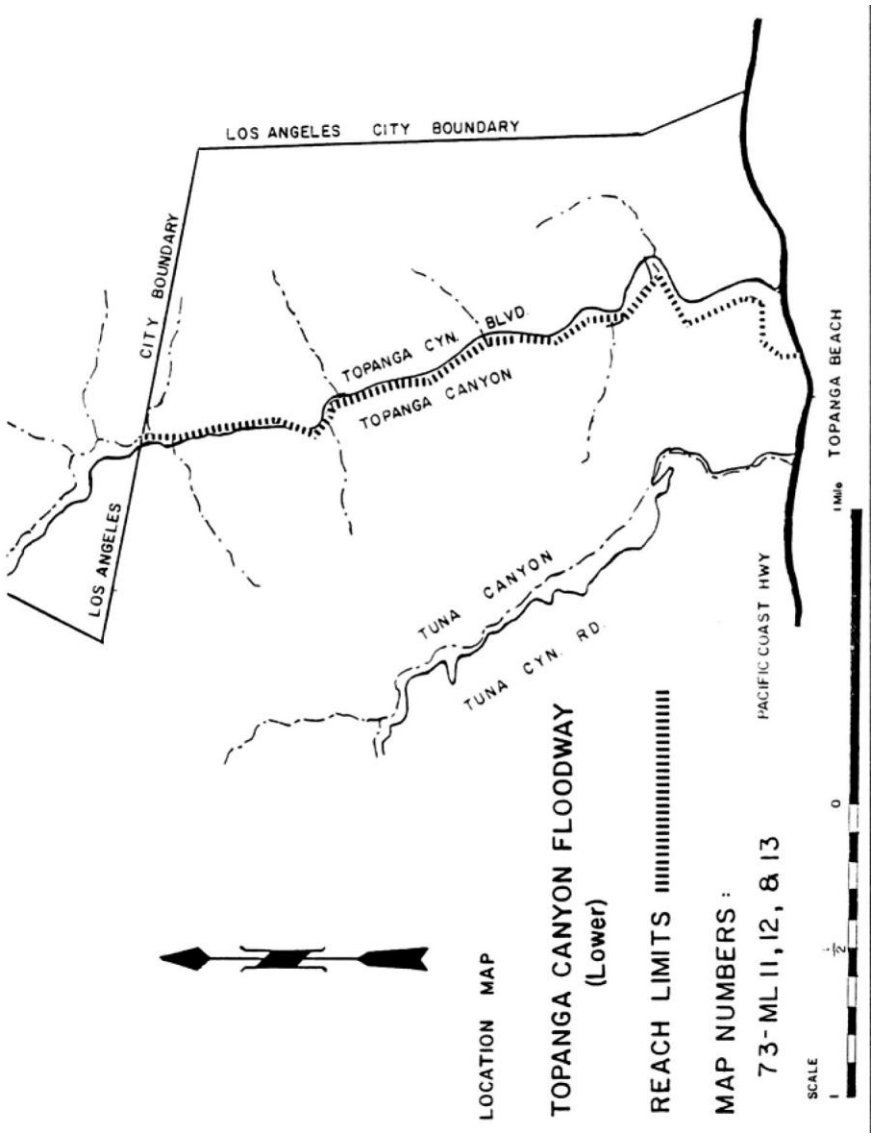
(Ord. 2022-0028 § 3, 2022; Ord. 2018-0005 § 3, 2018; Ord. 2016-0002 § 3, 2016.)

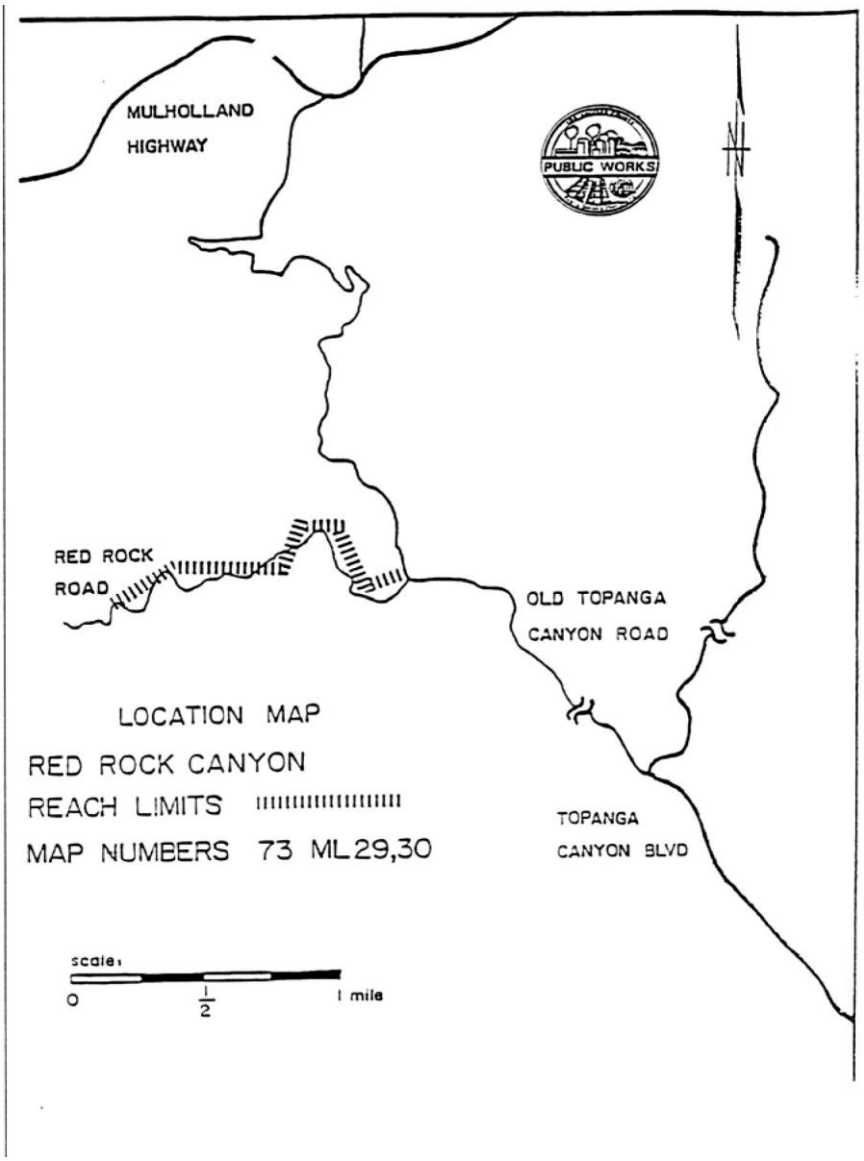

ACTON SCHOOL
ACTON
RAVENNA
LOCATION MAP
SANTA CLARA RIVER FLOODWAY
(UPPER)
PUBLIC WORKS
FLOODWAY LIMITS

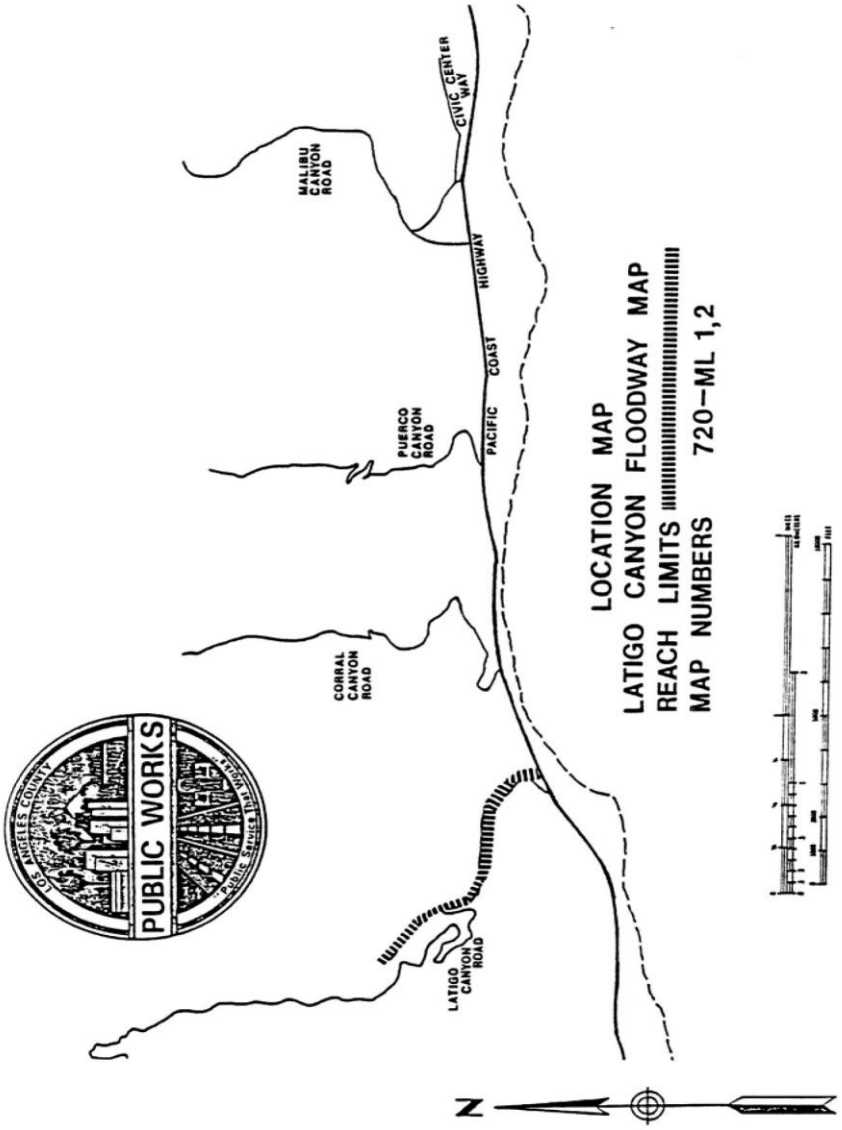

ESCONDIDO CANYON FLOODWAY
LOCATION MAP
FLOODWAY LIMITS
SCALE
0 1/4 1/2 3/4 mile
PACIFIC OCEAN
415 - ML2
415 - ML3
CROSS CREEK ROAD
LA PAZ
Civic Center Library
STUART RANCH ROAD
MALIBU CANYON ROAD
CIVIC CENTER WAY
HIGHWAY 1
PUERCO CANYON ROAD
PACIFIC COAST
LATIGO CANYON ROAD
SEAVISTA DR.
VIA ESCONDIDO
SYCAMORE MEADOWS DR.
TANTALUS DR.

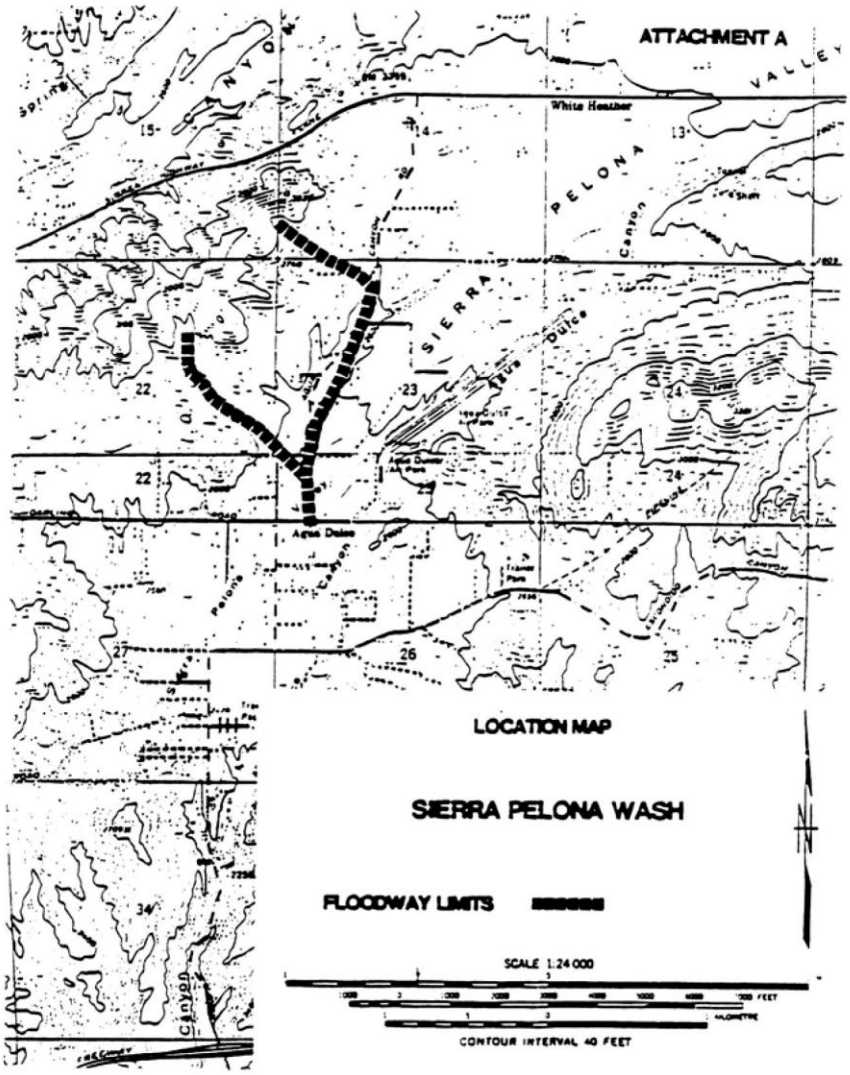

NADEU MOUNTAIN WAY
PLACERITA MOUNTAIN WAY
FOREST
STATE PARK
0
1
2
mile
NATIONAL
ANTELOPE VALLEY FREEWAY
SIERRA HIGHWAY
PLACERITA CANYON ROAD
SAN FERNANDO ROAD
N
LOCATION MAP
PLACERITA CREEK FLOODWAY
REACH LIMITS
MAP NUMBER 342-ML 5

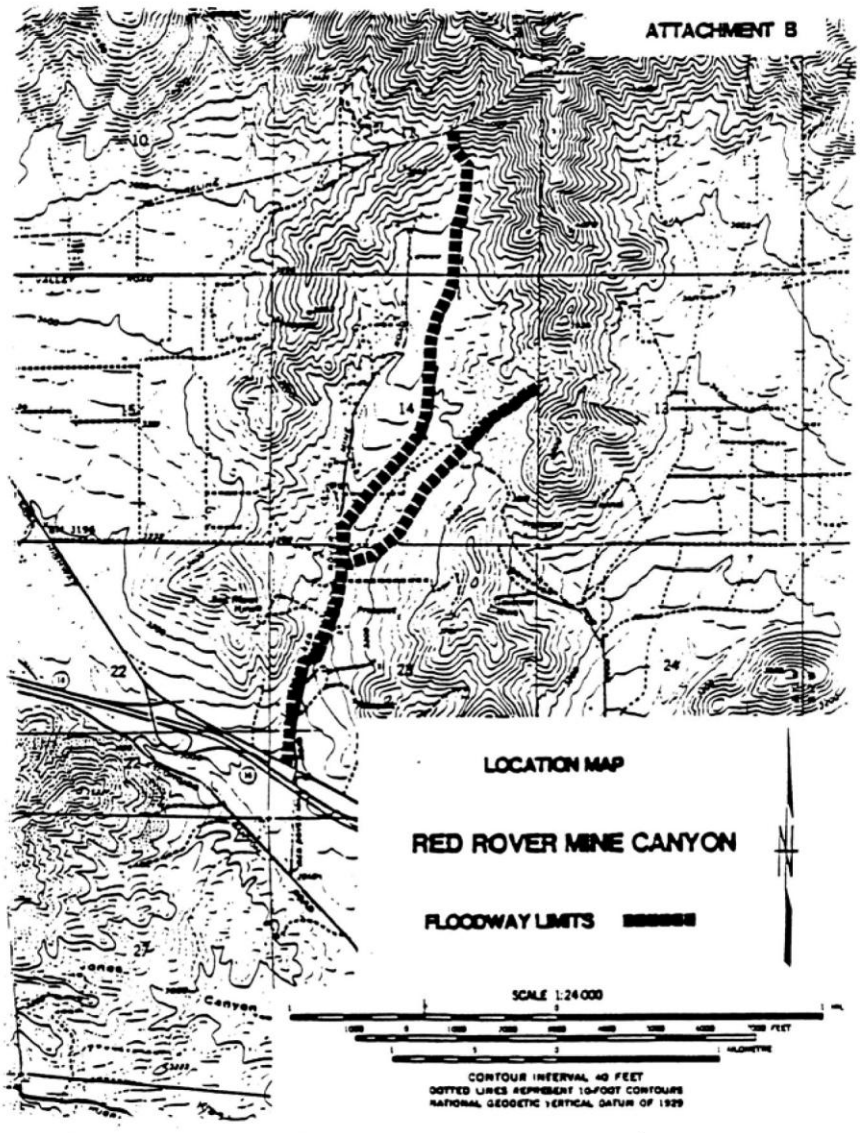

PUBLIC WORKS
LOS ANGELES CITY BOUNDARY
N
SANTA MARIA RD
PARADISE LN.
CHENEY DR.
TOPANGA CYN BLVD
OLD TOPANGA CYN. RD.
LOCATION MAP
SANTA MARIA AND
GARAPITO FLOODWAY
LEGEND
FLOODWAY LIMITS
ROADS
CREEKS
WATERSHED BOUNDARY
SCALE:
0
1/4
1/2
3/4
MILE

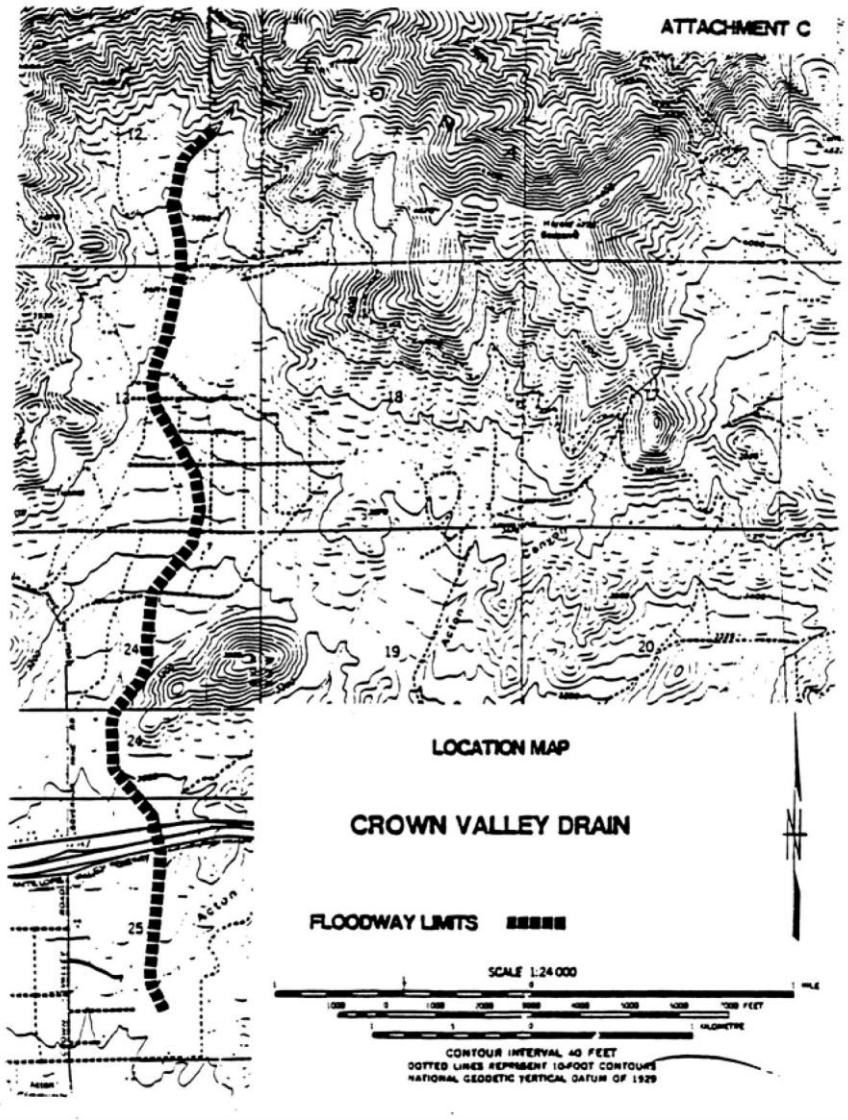

LOS ANGELES CITY BOUNDARY
CITY BOUNDARY
LOS ANGELES
TOPANGA CYN. BLVD
TOPANGA CANYON
TUNA CANYON
TUNA CYN. RD.
PACIFIC COAST HWY
TOPANGA BEACH
1 Mile
0
SCALE
LOCATION MAP
TOPANGA CANYON FLOODWAY
(Lower)
REACH LIMITS
MAP NUMBERS:
73-ML 11, 12, & 13

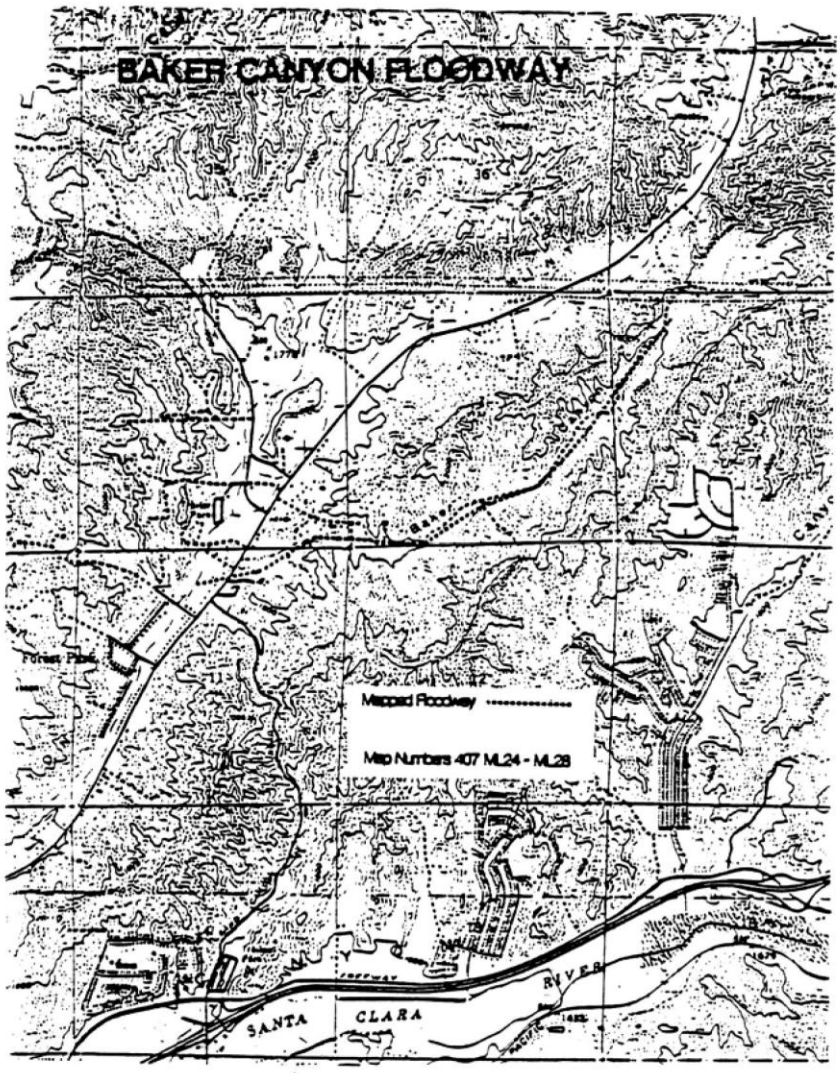

MULHOLLAND
HIGHWAY
PUBLIC WORKS
N
RED ROCK
ROAD
OLD TOPANGA
CANYON ROAD
LOCATION MAP
RED ROCK CANYON
REACH LIMITS
MAP NUMBERS 73 ML 29,30
TOPANGA
CANYON BLVD
scale:
0
1/2
1 mile

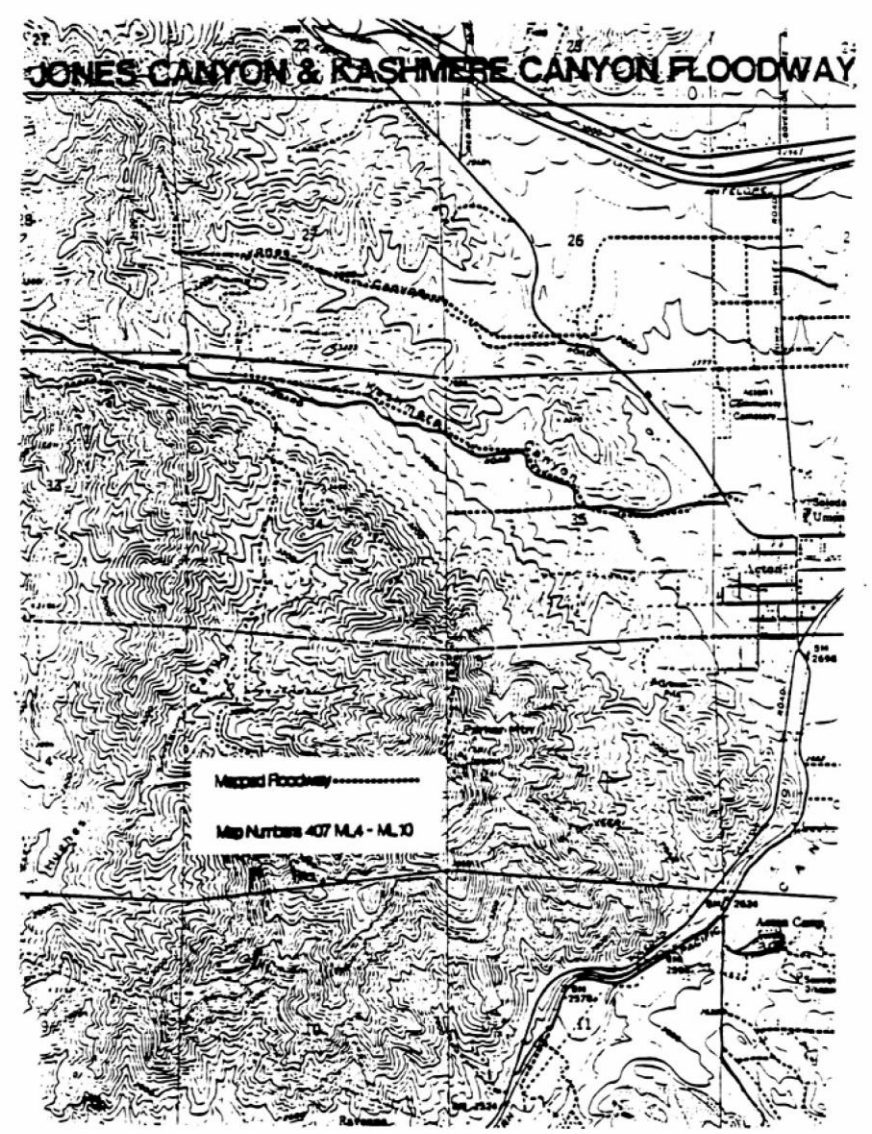

LOCATION MAP
LATIGO CANYON FLOODWAY MAP
REACH LIMITS
MAP NUMBERS 720-ML 1,2
PUBLIC WORKS
MALIBU CANYON ROAD
CIVIC CENTER WAY
PACIFIC COAST HIGHWAY
PUERCO CANYON ROAD
CORRAL CANYON ROAD
LATIGO CANYON ROAD
N

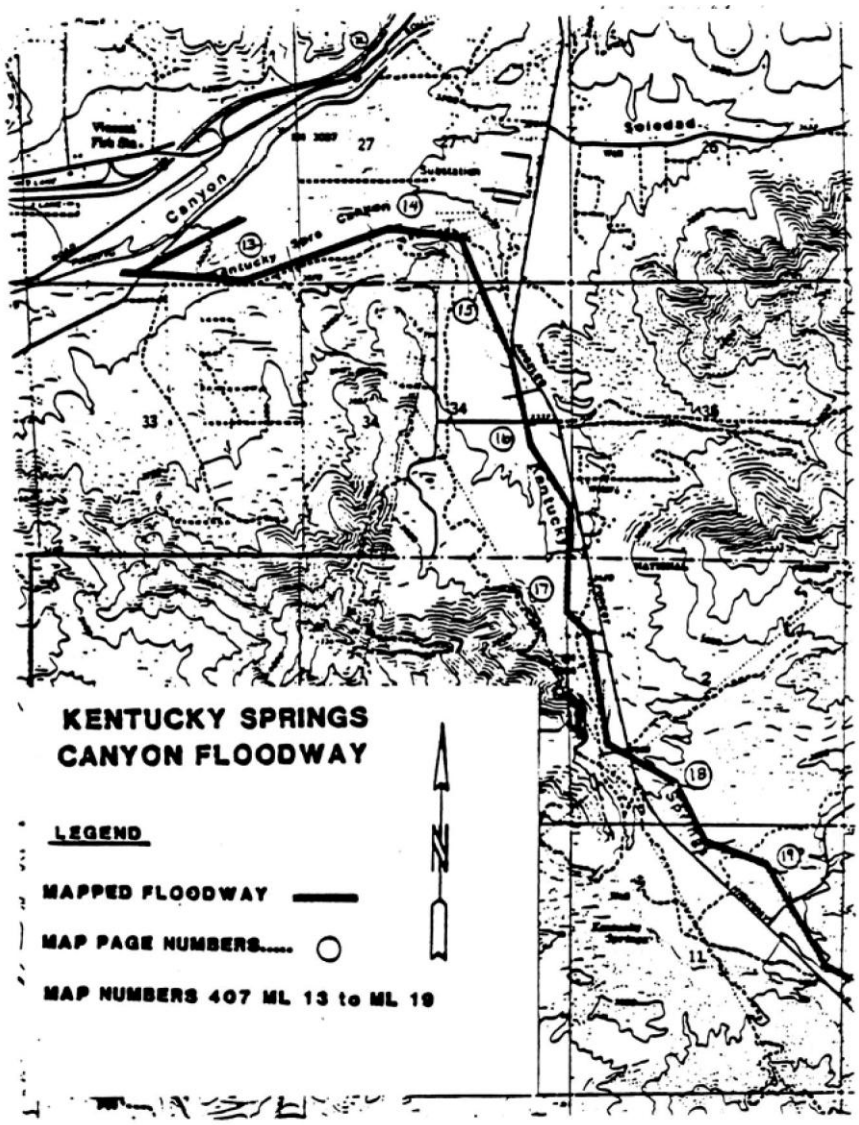

ATTACHMENT A
LOCATION MAP
SIERRA PELONA WASH
FLOODWAY LIMITS
SCALE 1:24 000
CONTOUR INTERVAL 40 FEET
PELONA
SIERRA
White Heather
Agua Dulce
Canyon

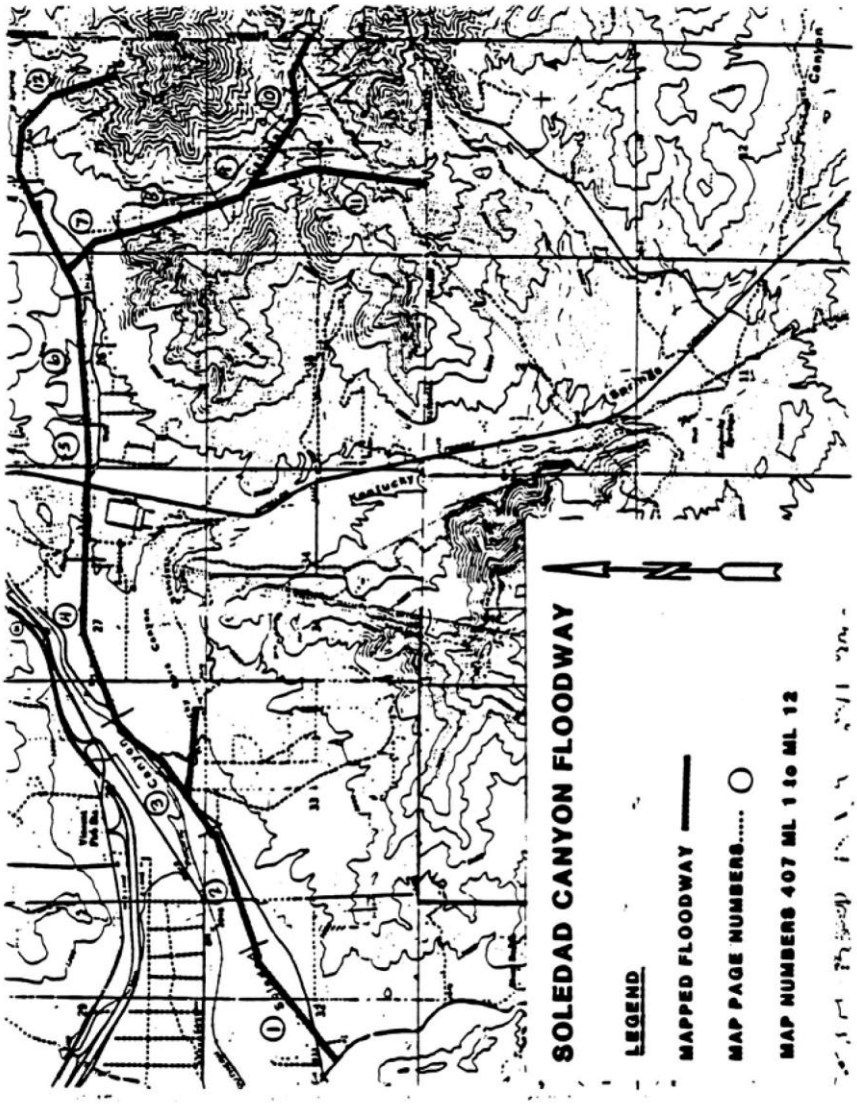

ATTACHMENT B
LOCATION MAP
RED ROVER MINE CANYON
FLOODWAY LIMITS
SCALE 1:24000
CONTOUR INTERVAL 40 FEET
DOTTED LINES REPRESENT 10-FOOT CONTOURS
NATIONAL GEODETIC VERTICAL DATUM OF 1929

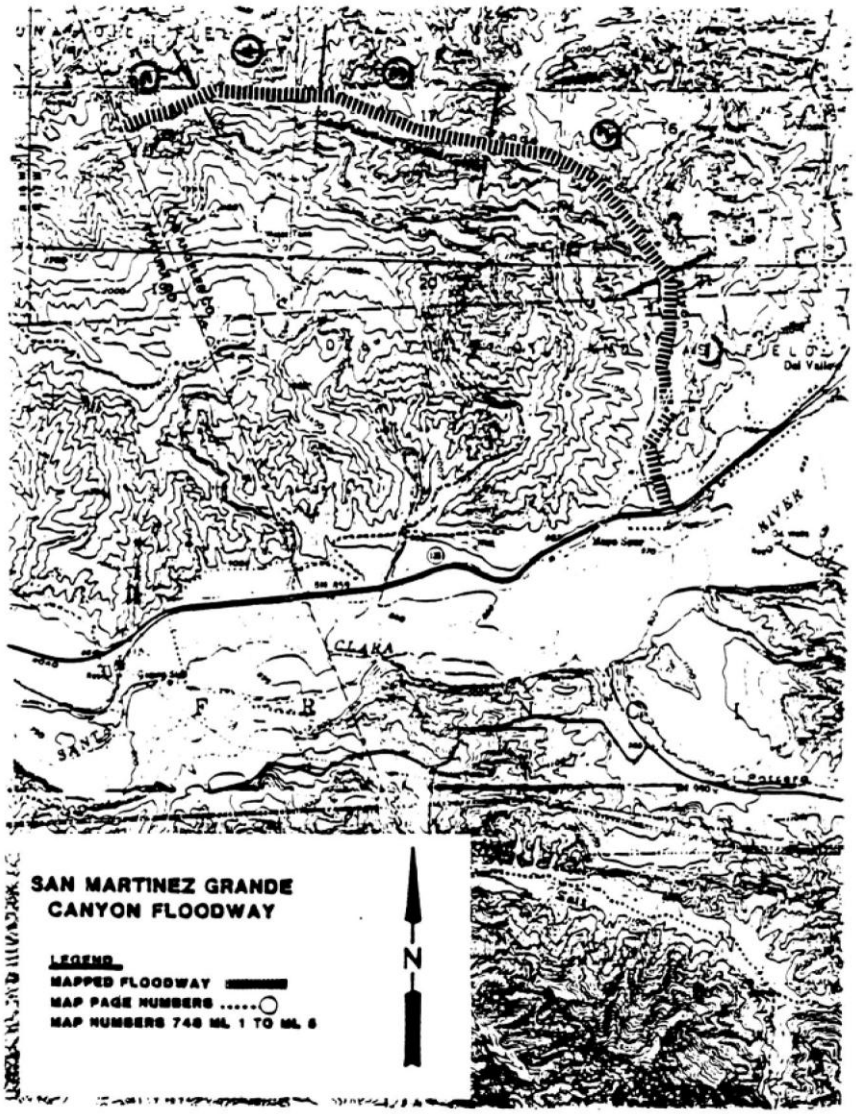

ATTACHMENT C
LOCATION MAP
CROWN VALLEY DRAIN
FLOODWAY LIMITS
SCALE 1:24 000
CONTOUR INTERVAL 40 FEET
DOTTED LINES REPRESENT 10-FOOT CONTOURS
NATIONAL GEODETIC VERTICAL DATUM OF 1929

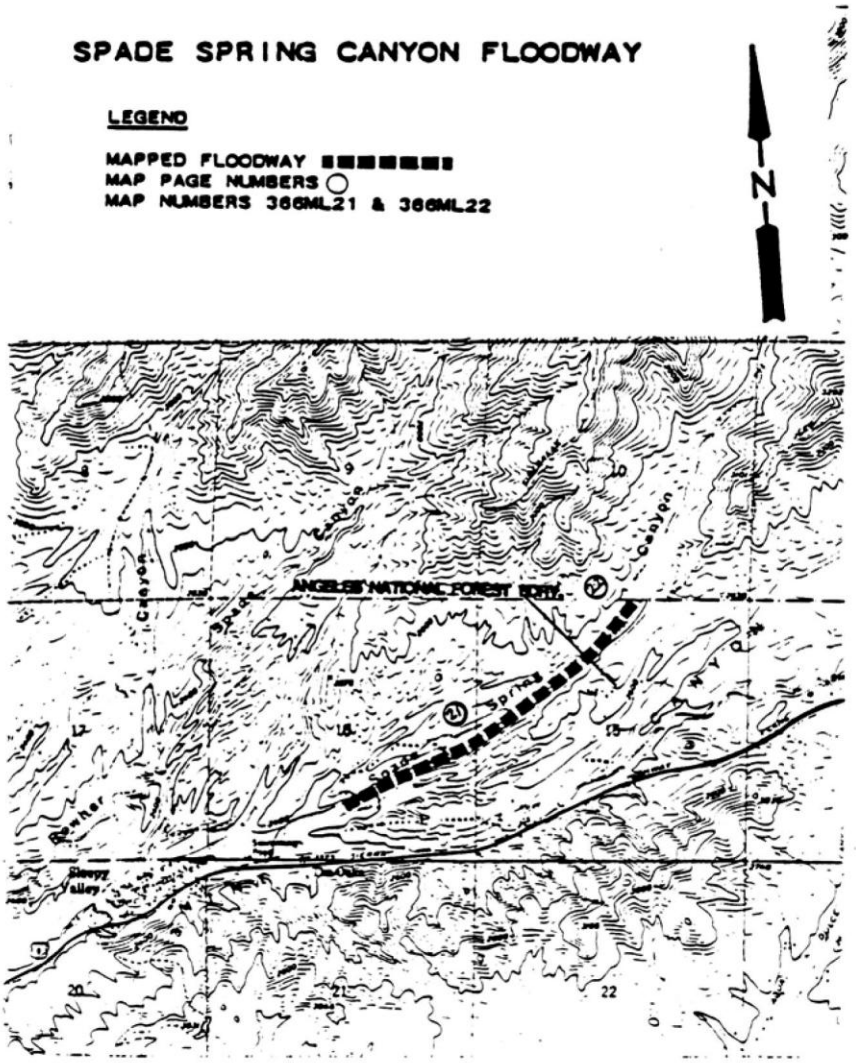

BAKER CANYON FLOODWAY
Mapped Floodway
Map Numbers 407 ML24 - ML28
SANTA
CLARA
RIVER

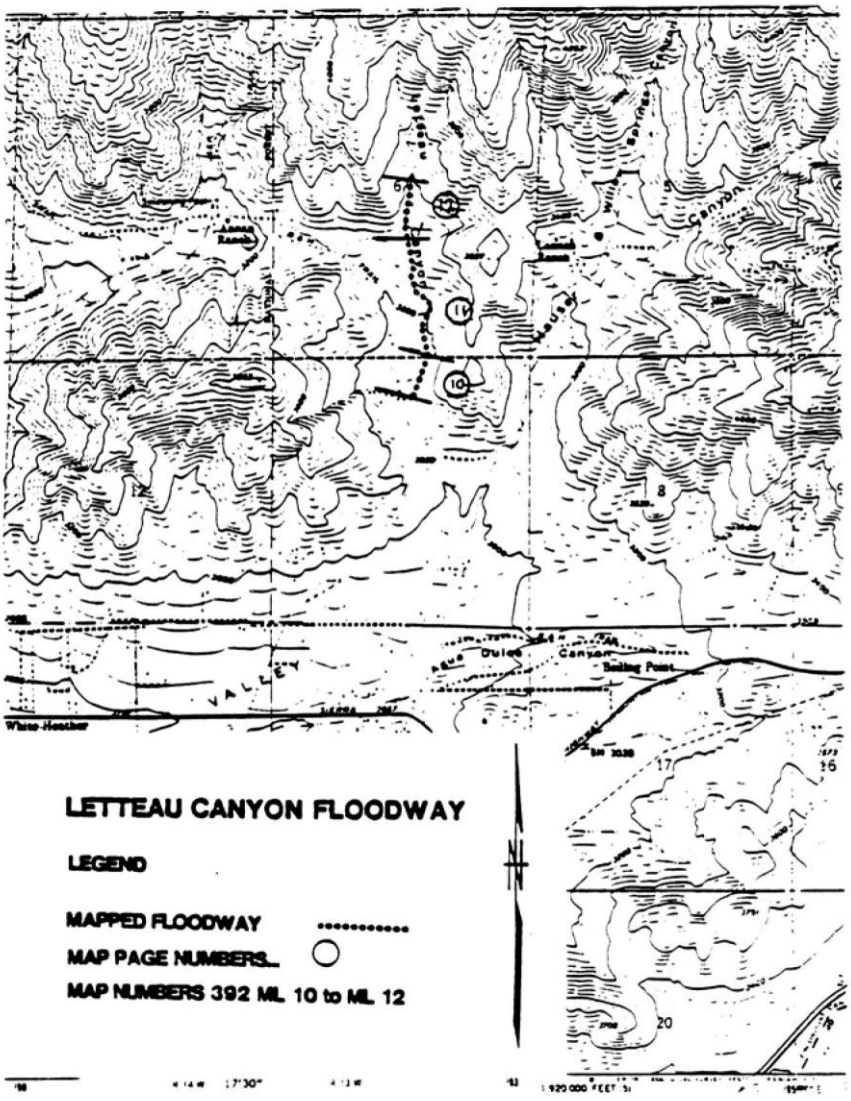

JONES CANYON & RASHMERE CANYON FLOODWAY
Mapped Floodway
Map Numbers 407 ML4 - ML10

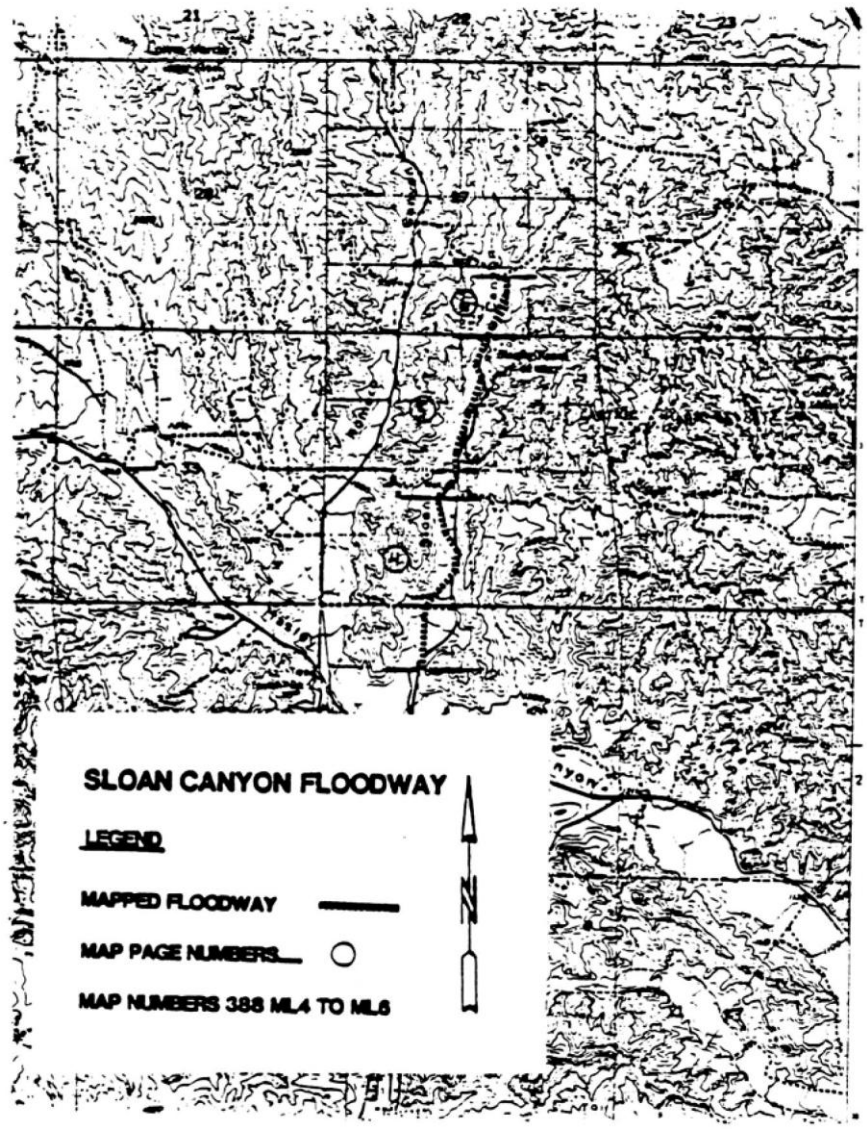

KENTUCKY SPRINGS
CANYON FLOODWAY
LEGEND
MAPPED FLOODWAY
MAP PAGE NUMBERS.....
MAP NUMBERS 407 ML 13 to ML 19
N
Canyon
Kentucky
Soledad
27
33
34
11

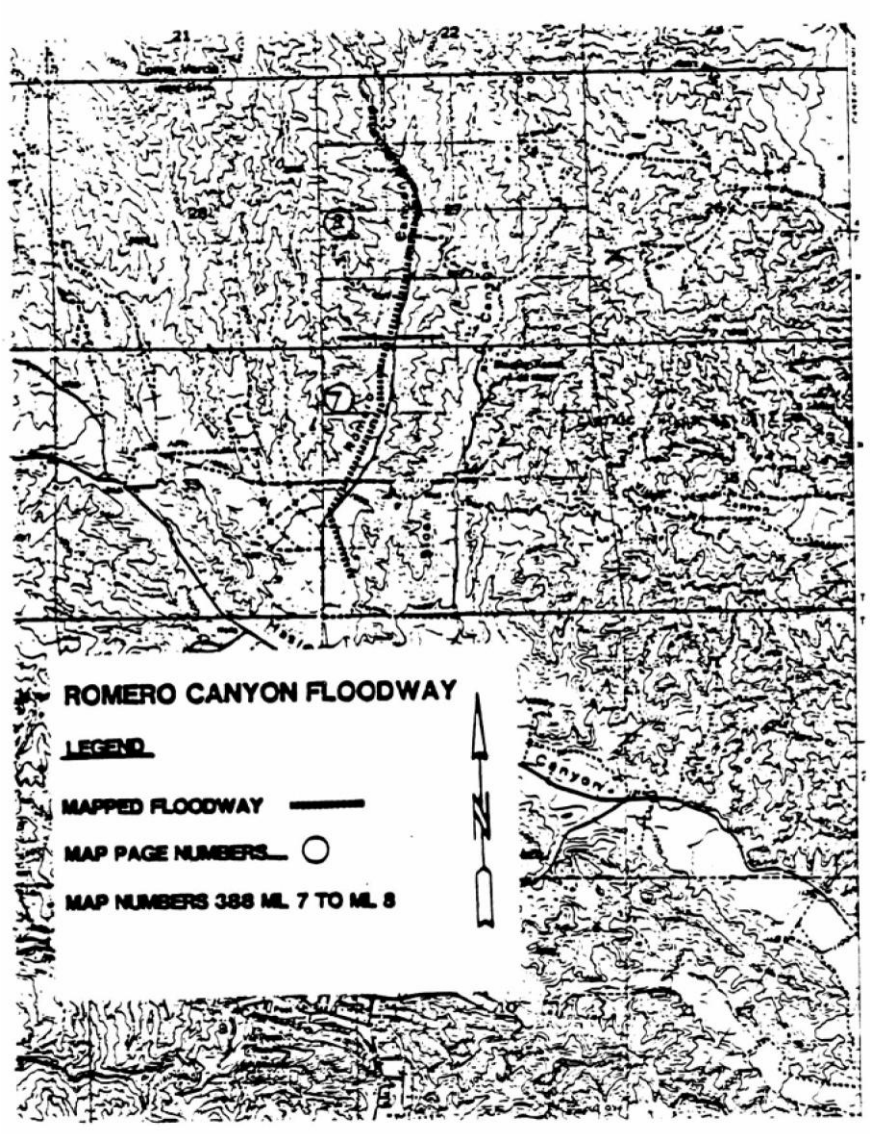

SOLEDAD CANYON FLOODWAY
LEGEND
MAPPED FLOODWAY
MAP PAGE NUMBERS
MAP NUMBERS 407 ML 1 to ML 12

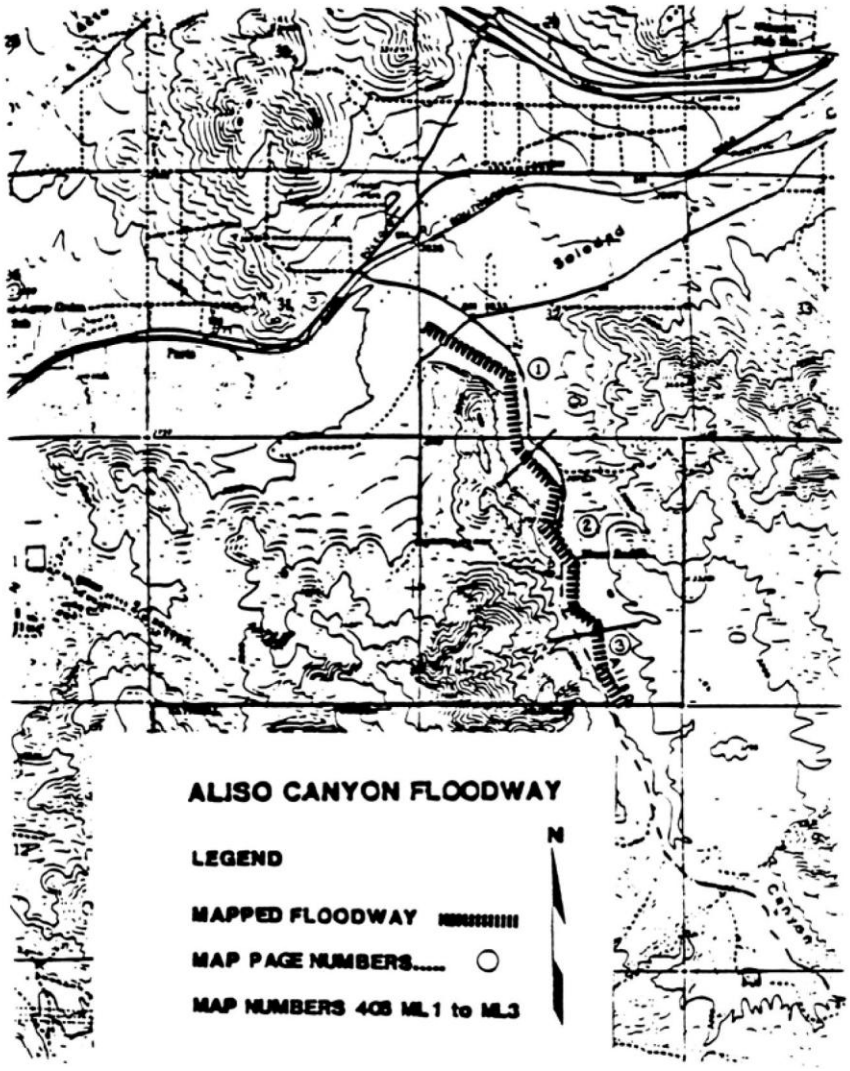

SAN MARTINEZ GRANDE
CANYON FLOODWAY
LEGEND
MAPPED FLOODWAY
MAP PAGE NUMBERS .....
MAP NUMBERS 748 ML 1 TO ML 6
N

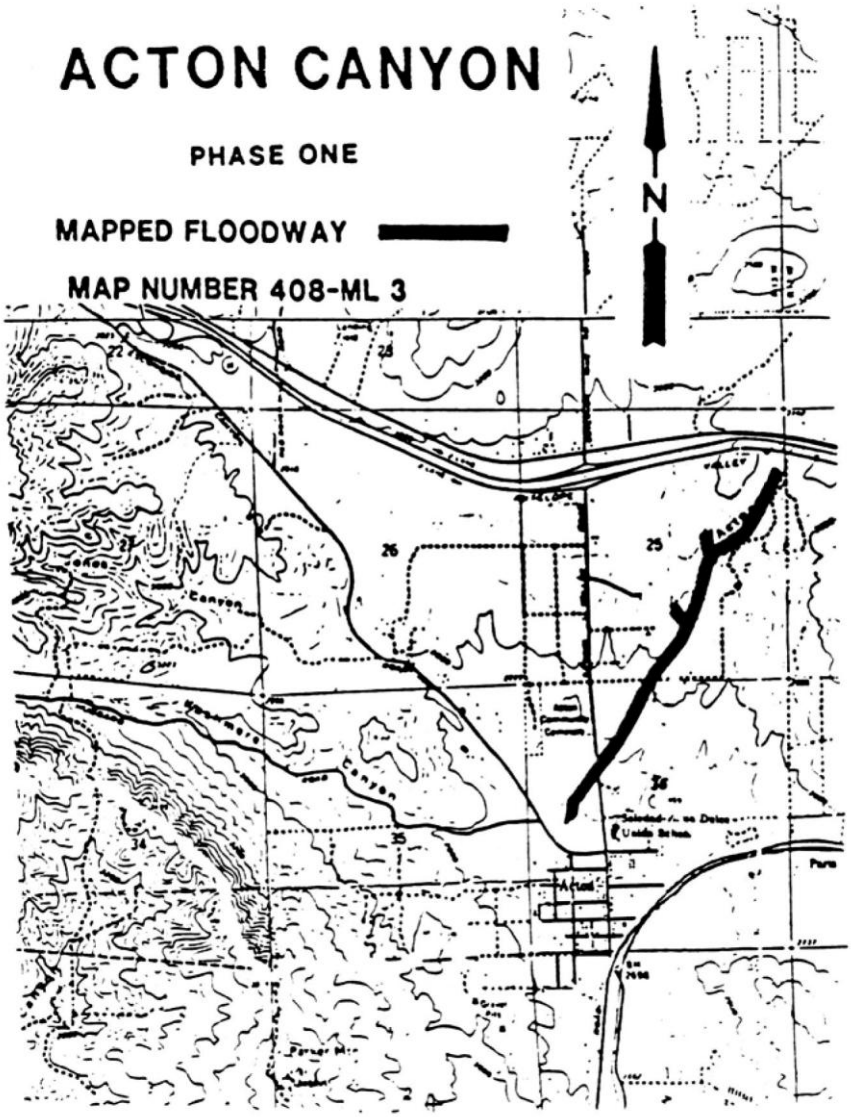

SPADE SPRING CANYON FLOODWAY
LEGEND
MAPPED FLOODWAY
MAP PAGE NUMBERS
MAP NUMBERS 366ML21 & 366ML22
N
ANGELES NATIONAL FOREST BDRY.
Spring
Canyon
Rowher
Sleepy Valley
9
10
12
15
21
22

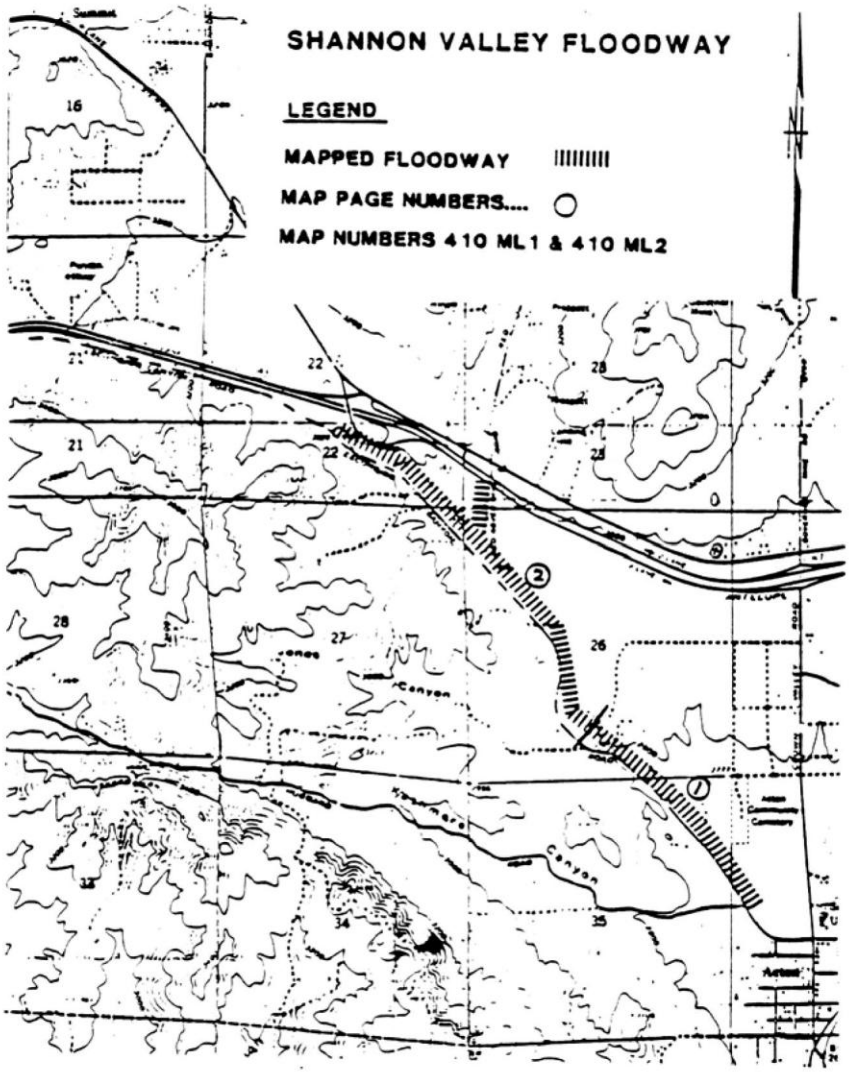

LETTEAU CANYON FLOODWAY
LEGEND
MAPPED FLOODWAY
MAP PAGE NUMBERS
MAP NUMBERS 392 ML 10 to ML 12
N

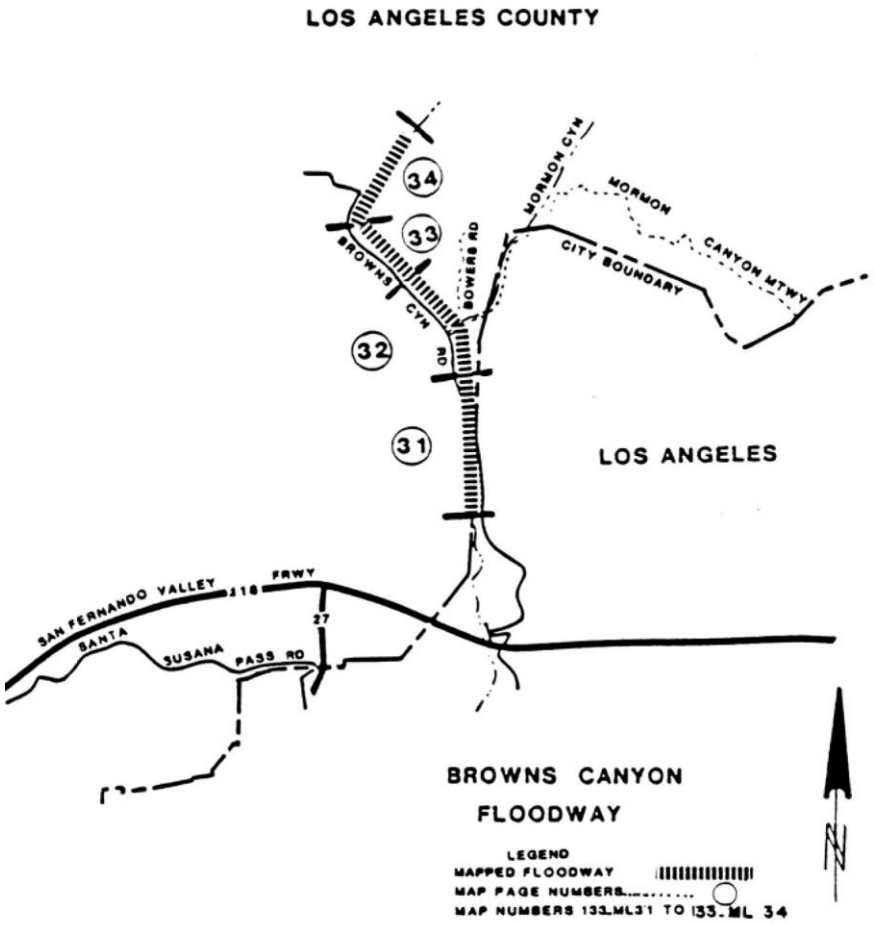

SLOAN CANYON FLOODWAY
LEGEND
MAPPED FLOODWAY
MAP PAGE NUMBERS
MAP NUMBERS 388 ML4 TO ML6
N

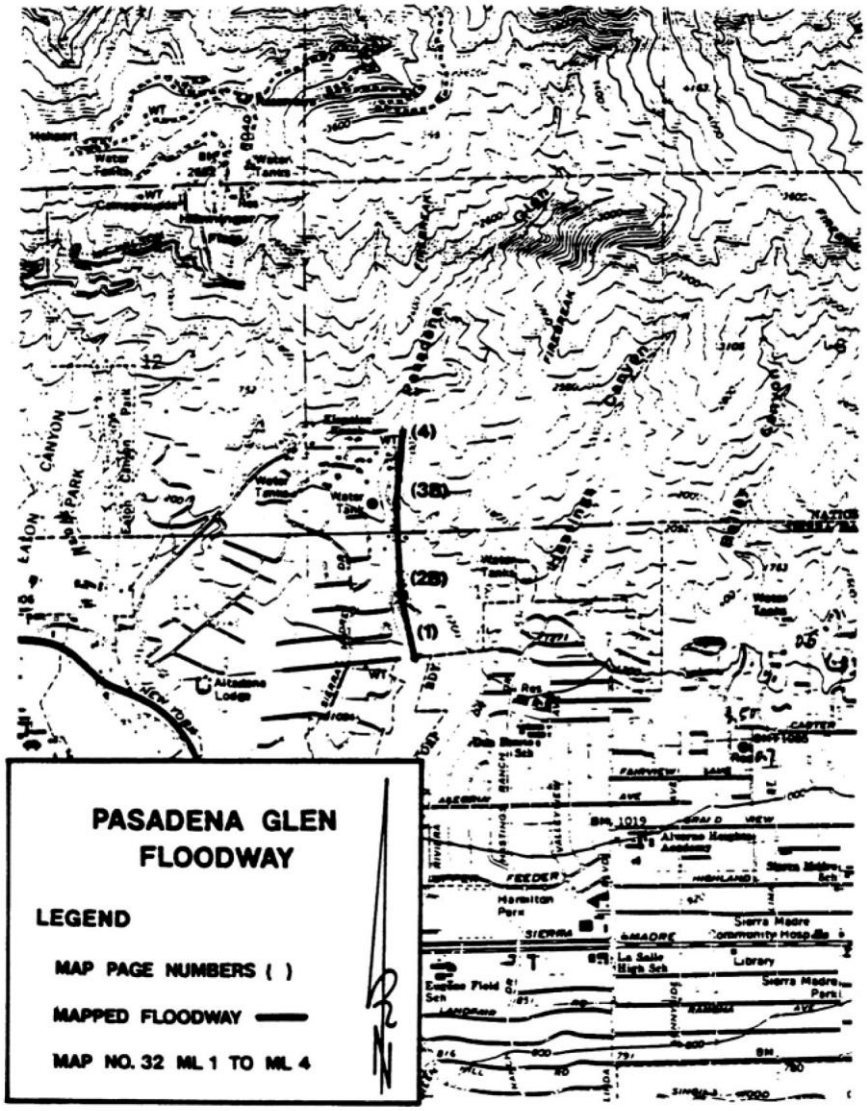

ROMERO CANYON FLOODWAY
LEGEND
MAPPED FLOODWAY
MAP PAGE NUMBERS
MAP NUMBERS 388 ML 7 TO ML 8
N


ALISO CANYON FLOODWAY
LEGEND
MAPPED FLOODWAY
MAP PAGE NUMBERS.....
MAP NUMBERS 405 ML1 to ML3
N


ACTON CANYON
PHASE ONE
MAPPED FLOODWAY
MAP NUMBER 408-ML 3
N


SHANNON VALLEY FLOODWAY
LEGEND
MAPPED FLOODWAY
MAP PAGE NUMBERS....
MAP NUMBERS 410 ML1 & 410 ML2
Canyon
Canyon


LOS ANGELES COUNTY
34
33
32
31
MORMON CYN
MORMON
CANYON MTWY
CITY BOUNDARY
BOWERS RD
BROWNS CYN RD
LOS ANGELES
SAN FERNANDO VALLEY
118 FRWY
27
SANTA SUSANA PASS RD
BROWNS CANYON
FLOODWAY
LEGEND
MAPPED FLOODWAY
MAP PAGE NUMBERS
MAP NUMBERS 133_ML31 TO 133_ML 34
N



11.60.040 Areas of Special Flood Hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in the "Flood Insurance Study for Los Angeles County, California and Incorporated Areas" dated September 26, 2008 (FIS), with accompanying Flood Insurance Rate Maps (FIRM's) and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this Code. The FIS, FIRM's and related amendments and revisions are on file at the County of Los Angeles Department of Public Works, 900 South Fremont Avenue, Alhambra, California.

(Ord. 2016-0062 § 2, 2016.)

Chapter 11.62 SMALL DAMS

11.62.010 Title for citation.

The ordinance codified in this chapter shall be known as the "small dams ordinance," and may be so cited.

(Ord. 8692 § 1, 1964.)

11.62.020 Definitions.

A. As used in this chapter, "small dam" means any barrier, embankment, levee, revetment, spillway or outlet which does, which is designed to, or intended to, or may impound more than one acre-foot of water or other fluids or fluid materials to a depth of more than three feet at the deepest part.

B. "Small dam" does not include:

1. Any obstruction in a canal used to raise or lower water therein or divert water therefrom;
2. Any railroad fill or other railroad structure;
3. Any fill or structure for public highway purposes;
4. Any dam included in the provisions of Division 3, Part 1 of the California State Water Code;
5. Any overnight storage reservoir used for the purpose of irrigation, or any small dam situated in an isolated, self-contained area, if the county engineer finds that, by reason of such isolation and self-containment, no danger to private or public property can now or thereafter result from the construction, failure or operation of the structure or appurtenances;
6. Any dam, under regulations of other public agencies, whose specific duties and obligations are the construction or maintenance of such appurtenances, or are regulated by other Los Angeles County ordinances.

(Ord. 8692 § 2, 1964.)

11.62.030 Permit—Required for construction, alteration or removal.

A person, firm, or corporation shall not construct, alter or remove, or cause or permit another person to construct, alter or remove a small dam until he first obtains a written permit from the county engineer.

(Ord. 8692 § 3, 1964.)

11.62.040 Permit—Application—Information required.

A. To obtain a permit, the owner or his agent shall first file an application in writing with the county engineer on the form provided for that purpose, and shall furnish the following:

1. Name and address of the property owner, and the name and address of the applicant if the applicant is not the owner;
2. A legal description of the property where the small dam is to be constructed and a plot plan showing the location;
3. A map of the drainage area;
4. Two sets of plans and specifications of the construction proposed, including a plan of the area to be flooded, with accurate contour lines showing the original topography;

5. Rainfall and runoff data, and computations necessary to determine the amount of water to be expected;

6. Accurate cross-sections and grade of the outlet channel;

7. Data concerning subsoil and foundation conditions; the county engineer may require a report prepared by a qualified engineering geologist or soils engineer, or both;

8. Plans and computations required for small dams under the provisions of this chapter shall conform to the Design Standards for Small Dams on file in the office of the county engineer and the clerk of the board of supervisors;

9. Plans and computations must be prepared and signed by a civil engineer registered by the state of California, unless the plans have been prepared under the direction of and approved by the United States Department of Agriculture or other governmental agency;

10. An estimate for the construction cost of the project;

11. Such other information and data the county engineer finds is necessary to properly evaluate the application.

B. In instances where the physical conditions are such that no engineering problems are involved in the design, and the size of the dam is such as to render the above requirements as to drainage area, rainfall data, subsurface investigation and plan preparation by a registered civil engineer unnecessary, the county engineer may waive one or all of the requirements, designated as 3, 5, 7 and 9 in subsection A.

(Ord. 8692 § 5, 1964.)

11.62.050 Permit—Application—Fee.

When application is made for a permit under this chapter, an application fee based on the estimated cost of the project as determined by the county engineer and as set forth in Table A in Section 11.64.080 for application fee, will be paid to the county engineer. This fee shall be separate and apart from any fees or deposits collected or imposed under this chapter or any other county ordinance or regulation, or by reason of any license, agreement or contract between the applicant and any other public agency.

(Ord. 8692 § 7, 1964.)

11.62.060 Permit—Application—Review by county engineer.

The county engineer shall review the application and data submitted therewith and within 30 days advise the applicant of his findings.

(Ord. 8692 § 6, 1964.)

11.62.070 Permit—Issuance and plan approval conditions.

The county engineer will approve plans and issue a permit for a small dam when he finds that:

A. A hazard to life and property will not be created;

B. Water supplies will not be polluted or endangered;

C. There will be no tendency or contribution toward the creation of a nuisance;

D. There will be no interference with the operations of other duly constituted agencies;

E. The proposed construction and resulting impoundment will not violate existing laws or ordinances;

F. All necessary permits from other agencies have been obtained and fees paid;

G. The fees required by this chapter have been paid and bonds posted.

(Ord. 8692 § 4, 1964.)

11.62.080 Fee schedule.

After the county engineer has approved the plans and before a permit is issued, the applicant shall pay, in addition to the application fee, a permit fee, the amount of which shall be based upon the estimated cost of the project, as determined by the county engineer and as set forth in Table A below for a permit fee.

Table A		
Estimated Construction Cost	Amount of Fee	
	Application	Permit
$ 0 to $ 5,000.00	$ 50.00	$ 25.00
$ 5,001 to $15,000.00	$150.00	$100.00
$15,001 to $25,000.00	$175.00	$125.00
$25,001 to $50,000.00	$200.00	$150.00
$50,001 to $100,000.00	$250.00	$200.00
$100,001 or over	$300.00	$250.00

(Ord. 8692 § 8, 1964.)

11.62.090 Exemptions from fees.

Neither the county of Los Angeles nor any public officer or body acting in his official capacity on behalf of this county shall pay or deposit any fee. This chapter does not require the payment of any fee where the collection of such fee is prohibited by Section 6103 of the Government Code or by any other statute.

(Ord. 8692 § 9, 1964.)

11.62.100 Refund of fees.

A. In the event the county engineer has performed no checking on the plans and computations submitted with the application, the applicant, upon written request to the county engineer for cancellation, is entitled to a refund of 50 percent of the total amount actually paid as the application fee.

B. In the event that any person shall have obtained a small dam permit, and no work or construction shall have been commenced, and the permit has been cancelled, the permittee, upon submitting a request in writing, shall be entitled to a refund in an amount equal to 80 percent of the permit fee actually paid for such permit.

(Ord. 8692 § 10, 1964.)

11.62.110 Plans and specifications—Submittal requirements.

A. Two complete sets of plans and specifications shall be submitted to the county engineer with the application for a permit. When the permit is issued, an approved set of plans and specifications will be returned to the permittee.

B. Should the county engineer waive the requirement for inspection by a registered civil engineer, three additional sets of plans and specifications shall be furnished to the county engineer without cost, showing any corrections, additions or changes which were required as a condition for issuance of the permit.

(Ord. 8692 § 11, 1964.)

11.62.120 Work authorized by permit—Liability limitations.

A. The issuance of a small dam permit shall constitute authorization to do only that work which is described or illustrated on the approved plans and application for the permit.

B. Permits issued under this chapter shall not relieve the permittee of the responsibility for securing permits or licenses that may be required for other agencies.

C. The time limit for completion of construction will be stated on the permit, and may be extended only on written request of the permittee and after investigation by the county engineer to determine if the extension is warranted.

D. The issuance or granting of a permit or approval of plans and specifications shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this chapter. No permit presuming to give authority to violate or cancel the provisions of this chapter shall be valid, except insofar as the work or use which it authorizes is lawful.

E. The issuance of a permit based upon plans and specifications shall not prevent the county engineer from thereafter requiring the correction of errors in said plans and specifications, or from preventing construction from being carried on thereunder when in violation of this chapter or other county ordinance or state law.

F. Any modifications or changes in plans after the issuance of a permit shall be approved in writing by the county engineer.

G. The issuance of a permit under this chapter or the compliance with the provisions thereof or of any conditions imposed in the permit shall not relieve any person from responsibility for damage to other persons or property, nor impose any liability upon the county or its agents for damage to other persons or property, or relieve the owner or operator of a small dam of the legal duties, obligations or liability incident to ownership or operation of the dam.

(Ord. 8692 § 12, 1964.)

11.62.130 Permit—Bond or assignment of securities required.

A. A permit shall not be issued for construction of a small dam until the permittee has posted with the county engineer a bond executed by the owner as principal and a corporate surety authorized to do business in this state as surety, or deposits a cash bond or deposits and assigns to the county as provided in Chapter 4.36 of this code and the Administrative Code, savings and loan certificates as shares, in the same amount as is required for a bond.

B. The amount of the bond shall be 50 percent of the estimated construction cost of the project, as shown on the permit.

(Ord. 8692 § 13, 1964.)

11.62.140 Bond conditions.

Each bond shall include the conditions that the permittee shall:

A. Comply with all of the provisions of applicable laws and ordinances;

B. Comply with all of the terms and conditions of the small dam permit;

C. Complete all of the work contemplated under the permit within the time limit shown on the permit, unless a time extension is granted; no such extension of time shall release the surety upon the bond.

D. Upon default by the permittee, the surety shall complete the work contemplated under the permit, or shall remove or demolish any partially completed structures constructed under the permit and clear, clean and restore the site to its original condition, or do such other work as required by the county engineer to assure that a dangerous condition or nuisance does not exist or will not be created.

(Ord. 8692 § 14, 1964.)

11.62.150 Water rights—Determination and compliance responsibility.

It shall be the full responsibility of the owner or permittee to determine and comply with state water laws governing the use of water and vested rights of others before starting any construction for impounding water under this chapter.

(Ord. 8692 § 16, 1964.)

11.62.160 Right of entry authorized when.

A. Any authorized representative of the county of Los Angeles in the performance of his official duties shall be granted access to the premises upon which a small dam is situated for the purpose of making such inspections as are necessary to insure compliance with the provisions of this chapter and the conditions of the permit issued under this chapter.

B. In the event of default by the permittee, the surety or any person employed or engaged on its behalf may go upon the premises to complete the required work or to remove or to demolish partially completed work or structures, and to clear, clean and restore the site, or to do such other work as is authorized by this chapter

(Ord. 8692 § 15, 1964.)

11.62.170 Construction—Supervision by civil engineer required when.

A. All construction work authorized by a permit issued under this chapter shall be supervised by a civil engineer employed by the permittee and licensed to practice by the state of California and experienced in the type of construction for which the permit was issued.

B. If the county engineer finds that either the extent of the construction work or the physical conditions, or both, are such as to make supervision by a registered civil engineer unnecessary or impractical, he may waive the requirement.

(Ord. 8692 § 21, 1964.)

11.62.180 Construction—Inspection by county engineer.

All work authorized by the permit issued under this chapter shall be subject to inspection by the county engineer, as necessary to assure compliance with the intent of the permit and this chapter.

(Ord. 8692 § 20, 1964.)

11.62.190 Construction—Sampling and testing of materials and soil samples.

The county engineer may require that material and soil samples be taken during construction, and that test reports evaluating the essential properties be filed in his office as construction proceeds. Such sampling and testing shall be performed by an approved testing laboratory, and shall be done at no expense to the county.

(Ord. 8692 § 23, 1964.)

11.62.200 Construction—Remedy of defective work.

Within 10 days after the county engineer notifies the permittee that any work is defective, either in its construction or material, or both, the permittee shall reconstruct or remove such work or materials, and make it conform to the provisions of the permit.

(Ord. 8692 § 24, 1964.)

11.62.210 Dangerous or hazardous conditions—Authority to stop or suspend work.

Should the county engineer determine that, prior to completion, a hazardous or dangerous condition exists or is impending because of weather or flood conditions, or for other reasons, the county engineer may order the work suspended or require that reasonable safeguards be maintained, or may order the work suspended and safeguards maintained until the hazard or dangerous condition has passed or has been relieved.

(Ord. 8692 § 17, 1964.)

11.62.220 Suspension of work—Notice required.

A. Notice of suspension of work or requirements as to safeguards shall be given in writing served on any persons engaged in the doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the county engineer to proceed, or shall provide such safeguards as are required.

B. Such suspension of work shall not relieve the permittee or the surety of their obligations and duties.

(Ord. 8692 § 18, 1964.)

11.62.230 Fencing and other protective measures.

Requirements for fencing and protection of the public shall conform to the requirements of Division 2 of this title, on General Hazards, as amended, or as required by other county ordinances or state law.

(Ord. 8692 § 19, 1964.)

11.62.240 Completion of work—As-built plans and civil engineer's certificate required.

At the completion of construction supervised by a registered civil engineer, the permittee shall file with the county engineer one complete set of as-built plans, together with a certificate by the civil engineer certifying that all work was completed in accordance with the approved plans and specifications. The filing of such plans and certificate shall be a condition precedent to release of the surety.

(Ord. 8692 § 22, 1964.)

11.62.250 Operation and maintenance—Remedies for unsafe conditions.

A. Responsibility for proper operation and maintenance of a small dam shall rest with the owner of the land upon which the dam is situated. At no time shall the owner operate or permit to be operated, or maintain or permit to be maintained any small dam, including the water or liquid impounded and the area adjacent, in such a manner as to create a nuisance or hazard to life and property.

B. Whenever the county engineer determines by inspection that any small dam is or is likely to become unsafe, or is not being properly maintained and operated, the owner shall, within 10 days of receipt of written notice from the county engineer, take the necessary steps to comply with the requirements set forth in the notice.

C. If the owner fails to rectify the unsafe or improper condition within 10 days of receipt of written notice, the county engineer shall take the necessary steps, in accordance with Section 11.62.270 to make the small dam safe and proper.

(Ord. 8692 § 25, 1964.)

11.62.260 Structural changes or other alterations—Permit required.

Any alteration, structural change, excavating or dredging, filling or reveting of a small dam or the appurtenances thereto requires that a permit be first obtained for a small dam under the provisions of Section 11.62.070 of this chapter.

(Ord. 8692 § 26, 1964.)

11.62.270 Emergency work authorized when—Costs.

A. The county engineer may immediately employ any remedial means necessary to protect life and property if he finds that the condition of any small dam is so dangerous to the safety of life and property as not to permit of time for the issuance and enforcement of an order relative to maintenance and operation or removal of a small dam.

B. The county engineer shall notify the owner in writing of the cost of such work. If the total cost is not paid within 30 days after receipt of such notice, or unless a request for a hearing has been filed with the board of supervisors, the county engineer shall record in the office of the county recorder the total balance still due and a legal description of the property. From the date of the recording, such balance due will be a lien on the property.

(Ord. 8692 § 27, 1964.)

11.62.280 Hearing—Request authorized when.

The applicant, permittee, owner, or the county engineer, may request, in writing, a hearing before the board of supervisors within 30 days of the date of any written notification concerning the denial of a permit, the requirement for special conditions relative to issuance of a permit, the suspension of work, the operation and maintenance of a small dam or the cost of emergency work. A request for hearing shall not delay or prevent emergency work ordered by or performed by the county.

(Ord. 8692 § 29, 1964.)

11.62.290 Hearing—Notice requirements.

Not less than 10 days prior to the hearing, the clerk of the board of supervisors shall serve or cause to be served, either in the manner required by law for the service of summons or by first class mail, postage prepaid, a copy of the notice of hearing upon all parties concerned, and to all persons who have requested within the past 60 days that they receive notice of such hearing or hearings.

(Ord. 8692 § 30, 1964.)

11.62.300 Notice of hearing—Service procedure.

Whenever in this chapter notice is to be served by personal service or by registered or certified mail, it shall be deemed that a reasonable effort has been made to serve such notice when registered and certified letters have been mailed to the address of the party being served, as shown on the official record or on the record of the county assessor. When an address is not so listed or a contact cannot be made, the service shall be by posting on the site of the small dam. Notice shall be deemed effective 10 days from the date of posting.

(Ord. 8692 § 28, 1964.)

11.62.310 Notice of hearing—Contents.

The notice of hearing shall state the address and a legal description of the property upon which the small dam is situated or proposed, sufficient for identification; the conditions or questions for which the hearing was requested; the date, hour and the place of the hearing; and the name and address of the owner or permittee.

(Ord. 8692 § 31, 1964.)

11.62.320 Notice of hearing—Posting on property.

Not less than 10 days prior to the hearing, the clerk of the board of supervisors shall cause a notice of the hearing to be posted in a conspicuous place on the property upon which the small dam is situated or proposed.

(Ord. 8692 § 32, 1964.)

11.62.330 Violation—Penalty.

A. A person shall not erect, construct, enlarge, alter, remove, demolish, use, operate or maintain any small dam in the unincorporated portion of the county, or cause same to be done, contrary to or in violation of any of the provisions of this chapter.

B. Any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed, continued or permitted, and upon conviction of any such violation, such person shall be punishable by a fine of not more than $500.00 or by imprisonment for not more than six months, or by both such fine and imprisonment.

(Ord. 8692 § 33, 1964.)

Chapter 11.64 SMOKING[43]

Part 1 REGULATIONS GENERALLY

11.64.010 Purpose of Part 1 provisions.

Because the smoking of tobacco or of any other weed or plant is a positive danger to health and a cause of material annoyance, inconvenience, discomfort and a health hazard to those who are present in confined places, and in order to serve public health, safety and welfare, the purpose of the ordinance codified in Part 1 of this chapter is to prohibit the smoking of tobacco, or any other weed or plant, in certain areas which are used by or open to the public.

(Ord. 11421 § 1, 1976.)

11.64.020 Definitions.

As used in Section 11.64.010 through 11.64.070:

A. "Person" means any individual, firm, copartnership, joint venture, association, official group, fraternal organization, corporation, estate, trust, receiver, syndicate, or any other group or combination acting as a unit.

B. "Smoke" means the gases, particles, or vapors released into the air as a result of combustion, electrical ignition, or vaporization, when the apparent or usual purpose of the combustion, electrical ignition, or vaporization is human inhalation of the byproducts, except when the combusting or vaporizing material contains no tobacco, nicotine, or cannabis and the purpose of inhalation is solely olfactory, such as, for example, smoke from incense. The term "smoke" includes, but is not limited to, tobacco smoke, vapors from an electronic smoking device, and the smoke of cannabis or any other like substance.

C. "Smoking" means inhaling, exhaling, burning or carrying any lighted, heated or ignited cigar, cigarette, any pipe, cigarillo, hookah, electronic smoking device, or plant products, or using any other method or device that delivers nicotine, cannabis or other like substances to a person.

D. "Cannabis" has the meaning set forth in California Business and Professions Code section 26001, as that section may be amended from time to time.

E. "Electronic smoking device" means an electronic device which can be used to deliver an inhaled dose of nicotine, cannabis, or other substance, including any component, part, or accessory of such a device, whether or not sold separately. The term "electronic smoking device" includes any such device, whether manufactured, distributed, marketed or sold as an electronic cigarette, electronic cigar or cigarillo, electronic pipe, electronic hookah or any other product name or descriptor.

(Ord. 2019-0011 § 4, 2019; Ord. 11421 § 2, 1976.)

11.64.030 Smoking Prohibited in Designated Areas.

Smoking, including the use of electronic smoking devices, or allowing smoking or the use of electronic smoking devices, is prohibited in the following places within the unincorporated area of the County of Los Angeles:

A. Elevators open to the public.

B. Buses and bus stops.

C. Museums and libraries.

D. Any indoor area of every private or public health-care facility, including but not limited to hospitals; and all outdoor areas of County owned or operated healthcare facilities, except that smoking by patients may be allowed in designated outdoor patient smoking areas in County owned or operated recuperative care facilities, facilities treating mental illness, and long-term health care facilities, including those defined in section 1250 of the Health and Safety Code, subject to the Director of the County department responsible for the facility.

E. Within the public portion of any building, not open to the sky, which is primarily used for or designated for the purpose of exhibiting any motion picture, stage drama, lecture, musical recital, or other similar performance, whenever open to the public (except when smoking is a part of the performance itself).

F. Within any meeting room, chamber or place of public assembly where public business is being conducted and which is open to members of the general public, either as participants or as spectators.

G. Within any area of a public beach, including parking areas designated for use by the public.

H. Within 40 feet of any mobile food or temporary food facility, including trucks and carts that serve food to patrons.

I. Within 25 feet of any outdoor area of an eating establishment or bar set aside for use by patrons.

(Ord. 2019-0011 § 5, 2019; Ord. 2005-0018 § 2, 2005; Ord. 2004-0034U § 2, 2004; Ord. 11421 § 3, 1976.)

11.64.040 Sign requirements.

Signs which designate smoking or no-smoking areas established by this chapter shall be clearly, sufficiently and conspicuously posted in every room, building or other place so covered by this chapter. The manner of such posting, including the wording, size, color, design and place of posting, whether on the walls, doors, tables, counters, stands or elsewhere, shall be at the discretion of the owner, operator, manager or other person having control of such room, building or other place so long as clarity, sufficiency and conspicuousness are apparent in communicating the intent of this chapter.

(Ord. 11421 § 4, 1976.)

11.64.050 Compliance—Responsibility of owners and operators.

The owner, operator or manager of any facility, business or agency within the purview of this chapter shall comply herewith. Such owner, operator or manager shall post or cause to be posted all no-smoking signs required by this chapter.

(Ord. 11421 § 5, 1976.)

11.64.060 Violation—Penalty.

Any person who violates any provision of this Part 1 by smoking in a posted no-smoking area, or by failing to post or cause to be posted a no-smoking sign required by this Part 1, or otherwise violates any provision of this Part 1, is guilty of an infraction and upon conviction thereof shall be punished by a fine of not less than $10.00 nor more than $100.00.

(Ord. 11421 § 6, 1976.)

11.64.070 Severability.

If any portion of this Part 1, or the application thereof to any person or circumstances is held invalid, the remainder of the provisions and the application of such provisions to other persons or circumstances shall not be affected thereby.

(Ord. 11421 § 7, 1976.)

Part 2 SMOKING AT POLLING PLACES

11.64.080 Smoking at polling places and while canvassing votes prohibited.

It is unlawful for any person to smoke any cigar, cigarette, pipe or any tobacco, in any form or by any means whatever, in any polling place at any time during an election or during the canvassing in any polling place of the votes cast at an lection.

(Ord. 411 § 1, 1915.)

11.64.090 Violation of Part 2 provisions—Penalty.

Violation of the provisions of this Part 2 is an infraction punishable by:

A. A fine not exceeding $50.00 for a first violation;

B. A fine not exceeding $100.00 for a second violation within one year;

C. A fine not exceeding $250.00 for each additional violation within one year.

(Ord. 12264 § 3, 1980; Ord. 411 § 2, 1915.)

Part 3 SMOKING ON BUSES

11.64.100 Smoking on motor buses and other vehicles prohibited when.

A person shall not smoke or possess any burning cigarette, cigar or pipe while on any streetcar, interurban car, motor bus or other vehicle operated for the purpose of transporting passengers for hire within the unincorporated territory of the county of Los Angeles along a regular route, and picking up or discharging such passengers along county highways, except in a compartment in such vehicle set apart for the use of smokers.

(Ord. 5063 § 1, 1948.)

11.64.110 Signs required.

Every person operating, and every person, firm or corporation in charge of any such streetcar, interurban car, motor bus or other vehicle, while such vehicle is operated in the unincorporated territory of the county of Los Angeles, shall maintain at all such times signs stating that smoking is prohibited, if there is no smoking compartment on such vehicle; or, if there is a smoking compartment on such vehicle, that smoking is prohibited except in such smoking compartment.

(Ord. 5063 § 2, 1948.)

11.64.120 Violation of Part 3 provisions—Penalty.

A. Violation of Part 3 of this chapter is an infraction punishable by:

1. A fine not exceeding $50.00 for a first violation;
2. A fine not exceeding $100.00 for a second violation within one year;
3. A fine not exceeding $250.00 for each additional violation within one year.

B. Each day during any portion of which any violation of any provision of this chapter is committed, continued or permitted is a separate offense.

(Ord. 12264 § 8, 1980; Ord. 5063 § 3, 1948.)

11.64.130 Severability.

If any portion of the ordinance set out in this Part 3, or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected thereby.

(Ord. 5063 § 4, 1948.)

Chapter 11.65 EPHEDRINE, PSEUDOEPHEDRINE AND PHENYLPROPANOLAMINE RECORDS AND STORAGE

11.65.010 Display and Storage.

No owner, manager or proprietor in charge of any business selling over-the-counter products which lists ephedrine, pseudoephedrine or phenylpropanolamine as an ingredient shall display said product where it is accessible by customers of said business. All products which list ephedrine, pseudoephedrine or phenylpropanolamine as an ingredient shall be kept behind the counter in a place that is not accessible to retail customers.

(Ord. 2007-0006 § 1 (part), 2007.)

11.65.020 Identification and Logging Required.

No owner, manager, proprietor or employee in charge of any business selling any over-the-counter products which list ephedrine, pseudoephedrine or phenylpropanolamine as an ingredient shall sell said product unless the buyer

of said product first produces valid photo identification. The purchaser must enter into a written log his/her name, address, and the date and time of sale, and must also sign the logbook. The seller shall determine that the name entered into the logbook corresponds to the name provided on the photo identification and that the date and time are correct. The seller shall also enter into the logbook the name of the product purchased and the quantity sold. The logbook must contain a notice to purchasers that entering false statements or misrepresentations in the logbook may subject the purchaser to criminal penalties pursuant to this ordinance. The seller must maintain each entry in the logbook for not fewer than two years after the date in which the entry is made. This requirement does not apply to any purchase by an individual of a single sales package if that package contains no more than 60 milligrams of ephedrine, pseudoephedrine or phenylpropanolamine.

(Ord. 2007-0006 § 1 (part), 2007.)

11.65.030 Inspection of Log.

The written log of buyers, maintained pursuant to Section 11.65.020 above, shall be provided to local law enforcement authorities pursuant to a lawful search warrant or subpoena issued by judicial process.

(Ord. 2007-0006 § 1 (part), 2007.)

11.65.040 Penalty.

Any person violating any provision of this article shall be guilty of a misdemeanor, and shall be punished by a fine not to exceed five hundred ($500) dollars for each offense or by imprisonment in the county jail for a period of not more than six (6) months, or by both such fine and imprisonment.

(Ord. 2007-0006 § 1 (part), 2007.)

Chapter 11.66 MEDICAL MARIJUANA PROGRAM IDENTIFICATION CARD

11.66.010 Medical marijuana program identification card—Applications.

The county health officer shall provide applications upon request to individuals seeking a medical marijuana program identification card pursuant to Division 10, Chapter 6, Article 2.5 of the Health and Safety Code.

(Ord. 2006-0038 § 1 (part), 2006.)

11.66.020 Medical marijuana program identification card—Initial application fee.

Every person seeking to obtain a medical marijuana program identification card shall submit a completed initial application to the county health officer, or his or her designee, and at such time pay the required initial application fee, as established by the Board of Supervisors, and the California Department of Health Services, as provided for in Section 11362.755 of the Health and Safety Code. Initial applicants that receive Medi-Cal benefits at the time of submission of their application shall pay a reduced rate as required by law.

(Ord. 2007-0065 § 1, 2007; Ord. 2006-0038 § 1 (part), 2006.)

11.66.030 Medical marijuana program identification card—Renewal application fee.

Every person seeking to renew his or her medical marijuana program identification card shall submit a completed application for renewal to the county health officer, or his or her designee, and at such time pay the required renewal application fee, as established by the Board of Supervisors, and the California Department of Health Services as provided for in Section 11362.755 of the Health and Safety Code. Applicants that receive Medi-Cal benefits at the time of submission of their renewal application shall pay a reduced rate as required by law.

(Ord. 2007-0065 § 2, 2007; Ord. 2006-0038 § 1 (part), 2006.)

11.66.040 Medical marijuana program identification card—County application fee.

The county health officer shall collect all application fees as required by the California Department of Health Services for each initial application and renewal application received. The county health officer shall charge an additional application fee, as established by the Board of Supervisors, for each initial application and renewal application received. This additional fee shall cover all costs incurred by the County of Los Angeles in administering the state's Medical Marijuana Program. The county's portion of the application fee shall be combined with the application fee required by the California Department of Health Services to create a single application fee and shall be collected from the applicant upon receipt of the completed application.

(Ord. 2007-0065 § 3, 2007; Ord. 2006-0038 § 1 (part), 2006.)

Chapter 11.68 TRANSPORT OF HYDROCYANIC ACID

11.68.010 Transport—Closed passenger vehicles prohibited—Number of operators.

It is unlawful for any person, firm or corporation to haul, carry or transport, or to cause or permit to be hauled, carried or transported, any liquid hydrocyanic acid (HCN) along, over or across any public highway or public way in the county of Los Angeles in or upon any closed vehicle which is used or designed or intended to be used as a passenger vehicle. No vehicle, while being used for the hauling, carrying or transporting of liquid hydrocyanic acid shall be operated upon any such highway or way unless such vehicle is in charge of some adult person who shall be accompanied by at least one other person of the age of 16 years or more.

(Ord. 1585 § 1, 1928.)

11.68.020 Transport vehicle—Specifications—Sign requirements.

Each vehicle or trailer in which liquid hydrocyanic acid is being hauled, carried or transported upon any such public highway or way shall be equipped with substantial side and tail boards not less than 20 inches in height, and each container containing any liquid hydrocyanic acid shall be firmly secured to the vehicle or trailer in which it is being transported in such a manner as to prevent such container from rolling or shifting within, or being thrown or pitched from, such vehicle or trailer. The rear end of any such vehicle or trailer shall be painted white and shall bear the legend "DANGER—INFLAMMABLE—KEEP YOUR DISTANCE" painted thereon in red letters of not less than three inches in height, or in lieu of such painting and lettering, each such vehicle or trailer shall have firmly and securely attached to the rear end thereof, and plainly visible from behind such vehicle or trailer, a white placard or sign bearing said legend in red letters of not less than three inches in height.

(Ord. 1585 § 2, 1928.)

11.68.030 Transport vehicle—Stops at railroad crossings.

Each vehicle, while transporting liquid hydrocyanic acid, shall be brought to a full stop at each railroad, interurban or streetcar crossing, and the driver thereof shall proceed across such crossing only after having made certain that such vehicle or trailer may be safely driven across the railroad, interurban or streetcar track.

(Ord. 1585 § 3, 1928.)

11.68.040 Transport vehicle—Trailer parking restrictions.

Each trailer, while being used for hauling, carrying or transporting any liquid hydrocyanic acid, shall be coupled to the vehicle to which it is attached by means of a substantial bracket attached to such trailer, at least two points, in such a manner as to effectually prevent the swaying or side whipping of such trailer. No hydrocyanic acid gas nor liquid hydrocyanic acid, nor any vehicle or trailer containing the same, shall be allowed to stand within a distance of 15 feet of the traveled portion of any public highway or way.

(Ord. 1585 § 4, 1928.)

11.68.050 Violation—Penalty.

Any person, firm or corporation violating any provision of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not to exceed $500.00 or by imprisonment in the County Jail for not to exceed six months, or by both such fine and imprisonment.

(Ord. 1585 § 5, 1928.)

Chapter 11.69 METALLIC BALLOONS

11.69.010 Metallic balloons.

A. Finding. The board of supervisors hereby finds and declares that metallic balloons, when released outdoors, have a propensity to get tangled in high voltage power lines and cause short circuiting, power outages, fire, explosions, and power lines falling to the ground. These interruptions of power disrupt and endanger the lives of the residents of the county. Therefore the use of metallic balloons is discouraged, especially when large quantities are used for advertising or other commercial use.

B. Ban. It shall be unlawful to allow one or more metallic balloons to float, rise or remain aloft outdoors at a height of five feet or more for any advertising, promotional or commercial purpose.

D. Duty to Warn. Any person or entity who sells metallic balloons shall cause a sign or notice to be posted or displayed on the premises where the balloons are sold which complies with each of the following requirements:

1. The sign or notice shall read substantially as follows:

WARNING. METALLIC BALLOONS ARE CONDUCTORS OF ELECTRICITY. DO NOT USE NEAR ANY SOURCE OF ELECTRIC POWER. DO NOT RELEASE OUTDOORS. CONTACT WITH TRANSMISSION LINES CAN CAUSE SHORT CIRCUITING, POWER OUTAGES AND FIRE.

2. In no event shall the sign or notice be smaller than eight inches wide and eight inches long, nor shall any lettering thereon be less than one inch in height.

3. At least one sign or notice shall be placed so as to assure that it can be read from all counter locations available to the public.

4. In the event a substantial number of the public patronizing the premises offering for sale or dispensing for consideration, metallic balloons, uses a language other than English as a primary language, the sign or notice shall be worded in both English and the primary language or languages involved.

(Ord. 89-0018 § 1, 1989.)

Division 4 UNDERGROUND STORAGE OF HAZARDOUS MATERIALS

Chapter 11.70 DEFINITIONS

11.70.010 Definitions Applicable to Division 4.

The definitions in Division 20, Chapter 6.7, of the California Health and Safety Code and Title 23, Division 3, Chapter 16, of the California Code of Regulations shall govern the construction of this division and any permits issued hereunder unless otherwise defined in this chapter or otherwise apparent from the context.

(Ord. 2015-0016 § 1, 2015; Ord. 97-0016 § 1, 1997; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.70.020 Abandoned.

"Abandoned," when referring to a facility, means out of service and not safeguarded in compliance with this division.

(Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.70.030 Appeals Board.

"Appeals board" means the appeals board established by the CUPA or the PA pursuant to Section 11.72.070 of this division.

(Ord. 2015-0016 § 2, 2015; Ord. 97-0016 § 2, 1997; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.70.040 Board.

"Board" means the Board of Supervisors of the County of Los Angeles.

(Ord. 2015-0016 § 3, 2015; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.70.043 Certified Unified Program Agency or CUPA.

"Certified unified program agency" or "CUPA" means the agency certified by the Secretary for Environmental Protection for the State of California to implement the unified program pursuant to Division 20, Chapter 6.11, of the California Health and Safety Code, commencing with section 25404. For purposes of this division, the CUPA is the Los Angeles County Fire Department.

(Ord. 2015-0016 § 4, 2015.)

11.70.050 County.

"County" means the county of Los Angeles.

(Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.70.060 Director.

"Director" means the Director of Public Works of the County acting as the PA for the implementation of the underground storage tank element of the unified program.

(Ord. 2015-0016 § 5, 2015; Ord. 97-0016 § 3, 1997; Ord. 86-0078 § 1, 1986; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.70.070 Facility.

"Facility" means any one of, or any combination of, underground storage tanks or underground storage tank systems used by a person at a single location, which are subject to the requirements of this division.

(Ord. 2015-0016 § 6, 2015; Ord. 97-0016 § 5, 1997.)

11.70.090 Forester and Fire Warden.

"Forester and Fire Warden" means the Forester and Fire Warden of the consolidated fire protection district of Los Angeles County and the Chief of the Los Angeles County Fire Department, or his/her authorized deputy, agent, representative or inspector.

(Ord. 2015-0016 § 7, 2015; Ord. 97-0016 § 7, 1997; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.70.100 Hazardous Substance.

"Hazardous substance" means any material, substance, or waste that is subject to regulation pursuant to Section 11.74.010 of this division.

(Ord. 2015-0016 § 8, 2015; Ord. 97-0016 § 8, 1997; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.70.105 Minor Repair.

"Minor repair" means maintenance, ordinary upkeep, or other work necessary to operate or maintain an underground storage tank without altering its approved operating capacity or functionality, and which does not require a license, manufacturer training, certification, or further testing to complete or implement.

(Ord. 2015-0016 § 9, 2015.)

11.70.110 Ordinance.

"Ordinance" means an ordinance of the County.

(Ord. 2015-0016 § 10, 2015; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.70.115 Participating Agency or PA.

"Participating Agency" or "PA" has the meaning set forth in Division 20, Chapter 6.11, of the California Health and Safety Code, subsection 25404(a)(1)(B). For purposes of this division, the PA is the Los Angeles County Department of Public Works.

(Ord. 2015-0016 § 11, 2015.)

11.70.120 Reserved.

11.70.130 Permit Quantity Limit.

"Permit quantity limit" means the maximum amount of any hazardous substance that can be stored in a facility. Separate permit quantity limits will be set for each underground storage tank listed on a uniform program facilities permit in accordance with the requirements of this division.

(Ord. 2015-0016 § 13, 2015; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.70.140 Permittee.

"Permittee" means any person to whom a permit is issued pursuant to this division and any authorized representative, agent, or designee of such person. Permittee may also refer to an applicant for a permit.

(Ord. 2015-0016 § 14, 2015; Ord. 86-0078 § 2, 1986; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.70.145 Person.

"Person" shall have the same meaning as in Division 20, Chapter 6.5, of the California Health and Safety Code, section 25118, and includes any individual, trust, firm, joint stock company, business concern, partnership, limited liability company, association, and corporation, including, but not limited to, a government corporation. "Person" also includes any city, county, district, commission, state, or any department, agency, or political subdivision thereof, any interstate body, and the federal government or any department or agency thereof to the extent permitted by law.

(Ord. 2015-0016 § 15, 2015.)

11.70.150 Red Tag.

"Red tag" means a red tag affixed to a non-compliant underground storage tank system in accordance with Division 20, Chapter 6.7, of the California Health and Safety Code, section 25292.3, and Title 23, Division 3, Chapter 16, Article 10.5, of the California Code of Regulations, commencing with section 2717.

(Ord. 2015-0016 § 16, 2015.)

11.70.160 Significant Violation.

A. "Significant violation" means the failure of a person to comply with any requirement of Division 20, Chapter 6.7, of the California Health and Safety Code, any regulation adopted thereunder, or any requirement of this division, that is any of the following:

1. A violation that is causing, or threatens to cause, a liquid release of hazardous substances from an underground storage tank system, including, but not limited to: the failure of any required overfill prevention system, where the failure is causing or threatens to cause a release; or the failure of a required spill containment structure, where the failure is causing or threatens to cause a release to the environment due to a spill or an overfill.

2. A violation that impairs the ability of an underground storage tank system to detect a liquid leak or contain a liquid release of hazardous substances in the manner required by law, including, but not limited to: tampering with leak detection equipment so that the equipment is no longer capable of detecting a leak at the earliest possible opportunity.

3. A chronic violation or a violation that is committed by a recalcitrant violator. In determining whether a violation is chronic or a violator is recalcitrant, the Director shall consider whether there is evidence indicating that the violator has engaged in a pattern of neglect or disregard with respect to any requirement of Division 20, Chapter 6.7, of the California Health and Safety Code or of any regulation adopted thereunder, not including the corrective action requirements in Division 20, Chapter 6.7, of the California Health and Safety Code, section 25296.10, and Title 23, Division 3, Chapter 16, Article 11, of the California Code of Regulations.

B. "Imminent threat to human health or safety or the environment" means a condition that, as determined by the Director, creates a substantial probability of harm, when the probability and potential extent of harm make it reasonably necessary to take immediate action to prevent, reduce, or mitigate the actual or potential damages to human health or safety or the environment.

C. Notwithstanding subsection A of this section, "significant violation" does not include a failure to comply with the corrective action requirements of Division 20, Chapter 6.7, of the California Health and Safety Code, section 25296.10, and Title 23, Division 3, Chapter 16, Article 11, of the California Code of Regulations.

(Ord. 2015-0016 § 17, 2015.)

11.70.170 Substantial Modification.

"Substantial modification" means an action which, in the determination of the Director, modifies the approved operating capacity or functionality of any portion of the underground storage tank system, rectifies an issue that would otherwise prevent the monitoring system from properly functioning, or corrects an issue that would otherwise prevent the underground storage tank system from safely storing hazardous substances and preventing water intrusion, in accordance with approved plans and applicable laws, regulations, and codes, or any action that requires testing, certification, retesting, or recertification, of the affected parts for the proper operation of an underground storage tank, as well as any state-mandated modifications or upgrades.

(Ord. 2015-0016 § 18, 2015.)

11.70.200 Tank.

"Tank" means a stationary device designed to contain an accumulation of hazardous substances that is constructed primarily of non-earthen materials that provide structural support, including, but not limited to, wood, concrete, steel, or plastic.

(Ord. 2015-0016 § 19, 2015.)

11.70.210 Trade Secret.

"Trade secret" may include, but is not limited to, any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information that is not patented, or that is known only to certain individuals within a commercial concern who are using it to fabricate, produce, or compound an article of trade; and any service having commercial value, which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it.

(Ord. 2015-0016 § 20, 2015; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.70.220 Unauthorized Release.

"Unauthorized release" means any release or emission of any hazardous substance that is not authorized by the provisions of this division, unless such release is in accordance with the release regulations of an Air Quality Management District and the California Air Resources Board, a national pollutant discharge elimination system permit, or waste discharge requirements established by a Regional Water Quality Control Board pursuant to the Porter Cologne Water Quality Act or Title 20, Division 2, of this code.

(Ord. 2015-0016 § 21, 2015; Ord. 97-0016 § 17, 1997; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.70.230 Underground Storage Tank.

"Underground storage tank" means any tank, including pipes connected thereto, that is used for the storage of hazardous substances and that is substantially or totally beneath the surface of the ground. For purposes of this division, the term "underground storage tank" does not exclude the following:

A. A farm tank.

B. A heating oil tank.

C. An industrial waste pretreatment or process tank containing hazardous substances while in a static flow condition and providing unit operations other than gravity separation.

(Ord. 2015-0016 § 22, 2015; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.70.235 Underground Storage Tank System.

"Underground storage tank system" means an underground storage tank and associated monitoring systems.

(Ord. 2015-0016 § 23, 2015.)

11.70.240 Unified Program Facility Permit.

"Unified program facility permit" means a permit issued by the CUPA pursuant to Division 20, Chapter 6.11, of the California Health and Safety Code, section 25404.2, incorporating one or more underground storage tanks, including any addenda thereto.

(Ord. 2015-0016 § 24, 2015; Ord. 97-0016 § 18, 1997.)

Chapter 11.72 GENERAL PROVISIONS

11.72.010 Title for Citation.

The ordinance codified in Division 4 of Title 11 of this code shall be known as the "Underground Storage of Hazardous Substances Ordinance," and may be referred to as such.

(Ord. 2015-0016 § 25, 2015; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.72.020 Purpose.

The purpose of this division is the protection of health, life, resources and property and the prevention of short- and long-term health hazards or environmental degradation through prevention and control of unauthorized releases of hazardous substances from underground storage tanks.

(Ord. 2015-0016 § 26, 2015; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.72.030 General Obligation—Safety and Care.

A. No person shall cause, suffer, or permit the storage of hazardous substances in underground storage tanks:

   1. In a manner that violates a provision of this division or any other local, federal, or state statute, code, rule, or regulation relating to hazardous substances; or

   2. In a manner that causes an unauthorized release of hazardous substances or poses a significant risk of such unauthorized release.

B. An applicant may apply to the Director for a site-specific variance from what is provided for in this division, allowing for an alternative method of construction or monitoring of an underground storage tank.

(Ord. 2015-0016 § 27, 2015; Ord. 97-0016 § 19, 1997; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.72.040 Specific Obligation.

A. Any person who owns or operates an underground storage tank shall obtain and keep current a unified program facility permit listing the underground storage tanks operated.

B. Any hazardous substances stored in such underground storage tank shall be stored in conformity with Chapter 11.74 of this division.

C. The storage of such hazardous substances shall be in conformance with the conditions and limitations of a unified program facility permit.

(Ord. 2015-0016 § 28, 2015; Ord. 97-0016 § 20, 1997; Ord. 84-0046 § 2, 1984; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.72.045 Conformance With State Law.

The provisions of Division 20, Chapter 6.7, of the California Health and Safety Code, and regulations promulgated thereunder, are hereby adopted by reference except as may be modified and extended by this division.

(Ord. 2015-0016 § 29, 2015; Ord. 97-0016 § 21, 1997.)

11.72.050 Enforcement—Director Powers.

The Director shall enforce all the provisions of this Division 4, and for such purpose shall have the powers of a peace officer. The Director shall implement Division 20, Chapter 6.7, of the California Health and Safety Code, as the PA to the CUPA pursuant to Division 20, Chapter 6.11, of the California Health and Safety Code, section 25404.1(b)(3). In accordance with Division 20, Chapter 6.7, of the California Health and Safety Code, section 25299.4, the Director may request State Water Resources Control Board authorization for additional design and construction standards other than those set by the California Health and Safety Code and regulations promulgated thereunder. In accordance with Division 20, Chapter 6.7, of the California Health and Safety Code, section 25299.2, the Director is further authorized to adopt and enforce a standard of performance that is more stringent than that provided in Division 20, Chapter 6.7, of the California Health and Safety Code, and regulations promulgated thereunder, consistent with the purposes of this division. The powers enumerated herein shall not limit or otherwise affect the powers and duties of the County Health Officer or the Forester and Fire Warden.

(Ord. 2015-0016 § 30, 2015; Ord. 97-0016 § 22, 1997; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.72.060 Professional Assistance for Director Determinations.

Whenever the approval or satisfaction of the Director may be required in this division for a design, monitoring, testing, or other technical submittal by an applicant or permittee, the Director may, in his/her discretion, require such applicant or permittee, at the applicant's or permittee's sole cost and expense, to retain a suitable qualified independent engineer, or chemist, or other appropriate professional consultant, acceptable to the Director, for the purpose of evaluating and rendering a professional opinion respecting the adequacy of such submittal to achieve the purposes of this division. The Director shall be entitled to rely on such evaluation and/or opinion of such engineer, chemist or professional consultant in making the relevant determinations provided for in this division.

(Ord. 2015-0016 § 31, 2015; Ord. 97-0016 § 23, 1997; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.72.065 Reserved.

11.72.070 Appeals Board.

Appeals provided for in this division shall be heard by an appeals board established by the CUPA or, if the CUPA declines to establish such appeals board, the PA. The composition of the appeals board will depend on the nature of the appeal, as determined by the PA or the CUPA, as applicable. The appeals board shall consist of at least three (3) members designated by the Forester and Fire Warden or the Director, as applicable, who are qualified to pass on matters pertaining to underground storage of hazardous substances. The CUPA or the PA, as applicable, shall

adopt reasonable rules for conducting hearings before the appeals board. The CUPA or the PA, as applicable, shall keep a record of all proceedings and notify all parties concerned of the findings and decisions of the appeals board.

(Ord. 2015-0016 § 33, 2015; Ord. 97-0016 § 25, 1997; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

Chapter 11.74 STANDARDS

11.74.010 Materials Regulated.

The materials regulated by this division shall consist of the following:

A. Any material defined as a hazardous substance by Division 20, Chapter 6.11, of the California Health and Safety Code, section 25281(h);

B. Any material that has been determined by the party storing it, through testing or other objective means, to be likely to create a significant potential or actual hazard to public safety or welfare. This subsection shall not establish a requirement to test for the purposes of this division.

(Ord. 2015-0016 § 34, 2015; Ord. 97-0016 § 26, 1997; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.74.020 Containment of Hazardous Substances.

A. No person shall store any hazardous substances regulated by this division in an underground storage tank until a unified program facility permit listing such underground storage tank has been issued in accordance with Section 11.80 of this division. No such permit shall be approved pursuant to this division unless the applicant demonstrates to the satisfaction of the Director, by the submission of appropriate plans and other information, that the design and construction of the facility will result in a suitable manner of underground storage for the hazardous substance or substances to be contained therein.

B. All installation, construction, repair, or modification, closure, and removal shall be to the satisfaction of the Director. The owner shall furnish the Director with certification that all underground storage tank systems were properly installed.

(Ord. 2015-0016 § 35, 2015; Ord. 97-0016 § 27, 1997; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.74.030 Facilities Installed After January 1, 1984.

A. Minimum Standards. All underground storage tanks installed after January 1, 1984 must, at a minimum, meet the design, construction and monitoring standards of Article 3 of Chapter 16 of Division 3 of Title 23 of the California Code of Regulations and Division 20, Chapter 6.7, of the California Health and Safety Code.

B. Monitoring Capability. All new underground storage tanks shall be designed and constructed with a monitoring system capable of detecting that the hazardous substance stored in the primary containment has entered the secondary containment. Visual inspection of the primary containment is the preferred method; however, other means of continuous monitoring may be required by the Director. Where secondary containment may be subject to the intrusion of water, a means of monitoring for such water shall be provided. Whenever monitoring devices are provided, they shall, where applicable, be connected to attention-getting visual and/or audible alarms.

C. Containment Requirements. Primary and secondary levels of containment shall be required for all new underground storage tanks, unless exempted by Division 20, Chapter 6.7, of the California Health and Safety Code.

1. All primary containment shall be "product tight" within the meaning of Division 20, Chapter 6.7, of the California Health and Safety Code, section 25290.1(a), and compatible with the stored product.

2. Secondary Containment.

a. All secondary containment shall be constructed of materials of sufficient thickness, density, and composition so as not to be structurally weakened as a result of contact with released hazardous substances and so as to be capable of containing hazardous substances released from a primary containment for a period of time equal to or longer than the maximum anticipated time sufficient to allow recovery of the released hazardous substance.

b. In the case of installation with one primary containment, the secondary containment shall be large enough to contain at least one hundred percent (100%) of the volume of the primary containment.

c. In the case of a facility with multiple primary containments, the secondary containment shall be large enough to contain one hundred fifty percent (150%) of the volume of the largest primary containment placed in it, or ten percent (10%) of the aggregate internal volume of all primary containments in the facility, whichever is greater.

d. If the facility is open to rainfall, then the secondary containment must be able to additionally accommodate the volume of a twenty-four (24)-hour rainfall as determined by a one-hundred (100)-year storm history.

3. Laminated, coated, or clad materials shall be considered single-walled and shall not be construed to fulfill the requirements of both primary and secondary containment.

4. The design and construction of underground storage tanks for motor vehicle fuels installed before January 1, 1997, need not meet the requirements of Section 11.74.030 C1-C3 of this division if all of the conditions of paragraph (7) of subdivision (a) of Section 25291 of Division 20, Chapter 6.7, of the California Health and Safety Code are met.

D. Spill and Overfill Protection. Means of spill and overfill protection shall be required for any primary containment. This may be an overfill prevention device and/or an attention-getting high level alarm.

E. Separation of Materials. Materials that in combination may cause fire or explosion, or the production of a flammable, toxic, or poisonous gas, or the deterioration of a primary, or secondary containment shall be separated in both the primary and secondary containment so as to avoid intermixing.

F. Drainage System. Drainage of precipitation from within a storage facility containing hazardous substances shall be controlled in a manner approved by the director so as to prevent hazardous substances from being released. No drainage system will be approved unless the flow of the drain can be controlled. Disposal of drainage shall comply with the requirements of Title 20, Division 2, of this code.

G. All underground storage tanks installed on or after July 1, 2004, shall comply with the design, construction, monitoring and maintenance requirements of Division 20, Chapter 6.7, of California Health and Safety Code, section 25290.1.

(Ord. 2015-0016 § 36, 2015; Ord. 97-0016 § 28, 1997; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.74.040 Facilities in Existence Before January 1, 1984.

Any facility in existence as of January 1, 1984, that does not meet the standards of Section 11.74.030, may be issued a unified program facility permit pursuant to Chapter 11.80 of this division as long as it is providing suitable underground storage for hazardous substances. In addition, such facility must be monitored in accordance with a plan approved by the Director as set forth in this section.

A. A monitoring plan for each such facility shall be submitted to the Director as part of the permit application.

B. Monitoring under such plan shall include visual inspection of the primary containment wherever practical; however, if the visual inspection is not practical, an alternative method of monitoring each facility on a semiannual or more frequent basis may be approved by the Director.

C. Alternative method(s) of monitoring may include but are not limited to: pressure testing of piping systems; groundwater monitoring well(s) where appropriate; and analysis of the soil boring(s) at the time of initial installation of the well(s). The number of well(s), depth of well(s), and sampling frequency shall be approved by the Director. All monitoring methods must meet the design standards of Article 4 of Chapter 16 of Division 3 of Title 23 of the California Code of Regulations.

D. The continued use of, and permit approval for, facilities in existence as of January 1, 1984, is subject to review and modification or termination by the Director whenever there has been any unauthorized release. In determining whether continued underground storage in such facility is suitable, the Director shall consider the age of the facility, the methods of containment, the methods of monitoring, the feasibility of the required retrofit, the concentration of the hazardous substances contained, the severity of potential unauthorized release, and the suitability of other long-term preventive measures which meet the intent of this division.

E. Facilities in existence as of January 1, 1984, that are not approved in accordance with this section must be closed in accordance with Section 11.80.070.

(Ord. 2015-0016 § 37, 2015; Ord. 97-0016 § 29, 1997; Ord. 86-0078 § 3, 1986; Ord. 84-0046 § 3, 1984; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.74.050 Out of Service Facilities.

A. No facility shall be abandoned.

B. Facilities that are temporarily out of service, and are intended to be returned to use, must continue to be monitored and inspected.

C. Any facility that is not being monitored and inspected in accordance with this division must be closed or removed in a manner approved by the Director in accordance with Section 11.80.070.

D. Any person having an interest, including a leasehold interest, in real property and having reason to believe that an abandoned facility is located upon such property shall make a reasonable effort to locate such facility and make a report to the Director.

E. Whenever an abandoned facility is located, a plan for the closing or removing or the upgrading and permitting of such facility shall be filed within ninety (90) days of its discovery. A closure plan shall conform to the standards specified in Section 11.80.070.

(Ord. 2015-0016 § 38, 2015; Ord. 97-0016 § 30, 1997; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.74.060 Monitoring, Testing and Inspection.

Every permittee under this division shall provide testing, monitoring, employee training, reporting, and inspections in compliance with the unified program facility permit and shall maintain records adequate to demonstrate compliance therewith to the Director.

(Ord. 2015-0016 § 39, 2015; Ord. 97-0016 § 31, 1997; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.74.070 Maintenance, Repair or Replacement.

A. Every permittee under this division shall carry out ordinary maintenance, upkeep, and minor repairs in a careful and safe manner. No permit addenda will be required for such maintenance, upkeep, or minor repairs.

B. Any substantial modification or repair of a facility other than minor repairs or emergency repairs shall be in accordance with plans to be submitted to the Director and approved in accordance with Section 11.80.010 as part of a permit addendum prior to the initiation of such work.

C. Permittee may make emergency repairs to a facility in advance of seeking a permit addendum whenever an immediate repair is required to prevent or contain an unauthorized release or to protect the integrity of the containment. However, within five (5) working days after such emergency repairs have been started, permittee shall apply for a permit addendum pursuant to Section 11.80.010 by submitting drawings and/or other information adequate to describe the repairs to the Director.

D. Replacement of any facility must be in accordance with the new installation standards set forth in Section 11.74.030

E. Any work performed on the underground storage tank system, including testing and certification, must be performed by licensed persons who are trained and certified in accordance with Title 23, Division 3, Chapter 16, Article 10, of the California Code of Regulations, section 2715.

(Ord. 2015-0016 § 40, 2015; Ord. 97-0016 § 32, 1997; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.74.080 Emergency Equipment.

Emergency equipment as may be required by the Forester and Fire Warden or other fire agency with jurisdiction over the facility shall be provided. Such equipment shall be regularly tested and adequately maintained.

(Ord. 2015-0016 § 41, 2015; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.74.090 Labeling and Posting of Facilities.

All underground storage tanks within a facility shall be labeled in accordance with local, state, and federal requirements.

(Ord. 2015-0016 § 42, 2015; Ord. 97-0016 § 33, 1997; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

Chapter 11.76 UNAUTHORIZED RELEASE OF HAZARDOUS SUBSTANCES

11.76.010 Responsibility for Unauthorized Release.

As soon as any person in charge of a facility or responsible for emergency response for a facility has knowledge of any confirmed or unconfirmed unauthorized release of a hazardous substance, such person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release and shall notify the Director of the occurrence as required by this section.

A. Confirmed Unauthorized Release.

1. Recordable Unauthorized Release. Any recordable unauthorized release shall be contained and safely disposed of in an appropriate manner by permittee and such occurrence and the response thereto shall be recorded in the permittee's monitoring records. A "recordable unauthorized release" is any unauthorized release of a hazardous substance that meets all of the following criteria:

a. The release is from a primary containment to a secondary containment or to a rigid aboveground surface covering capable of containing the release until cleanup of the hazardous substance is completed;

b. The permittee is able to adequately clean up the release before it escapes from such secondary containment or such aboveground surface, except that if the cleanup requires more than eight (8) hours, it becomes a reportable release in accordance with subdivision 2 of this subsection; and

c. There is no increase in the hazard of fire or explosion, nor is there any production of a flammable or poisonous gas, nor is there any deterioration of such secondary containment or such rigid aboveground surface covering.

2. Reportable Unauthorized Release. Any reportable unauthorized release must be reported to the Director immediately. The reporting party shall provide information to the Director relating to the ability of the permittee to contain and dispose of the hazardous substance, the estimated time it will take to complete containment and disposal, and the degree of hazard created. The Director may verify that the hazardous substance is being contained and appropriately disposed of. The Director, at any time upon a determination that the permittee is not adequately containing and disposing of such hazardous substance, shall have the power and authority to undertake and direct an emergency response in order to protect the public health and/or safety. A "reportable unauthorized release" is an unauthorized release of a hazardous substance that meets any of the following criteria:

a. The hazardous substances escapes from the secondary containment, or from the primary containment if there is no secondary containment;

b. The release increases the hazard of fire or explosion, or

c. The release causes any deterioration of the secondary containment of the underground storage tank.

B. Unconfirmed Unauthorized Release.

1. Indication of Loss in Inventory Records. Whenever a material balance or other inventory record, employed as a monitoring technique under the permit, indicates a loss of hazardous substance, and no unauthorized release has been confirmed by other means, permittee shall have five (5) working days to determine whether or not there has been an unauthorized release. If before the end of such period, it is determined that there has been no unauthorized release, an entry explaining the occurrence shall be made in permittee's monitoring records. Where permittee has not been able, within such period, to determine that there has been no unauthorized release, an unauthorized release is deemed confirmed

and permittee shall proceed in accordance with subdivision 2 of subsection A of Section 11.76.010 above.

2. Test Results. Whenever any test results suggest a possible unauthorized release, and no unauthorized release has been confirmed by other means, the permittee shall have five (5) working days to retest. If second test results obtained within that period establish that there has been no unauthorized release, the results of both tests shall be recorded in permittee's monitoring records. If it has not been established within such period that there has been no unauthorized release, an unauthorized release is deemed confirmed and permittee shall proceed in accordance with subdivision 2 of subsection A of Section 11.76.010 above.

(Ord. 2015-0016 § 44, 2015; Ord. 97-0016 § 34, 1997; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.76.020 Cleanup Responsibility.

Any person responsible for storing a hazardous substance in an underground storage tank shall institute and complete all actions necessary to remedy the effects of any unauthorized release, whether sudden or gradual, in accordance with the requirements of Article 5 of Chapter 16 of Division 3 of Title 23 of the California Code of Regulations, and Division 20, Chapter 6.7 and Chapter 6.75, of the California Health and Safety Code. The County may undertake actions to contain, remediate, and/or address such unauthorized release if it determines that it is reasonably necessary under the circumstances for the County to do so. The responsible party shall be liable to reimburse the County for all costs incurred by the County in containing, remediating, and/or addressing such unauthorized release, including the costs of fighting fires, to the extent allowed by law. This responsibility is not conditioned upon evidence of negligence of the party storing the hazardous substances(s) in causing or allowing such release.

(Ord. 2015-0016 § 45, 2015; Ord. 97-0016 § 35, 1997; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.76.030 Indemnification.

A permittee shall indemnify, hold harmless, and defend the PA, the CUPA, and the County against any claim, cause of action, disability, loss, liability, damage, cost or expense, howsoever arising, which occurs by reason of an unauthorized release or containment and cleanup of an unauthorized release in connection with permittee's operations under any unified program facility permit, issued in accordance with this division, except as arises from the PA's, the CUPA's, or the County's sole willful act or sole active negligence.

(Ord. 2015-0016 § 46, 2015; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.76.040 Financial Responsibility.

Every owner and operator of an underground storage tank shall establish and maintain evidence of financial responsibility as provided by Division 20, Chapter 6.75, of the California Health and Safety Code, sections 25299.30 and 25299.31 and Division 20, Chapter 6.7, of the California Health and Safety Code, section 25292.2. Unless otherwise exempt by law, the owner or operator shall furnish evidence of such financial responsibility to the Director.

(Ord. 2015-0016 § 47, 2015; Ord. 97-0016 § 36, 1997.)

Chapter 11.78 INSPECTIONS AND RECORDS

11.78.010 Inspections by the Director.

The Director may conduct inspections, at his/her discretion, for the purpose of ascertaining compliance with this division and causing to be corrected any conditions that would constitute any violation of this division or of any other statute, code, rule or regulation affecting the underground storage of hazardous substances. Such inspections may be in conjunction with or in addition to inspections conducted by the CUPA as required by the unified program.

(Ord. 2015-0016 § 48, 2015; Ord. 97-0016 § 37, 1997; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.78.020 Right of Entry.

Whenever necessary for the purpose of investigating or enforcing the provisions of this division, or whenever the Director or authorized deputy, agent, representative, or inspector of the CUPA (collectively "officer") has reasonable cause to believe that there exists in any structure or upon any premises any condition which constitutes a violation of this division, said officer may enter such structure or premises at all reasonable times to inspect the same, or to perform any duty imposed upon the PA by law; provided, that if such structure or premises be occupied, the officer shall first present proper credentials and request entry; and further provided, that if such structure or premises is unoccupied, the officer shall first make a reasonable attempt to contact an authorized representative of the owner or operator of the property or facility and request entry, except in emergency circumstances. If such entry is refused, the officer seeking entry shall have recourse to every remedy provided by law to secure entry.

(Ord. 2015-0016 § 49, 2015; Ord. 97-0016 § 38, 1997; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.78.030 Inspections and Training by Permittee.

The permittee shall conduct regular inspections of its own facilities as specified in its unified program facility permit to assure compliance with this division and shall maintain logs or file reports in accordance with its permit. In no event shall the permittee inspect its facility less than monthly. The person conducting such inspections shall be qualified to conduct such inspections pursuant to Title 23, Division 3, Chapter 16, Article 10, of the California Code of Regulations, section 2715. Persons with responsibility for the facility systems operation and maintenance shall be trained within thirty (30) days of hire and at least annually thereafter, in accordance with Title 23, Division 3, Chapter 16, Article 10, of the California Code of Regulations, section 2715.

(Ord. 2015-0016 § 50, 2015; Ord. 84-0046 § 4, 1984; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.78.040 Special Inspections.

In addition to or in lieu of the inspections specified in Sections 11.78.010 and 11.78.030, the Director may require the permitee to periodically employ special inspectors to conduct an audit or assessment of permittee's facility to make a hazardous substance safety evaluation and to determine compliance with the provisions of this division.

A. The special inspector shall be a qualified person or firm who shall demonstrate expertise to the satisfaction of the Director.

B. The special inspection report shall include an evaluation of the facilities and recommendations consistent with the provisions of this division where appropriate. A copy of the report shall be filed with the Director at the same time that it is submitted to the permittee.

C. Permittee shall, within thirty (30) days of said report, file with the Director a plan to implement all recommendations, or shall demonstrate to the satisfaction of the Director why such recommendations should not be implemented.

(Ord. 2015-0016 § 51, 2015; Ord. 97-0016 § 39, 1997; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.78.045 Inspections in Presence of the Director.

The Director may require that any regular or special inspection by the permittee pursuant to this chapter be made in the presence of the Director. The Director may further require advance notice of not less than seventy-two (72) hours as to the availability of equipment, material, and personnel required to conduct such inspection.

(Ord. 2015-0016 § 52, 2015; Ord. 97-0016 § 40, 1997; Ord. 84-0046 § 5, 1984.)

11.78.050 Maintenance of Records.

All records required by this division shall be maintained by the permittee as provided by state regulations but in no case for less than six and a half (6-1/2) years for cathodic protection maintenance records, five (5) years for written performance claims pertaining to release detection systems and calibration and maintenance records for such systems, and three (3) years for all other records. Said records shall be made available to the Director or the CUPA during normal working hours and at any time upon reasonable notice.

(Ord. 2015-0016 § 53, 2015; Ord. 97-0016 § 41, 1997; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

Chapter 11.80 PERMITS

11.80.010 Permit.

Any person who owns or operates an underground storage tank shall obtain and keep current a unified program facility permit issued by the CUPA in accordance with this division that lists such underground storage tank. One such permit shall be issued for a single facility. A permittee shall obtain a permit addendum for a facility for any change or addition not in accordance with the existing permit to connect, install, construct, substantially modify, or replace an underground storage tank or to change or increase the hazardous substances permitted to be stored. A person shall obtain a closure addendum for any underground storage tank that is to be closed or removed as required by Section 11.74.070.

(Ord. 2015-0016 § 54, 2015; Ord. 97-0016 § 42, 1997; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.80.020 Application for Permit.

A. Application for a new unified program facility permit or an addendum shall be made to the Director on the form provided by the Director or the CUPA. The application shall include, but not be limited to, all information required by Division 20, Chapter 6.7, of the California Health and Safe Code, section 25286.

B. In addition to the above information provided by such form, applicant shall submit such additional information as may be required by the Director or the CUPA and construction plans, if any, in conformity with Section 11.74.020. Applicant shall specify the permit quantity limit to be permitted for each facility where the proposed monitoring, spill prevention, or overfill protection system does not allow use of the full tank capacity.

(Ord. 2015-0016 § 55, 2015; Ord. 97-0016 § 43, 1997; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.80.030 Investigation.

Upon receipt of an application for a unified program facility permit, the Director may make such investigation of the applicant and the proposed facility or activity as he or she deems necessary to carry out the purposes of this division.

(Ord. 2015-0016 § 56, 2015; Ord. 97-0016 § 44, 1997; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.80.040 Conditions for Approval.

No unified program facility permit or addendum shall be approved for the operation, alteration, transfer, or closure of an underground storage tank until the Director has determined that all requirements of this division for said tank have been met.

(Ord. 2015-0016 § 57, 2015; Ord. 97-0016 § 45, 1997; Ord. 91-0072 § 11, 1991; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.80.050 Reserved.

11.80.060 Issuance of Permits.

A. Upon the approval of an application for a unified program facility permit or addendum by the Director and upon the payment of any applicable fees, the CUPA shall issue and deliver to the applicant a unified program facility permit or addendum. Such unified program facility permit shall contain, but is not limited to, the information required by Division 20, Chapter 6.7, of the California Health and Safety Code, and regulations promulgated thereunder.

B. The Director shall keep a record of all permits issued and all conditions attached thereto.

(Ord. 2015-0016 § 59, 2015; Ord. 97-0016 § 47, 1997; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.80.070 Closure of a Facility.

A person shall apply for an addendum to close a facility not less than thirty (30) days prior to the termination of the underground storage of hazardous substances at the facility. Such closure shall be in accordance with a closure plan that describes procedures for terminating the storage of hazardous substances in each underground storage tank in a manner that:

1. Minimizes the need for further maintenance; and
2. Minimizes or eliminates any threat to public health or safety or to the environment from residual hazardous substances in the facility; and
3. Demonstrates that hazardous substances that were stored in the facility and/or contaminated soils or groundwater caused by any unauthorized release, will be removed, disposed of, neutralized, or reused in an appropriate manner. The demonstration shall be in the form of reports by a state certified laboratory, professional civil engineer, registered geologist, engineering geologist, or as required by the Director. The Director, in his or her discretion, may extend the time for a permittee to apply for a closure addendum upon a showing of special circumstances.

(Ord. 2015-0016 § 60, 2015; Ord. 97-0016 § 48, 1997; Ord. 84-0046 § 6, 1984; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.80.080 Term of Permit.

The term of a unified program facility permit may not exceed one (1) year.

(Ord. 2015-0016 § 61, 2015; Ord. 97-0016 § 49, 1997; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.80.090 Permit Renewal.

A valid unified program facility permit applicable to any facility regulated under this division may be renewed each year upon payment of the annual fee, state service charge, and any penalties due, provided the underground storage tanks or facilities listed on the permit are operated in compliance with all conditions and limitations of such permit.

(Ord. 2015-0016 § 62, 2015; Ord. 97-0016 § 50, 1997; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.80.100 Decision by Director.

The Director shall approve or deny a permit application or application for a permit addendum, within ninety (90) days after the application has been completed, all required fees have been paid, and all applicable provisions of the California Environmental Quality Act (CEQA) have been complied with. This time limit may be further extended by mutual agreement between the Director and the applicant. The Director shall give the applicant written notice of his or her decision.

If an applicant submits a permit application that is incorrect or incomplete, the Director may return the application with a notice of correction that provides the applicant with instructions on how to correct or complete the application. The applicant may resubmit the application with the requested corrections or additional information requested by the Director. If the applicant resubmits an incomplete or incorrect application, then such

applicant will be charged a resubmittal fee in accordance with Section 11.82.016 of this division the second time such applicant resubmits its application.

(Ord. 2015-0016 § 63, 2015; Ord. 97-0016 § 51, 1997; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.80.110 Grounds for Denial.

A permit shall be denied if the applicant fails to demonstrate adequate conformity to the provisions of this division. In addition, a permit can be denied for any of the grounds upon which the permit would be subject to revocation pursuant to Chapter 11.84.

(Ord. 2015-0016 § 64, 2015; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.80.120 Appeal to Appeals Board.

Any person dissatisfied with a decision of the Director to deny a permit or addendum pursuant to Section 11.80.100 may appeal the decision, in writing, to the appeals board, setting forth with particularity the ground or grounds for the appeal. Such appeal shall be submitted within ten (10) days after notice of the decision has been given pursuant to Section 11.80.150.

(Ord. 2015-0016 § 65, 2015; Ord. 97-0016 § 52, 1997; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.80.130 Notice of Hearing.

The appeals board shall set a time and place for the hearing on the appeal and shall notify the applicant or permittee, and any other interested persons who have requested such notice, in writing, of such date and time not less than ten (10) days prior to the hearing.

(Ord. 2015-0016 § 66, 2015; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.80.140 Hearing by Appeals Board.

At the hearing, the appeals board shall consider all competent evidence offered by any person pertaining to the decision being appealed. At the hearing, the appeals board may also continue the hearing for a reasonable time for the convenience of a party, a witness, or the appeals board, and no further notice shall be required.

(Ord. 2015-0016 § 67, 2015; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.80.150 Hearing Notices.

All notices required by this chapter shall be sent by first class mail to the applicant or permittee at the address given on the application or permit or delivered to the applicant or permittee personally. Notices to other interested persons who have requested notice shall be sent by first class mail to the address provided by such persons or delivered to such persons personally.

(Ord. 2015-0016 § 68, 2015; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.80.160 Disposition of Appeal.

After the hearing on the appeal, the appeals board may refer the matter back to the Director for a new investigation and decision, may affirm the decision of the Director, or may approve the application with or without conditions. The decision of the appeals board shall be final.

(Ord. 2015-0016 § 69, 2015; Ord. 97-0016 § 53, 1997; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.80.170 Transfer of Permit.

The unified program facility permit may be transferred to new owners of the same business only if the new owners accept responsibility for all obligations under this division at the time of the transfer of the business, document such transfer on a form provided by the Director or the CUPA within thirty (30) days of transfer of ownership of the business, and pay all fees as required by Chapter 11.82. Such transfer shall be subject to the approval of the Director.

(Ord. 2015-0016 § 70, 2015; Ord. 97-0016 § 54, 1997; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.80.180 Authority After Suspension, Revocation or Expiration.

The suspension, revocation, or expiration of any unified program facility permit shall not prevent any proceedings to investigate such permit, any administrative action against such permittee, or any other proceeding against such permittee.

(Ord. 2015-0016 § 71, 2015; Ord. 97-0016 § 55, 1997; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.80.190 Return of Permit.

In the event that a unified program facility permit issued under the provisions of this division is suspended or revoked, the permittee shall forward it to the CUPA not later than the end of the third business day after notification of such suspension or revocation.

(Ord. 2015-0016 § 72, 2015; Ord. 97-0016 § 56, 1997; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

Chapter 11.82 FEES AND DEPOSITS

11.82.010 Operating Permit Application Fee.

The Director shall collect an operating permit application fee, as set forth in Section 11.82.040, for each new application for a unified program facility permit listing one or more underground storage tanks. At the time of a new operating permit application submittal, the Director shall collect, in addition to the operating permit application fee, an annual permit maintenance fee in accordance with Section 11.82.012, pro-rated as set forth below for the remainder of the annual permit period:

Days Remaining in the Annual Permit Period	Percentage of Annual Fee
1 to 30	0
31 to 121	25
122 to 211	50
212 to 302	75
303 to 365	100

Upon payment, no operating permit application fee or permit maintenance fee shall be refunded even though the application is denied or the permit is issued for a term of less than one (1) year or the permittee discontinues the activity or use of a facility prior to the expiration of the term, or otherwise.

(Ord. 2015-0014 § 1, 2015; Ord. 2001-0034 § 1, 2001; Ord. 97-0016 § 57, 1997; Ord. 91-0072 § 1, 1991; Ord. 86-0078 § 4, 1986; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.82.012 Annual Permit Maintenance Fee.

The CUPA shall collect an annual permit maintenance fee, as set forth in Section 11.82.040, for each facility listed on the unified program facility permit as a part of the unified program single fee system. The annual permit maintenance fee shall be payable annually, thirty (30) days prior to the yearly anniversary date of the operating permit or on a date established by the CUPA. Such fee shall include a state-imposed service charge, payable to the CUPA, as required by Division 20, Chapter 6.11, of the California Health and Safety Code, section 25404.5(b). Applicants for new unified program facility permits shall pay a prorated annual permit maintenance fee for the remainder of the current annual permit period as set forth in Section 11.82.010. If a permittee with an existing unified program facility permit listing one (1) or more underground storage tanks applies for an addendum to add additional underground storage tank(s), such permittee shall pay the prorated amount of any additional maintenance fee applicable to such additional underground storage tank(s). Upon payment, no annual maintenance fee shall be refunded unless the request for refund is made prior to commencement of the annual period for which the fee is paid. No prorated annual maintenance fee submitted as part of an application for a new unified program facility permit or addendum shall be refunded.

(Ord. 2015-0014 § 2, 2015; Ord. 2001-0034 § 2, 2001; Ord. 97-0016 § 58, 1997; Ord. 91-0072 § 2, 1991.)

11.82.013 Operating Permit Transfer Fee.

The Director shall collect an operating permit transfer fee, as set forth in Section 11.82.040, upon submittal of each application to transfer an operating permit. No portion of the operating permit transfer fee shall be refunded if the Director has commenced any portion of the review of the transfer application.

(Ord. 2015-0014 § 3, 2015; Ord. 97-0016 § 59, 1997; Ord. 91-0072 § 3, 1991.)

11.82.014 Permit Noncompliance Fee.

If the Director determines that a significant violation exists for any underground storage tank, and affixes a Red Tag to such underground storage tank, he or she shall collect from the permittee a permit noncompliance fee as set forth in Section 11.82.040. The permit noncompliance fee is separate from, and in addition to, any civil or criminal fines or penalties that may also be imposed for a violation.

(Ord. 2015-0014 § 4, 2015.)

11.82.015 New Construction Plan Clearance Fee.

A. The Director shall collect a new construction plan clearance fee as set forth in Section 11.82.040 for each application for an operating permit or addendum requiring new construction plan clearance. Such fee shall be applied to: submittals for new construction where no underground storage tank previously existed, submittals for replacement of existing underground storage tanks with new underground storage tanks, and other submittals requiring review of engineered plans for construction permits.

B. No portion of the new construction plan clearance fee shall be refundable if the Director has commenced any portion of the review of the plan. The Director may further impose a reinstatement fee equal to one-half (1/2) of the new construction plan clearance fee if the applicant fails to comply with all conditions and limitations made a part of plan approval by the Director or if the applicant has not commenced work within one hundred eighty (180) days from the date of issuance of plan approval. If construction work has not commenced within three hundred sixty (360) days from the date of plan approval issuance, such plan approval shall be null and void and the applicant shall reapply for a new construction plan clearance and pay all required fees.

(Ord. 2015-0014 § 5, 2015; Ord. 97-0016 § 60, 1997; Ord. 91-0072 § 4, 1991; Ord. 86-0078 § 5, 1986; Ord. 84-0046 § 7, 1984.)

11.82.016 Resubmittal of Plan Clearance Fee.

If a person submits an application requiring new construction plan clearance that is returned by the Director twice with a notice of correction, then the second time that the applicant resubmits the application, the applicant will be charged a resubmittal of plan clearance fee as set forth in Section 11.82.040. If the applicant fails to respond to a notice of correction for more than one hundred eighty (180) days, the application will be deemed canceled and the applicant will be required to submit a new application.

(Ord. 2015-0014 § 6, 2015.)

11.82.020 Closure Fee.

A. The Director shall collect a fee as set forth in Section 11.82.040 for each application for closure, pursuant to Section 11.80.070. Such fee shall provide for the initial review of closure activities that may include: issuance of a closure authorization, inspections, review of preliminary closure reports as may be required by the closure authorization, and issuance of closure certification where no unauthorized release of hazardous substances has occurred requiring further cleanup of said contaminates at this site as provided by Chapter 11.76 of this division.

B. No portion of the closure fee shall be refundable if the Director has commenced any portion of the review of the closure proposal. The Director may further impose a reinstatement fee equal to one-half (1/2) of the closure fee if the applicant fails to notify the Director to allow inspections as may be required by the closure authorization or has not commenced work on such a closure within one hundred eighty (180) days from the date of issuance of a closure authorization. If work on closure has not commenced within three hundred sixty (360) days from the date of issuance of a closure authorization, the closure authorization shall be null and void and the applicant shall reapply for a closure authorization and pay all required fees.

(Ord. 2015-0014 § 7, 2015; Ord. 97-0016 § 61, 1997; Ord. 91-0072 § 5, 1991; Ord. 86-0078 § 6, 1986.)

11.82.021 Reinspection Fee.

The Director shall collect a fee as set forth in Section 11.82.040 for the reinspection of any facility.

(Ord. 2015-0014 § 8, 2015.)

11.82.025 Permit Addendum Fee.

The Director shall collect a fee as set forth in Section 11.82.040 for any permit addendum required pursuant to Section 11.80.010 with the exception of an addendum required because of the closure of a facility that is subject to a closure fee pursuant to Section 11.82.020. No portion of the permit addendum fee shall be refundable if the Director has commenced any portion of the review of the permit addendum application.

(Ord. 2015-0014 § 9, 2015; Ord. 97-0016 § 62, 1997; Ord. 91-0072 § 6, 1991; Ord. 86-0078 § 7, 1986.)

11.82.030 Permit Fees—Payment Time—Penalties for Delinquency.

Annual permit maintenance fees required by Section 11.82.012 of this code shall be due and payable on the billing date established by the CUPA. Fees not paid within thirty (30) calendar days from the billing date shall be considered delinquent. Delinquent fees shall be subject to a late payment penalty set forth in Section 12.50.060. Permits for which the annual permit maintenance fee is delinquent for ninety (90) days or more are subject to suspension as provided in Sections 11.84.010 and 11.84.030 and a lien against the permittee in accordance with Section 12.50.065.

(Ord. 2015-0014 § 10, 2015; Ord. 98-0049 § 1, 1998; Ord. 97-0016 § 63, 1997; Ord. 86-0078 § 8, 1986; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.82.035 Reserved.

11.82.040 Schedule of fees.

Fees for services provided by the Director under this division are established as follows:

Schedule of Fees	
Fee	**Amount (Effective July 1, 2024)**
Operating permit application fee	$526.00*, plus $111.00* for each underground storage tank
Annual permit maintenance fee	$1,486.00*, plus $288.00* for each underground storage tank
Operating permit transfer fee	$873.00*
Permit noncompliance fee	$3,716.00
New construction plan clearance	$1,596.00, plus $470.00 for each underground storage tank
Resubmittal of new plan clearance	$786.00*
Closure application fee	$1,009.00, plus $298.00 for each underground storage tank
Reinspection fee	$920.00*
Permit addendum fee	$858.00*

(Ord. 2015-0014 § 12, 2015; Ord. 2001-0034 § 3, 2001; Ord. 97-0016 § 65, 1997; Ord. 91-0072 § 8, 1991.)

* **Editor's note:** Starting July 1, 2024, fee amounts in this section marked with an asterisk (*) will be adjusted by the Department of Public Works based on increases in the Consumer Price Index in accordance with Section 11.82.045.

11.82.045 Annual Review of Fees.

With the exception of fee amounts that are specifically adjusted pursuant to the fee schedule set forth in Section 11.82.040 (i.e., those fee amounts not marked with an asterisk (*)), beginning on July 1, 2016, and thereafter on each succeeding July 1, the amount of each fee in this division will be adjusted by the percentage movement between January of the previous year and January of the current year in the Consumer Price Index (CPI) for all urban consumers in the Los Angeles, Riverside-Orange County, California areas, as published by the United States Government Bureau of Labor Statistics, and rounded up to the nearest one dollar ($1), except that no adjustment shall increase any fee by more than two percent (2%) in any year as a result of an increase in the CPI. Notwithstanding the foregoing, no such adjustment shall decrease any fee, except that no fee shall exceed the reasonable cost of providing the services for which the fee is collected.

(Ord. 2015-0014 § 13, 2015; Ord. 97-0016 § 66, 1997; Ord. 91-0072 § 9, 1991.)

11.82.050 Fees Separate From Other Fees.

All fees required by this chapter shall be separate and in addition to any fee collected or imposed under provisions of the County Code, federal or state law, or by reason of any license, agreement or contract between the permittee and any other public agency.

(Ord. 2015-0014 § 14, 2015; Ord. 91-0072 § 10, 1991.)

11.82.055 Disputes and Appeals of Fees.

Should an owner or operator of a facility dispute the amount or applicability of any fee charged under this division, such owner or operator may contest the fee in accordance with Section 12.50.140.

(Ord. 2015-0014 § 15, 2015.)

Chapter 11.84 ADMINISTRATIVE ACTION[44]

11.84.010 Grounds for Administrative Action.

A permittee or the owner or operator of a facility operating without a valid unified program facilities permit may be subjected to administrative action for any of the following causes:

A. Fraud, willful misrepresentation, or any willful, inaccurate or false statement in applying for a new or renewed permit;

B. Fraud, willful misrepresentation, or any willful, inaccurate or false statement in any report required by this division;

C. Failure to abate, correct or rectify any noncompliance within the time specified in the notice of noncompliance;

D. Failure to correct conditions constituting an unreasonable risk of an unauthorized release of hazardous substances within a reasonable time after notice from a governmental entity other than the County;

E. Engaging in conduct that constitutes a significant violation;

F. Failure to abide by any administrative action imposed by the Director;

G. Failure to pay fees as established by Chapter 11.82; or

H. Failure to abide by any compliance dates established by this division or state or federal law.

(Ord. 2015-0016 § 73, 2015; Ord. 97-0016 § 68, 1997; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.84.020 Notice of Noncompliance.

A. Unless the Director finds that an immediate suspension under Section 11.84.050 or a red tag is necessary to protect the public health or safety from imminent danger, the Director shall issue a notice of noncompliance to a permittee, owner or operator of a facility that fails to comply with the provisions of this division or any conditions or limitations of the permit before instituting administrative action pursuant to Section 11.84.010. Such notice shall specify the ground or grounds upon which the notice is based, the pertinent code section or sections with which the facility is not in compliance, and the correction period by which time the violation must be remedied. The correction period shall be thirty (30) days unless the Director determines that a shorter correction period is necessary to protect the public health or safety. Such notice shall be sent by first class mail to the permittee, or if no permit has been issued or applied for, to the owner or operator of the facility. If the violation is not remedied to the satisfaction of the Director prior to the expiration of the correction period, the Director may institute administrative action.

B. Within five (5) days of the Director's issuance of a notice of noncompliance, the permittee, owner, or operator may make a written request to the Director to reconsider such notice. Such request for reconsideration shall specify the reasons why such permittee, owner, or operator believes the notice of noncompliance should not have been issued or should be modified. The Director shall assign the task of reviewing and responding to such request for reconsideration to a member of the Director's staff whose position is at least at the level of a supervisor of the inspector who prepared the notice of noncompliance, and such person shall undertake an independent review of the written record of the notice of noncompliance. Based upon this independent review, the Director shall either affirm, modify, or rescind the notice of noncompliance and notify the person requesting reconsideration of his or her decision in writing within ten (10) days of receiving the request for reconsideration. Failure of the Director to provide a response within ten (10) days will not invalidate the notice of noncompliance. Unless the Director determines that a shorter correction period is necessary to protect public health or safety, if the Director takes longer than ten (10) days to respond to a request for reconsideration, the Director shall extend the correction period as necessary to provide the permittee, owner or operator sufficient time to correct the violation once the Director issues a response to the request for reconsideration. If the Director declines to extend the correction period, the permittee, owner or operator shall correct the violation within the correction period without waiving its right to a response to the request for reconsideration.

(Ord. 2015-0016 § 74, 2015; Ord. 97-0016 § 69, 1997; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.84.030 Issuance of Administrative Action.

A. If an owner or operator of a facility fails to correct a violation within the time period specified in a notice of correction issued pursuant to Section 11.84.020 or such additional time allowed by the Director, or if the Director determines that an immediate suspension under Section 11.84.050 or a red tag is warranted, the Director may institute administrative action.

B. Administrative action may include:

1. An order to correct the particular noncompliance specified in the notice issued pursuant to Section 11.84.020;

2. Affixing a red tag or immediate suspension under Section 11.84.050;

3. A revocation of the unified program facility permit and approval of a provisional permit specifying corrective actions required and a timetable to accomplish compliance;

4. Suspension of the permit for the facility for a specified period not to exceed six (6) months;

5. Modification or addition of conditions of the permit;

6. Revocation of the unified program facility permit. If the grounds for administrative action are based on subsection C, D, or E of Section 11.84.010, and if such grounds are limited to one (1) or more underground storage tanks, the remedial action taken shall be limited to those underground storage tanks; and

7. An administrative enforcement order pursuant to Division 20, Chapter 6.11, of the California Health and Safety Code, section 25404.1.1.

C. Notice of administrative action shall be served by personal service or certified mail on the permittee, or if no permit has been issued or applied for, on the owner or operator of the facility.

(Ord. 2015-0016 § 75, 2015; Ord. 97-0016 § 70, 1997; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.84.040 Hearings Following Administrative Action.

Any person who disputes an administrative action other than administrative enforcement order pursuant to Division 20, Chapter 6.11, of the California Health and Safety Code, section 25404.1.1, may make a written request for a hearing before the appeals board to review the decision. The request shall be made within fifteen (15) calendar days of the issuance of the notice of the administrative action being disputed, shall include the address of the person making the request for the purpose of correspondence by the Director, and shall also include all the information and evidence that the requestor wants the Director to consider. The failure to submit a written request for a hearing within the fifteen (15) calendar day period shall constitute a waiver of the right to a hearing, and, upon such failure, the administrative action shall become final.

Upon receipt of a request for hearing, the Director shall issue a written notice of hearing to the person making the request setting forth the time and place of the hearing. The notice shall be given at least ten (10) days prior to the hearing date.

Hearings to review administrative enforcement orders issued pursuant to Division 20, Chapter 6.11, of the California Health and Safety Code, section 25404.1.1, shall be conducted in accordance with the requirements of that statute.

(Ord. 2015-0016 § 76, 2015; Ord. 97-0016 § 71, 1997; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.84.050 Suspension Prior to Hearing.

Whenever the Director finds that suspension of a permit prior to a hearing for administrative action is necessary to protect the public health or safety from imminent danger, the Director may immediately suspend any permit pending the hearing for administrative action. The Director shall immediately notify the permittee of such suspension by having a written notice of the suspension personally served on the permittee and/or by posting such notice at the facility in noncompliance or by other appropriate means.

(Ord. 2015-0016 § 77, 2015; Ord. 97-0016 § 72, 1997; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.84.060 Reserved.

11.84.070 Decision of Appeals Board.

The appeals board shall conduct hearings in conformance with the rules adopted pursuant to Section 11.72.070. After the hearing, the appeals board may affirm, reverse or modify the administrative action taken by the Director. The appeals board shall render a written decision, stating the findings upon which the decision is based and the action taken, if any. The decision of the appeals board shall be final.

(Ord. 2015-0016 § 79, 2015; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

Chapter 11.86 ENFORCEMENT

11.86.010 Civil Penalties.

A. In addition to any other remedies provided in this division or provided by other law, any operator of an underground storage tank shall be liable for a civil penalty of not less than five hundred dollars ($500) or more than five thousand dollars ($5,000) for each underground storage tank for each day of violation for any of the following violations:

   1. Operating an underground storage tank that has not been issued a unified program facility permit, in violation of this division;

   2. Violation of any of any applicable requirements of the unified program facility permit issued for the operation of the underground storage tank(s);

   3. Failing to maintain records, as required by this division;

   4. Failing to report an unauthorized release, as required by Section 11.76.010;

   5. Abandoning or failing to properly close an underground storage tank in accordance with the provisions of this division;

   6. Violation of any applicable requirement of this division or any requirements of Division 20, Chapter 6.7, of the California Health and Safety Code or any regulations promulgated thereunder;

   7. Failure to permit inspection or to perform any monitoring, testing, or reporting required pursuant to this division; or

   8. Making any false statement, representation, or certification in any application, record, report, or other document submitted or required to be maintained pursuant to this division.

B. In addition to any other remedies provided in this division or provided by other law, any owner of an underground storage tank(s) shall be liable for a civil penalty of not less than five hundred dollars ($500) or more than five thousand dollars ($5,000) per day for each underground storage tank, for each day of violation, for any of the following violations:

1. Failure to obtain a unified program facility permit as specified by this division;
2. Failure to repair or upgrade an underground tank in accordance with the provisions of this division;
3. Abandonment or improper closure of any underground tank subject to the provisions of this division;
4. Knowing failure to take reasonable and necessary steps to assure compliance with this division by the operator of an underground tank(s);
5. Violation of any applicable requirement of the unified program facility permit issued for the operation of the underground tank(s);
6. Violation of any applicable requirement of Division 20, Chapter 6.7, of the California Health and Safety Code or any regulations promulgated thereunder;
7. Failure to permit inspections or to perform any monitoring, testing, or reporting required pursuant to this division;
8. Making any false statement, representation, or certification in any application, record, or other document submitted or required to be maintained pursuant to this division.

C. Any person who intentionally fails to notify the CUPA or the Director when required to do so by this division or who submits false information in an application for a unified program facility permit, addenda, or renewal, pursuant to Chapter 11.80, is liable for a civil penalty of not more than five thousand dollars ($5,000) for each underground storage tank for each day for which notification is not given or false information is submitted.

D. Any person who violates Division 20, Chapter 6.7, of the California Health and Safety Code, section 25292.3, by depositing or allowing the deposition of petroleum into an underground storage tank system that has a red tag affixed to the fill pipe or by removing, defacing, altering or otherwise tampering with a red tag is liable for a civil penalty of not more than five thousand dollars ($5,000) for each underground storage tank for each day of violation.

E. Any person who violates any corrective action requirement established by, or issued pursuant to, section 25296.10 of Division 20, Chapter 6.7, of the California Health and Safety Code is liable for a civil penalty of not more than ten thousand dollars ($10,000) for each underground storage tank for each day of violation.

F. When any person has engaged in, is engaged in, or is about to engage in any acts or practices that violate this division, the District Attorney or the Attorney General may apply to the Superior Court for an order enjoining such acts or practices, or for an order directing compliance. The court may grant a permanent or temporary injunction, restraining order, or other order.

G. Every civil action brought under this division shall be brought by the District Attorney or the Attorney General in the name of the people of the State of California, and any actions relating to the same violations may be joined or consolidated.

(Ord. 2015-0016 § 80, 2015; Ord. 97-0016 § 74, 1997; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.86.020 Violation a Misdemeanor.

A. Any person who violates any provision of this division, or who fails to take corrective action upon becoming aware of an unauthorized release, or who fails to comply with a notice of noncompliance within the time specified or who continues to operate a facility upon suspension or revocation of a permit shall be guilty of a misdemeanor, and the Director may refer such violation to the Los Angeles County District Attorney or other appropriate prosecuting authority for prosecution. Each day that the conditions in this section continue to exist shall be a separate violation.

B. Any person who falsifies any monitoring records required by this division, knowingly fails to report an unauthorized release, or intentionally tampers with an automatic leak detection system in a manner that would prevent the automatic leak detection system from detecting a leak or alerting the owner or operator of the leak shall, upon conviction, be punished by a fine of not less than five thousand dollars ($5,000) or more than ten thousand dollars ($10,000), or by imprisonment in the County Jail for a period not to exceed one (1) year, or by both that fine and imprisonment.

(Ord. 2015-0016 § 81, 2015; Ord. 97-0016 § 74, 1997; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.86.030 Penalties Not Exclusive.

Each civil penalty or civil fine imposed pursuant to this chapter for any violation shall be separate, and in addition to, and does not supersede or limit, any and all other administrative actions or remedies, civil penalties or criminal fines imposed pursuant to this chapter or any other provisions of law.

(Ord. 2015-0016 § 82, 2015; Ord. 97-0016 § 76, 1997; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

Chapter 11.88 MISCELLANEOUS

11.88.010 Disclaimer of Liability.

The degree of protection required by this division is considered reasonable for regulatory purposes. The standards set forth herein are minimal standards and this division does not imply that compliance will ensure that there will be no unauthorized release of hazardous substances. This division shall not create liability on the part of the County, or any officer or employee thereof for any damages that result from reliance on this division or any administrative decision lawfully made hereunder. All persons handling, storing, using, processing, and disposing of hazardous substances within the County should be and are advised to determine to their own satisfaction the level of protection in addition to that required by this division necessary or desirable to ensure that there is no unauthorized release of hazardous substances.

(Ord. 2015-0016 § 83, 2015; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.88.020 Guidelines and Standards.

Guidelines and standards may be established by the Director and shall be maintained in the office of the Director and shall be available to the public. Such guidelines and standards, in the areas addressed therein, shall serve as an interpretation of this division.

(Ord. 2015-0016 § 84, 2015; Ord. 97-0016 § 77, 1997; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.88.030 Trade Secrets.

A. If an applicant or permittee believes that a request for information made by either the application form or otherwise pursuant to this division involves the release of a trade secret, the applicant or permittee shall so notify the Director in writing.

B. Subject to the provisions of this section, the Director shall protect from disclosure any trade secret coming into his or her possession when requested to do so in writing by the applicant or permittee. No such trade secret shall be disclosed to anyone without the consent of the applicant or permittee except:

    1. To an officer or employee of the County, the CUPA, the State of California, or the United States of America, in connection with the official duties of such officer or employee under any law for the protection of health, or to contractors of the County and their employees, if in the opinion of the Director such disclosure is necessary and required for the satisfactory performance of a contract for performance of work or for protection of health;

    2. To any physician where the physician determines that such information is necessary to the medical treatment of his or her patient;

    3. To the extent that the Director reasonably determines that disclosure is required by the California Public Records Act, section 6250 et seq., of the California Government Code; or

    4. Upon a valid court order.

C. Information certified by appropriate officials of the United States, as necessarily kept secret for national defense purposes, shall be accorded the full protection against disclosure as specified by such official or in accordance with the laws of the United States.

D. The provisions of this section shall not permit an applicant or permittee to refuse to disclose information required pursuant to this division to the Director.

E. The confidential treatment of the identity of such trade secret disclosed to the County does not apply where there has been any unauthorized release related to such trade secret material which is reportable in compliance with Chapter 11.76 or where such disclosure arises out of any official emergency response relating to the facility involving such trade secret information by public safety personnel of the County.

(Ord. 2015-0016 § 85, 2015; Ord. 97-0016 § 78, 1997; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

11.88.040 Reporting Requirements.

Every permittee shall comply with the reporting requirements of the Director, including the electronic submission requirements set forth in Chapter 6.7 and Chapter 6.11, Division 20, of the California Health and Safety Code and related regulations.

(Ord. 2015-0016 § 86, 2015.)

11.88.050 Conflict With Other Laws.

Notwithstanding any other provision of this division:

A. If the facility is required to have an industrial waste disposal permit pursuant to Title 20, Division 2, of this code, an industrial wastewater discharge permit pursuant to the wastewater ordinance of the sanitation districts of Los Angeles County, or an industrial waste disposal permit from any other sewering agency within the County of Los Angeles, it shall be exempted from the provisions of this division provided the conditions and limitations of such permit satisfy the requirements of this division and the Director finds that the facility does not pose a threat to water quality.

B. No provision of this division shall be construed to supersede any other provisions of this County code.

(Ord. 2015-0016 § 87, 2015; Ord. 97-0016 § 80, 1997; Ord. 84-0046 § 8, 1984; Ord. 83-0208 § 1 (part), 1983; Ord. 83-0206U § 1 (part), 1983.)

FOOTNOTES FOR TITLE 11

3. For statutory provisions on communicable disease, see Health and Saf. Code § 3000 et seq.

For department of health services Rules and Regulations on communicable disease control, see Part 1 of Appendix 1 of Title 11 of this code.

5. For additional rabies-control measures, see Division 1 of Title 10 of this code, on animals.

9. For statutory provisions on restaurant sanitation, see Health and Saf. Code § 28520 et seq.; for provisions on local regulation of restaurant sanitation, see Health and Saf. Code § 28693; for provisions on retail food establishments, see Health and Saf. Code § 28800 et seq.

For licensing and regulation of food-handlers and food preparation businesses, see Division 1 of Title 8 of this code on public health licenses.

11. For statutory provisions on retail food production and marketing establishments, see Health and Saf. Code § 28800 et seq.

13. For provisions on solid waste collection and disposal, see provisions in Title 20 of this code.

15. For statutory provisions on housing, see Health and Saf. Code § 17910 et seq.

For provisions on rent regulation and condominium conversion, see Division 3 of Title 8 of this code.

19. For other county provisions on water supply, see Division 1 of Title 20 of this code.

23. For statutory provisions on rodent control, see Health and Saf. Code § 1800 et seq.

25. For statutory provisions on the sanitation of public swimming pools, see Health and Saf. Code § 24100 et seq.

For provisions on protecting swimming pools from general hazards, see Ch. 11.54 of this code.

27. For other provisions on county water supply, sanitary sewers and industrial waste, and sewer maintenance districts, see Title 20 of this code.

29. **Editor's Note:** Ordinance 5307 on general hazards, originally enacted in 1949, was later amended in its entirety by Ord. 9415. Because Ord. 9415 changed the section numbers entirely, amendments to Ord. 5307 passed before 9415 could not be shown in legislative history notes; the following table sets out this information:

Section	Amendments
7	Added by 7333 § 2, 1958.
Art. 2	Title amended by 5847 § 1, 1951.
10	Amended by 5847 § 2, 1951; 5971 § 1, 1952; 6081 § 1, 1952.

10.3	Added by 7101 § 2 (part), 1957; amended by 7160 § 1, 1957.
10.5	Added by 7101 § 2 (part), 1957.
10.7	Added by 7101 § 2 (part), 1957.
12	Amended by 5847 § 3, 1951; 9313 § 1, 1967.
13	Amended by 5847 § 4, 1951; 7101 § 3, 1957.
14	Amended by 7333 § 3, 1958.
14.5	Added by 7160 § 2, 1957.
15	Amended by 5847 § 5, 1951; renumbered to be § 20.
15—19	Added by 7333 § 5, 1958.
20	Renumbered from § 15 and amended by 7333 § 4, 1958; amended by 7709 § 1 (part), 1960.
34	Amended by 7709 § 1 (part), 1960.
41	Amended by 7709 § 1 (part), 1960.
44	Added by 7709 § 2, 1960.

31. For excavations in county highways, see Title 16 of this code.

33. For other provisions on swimming pools, see Ch. 11.32 of this code.

35. For statutory provisions on the abatement of abandoned excavations, see Gov. Code § 50230 et seq.; for provisions on the abatement of nuisances by counties, see Gov. Code § 25845.

37. For county electrical code provisions, see Title 27 of this code; for building code provisions, see Title 26 of this code.

39. The Los Angeles County Flood Control District Code may be found at the back of Volume 5 of this code.

Ordinance 12266 amended and corrected Ordinance 12189 by attaching certain floodway maps and making them a part of Ordinance 12189.

41. For provisions on parks, beaches and harbors, see Titles 17 and 19 of this code.

43. For statutory provisions on smoking in public places, see Health and Saf. Code § 25940 et seq.; for provisions on smoking on common carriers, see Pub. Util. Code § 561. For provisions restricting smoking in county facilities, see Ch. 2.126 of this code.

44. The title of Ch. 11.84 was changed by Ord. 97-0016 § 67, 1997.

APPENDIX 1 RULES AND REGULATIONS OF THE COUNTY OF LOS ANGELES DEPARTMENT OF HEALTH SERVICES COMMUNITY HEALTH SERVICE

PART 1 COMMUNICABLE DISEASE CONTROL MEASURES

**A Manual of Departmental Rules,
Regulations and Control Procedures**

**COUNTY OF LOS ANGELES
DEPARTMENT OF HEALTH SERVICES**

As revised 4/79

PART I
RESPONSIBILITY FOR COMMUNICABLE DISEASE CONTROL

The Chiefs of Acute Communicable Disease, Tuberculosis and Venereal Disease Control are responsible for the control of communicable disease in the County of Los Angeles and the setting of policy which regulates these controls.

The District Health Officer is responsible for the control of communicable disease in his jurisdiction. The term "District Health Officer" used in this manual means any physician authorized to act in that capacity. The District Health Officer may call upon any employee for necessary communicable disease control. He, or his representative, investigates cases or suspected cases of communicable disease within the time frame indicated in Part IV of this manual under the specific disease.

The Chief of Public Health Investigation is responsible for certain legal areas of communicable disease control.

PART II
REPORTING COMMUNICABLE DISEASE

(Reference: Sections 2500, 2502, 2503, 2504, and 2508, Title 17, California Administrative Code)

SEC. 1 REPORTING DISEASES (Section 2500)

Every person must report to the Health Officer any diagnosed or suspected case of any of the following diseases or conditions:

Amebiasis

Anthrax

Botulism

Brucellosis (Undulant Fever)

Chancroid

Cholera

Coccidioidomycosis

Conjunctivitis, Acute Infectious of the Newborn

(Gonorrheal Ophthalmia, Ophthalmia Neonatorum, and Babies' Sore Eyes in the first 21 days of life)

Dengue

Diarrhea of the Newborn

Diphtheria

Disorders Characterized by Lapses of Consciousness

Dysentery, Bacillary (See Shigella infections)

Encephalitis, viral

Food Poisoning (other than Botulism)

German Measles (Rubella)

Gonococcal Infections

Granuloma Inguinale

Hepatitis, Infectious (A)

Hepatitis, Serum (B)

Hepatitis, unspecified

Leprosy (Hansen's Disease)

Leptospirosis (including Weil's Disease)

Lymphogranuloma Venereum (Lymphogranuloma Inguinale)

Malaria

Measles (Rubeola)

Meningitis, Viral

Meningococcal Infections

Mumps

Paratyphoid Fever, A, B, and C (see Salmonella infections)

Pertussis (Whooping cough)

Plague

Poliomyelitis, paralytic

Psittacosis

Q Fever

Rabies, Human or Animal

Relapsing Fever

Rheumatic Fever, Acute

Rocky Mountain Spotted Fever

Salmonella, Infectious (exclusive of typhoid fever)

Scarlet fever

Shigella infections

Smallpox (Variola)

Streptococcal Infections, hemolytic (including Scarlet Fever, and Streptococcal Sore Throat)

Syphilis

Tetanus

Trachoma

Trichinosis

Tuberculosis

Tularemia

Typhoid fever, cases and carriers

Typhus fever

Viral Exanthem in Pregnant Women

Yellow fever

Unusual outbreaks of any disease

The report should include the person's full name, race, sex, age or date of birth, address, disease, date of onset, date of diagnosis, date of death, and name of person reporting.

The director of any clinical laboratory must report laboratory evidence suggestive of the diseases listed below to the District Health Officer on the same day that the physician who submitted the specimen is notified.

Diphtheria

Gonorrhea

Syphilis

Tuberculosis

Typhoid

The laboratory reports, which may be telephoned or written, must include the date, the result of the test, name, address, age of the patient and the name and address of the referring physician. Laboratory reports for tuberculosis received in the district should be sent to the Tuberculosis Register, Administrative Headquarters.

A laboratory report alone is not sufficient for the District Health Officer to contact the patient or his potential contacts. The diagnosis of the attending physician is essential before such a contact is made. The District Officer should make every effort to discuss the case and the laboratory report with the physician to facilitate the diagnosis. (Exceptions: In venereal disease cases, the professional staff in Venereal Disease Control may contact the attending physician.)

SEC. 2 TELEPHONE REPORTS

Acute Communicable Disease Control staff may be reached during working hours at 974-7944. After working hours, on weekends or holidays, appropriate staff can be reached through the County operator at 974-1234.

A. The District Health Registrar immediately telephones reports of the following cases or suspected cases to the Morbidity Unit:

Anthrax

Botulism

Cholera

Dengue

Diphtheria

Food Poisoning

Meningitis, Meningococcal

Plague

Poliomyelitis

Rabies in humans/animals

Relapsing Fever (Louse-borne)

Smallpox

Typhoid Fever

Typhus Fever (Louse-borne)

Yellow Fever

Unusual Outbreak of Any Disease

B. The Morbidity Unit immediately delivers the CONFIRMATION OF NOTIFICATION OF COMMUNICABLE DISEASE INFORMATION, H-24, on cases listed above to the Chief, Acute Communicable Disease Control. In botulism and food poisoning, the TELEPHONE REPORT OF FOOD POISONING EPISODE, H-26, is immediately delivered to the Chief, Food and Drug Section.

C. The District Public Health Registrar immediately telephones reports of communicable disease, related to either dairy or to persons with or in contact with communicable diseases who are employed in sensitive occupations, to the Chief, Public Health Investigation. (See Sec. 13.)

D. The Morbidity Unit immediately notifies the Chief, Occupational Health when a communicable disease arises out of and in the course of employment, when the place of employment is in the County of Los Angeles jurisdiction. This includes, but is not limited to: anthrax, botulism, brucellosis, coccidioidomycosis, food poisoning, leptospirosis, psittacosis, Q fever, tetanus, and tularemia.

E. The Morbidity Unit telephones reports of deaths from quarantinable diseases to the Chiefs, Acute Communicable Disease Control and Public Health Investigation.

F. The Chief, Acute Communicable Disease Control, telephones or telegraphs reports of the following diseases to the State Department of Health: botulism, cholera, dengue, plague, relapsing fever (louse-borne), smallpox, typhus fever (louse-borne), yellow fever.

SEC. 3 CONFIDENTIAL MORBIDITY REPORTS (CMR)—PM 110

The CMR is a standard report form on which tuberculosis, venereal disease and other communicable diseases must be reported within 24 hours of the diagnosis. This report form, PM 110, was formerly SDH 262-222.

SEC. 4 EPIDEMIOLOGIC CASE HISTORY

Certain communicable diseases required an epidemiologic investigation and must be reported on forms specific for the disease entity. The forms required are in Part IV of this manual under the "reporting procedures" for each disease. For diseases not requiring specific forms, the CD INVESTIGATION, H-1138 is used. This form may also be used for supplemental data in any disease. Examples of epidemiologic case history forms and the processing of these forms are covered in the ACUTE COMMUNICABLE DISEASE FORMS MANUAL, B-160.

NOTE: All Epidemiologic Case History forms must be filled out completely. This information is vital for decision-making at all levels, local, state and federal.

SEC. 5

(Reference: Section 2502, Title 17, California Administrative Code)

A. Definition:

An outbreak is defined as an unusually high incidence of a disease in excess of normal expectancy in a given area or population group. One case of smallpox constitutes an outbreak, while several cases of measles, mumps or hepatitis in the population at large could be considered a normal occurrence. However, when these cases occur in a localized area of the community, a classroom, industry, apartment complex, hospital, etc., they would be considered outbreaks.

B. General Procedures:

Knowledge of an outbreak of infectious or parasitic disease or infestation, whether or not reportable, is investigated by the District Health Officer and reported to the Chief, Acute Communicable Disease Control. When the outbreak occurs anywhere other than in a health care facility, it is reported on the GENERAL INVESTIGATION RECORD, SDH-262501.

C. Health Care Facility Outbreaks:

Whoever receives knowledge of an outbreak initiates the CD OUTBREAK NOTICE—HEALTH CARE FACILITY, H-1163 and additionally, telephones Acute Communicable Disease Control when outbreak occurs in an acute care hospital.

1. Acute Care Hospital. Because of complex licensure requirements and the involvement of multiple districts, the Acute Communicable Disease Control staff is responsible for the epidemiological investigation in these facilities.
2. Convalescent Care Facility. The district Health Officer investigates and reports on the CD OUTBREAK INVESTIGATION—HEALTH CARE FACILITY, H-1164.

SEC. 6 REPORTING OF UNUSUAL DISEASES

(Reference: Section 2503, Title 17, California Administrative Code)

When the District Health Officer encounters an unusual disease which warrants an investigation, he reports on the CD INVESTIGATION, H-1138.

Unusual diseases include but are not limited to cat scratch fever, echinococcosis, giardiasis, herpangina, histoplasmosis, rickettsialpox, toxoplasmosis and any unusual tropical infectious disease.

SEC. 7 REPORTING A CONTACT OR POSSIBLE SOURCE OF INFECTION, OTHER THAN TUBERCULOSIS OR VENEREAL DISEASE, LOCATED OUTSIDE THE HEALTH DISTRICT OF THE CASE

A. When the case and contact or possible source of infection reside in different districts in Los Angeles County, the Public Health Registrar in the district of the case notifies the district where the contact or possible source of infection resides

B. When either the contact or possible source of infection is in another health jurisdiction out of Los Angeles County:

1. The Public Health Registrar in the district of the case telephones the Morbidity Unit, who then notifies the other health jurisdiction.
2. The Chief, Acute Communicable Disease Control, prepares any required correspondence.

SEC. 8 CHANGE OF RESIDENCE OF PERSONS IN STRICT ISOLATION OR QUARANTINE INCLUDING COMMUNICABLE TUBERCULOSIS

When it is necessary for persons in strict isolation or quarantine to move, written permission is first obtained from the owner of the new premises or his agent. Inspection of the proposed residence must establish that it is or can be made suitable for isolation or quarantine. Moving into a multiple dwelling is evaluated individually considering the disease and situation; any change of residence is under the supervision of the District Health Officer of the Chief, Public Health Investigation.

All cases covered by this section must be reported immediately to the District Health Officer, and in cases of legal isolation and quarantine, to the Chief, Public Health Investigation.

SEC. 9 CHANGE OF RESIDENCE OF PATIENTS WITH COMMUNICABLE DISEASE WHO ARE NOT ISOLATED OR QUARANTINED

A. TUBERCULOSIS PATIENTS (Under treatment or needing further evaluation)

1. Moving out of Los Angeles County. The District Nursing Director or her representative notifies the Tuberculosis Register. Where time is important, the District Nursing Director directly notifies the other health jurisdiction of the new residence.

Arrangements for continued care may be made by the District Nursing Director or District Director Public Health Social Worker by telephone or by a brief written statement.

2. Moving to another health district in Los Angeles County. The District Nursing Director notifies the Tuberculosis Register. Arrangements for continued care are telephoned to the new health district and the chart transferred. (See Order 0603.)

B. VENEREAL DISEASE PATIENTS

1. Moving out of Los Angeles County. When a possibly contagious patient moves to another health jurisdiction, the responsible venereal disease interviewer records the new address on the VENEREAL DISEASE EPIDEMIOLOGICAL REPORT, CDC 9.2936. Venereal Disease Control forwards this report to the other health jurisdiction of the new residence.

2. Moving to another health district in Los Angeles County. Continued care is arranged by telephone and the chart transferred. The responsible venereal disease interviewer forwards VENEREAL DISEASE EPIDEMIOLOGICAL REPORT, CDC 9.2936, to the new district and INTER-DISTRICT TRANSFER, NOTICE—VDER (2936), to Venereal Disease Control for syphilis cases and/or suspects. Whenever arrangements for patients described in B-1. and 2. have been made by telephone, this information, with the date of the call, is recorded on the reverse side of VENEREAL DISEASE EPIDEMIOLOGICAL REPORT, CDC 9.2936.

3. Non-infectious venereal disease cases. If a non-contagious patient in the venereal disease clinic moves to a new address in or out of Los Angeles County, his name will not be reported on VENEREAL DISEASE EPIDEMIOLOGICAL REPORT, CDC-9.2936, unless his follow-up is indicated. If requested, these patients may be given information of facilities in the area of new residence.

C. OTHER PATIENTS (Except tuberculosis or venereal disease patients).

1. Moving out of Los Angeles County. Morbidity Unit is responsible for notifying the appropriated health jurisdiction.

2. Moving to another health district in Los Angeles County. For cases previously reported, the District Public Health Registrar notifies only the new district. For cases not previously reported, the District Public Health Registrar telephones the new address to MORBIDITY UNIT and notifies the new district.

PART III
COMMUNICABLE DISEASE CONTROL MEASURES

SEC. 10 EXAMINATION FOR COMMUNICABLE DISEASE

Persons suspected of having a communicable disease are requested to contact their physicians or appear at a Department of Health Services clinic for examination. Failure to comply with this request must be reported to the Chief, Public Health Investigation.

SEC. 11 SURVEILLANCE ORDERS ON INTERNATIONAL TRAVELERS

A. Issuance

The United States Public Health Service may issue a SURVEILLANCE ORDER, HSM-13.17. (Center for Disease Control), to any traveler from a foreign country infected with smallpox, cholera, yellow fever, or plague, who meets any of the following criteria:

1. Travelers who have an illness of unusual or severe nature which might possibly be a quarantinable disease. Suspicious signs and symptoms include:
    a. Temperature of 100°F (38°C) or greater, accompanied or followed by rash, jaundice, or lymphadenopathy, or which has persisted for two days or more.
    b. Diarrhea severe enough to interfere with work or normal activities.
2. Persons who have traveled on a conveyance with, or have otherwise been in close contact with, a person diagnosed or suspected of having a quarantinable disease.
3. Persons who arrive on a conveyance on which there are two or more unrelated persons with the same disease symptoms.
4. Persons arriving from a smallpox-infected country who do not have a valid international smallpox vaccination certification.

When an ill person is denied immediate quarantine clearance upon arrival, a United States Public Health Service consultant physician will be called to examine, diagnose and clear the traveler. If diagnostic tests or further observation are required, a SURVEILLANCE ORDER, HSM-13.17, will be issued allowing the person entry, subject to the condition that he remain under observation of the appropriate District Health Officer for a specified period of time. Similar surveillance orders may be issued to exposed contacts who are not ill. A copy of each SURVEILLANCE ORDER, HSM-13.17, is sent to the District Health Officer. Where urgency exists, the District Health Officer is informed by telephone or telegraph.

Since there is no inspection for travelers from Canada, Canadian ports of entry send a similar NOTICE OF SURVEILLANCE, QS24, on travelers under surveillance with ultimate destinations in the United States.

When such notices are received, the Chief, Public Health Investigation, should be immediately notified.

B. General Procedures

Public Health Investigation immediately contacts the traveler, and obtains the following information:

1. Address and telephone where the traveler can be contacted until surveillance order expires.
2. Detailed itinerary for 21 days preceding interview, and for the duration of the surveillance order.
3. History of fever, rash, jaundice, diarrhea, or glandular swelling within preceding 21 days.

4. Any information released by quarantine station or examining physician regarding diagnosis or laboratory tests.

This information is telephoned immediately to the District Health Officer, and a specific surveillance plan developed. These arrangements are reported to the Chief, Acute Communicable Disease Control.

If the detailed itinerary shows that the traveler plans to leave Los Angeles County before the expiration of the surveillance period, the further itinerary is reported to the Chief, Public Health Investigation, who notifies the State Department of Health.

C. Special Procedures

1. Smallpox. Persons under surveillance orders because of illness suspicious of (or exposure to) smallpox are examined immediately by the District Health Officer and continue to be examined daily until surveillance is completed. If specimens were taken for diagnosis at the port of entry, no laboratory diagnosis is generally required. Telephone the Chief, Acute Communicable Disease Control immediately.

Persons under surveillance orders only because of lack of valid small pox immunization are contacted immediately by Public Health Investigation. The specific surveillance plan developed is individualized; if the traveler is completely healthy, telephone surveillance may be instituted on approval by the District Health Officer. If any illness develops, the traveler is examined immediately by the District Health officer, who telephones findings immediately to the Chief, Acute Communicable Disease Control.

2. Plague. Persons under surveillance orders for plague are examined daily by the District Health Officer until surveillance order expires. If fever, cough or adenopathy develop during surveillance, telephone the Chief, Acute Communicable Disease Control, immediately.

3. Cholera. Persons under surveillance for cholera are contacted daily by telephone by Public Health Investigation until surveillance order expires. If diarrhea is present, the District Health Officer examines the person and obtains a feces specimen (special media required). This specimen is immediately carried to the Public Health Laboratory by the Public Health Investigator; simultaneously the Chief, Acute Communicable Disease Control is notified by telephone.

4. Yellow Fever. Persons under surveillance for yellow fever are contacted daily by telephone by the Public Health Investigator until the surveillance order expires. If fever, jaundice, rash, nosebleed, vomiting, or blood in stool are reported, the District Health Officer immediately examines the person and telephones findings to the Chief, Acute Communicable Disease Control.

SEC. 12 SCHOOL EXCLUSION AND READMISSION

(References: Administrative Code, Title 5, Education, Article 7, Section 65; California Health and Safety Code, Division 4, Chapter 3, Section 3118)

A. EXCLUSION: State law requires officials of the public, private and Sunday schools to exclude persons with communicable disease or contacts of a communicable disease which is subject to strict isolation or quarantine. The school may exclude any nonimmune contact of a communicable disease case for the full or last portion of the incubation period. The County of Los Angeles Department of Health Services procedures will not abrogate that right.

If the disease in question is tuberculosis or venereal disease, the decision as to communicability is the responsibility of the Chiefs, Tuberculosis Control or Venereal Disease Control.

In an urban area, the closing of schools has not been shown to be an effective means of controlling an outbreak of any communicable disease. This procedure is, therefore, not generally recommended.

The SCHOOL EXCLUSION, H-451, is sent only to the school principal or his representative. This District Public Health Registrar immediately telephones the notice of exclusion to the proper school authority and confirms by sending the H-451 when the following diseases occur: cholera, diphtheria; plague, smallpox; typhus (louse-borne).

B. READMISSION: Upon release from strict isolation or quarantine, the SCHOOL READMISSION NOTICE, H-447, signed by the District Health Officer must be given to pupils or their parents or guardian.

Pupils or school employees with any other communicable disease may be readmitted by written notice, signed by the attending physician, school physician, nurse superintendent, principal or the District Health Officer.

Students with non-communicable forms of tuberculosis may be readmitted if recommended by the chest clinician. However readmission to the Los Angeles City Schools must be referred to the Unit for Control of Tuberculosis, 625-4003, for clearance.

SEC. 13 SENSITIVE OCCUPATIONS: PROCEDURES AND DEFINITIONS

Persons with or in contact with communicable disease may be a threat to the community by virtue of their work duties. Reports of such cases or contacts in sensitive occupations are immediately telephoned to the Chief, Public Health Investigation. (See Sec. 2) If necessary, these persons will be removed from work.

A. SENSITIVE OCCUPATIONS—DEFINITIONS. Persons employed in sensitive occupations may include commercial food and milk handlers, child care workers, those treating, caring or cooking for others, or persons whose duties appreciably increase the risk of disease transmission. Preschool and early elementary aged children may need to be considered as sensitive occupations, in some circumstances.

1. FOOD HANDLERS—SPECIAL DEFINITIONS. A commercial food handler prepares, processes, serves or sells food commercially, unless such food is completely packaged before being handled and reaches the consumer with the wrapping intact. For example, a route man handling entirely wrapped bread is not a food handler. A bakery route salesman handling unwrapped bakery products from open trays is a food handler.

2. MILK HANDLERS—SPECIAL DEFINITION. A milk handler processes or distributes milk or handles milk containers. Those whose only contact is with (1) double-capped milk bottles or (2) packaged milk products are not milk handlers.

B. STATE DISABILITY INSURANCE BENEFITS. A case or contact in a sensitive occupation removed from work may apply for State disability insurance benefits by completing and submitting STATE DISABILITY INSURANCE BENEFITS, DE 2501. Consult Chief, Public Health Investigation, for assistance in completing form.

C. LABORATORY SPECIMENS. Laboratory slips for specimens submitted for cases or contacts in sensitive occupations must be marked with a red "SO" (Sensitive Occupation) to alert the laboratory of the need for urgent report.

SEC. 14 HOSPITALIZATION AT LOS ANGELES GENERAL MEDICAL CENTER

When referring persons with communicable disease, other than tuberculosis or venereal disease, to Los Angeles General Medical Center, a direct telephone call to the Communicable Disease Admitting Room (226-3703) is preferable. For routine referrals use REFERRAL SLIP, H-354. The District Health Officer is responsible for the tentative diagnosis and follow up, when necessary.

In quarantinable disease cases, arrangements for transportation and hospitalization are made by the Chief, Acute Communicable Disease Control. The person transporting the patient is instructed to:

A. Go directly to the Communicable Disease Unit, ambulance entrance, 1129 North State Street, Los Angeles, California, without contacting other persons enroute.

B. Keep the patient in a vehicle until examined by hospital personnel. In other communicable disease cases, the District Health Officer arranges for transportation and hospitalization directly with the Communicable Disease Admitting Room personnel.

In other communicable disease cases, the District Health Officer arranges for transportation and hospitalization directly with the Communicable Disease Admitting Room personnel.

(Ord. 2024-0001 § 4, 2024.)

SEC. 15 QUARANTINE

(Reference: Sections 2514 and 2520, California Administrative Code)

A. Any reportable communicable disease may be quarantined at the discretion of the District Health Officer. (Section 3110, Health and Safety Code.) Quarantine will be routinely employed only for the diseases or circumstances listed in this section. The District Health Officer determines which contacts require quarantine, specifies the place of quarantine and issues appropriate instructions.

There are several types of quarantine; each one includes specific diseases and measures to be followed.

B. Violations: Violations of quarantine or of pass privileges must be reported immediately to the Chief, Public Health Investigation.

C. Classifications:

1. Complete quarantine

a. The limitation of freedom of movement or confinement of persons or domestic animals exposed to a communicable disease, for a period of time not longer than the longest usual incubation period of the disease, in such a manner as to prevent effective contact with unexposed persons.

b. Diseases requiring complete quarantine:

1) Lassa Fever

2) Marburg Virus Disease and African Hemorrhagic Fever

3) Plague (until treated with insecticide)

4) Relapsing Fever, louse-borne (until louse-free)

5) Smallpox

6) Typhus Fever, louse-borne (until louse-free)

c. Measures:

1) Post QUARANTINE PLACARD, H-734 (See Sec. 17)

2) While the patient is on the premises, no passes are issued.

3) The district Health Officer provides for daily observation of the contacts, arranges for delivery of groceries and other necessities and supervises the release of contacts from quarantine.

4) When the patient is off the premises, follow the procedures as indicated under the specific disease in PART IV.

2. Modified Quarantine:

a. Definition: A selective, partial limitation of freedom of movement of persons or domestic animals, based on known or presumed differences in susceptibility and/or because of disease transmission.

b. Diseases requiring modified quarantine:

1) Diarrhea of the Newborn (Hospital nurseries only)

2) Diphtheria

3) Staphylococcal Disease (Hospital only)

c. Measures:

1) When diphtheria occurs, post QUARANTINE PLACARD, H-734 (See Sec. 17)

2) For release from quarantine, follow procedure as indicated under the specific disease in PART IV.

3. Personal Surveillance:

a. Definition: The practice of close medical or other supervision of contacts in order to promote prompt recognition of infection or illness but without restricting their movements.

b. Diseases requiring surveillance: (See specific disease, PART IV, regarding duration of surveillance)

1) Cholera

2) Plague (following disinfestation)

3) Smallpox (International Travelers)

4) Yellow Fever (International Travelers)

4. Other Classifications

a. Animal quarantine

1) This quarantines biting animals, those having rabies, suspected rabies or exposed to rabies.

2) Post ANIMAL QUARANTINE PLACARD, H-733. (See Sec. 17.)

3) It is illegal to be in possession of pet skunks in the State of California (Sec. 2606, Title 17, California Administrative Code).

b. Mussel quarantine. This seasonal quarantine is established on all species of mussels from the ocean shore of California and is usually effective from May 1 to October 31. It prohibits the taking, sale or offering for sale of mussels, except for use as fish bait. Mussels for the use of fish bait shall be broken open at time of taking or prior to sale.

c. Bird quarantine. Birds with or suspected of having a disease transmissible to man are quarantined and placed on medicated feed for 45 days.

For specific details, consult with Acute Communicable Disease Control.

d. Turtle quarantine. Turtles offered for sale must be certified to be free from salmonella and Arizona organisms. Any not so certified must be quarantined pending appropriate dispositions.

5. Dairy quarantine.

1) This quarantine is imposed when:

a) A milk supply is suspected as the source of an infection transmitted through milk or

b) A patient who resides on a dairy premises has or is suspected of having a disease transmitted through milk.

2) The County health Office as agent for the Department of Food and Agriculture prohibits the use, sale or disposal of milk until the following measures are observed:

a) The patient must be isolated.

b) The water used in milk processing must be free of infection.

c) Household members must be free of infection and must not contact dairy workers or any dairy facility used in processing milk.

d) The milk must be pasteurized off the premises until (1) the patient is removed and the household contacts cleared according to specific disease requirements; (2) the producing herd is declared free of infection by the Department of Food and Agriculture.

SEC. 16 ISOLATION

(Reference: Sections 2516 and 2518, Title 17, California Administrative Code)

A. Any reportable communicable disease may be isolated at the discretion of the District Health Officer (Section 3110, Health and Safety Code).

Legal isolation is accomplished by posting a placard and/ or serving a written order by Public Health Investigation personnel.

B. Violations

1. Violations of isolation orders must be reported immediately to the District Health Officer.
2. Violations of strict isolation and special isolation must also be reported immediately to the Chief, Public Health Investigation.

C. Classifications:

General definition:

Isolation is the separation of infected persons from others, for the period of communicability, in places and under conditions that will prevent the transmission of the infectious agent. There are several types of isolation, each one encompassing particular diseases and measures to be followed.

1. Strict isolation (Section 2516)

a. Diseases requiring strict isolation

1) Anthrax—inhalation

2) Cholera

3) Diarrhea of the Newborn (Hospital nurseries only)

4) Diphtheria

5) Gonococcal Ophthalmia Neonatorum

6) Lassa Fever

7) Marburg Virus Disease

8) Plague-pneumonic

9) Pneumonia, (Staphylococcus aureus or Group A streptococcus)

10) Smallpox

b. Measures

1) The severity of these diseases and/or potential hazard to others warrants immediate hospitalization.

2) Pending hospitalization the following measures are taken:

a) Post ISOLATION PLACARD, H-734 (See Sec. 17)

b) A private room

c) Those caring for patient must wear gowns, gloves and masks and must follow proper handwashing procedures

d) Visitors are excluded

e) For disinfection and cleaning, refer to the State Health Department Communicable Disease Manual

f) In the absence of a sanitary sewage system and if the disease is one in which the infectious agent may be present in the feces or urine, the District Health Officer issues instructions for the disposal of feces and urine.

2. Modified Isolation

a. Diseases subject to modified isolation:

Anthrax—wound

Chancroid

Congenital Rubella Syndrome

Dengue

Encephalitis, Post infectious & Post vaccination

German measles

Gonococcus Infection

Granuloma Inguinale

Hepatitis, Viral (Types A, B, Unspecified)

Lymphogranuloma Venereum (Lymphogranuloma Inguinale)

Measles (Rubeola)

Meningitis, Aseptic Syndrome

Meningitis, Meningococcal

Mumps

Pertussis (Whooping Cough)

Plague—bubonic

Poliomyelitis

Psittacosis

Rabies, Human and Animal

Salmonellosis

Shigellosis

Staphylococcal Disease

Streptococcal Infections Hemolytic (including Scarlet Fever and Streptococcal Sore Throat)

Syphilis

Trachoma

Tuberculosis

Tularemia

Typhoid Fever

Whooping Cough

b. Measures. Isolation measures depend upon the mode of transmission of the disease and the potential threat to susceptible persons (See specific disease in PART IV). These may range from:

1) exclusion from school

2) exclusion from work of persons in sensitive occupation

3) avoidance by pregnant women of contact to a case of rubella

4) secretion, excretion and blood precautions

5) abstinence from sexual contact

3. Typhoid Fever Carrier isolation. The District Health Officer issues specific written orders to the patient or contact who must adhere to all requirements.

The TYPHOID CARRIER AGREEMENT, SDH 262-516 (Spanish, SDH 262-517), is issued by the District Health Officer to typhoid carriers (convalescent and chronic).

4. Isolation in nursing homes. In general, patients, with communicable diseases are not permitted to remain in nursing homes. Asymptomatic carriers, such as salmonella or typhoid carriers, are not permitted in nursing homes unless prior written approval is obtained from the Chief, Acute Communicable Disease Control.

5. Special isolation. This isolation confines a patient with communicable disease, including tuberculosis and venereal disease, to his home, a hospital, sanitarium, jail facility or other specified location. Cooperative patients may be on voluntary isolation (home and hospital). Others may need an ORDER OF ISOLATION, H-474.

SEC. 17 QUARANTINE AND ISOLATION PLACARDS

Quarantine or isolation (see Sections 15 and 16) is not established until a placard is posted and/or written instructions given to the patient or contact. The courts only recognize quarantine by placard or written instruction. Oral notice is not legally recognized.

When a residence is quarantined, the District Health Officer or his representative attaches the placard(s) at the front or principal entrance. More than one placard may be posted.

Placards must contain the name of the disease or suspected disease, the name of the District Health Officer, signature of deputy posting, date of posting, address and telephone number of the district health center.

The employee who establishes a quarantine or isolation by placard or issues passes reports the details to the Chief of Acute Communicable Disease Control and Public Health Investigation.

All correspondence with other Health Departments, relative to violations of quarantine or legal orders of isolation, is handled by Chief, Public Health Investigation.

SEC. 18 HOSPITAL VISITS BY QUARANTINED PERSONS

Upon approval by the Los Angeles General Medical Center medical staff (226-3703), quarantined persons may visit the patient in the hospital. Persons under quarantine must travel by private conveyance to and from home. They are permitted to enter the Communicable Disease Unit under the supervision of the hospital staff. Persons under modified quarantine, who hold quarantine passes do not have to travel by private conveyance.

In emergencies, and when other means of patient transportation are not available, Public Health Investigation personnel are called to assist.

(Ord. 2024-0001 § 5, 2024.)

SEC. 19 RELEASE FROM ISOLATION OR QUARANTINE

A. When laboratory tests are required for release from isolation or quarantine of cases, contacts or carriers, exclusive of tuberculosis patients, the specimens must be submitted to a Public Health Laboratory approved by the State Department of Health. Within the geographic area of Los Angeles County, Public Health Laboratories approved by the State Department of Health are those of the County of Los Angeles Community Health Services, the City of Pasadena Health Department, and the City of Long Beach Health Department.

B. A NOTICE OF RELEASE TO RETURN TO WORK, H-1066, is issued by the District Health Officer, his representative, or the Public Health Investigator.

C. Release from an order of isolation is by written notice from the Chief, Public Health Investigation. For additional procedure, consult with Tuberculosis Control.

SEC. 20 TERMINAL CLEANING, VERMIN CONTROL AND DELOUSING

A. Terminal Cleaning. Quarantine is not lifted until terminal cleaning of the residence is completed to the satisfaction of the District Health Officer. The isolation area and fomites should be washed with soap and water or suitable disinfectant solution. (See chart at back of California State Department of Health Control of Communicable Diseases Manual.)

B. Vermin Control. Where a quarantinable vector-borne disease is suspected or known, a licensed pest control operator should properly treat, spray, or fumigate the premises, as necessary. This would be done under the direction of appropriate personnel of Environmental Management.

C. Delousing. When infestation is evident and personal treatment is involved, treat the patient as outlined in PART IV—PEDICULOSIS. All suspected infested clothing, bedding, and personal articles, should be thoroughly washed in hot water (140°F) or dry cleaned, whichever is appropriate. The interior of the premises suspected to be infested should be thoroughly cleaned and vacuumed. If needed, a licensed pest control operator should treat the interior and exterior premises under the direction of appropriate personnel of Environmental Management.

PART IV
SPECIFIC COMMUNICABLE DISEASES

SEC. 21 DISEASES

AMEBIASIS

ANTHRAX

BOTULISM

BRUCELLOSIS

CHANCROID (Soft Chancre)

CHICKEN POX (Varicella)

CHOLERA

COCCIDIOIDOMYCOSIS

DIARRHEA OF THE NEWBORN

DIPHTHERIA

ENCEPHALITIS (Arthropod-borne)

ENCEPHALITIS (Post infectious and Encephalitis of undetermined etiology)

FOOD POISONING

GONORRHEA

GONORRHEAL OPHTHALMIA NEONATORUM

GRANULOMA INGUINALE

HEPATITIS (Type A)

HEPATITIS (Type B)

HERPES SIMPLEX

INFLUENZA

LEGIONNAIRE'S DISEASE

LEPROSY (Hansen's Disease)

LEPTOSPIROSIS

LYMPHOGRANULOMA VENEREUM

MALARIA

MEASLES (Rubeola)

MENINGITIS ASEPTIC SYNDROME

MENINGOCOCCAL INFECTIONS

MUMPS (Infectious Parotitis)

PEDICULOSIS

PLAGUE

POLIOMYELITIS

PSITTACOSIS

Q FEVER

RABIES

RELAPSING FEVER (Louse-borne: Tick-borne)

RINGWORM OF THE SCALP (Tinea Capitis)

ROCKY MOUNTAIN SPOTTED FEVER

RUBELLA, ACUTE

RUBELLA (Congenital Syndrome)

SALMONELLOSIS (Salmonella and Paratyphoid infections, other than Typhoid)

SCABIES

SHIGELLOSIS (Dysentery, Bacillary)

SMALLPOX

STAPHYLOCOCCAL DISEASE (Local and general excluding food poisoning)

STREPTOCOCCAL INFECTIONS

SYPHILIS

TETANUS

TOXOPLASMOSIS

TRACHOMA

TRICHINOSIS

TUBERCULOSIS

TUBERCULOSIS (including other mycobacterial diseases)

TULAREMIA

TYPHOID FEVER

TYPHUS (Flea-borne, Endemic)

TYPHUS (Louse-borne, Epidemic Type)

WHOOPING COUGH (Pertussis)

YELLOW FEVER

PART V
REGULATIONS FOR COMMUNICABLE DISEASE ADMISSIONS AND INFECTION CONTROL IN HEALTH CARE FACILITIES

SEC. 22 REGULATIONS FOR COMMUNICABLE DISEASE ADMISSIONS IN HEALTH CARE FACILITIES

Patients with the following diagnoses or suspected diseases may not be admitted to any health facility nor treated in any health facility other than the Communicable Disease Unit of the Los Angeles General Medical Center:

1. Cholera
2. Diphtheria
3. Lassa Fever

4. Marburg Virus

5. Plague

6. Relapsing Fever (louse-borne)

7. Smallpox

8. Typhus Fever (louse-borne)

9. Yellow Fever

In addition, hospitalization at the Communicable Disease Unit, Los Angeles General Medical Center is urged for patients with the following diseases:

Botulism

Chicken pox (with complications)

Encephalitis, including VEE and other arbovirus encephalides

Measles (Rubeola with complications)

Meningococcal Meningitis

Mumps (with complications)

Poliomyelitis

Rabies

Scarlet Fever (severe)

Tetanus

Typhoid Fever

*Vaccinia, Generalized and Progressive: Eczema Vaccinatum

Whooping Cough (Pertussis, if severe and under 3 years of age)

*Important only if smallpox not suspected

(Ord. 2024-0001 § 6, 2024.)

SEC. 23 SUSPECTED OR DIAGNOSED COMMUNICABLE DISEASE WHICH MAY BE ADMITTED TO AND REMAIN IN ACUTE CARE HOSPITALS OR OTHER HEALTH FACILITIES

Any patient with a communicable disease listed as a Reportable Disease may remain in the facility providing Title 22 regulations are met for adequate isolation except those specifically listed in Sec. 22. In addition, patients who are asymptomatic carriers of salmonella, typhoid or shigella must not be discharged to skilled nursing or intermediate care facilities unless prior written approval has been obtained from the Chief, Acute Communicable Disease Control.

SEC. 24 REGULATIONS REGARDING COMMUNICABLE DISEASES IN SKILLED NURSING FACILITIES

Persons with a communicable disease shall not be admitted or cared for unless the following are met:

1. Any patient diagnosed as having a reportable, communicable disease or being in a carrier state, who the attending physician determines is a potential danger to other patients or personnel, shall be accommodated in a room provided with a separate toilet, handwashing facility, soap dispenser and individual towels.
2. The skilled nursing facility shall adopt and observe written procedures approved by the local health officer. Such procedures shall be posted at the nurses' station or other appropriate location. The procedures shall outline the technique to be used in the care of patients with a communicable disease, and shall include:
    a. Handwashing upon entering and leaving patient's room.
    b. Proper handling and disposal of infectious material.
    c. Procedures for medical and nursing personnel providing for proper techniques.
    d. Health education provided to the patient.
    e. Proper handling of dishes.
    f. Proper handling of patient care equipment.
3. Patients who are asymptomatic carriers of salmonella, typhoid, or shigella are not to be admitted to nor remain in these facilities unless prior written approval has been obtained from the Chief, Acute Communicable Disease Control.

SEC. 25 REGULATIONS REGARDING COMMUNICABLE DISEASE IN INTERMEDIATE CARE FACILITIES

No patient with a communicable disease may be admitted to nor permitted to remain in an Intermediate Care Facility.

Patients acquiring a communicable disease while in the facility shall be transferred to an appropriate facility as soon as possible. While awaiting transfer, the following requirements shall be met:

1. Any patient diagnosed as having a reportable communicable disease or being in a carrier state who the attending physician determines is a potential danger to other patients or personnel, shall be accommodated in a room provided with a separate toilet, handwashing facility, soap dispenser and individual towels.
2. The intermediate care facility shall adopt and observe written procedures approved by the local health officer. Such procedures shall be posted at the nurses' station or other appropriate location. The procedures shall outline the technique to be used in the care of patients with a communicable disease and shall include:
    a. Handwashing upon entering and leaving patient's room.
    b. Proper handling and disposal of infectious material.
    c. Procedures for medical and nursing personnel providing for proper isolation techniques.
    d. Health education provided to the patient.
    e. Proper handling of dishes.
    f. Proper handling of patient care equipment.

SEC. 26 INFECTION CONTROL POLICIES

The Infection Control Committee should establish the facility's isolation polices, based on guidelines, A through H, in Sec. 27, enforce their implementation and approve all procedures. Policies and procedures should be reviewed annually and revised as necessary.

An employee health program, outlining routine communications, should be developed by the committee. Immunizations available to all hospital personnel should include diphtheria-tetanus, measles, influenza, and rubella. All employees, especially women of child-bearing age, should be tested for rubella susceptibility, appropriately counseled, and offered rubella immunizations. Rubella susceptible individuals should not be employed in high risk areas unless immunized. High risk personnel, such as those working in the renal dialysis units, should be informed of the risk of hepatitis and related infections and health services should be available to them. Tuberculin non-reactors in a health care facility should be skin tested at least every 6 months and more often if in a high risk area. An x-ray should be obtained if the skin test is positive. Consideration for antituberculous treatment should be given to all reactors an definitely to convertors. If antituberculous treatment is refused, yearly check x-ray is advisable routinely and as necessary for respiratory symptoms.

Stool examinations are strongly recommended pre-employment for food handlers to rule out amoeba, salmonella, etc. Periodic examinations to detect asymptomatic carriers, in general, are unnecessary. Rather, employee education, stressing personal hygiene, and removal of the employee from work when ill with diarrhea, etc., should be strictly enforced. Personnel with cutaneous lesions or other overt infections should not be allowed to care for patients, especially those in nurseries, on the burn unit, or in areas where there are patients with decreased host resistance, nor should such personnel be allowed to prepare or serve food.

SEC. 27 REFERENCES

A. A Manual for the Control of Communicable Diseases in California, California State Department of Health.

B. American Hospital Association: Infection Control in the Hospital.

C. Benenson, A.S. (ed).: Control of Communicable Diseases in Man, American Public Health Association.

D. General Acute Care Hospital Regulations, Title 22, Division 5, Chapter 1.

E. Guidelines for Infection Control Programs, Skilled Nursing Facility, California State Department of Health.

F. Intermediate Care Facilities Regulations, Title 22, Division 5, Chapter 4.

G. Isolation Techniques for Use in Hospitals, U.S. Department of Health, Education and Welfare, Public Health Service, Center for Disease Control.

H. Skilled Nursing Facilities Regulations, Title 22, Division 5, Chapter 3.

PART VI
MORTICIANS AND CEMETERIES

SEC. 28 INSTRUCTIONS TO FUNERAL DIRECTORS

A. GENERAL

The Department of Health Services assist funeral directors in compliance with State Laws. Consult the Public Health Registrar for advice and assistance. Funeral directors must apply for burial permits within five days from date of death (Section 10377, Health and Safety Code).

B. DEPARTMENT OF MEDICAL EXAMINER'S CASES (Section 27491, Health and Safety Code)

1. Any funeral Director or embalmer called in a death from an unknown cause or suspected communicable disease must immediately notify the Department of Medical Examiner and be guided by its order. (Section 7300, 7301, 10225 and 10250, Health and Safety Code.)

2. Among those cases requiring inquiry by the Department of Medical Examiner are: "… deaths known or suspected as due to contagious disease and constituting a public hazard …" A Department of Medical Examiner referral will not be necessary for diagnosed cases of contagious disease, since the local procedures and the action of the Department of Health Services after notification will be the defense against any public hazard.

3. Cases of possible but not diagnosed contagious diseases, such as possible meningitis or possible pulmonary tuberculosis when an autopsy is not contemplated, shall be referred to the Department of Medical Examiner for diagnosis following which notification of proper authorities will be made.

4. Deaths from the following reportable diseases shall be Department of Medical Examiner cases:

Botulism

Food or metal poisoning

Hepatitis (Type B, serum)

Rabies

Tetanus

C. QUARANTINABLE DISEASE REGULATIONS

1. Funeral directors who serve the territory of the County of Los Angeles Department of Health Service (both unincorporated areas and cities under contract) must observe rules and regulations for the control of quarantinable diseases (Section 3110, Health and Safety Code).

2. Hearse or Mortuary Car. Only a hearse or mortuary car can convey the body of any person dead of a communicable disease except when that person died while being transported. An exception is made when the body is prepared for burial and enclosed in a casket and transportation case.

3. Embalming. The funeral director or embalmer must immediately report to the District Health Officer the name and address of the deceased person and all known facts relating to the cause of death, if cause is a suspected communicable disease.

Funeral directors are urged to determine the cause of death whenever possible and to adhere to careful hand washing and other protective techniques.

4. Transportation—Common Carrier

   a. Except as provided in subdivision (b), the bodies of persons who have died from any cause shall not be received for transportation by a common carrier unless the body has been embalmed and prepared by a licensed embalmer and placed in a sound casket and enclosed in a transportation case.

   b. A dead body, which cannot be embalmed or is in state of decomposition, shall be received for transportation by a common carrier if the body is placed in an airtight metal casket enclosed in a strong transportation case or in a sound casket enclosed in an airtight metal or metal-lined transportation case. (Section 7355, Health and Safety Code.)

5. Funeral Services. The funeral director or the District Public Health Registrar will immediately notify the Chief, Public Health Investigation, when a death from any quarantinable disease is certified. The Chief, Public Health Investigation, or his representative, will supervise these funerals.

a. Plague, Smallpox. No services are permitted and interment is under strict supervision of the Department of Health Services for these diseases.

b. Typhus Fever (louse-borne). There are no restrictions if patient had been hospitalized and deloused before death and family contacts have been deloused. Otherwise, funeral services are "Private."

c. Cholera, Diphtheria.

Deaths in quarantinable household.

Private funerals may be required.

The following will apply:

1) No restrictions are imposed where there is no attendance by quarantined contacts provided casket remains closed.

2) In suspected diphtheria without bacteriological diagnosis, funeral directors must immediately notify the District Health Officer. Refrain from using formaldehyde or any disinfectant until the District Health Officer or Coroner obtains a specimen for laboratory examination.

3) All funeral directors must notify the cemetery that such funerals are "Private" and the cemeteries must assist in carrying out these regulations.

4) After the body is prepared for burial, the parents or immediate family members over age 15 may identify the body but without contacting it. Immediately after identification, the casket will be closed and fastened permanently. A glass "sealer" may be used if the family desires. If there is no identification, the casket must be closed and fastened permanently before being transported.

5) Only members of a quarantined household over 15 years of age may attend services to be held only at the grave. Passes for this attendance must be signed by the District Health Officer or his representative. (Section 10376, Health and Safety Code.) Trips to and from the quarantined premises must be made in a private conveyance. Family members must remain apart from others who attend the services.

(Ord. 2023-0032 § 15, 2023.)

SEC. 29 INSTRUCTIONS TO CEMETERY AUTHORITIES

A. GENERAL

The County of Los Angeles, Department of Health Services, will assist cemetery authorities in compliance with State laws.

B. STATE STATUTES

Cemetery authorities in the territory served by the County of Los Angeles, Department of Health Services, must adhere to the following statutes:

1. Interment or cremation or other disposition of any body (including a fetus of 20 or more weeks uterogestation) requires a burial or cremation permit. (Section 10375 and 10175, Health and Safety Code.)

2. Interment of the body of a person dead of a quarantinable disease requires a burial permit marked by the words "Private Funeral."

3. All cemetery authorities will immediately report to the District Health Officer all requests from funeral directors or others for interment of a body dead of a quarantinable disease.

4. In graveside services of persons of a quarantinable disease, all cemetery authorities will be governed by the rules and regulations for funeral directors.

5. Questions regarding the shipment of bodies to foreign countries should be directed to the Public Health Investigation unit of the Department of Health Services.

PART 2 ENVIRONMENTAL MANAGEMENT

RULES AND REGULATIONS NUMBER 1 OF THE LOS ANGELES COUNTY HEALTH DEPARTMENT ADOPTING NATIONAL SANITATION FOUNDATION STANDARDS FOR NEW COMMERCIAL FOOD SERVICE EQUIPMENT

The following Rules and Regulations are adopted effective April 1, 1965 by the Los Angeles County Health Officer pursuant to Section 321 of Ordinance No. 7583, Public Health Code (Los Angeles County Code Section 11.02.160) as a guide to interpret requirements governing the sanitary design and performance of equipment for food establishments.

Standard No. 1—Revised April, 1964
"Soda Fountain and Luncheonette Equipment"

Standard No. 2—Reprinted with revisions April, 1964
"Food Service Equipment"

Standard No. 3—May, 1953 with revisions 1956
"Spray-type Dishwashing Machines"

Standard No. 4—January 1, 1958 as amended, July, 1963
"Commercial Cooking and Warming Equipment"

Standard No. 5—January 1, 1959
"Commercial and Hot Water Generating Equipment"

Standard No. 6—January 1, 1959
"Dispensing Freezers"

C-1—August, 1958
"Basic and Special Criteria for Food Vending Machines"

C-2—Revised April, 1964
"Basic Criteria for the evaluation of Special Equipment and/or Devices"

Copies of such standards shall be kept available for public examination at the Los Angeles County Health Services, 313 North Figueroa, Room 326, Los Angeles.

The following exceptions and modifications are adopted:

GENERAL EXCEPTION:

The installation requirements of "National Sanitation Foundation" standards are not adopted except when specifically stated herein. Installation shall generally conform to the requirements outlined in the drawings and specifications of the Department's latest "Food Equipment Installation Guide" or to standards which the Health Officer determines to be equivalent.

SPECIFIC EXCEPTIONS:

Standard No. 2, dated April, 1964, "Food Service Equipment" is adopted except that Sections 4.19, 4.38 and 4.48 are changed to read as follows:

Section 4.19—Metal doors to enclose openings and provide access to interior compartments shall be fabricated in two basic types of construction; that is, by means of single panel or double panel walls, with or without intermediate insulation. Hinges shall be kept to a minimum. Hinges required in the food zones, shall be easy to clean and of simple take-apart design and construction. Piano-type or fixed pin hinges are not permissible in the food zone. All sliding doors are to be removable. Doors other than metal are to be in accordance with "MATERIALS" specifications and of flush-panel type.

Section 4.38 DRAWERS AND BINS: All drawers, bins, and drawer carriages shall be made readily removable for cleaning. Bins for food ingredients are to be in a totally enclosed space, or when not enclosed, to be provided with a tight-fitting cover. Food ingredient containers, including portable food containers, shall have tight fitting covers and comply with Items 3.01 and 4.03. Square corners and smooth galvanized metal are permitted for containers intended for the storage of dry, unpackaged foods and for dishwashing and pot-washing sinks.

Section 4.48 TOPS OF COUNTERS, TABLES, AND BACK BARS: Tops, if exposed, shall be in one piece, or all seams shall be welded, ground and made smooth, provided that field joints shall comply with Item 4.21. Provided all corners are tight, smooth and tight-jointed laminated hard maple or equivalent topped baker's tables and meat blocks are permitted for bakery and butcher-shop type food preparation.

Standard No. 5, January 1, 1959, "Commercial Hot Water Generating Equipment" is adopted except that Sections 3.04, 5.02, 5.04, 5.06, 5.07, 5.08, 5.09 and 5.15 are deleted and Sections 4.00, 4.01, 5.03, 5.09 are changed to read as follows:

Section 4.00 GENERAL: Hot water generating equipment shall be so designed and installed as to make cleaning of the external surfaces of various units and parts easy, and to minimize places where dirt will collect and where vermin may find shelter.

Section 4.01 SPACE BENEATH: "Where installed in areas where food is processed, stored or prepared, self-supported hot water generating equipment mounted on legs shall have a clear space underneath at least 6" high to provide for proper cleaning. Base mounted units shall provide access for proper cleaning, and shall be designed to be easily cleaned."

Installation requirements of Standard No. 5 are hereby modified to read as follows:

Section 5.03 WATER SUPPLY PRESSURE CONTROL: In order to assure a uniform required volume of hot water for the fresh water rinses of dishwashing machines, when the flow pressure exceeds 25 pounds, either a flow control valve should be installed, that will maintain the prescribed minimum rate of flow under all probable variations in flow pressure, or a reliable pressure reducing valve should be installed and so set as to give 15 to 25 pounds flow pressure on the fresh water rinse line at the dishwashing machine. (It is suggested that 20 pounds flow pressure is the ideal operating pressure.) The flow control valve or the pressure reducing valve should be installed as close to the machine as possible, and outside the recirculation line is used. Each installation should include a suitable gauge cock installed where the flow pressure may be conveniently measured. Flow or pressure control valves should be adjusted with provision for the adjustment to be locked so it cannot be changed without tools.

Section 5.09 RECIRCULATION PUMPS: "Where the length of piping from the heater to a dishwasher designed for intermittent use exceeds 20' an approved means of circulation shall be provided for the 180° F. sanitizing rinse water."

APPENDIX TO STANDARD No. 5

The appendix and the charts and tables of Standard No. 5 are hereby adopted for guidance in determining the quantity of hot water required for various commercial, spray-type dishwashing machine installations.

Criteria C-2 dated April 5, 1961 and revised April, 1962, "Evaluation of Special Equipment and/or Devices" is adopted except that Section 4.03 is amended to read as follows:

Section 4.03 is amended: INTERNAL CORNERS OR ANGLES OF FOOD CONTACT SURFACES:

An internal angle formed by the intersection of surfaces at 135° or less, and to be manually cleaned, shall have a minimum continuous and smooth radius of 1/8 inch. Square corners and smooth galvanized metal are permitted for containers intended for the storage of dry, unpackaged foods and for dishwashing and pot-washing sinks, provided all corners are tight.

Section 4.031 LESSER RADII: Lesser radii may be used where necessary for proper functioning of parts (such as sealing ring grooves, holes, or grooves), provided that they can be readily cleaned.

Section 4.032 GREATER RADII: Greater radii may be required where cleaning, product flow and maintenance requirements indicate.

RULES AND REGULATIONS NUMBER 2 OF THE LOS ANGELES COUNTY HEALTH DEPARTMENT GOVERNING SANITARY PREPARATION AND HANDLING OF SALAD-TYPE SANDWICHES

The following Rules and Regulations are adopted effective April 1, 1965 by the Los Angeles County Health Officer, pursuant to Section 321 of Ordinance 7583, Public Health Code (Los Angeles County Code Section 11.02.160) to provide specific standards governing sanitary protection and handling of salad-type sandwiches.

These Rules and Regulations shall apply to the preparation of salad-type wrapped sandwiches which include, but are not limited to ham salad, tuna salad, egg salad, chicken salad, turkey salad, and sandwiches prepared with similar types of food ingredients which may support the rapid and progressive growth of organisms that may cause food illness.

1. Handwashing facilities with hot and cold running water, discharging through a mixing-type outlet so the user may adjust the temperature, a soap dispenser and sanitary towels, shall be provided and maintained in room or area where sandwiches are prepared and shall be used by all food handlers upon coming to work, after use of toilets and whenever the hands have been subject to contamination.
2. All employees handling unwrapped sandwiches or their ingredients shall wear clean outer garments and head covers, and shall practice sanitary techniques and methods to preserve the purity and sanitary quality of the product and to avoid contamination of the product. Management shall supervise the sanitary preparation of sandwiches and require that no employee with cuts, sores, infections or other conditions with might cause food contamination handles unwrapped sandwiches or ingredients therefor.
3. All utensils and equipment which come in contact with the food shall be of such material, construction and design as to be readily cleanable and shall be kept in a clean and sanitary condition. All equipment which comes in contact with salad-type sandwich ingredients shall be washed in warm water containing a detergent and rinsed by immersion in hot water at 170° F. or above exposed for 1/2 minute to a sanitizing solution approved for multi-use utensils at least once each shift.
4. No mixing, blending, or other processing of ingredients shall be done with hands in contact therewith except where the Health Officer determines it is not practical to handle with implements, such as egg

shelling, handling meat for grinding. Mixing salad ingredients and handling after mixing shall be by clean implements only.

5. Boiled, shelled eggs shall be sanitized before further processing for salad sandwich ingredients. This may be done by dipping in boiling water for 10 seconds or sanitized as approved by the Health Officer.

6. If the ingredients are such as can support the rapid growth of organisms which may cause food-borne illness, those ingredients shall have been kept refrigerated at all times until ready for use in sandwich preparation, except when being processed or as allowed herein.

7. The amount of salad ingredients kept out of refrigeration for making into sandwiches and the sandwich preparation procedures shall be so conducted that no such ingredients will warm to above 50° F. prior to use in preparation.

8. All ingredients for salad-type sandwich fillers shall have been brought to a temperature of 50° F. or below before being placed in the sandwiches. When quantities of such food which have not previously been chilled are placed in the refrigerator for chilling they shall be placed in shallow layers not more than 3" deep and so arranged as to promote rapid and effective chilling or in other containers if their size and shape and the cooling conditions are such as to chill to 50° F. or below as rapidly as a large mass is chilled in a 3" deep container under normal, approved refrigerator conditions.

9. No ingredients shall be used as ingredients for salad-type sandwich unless they have been at all times handled and treated in full compliance with refrigeration and handling requirements applicable to all other sandwich ingredients.

10. Wrapped salad-type sandwiches shall be placed in a refrigerator as each unit box or rack is filled and in no case in more than one hour after preparation.

RULES AND REGULATIONS NUMBER 3 OF THE COUNTY OF LOS ANGELES HEALTH DEPARTMENT GOVERNING INSTALLATION AND USE OF WATER TREATMENT MECHANISMS ON CONSUMER DOMESTIC WATER SUPPLY LINES

The following Rules and Regulations of the County of Los Angeles Health Officer Governing the Installation and Use of Water Treatment Mechanisms on Consumer Domestic Water Supply Lines are established in furtherance and clarification of Section 501 of the Public Health Code, (Ordinance No. 7583) (Los Angeles County Code Section 11.38.030) dealing with cross-connections. Authority: Section 321, Ordinance No. 8588. (Los Angeles County Code Section 11.02.160.) Effective: July 13, 1970.

It is the position of the Health Officer that:

(a) public water supplies as delivered to consumer premises are or should be of such character as to be in the greatest degree acceptable for domestic use without further treatment,

(b) the unwarranted addition of chemicals to the domestic water supply is not in the public health interest,

(c) the uncontrolled addition of chemicals to the domestic water supply is contrary to public health and safety,

(d) the burden of proof in establishing a need for and beneficial effect of water treatment rests with the proponent,

(e) chemicals proposed for use shall be unequivocally safe in dosage and manner applied to the satisfaction of the Health Officer,

(f) violation of these rules and regulations constitutes a cross-connection violation and is subject to abatement as such.

1. No person shall install, maintain, or use any water treatment mechanism, device or contrivance on any domestic water line to or within any consumer premises without prior written approval and authorization by the Health Officer. Exception: This section shall not apply to:

   (a) the installation of water treatment equipment to industrialized water systems protected against backflow by the proper installation of approved backflow prevention devices,

   (b) salt (sodium chloride) regenerated zeolite softeners.

2. No person shall add or introduce any chemical into any domestic water supply line to or within any consumer premise in any manner without prior written approval and authorization by the Health Officer. Exception: This section shall not apply to the salt (sodium chloride) regeneration of zeolite softeners.

3. The following criteria shall be used in evaluating an application for installing a water treatment mechanism or applying chemical treatment to a domestic water system.

A. Need: Documentation shall be provided establishing that a water problem exists and is subject to control by the treatment proposed.

B. Safety:

   (1) Each formulation proposed for use shall be registered with the Health Officer, giving complete chemical analysis and percentage composition as prepared by a recognized laboratory.

   (2) Each mechanism, device, or contrivance proposed for use shall be registered with the Health Officer, with detailed mechanical drawings and materials specifications.

   (3) Each such unit shall be of durable construction and protected from unauthorized entry by a locking mechanism.

C. Dosage: Chemicals shall applied at the lowest level to accomplish intended purpose.

D. Feed:

   (1) Chemical feed shall be proportionate to water flow through the system treated.

   (2) Accuracy of the feed mechanism shall be such as to maintain applied dosage within the intended range.

   (3) Each mechanism, contrivance, or device shall be designed and/or equipped so as to prevent the back siphonage of treatment chemicals into downstream piping in conflict with the foregoing.

   (4) Certified reports from reputable chemical and mechanical testing laboratories shall be submitted to the Health Officer documenting

      (a) proportionality of feed,

      (b) accuracy of the feed mechanism over the full range of anticipated water flow,

      (c) prevention of siphonage.

E. Identification: Each assembly of any water treatment mechanism, device, or contrivance shall bear a permanently affixed and durable nameplate, decal, label or similar identification with the following information in easily readable form and size: manufacturer, model, size, and where appropriate, serial number.

In addition thereto, each assembly shall bear a permanently affixed and durable plate, decal, label or similar identification, mounted in a position readily in view of a person charging the unit, bearing the following information in easily readable form and size: Caution: This unit has been approved for the application of (formulators name and compound identification) only.

4. Chemicals shall be stored and dispensed in a sanitary manner from original containers bearing descriptions of materials, manufacturer/formulator, and address, or repackaged or dispensed in a sanitary manner from similarly identified containers.

5. Control of treatment at each installation shall be based upon the laboratory findings of a reputable laboratory. The permittee shall submit semi-annual chemical, physical or other laboratory test results to the Health Officer to substantiate the beneficial effect of treatment.

6. Upon finding by the Health Officer that a permittee is unable to establish the effect of water treatment in accordance with need declared in application, authorization for said treatment may be revoked.

7. Upon revocation of authorization by the Health Officer, a permittee shall immediately discontinue water treatment and shall within 30 days thereafter dismantle and remove any water treatment mechanism, device, or contrivance associated therewith from the water system.

8. Upon cessation of water treatment, for any cause whatever, any water treatment mechanism, device or contrivance associated therewith shall within 30 days be dismantled and removed from the water system by the permittee.

RULES AND REGULATIONS NUMBER 4 OF THE COUNTY OF LOS ANGELES DEPARTMENT OF HEALTH SERVICES GOVERNING PASS-THROUGH OPENINGS TO THE OUTSIDE OF RESTAURANTS AND OTHER FOOD ESTABLISHMENTS, EXCEPT TEMPORARY FOOD STANDS AND MOBILE FOOD PREPARATION VEHICLES

The following Rules and Regulations are adopted effective December 1, 1976 by the Los Angeles County Health Officer pursuant to Sections 321, 352, and 374 of the Public Health Code, Ordinance No. 7583, as amended, to (Los Angeles County Code Sections 11.02.160, 11.12.010 and 11.12.230) to provide for the protection of foods from contamination by flies and other insects and from dust, dirt or other contamination. Violation of these rules and regulations constitutes a violation of Sections 352 and/or 374 of Ordinance No. 7583 (Los Angeles County Code Sections 11.12.010 and/or 11.12.230), and may be prosecuted as such.

1. All pass-through food service openings to the outside of restaurants and other food establishments shall comply with the following:
    a. The counter surfaces at the openings shall be smooth and cleanable.
    b. As an integral part of the opening, a closure shall be provided to exclude the entry of dust and vermin.
    c. Openings shall remain closed when not in use.
    d. Openings shall not be closer together than 18 inches.
    e. When flies, insects, or other vermin or dust, dirt, or other contaminants are present, additional control measures shall be provided.
2. Food service pass-through opening size requirements for new restaurants or food establishments:
    a. Pass-through openings without fly exclusion devices shall be limited to a maximum size of 216 square inches.
    b. Openings exceeding 216 square inches, up to a maximum of 432 square inches (3 square feet), shall be equipped with an effective fly exclusion device.
    c. In order to construct an opening larger than 3 square feet, a unique or necessary need must be demonstrated and a written variance must be obtained from the Health Officer. Such openings

shall be limited to a maximum size of 6 square feet and shall be provided with an effective fly exclusion device.

3. Restaurants and food establishments existing on the effective date of these rules and regulations shall comply with the following:

    a. No food service pass-through opening shall exceed 6 square feet.

    b. Existing pass-through openings without effective fly exclusion devices shall be limited to a maximum size of 3 square fee. All existing openings in excess of 3 square feet and up to 6 square feet shall be provided with an effective fly exclusion device.

4. Restaurant and food establishment food service pass-through openings in excess of 6 square feet existing on the effective date of these rules and regulations shall be modified to comply with one of the following:

    a. Pass-through openings without effective fly exclusion devices shall be limited to a maximum size of 216 square inches.

    b. Openings exceeding 216 square inches, up to a maximum of 432 square inches (3 square feet), shall be equipped with an effective fly exclusion device.

    c. In order to construct an opening larger than 3 square feet, a unique or necessary need must be demonstrated and a written variance must be obtained from the Health Officer. Such openings shall be limited to a maximum size of 6 square feet and they shall be provided with an effective fly exclusion device.

5. Fly exclusion devices referred to by these rules and regulations shall be of a type prescribed by or acceptable to the Los Angeles County Health Officer and shall be effective in their operation. Installation, operation, and maintenance of fly exclusion devices shall be in a manner prescribed by or acceptable to the Health Officer.

RULE AND REGULATIONS NUMBER 5 OF THE LOS ANGELES COUNTY DEPARTMENT OF HEALTH SERVICES ADOPTING SCHEDULE FOR FEES FOR SERVICES RENDERED BY THE HEALTH OFFICER

The following Rule and Regulation is adopted effective October 19, 1979, by the County of Los Angeles Health Officer pursuant to Section 751 of Ordinance 7583, Public Health Code (Los Angeles County Code Section 11.06.020) as a schedule of fees for the granting of permits and on-site inspections to determine compliance to all codes and regulations for the drilling, modifying, converting or destroying of water wells; for plot plan review, investigation, soil porosity testing, and on-site inspections as necessary to determine requirements for and approval of private sewage disposal systems; and to include fees for technical services provided to applicants by the department for the on-site inspection and approval of existing private sewage disposal systems and to determine the adequacy and safety of water supplies, waste disposal and structure of cabins for occupancy within the boundaries of the United States Forest Service.

Failure to pay said fees as provided for in Chapter 8.04 of Title 8 shall constitute violation of Section 751 of Ordinance 7583 (Los Angeles County Code Section 11.06.020), and may be prosecuted as such.

(Ord. 2005-0053 § 17, 2005; Ord. 88-0106 § 30, 1988; Ord. 87-0064 § 3, 1987; Ord. 86-0099U § 3, 1986; Ord. 85-0111U § 3, 1985; Ord. 84-0099 § 3, 1984; Ord. 84-0097U § 3, 1984.)

PART 3 OCCUPATIONAL HEALTH RULES AND REGULATIONS OCCUPATIONAL HEALTH DIVISION

The following Rules and Regulations are adopted effective July 1, 1968, by the Los Angeles County Health Officer, in accordance with Section 32 I, Ordinance No. 7583, Public Health Code (Los Angeles County Code Section 11.02.160), to interpret Sections 1151, 1153, 1154, 1155, 1159, 1160, 1162, 1163, 1173, 1174, 1175, 1189, 1190 and 1191 of said ordinance (Los Angeles County Code Sections 11.22.500, 11.22.610, 11.22.620, 11.22.630, 11.22.640, 11.22.650, 11.22.690, 11.22.720, 11.22.740, 11.22.750, 11.22.760, 11.22.770, 11.22.890 and 11.22.900).

PART I. DEFINITIONS

Section 1. Definition of Terms

For the purposes of these rules and regulations the following definitions shall apply.

1.1 Breathing zone—The area or zone of a worker's head during normal operation of a process or while at work.

1.2. Capture velocity—The velocity of air at specified points or zones which causes air contaminants to flow to an exhaust system.

1.3. Conveying velocity—The air speed determined to be necessary to convey a contaminant through a duct or system.

1.4. Corrosive—Any substance which on contact will cause destruction or damage to living tissue by chemical action. This term shall not refer to action on inanimate surfaces.

1.5. Gassing—The rate of generation of a contaminant.

1.6. General ventilation—Introduction of uncontaminated air into an area, room or building or exhausting air therefrom by other than local exhaust ventilation systems.

1.7. Hood—Any air intake device connected to an exhaust ventilation system or duct to capture and remove dusts, fumes, gases, vapors, mists, smoke, heat or otherwise provide local exhaust ventilation.

1.8. Irritant—Any substance not necessarily corrosive as defined in Section 1.4., but which on either immediate, prolonged or repeated contact with normal living tissue will induce an inflammation or irritation.

1.9. Lateral exhaust—Local exhaust ventilation designed with slots at the periphery or along the midsection of a surface or tank for the purpose of preventing escape of significant amounts of contaminants to the breathing zone.

1.10. Local exhaust ventilation—A ventilating system intended to capture air contaminants at or near their point of origin and transport them to an approved exhaust system.

1.11. Natural ventilation—General ventilation without the aid of mechanical air moving devices.

1.12. Non-ionizing radiation—As related to industrial sources comprises electromagnetic radiation within the spectral range of approximately 50 to 3 X 1010; including ultraviolet, coherent light, visible infrared and microwave radiation.

1.13. Strong sensitizer—A substance which will cause on normal living tissue through an allergic or photodynamic process a hypersensitivity which becomes evident on reapplication of the same substance.

1.14. Maximum Acceptable Concentration—Exposure to dust, fumes, mists, vapors or gases of such concentration as to produce effects herein defined as harmful. Concentrations which are considered to be the Maximum Acceptable Concentrations for various substances are listed in Part IX Supplement, Appendix C, Maximum Acceptable Concentrations.

1.15. Toxic substance—A toxic chemical as defined by Section 1124 of Ordinance No. 7583 (Los Angeles County Code, Section 11.22.250).

PART II. GENERAL REQUIREMENTS

Section 2.1. Duct System

2.2. When the space under, above, behind or beside duct systems must be regularly cleaned, a clear space of at least six (6) inches for cleaning or maintenance shall be provided.

2.3. Where materials may accumulate in an approximately horizontal duct and thereby reduce the system's efficiency significantly below design requirements, access openings for cleaning shall be provided therein at least every ten (10) feet in ducts smaller than one hundred and ninety (190) square inches in cross sectional area and at least every twenty (20) feet in larger ducts.

2.4. Cleanout openings shall be at least as large as the duct they serve or one hundred and ninety (190) square inches, whichever is the smaller.

2.5. Cleanout openings in the duct or fan shall provide ready access to the fan housing and blade.

2.6. Suitable shut-off devices or caps shall be installed on all openings to the system which are not intended and used for ventilation and such openings shall be kept closed except when in actual use for access or maintenance.

Section 3. Confined Space

3.1. Whenever a worker enters a confined space or works where concentrations of gases, vapors, dusts, mists, fumes or smoke are likely to produce conditions potentially hazardous to health, the following shall apply.

3.2. Persons engaged in the operation shall be advised of hazards they may encounter.

3.3. Lines which may convey toxic substances to the confined space shall be disconnected and "blinded off" or other positive means shall be used to prevent such substances from entering the confined space while occupied by workers.

3.4. Before entering the confined space it shall be emptied, flushed and purged of toxic substances. Workers entering such space shall be adequately protected by one of the following means,

(a) Approved oxygen or supplied air respiratory equipment.

(b) If respirators other than described in 3.4(a) are used, they be approved and sufficient make-up air shall be continuously supplied to mitigate any potential hazard due to oxygen deficiency or excess contamination as stated on the canister. Appropriate tests shall be made prior to entering and while working in confined spaces.

(c) In addition to (a) and (b) above, workers shall be provided with such protection as may be necessary to prevent a health hazard from contact or by skin absorption.

3.5. Persons entering tanks, vessels or confined spaces shall wear an approved safety belt with a life line attached, or another approved device shall be used. At least one person shall be able and ready to give assistance in case of emergency and shall stand by on the outside when any person is on the inside. When conditions require the wearing of respiratory equipment in a confined space, the person ready to give assistance shall have such approved respiratory equipment instantly available.

3.6. Wherever work is to be performed in a confined space, provisions shall be made to permit ready entry and exit of the worker and of the rescuing person.

3.7. All work periods in a confined space shall be only as long as the worker can reasonably endure such conditions without serious discomfort and without hazard to health.

Section 4. Illumination.

4.1. For purposes of this code, the recommended lighting standards should conform with those recommended and approved September, 1962 by the Illuminating Engineering Society

Section 5. Non-ionizing Radiation

5.1. Workmen shall not be exposed to hazardous levels of non-ionizing radiations.

Section 6. Protection Against Light Radiation

6.1. All employees who are engaged in gas or arc cutting and welding or similar operations employing fuel gas torches or electric arc equipment and other employees who are in the immediate vicinity of such operations and exposed to radiant energy, heat energy or excessive brightness shall be shielded or be provided with and required to wear properly shaded goggles for eye protection or face masks or helmets equipped with properly shaded eye protection to protect the exposed portions of the face.

6.2. Where practicable, permanent or portable shields or curtains shall be provided that will surround the actual operations sufficiently to shield other employees in the area from the rays. Where such shields are employed, they shall be made of fire resistive materials or may be of heavy canvas construction treated with fire resistive solutions. Such curtains or enclosures shall be open at the bottom and only high enough to accomplish their purpose without unduly interfering with the general ventilation of the area.

6.3. Employees exposed to radiant energy from gas cutting, welding, flame heating and hardening and brazing operations shall be provided with and required to wear properly fitted and shaded goggles to protect the eyes, and such goggle protection devices which meet the minimum current requirements of the United States of American Standards Institute Safety Code Z2-1-1959 shall be deemed compliance with this rule.

6.4. Employees directly engaged in arc cutting and welding shall be provided with and required to use a shield or helmet that protects the face; such shield or helmet shall be provided with one or two windows and fitted with the proper shaded glass for eye protection. Such shields and helmets which meet the minimum current requirements of the United States of America Standards Institute Safety Code Z2-1-1959 shall be deemed compliance by the employer with this rule. Helpers or other employees in the immediate vicinity of such operations, but not necessarily exposed to skin injuries due to radiation, shall be provided with and required to wear properly shaded goggles to protect the eyes against radiation; such goggles which meet the minimum requirements of the United States of America Standards Institute Safety Code Z2-1-1959 shall be deemed compliance by the employer with this rule.

PART III. STORAGE OF TOXIC SUBSTANCES

Section 7. Storage Area

7.1. Toxic substances kept in open containers shall be stored in a special storage area separated from the rest of the plant and under conditions not potentially hazardous to health. Such area shall be accessible only to especially authorized personnel.

7.2. The floor shall be kept in good repair and designed to permit removal or disposal of spillage without creating a hazard to health.

7.3. The storage area for toxic substances in opened containers shall be well ventilated. Such areas shall have ventilating openings to the outside air equivalent to at least 5% of the floor area and such additional ventilation as necessary to prevent the accumulation of toxic substances significantly above their threshold limit values.

7.4. Mechanical exhaust ventilation shall be provided as may be necessary to accomplish the requirements of Section 7.3.

Section 8. Emergency Precautions

8.1. In storage areas where a spill, rupture or break of containers may create a hazard to health, adequate approved personal protective equipment shall be kept conveniently available.

8.2. Standard operating procedures for mitigating situations described in Section 8.1. shall be posted at the entrance to the storage area.

Section 9. Empty Containers

9.1. Empty containers which have held toxic substances shall be properly drained, have all openings tightly closed and shall remain in controlled storage (as in Section 7.1.) until returned to the supplier, safely disposed, reused as authorized under Section 12.3 or all residue of such toxic chemicals is removed therefrom.

PART IV. HANDLING OF TOXIC SUBSTANCES

Section 10. General

10.1. Toxic substances shall be handled in such a manner as to eliminate or minimize the discharge into a working environment of dusts, fumes, mists, gases, vapors, or smoke.

10.2. When toxic substances are handled manually, the handlers shall wear adequate personal protective clothing and equipment as specified in Part V.

10.3. Persons who handle toxic substances shall be instructed as to the hazardous nature and proper handling procedures for such substances.

Section 11. Transfer

11.1. Insofar as practical, the transfer of toxic or corrosive materials shall be accomplished in self-contained, enclosed systems.

11.2. Transfer of toxic substances from one container to another by mouth pipettes, mouth siphon or mouth suction shall be prohibited.

Section 12. Containers

12.1 All toxic substance containers shall be equipped with tight closures, shall be designed and constructed to be resistant to shock incident to normal handling, and shall be of materials that will not react dangerously with or be significantly deteriorated by the substance packed therein.

12.2. All containers of toxic substances shall be properly labeled as specified in Part VI.

12.3. A container which has been used for toxic substance shall not be used for any other substances unless the requirements of Part III, Section 9, of these rules and regulations are satisfied.

Section 13. Carboys

13.1. Carboys shall be emptied only by the following methods:

(a) By suction from a vacuum pump or aspirator.

(b) By starting a siphon with a rubber or plastic bulb ejector.

(c) By using a carboy incinerator which hold the carboy firmly by the top and sides and automatically returns to the neutral position when released.

13.2. When carboys must be moved from one location to another within the plant, a long-handled carboy truck shall be used. It shall pick up the boxed carboys under the handle cleat or by the bottom cleat provided on all standard 12- or 13-gallon boxed carboys.

Section 14. Piping

14.1. All piping containing toxic substances shall be adequately labeled as to its contents.

Section 15. Personal Hygiene

15.1. There shall be no smoking, eating, drinking or storage of food in areas where toxic substances are stored, handled or used.

15.2. Adequate convenient facilities for personal cleanliness shall be provided where toxic substances are handled.

Section 16. Emergency Procedures

16.1. Standard operating procedures for dealing with an accidental spill or splash of a toxic substance shall be posted in working areas. Personnel shall be instructed regarding the provisions thereof

16.2. Adequate emergency equipment and protective clothing shall be readily available.

16.3. Adequate first-aid facilities shall be provided and kept in a clean and sanitary condition.

PART V. PERSONAL PROTECTIVE EQUIPMENT

Section 17. Respirators

17.1. Use.

17.2. Respirators shall not be used as a substitute for effective ventilation or process controls. They may be used only as follows:

(a) As a necessary adjunct to other controls.

(b) Where the operation is infrequent and of short duration.

(c) Under emergency conditions only until effective ventilation or process controls are installed.

17.3. Workers shall be provided with a clear understanding of the reasons for and limitations of respirator usage and management shall see that they are used, as necessary.

17.4. Selection.

17.5. Only respirators which have been tested and approved by the United States Bureau for Mines or California Division of Industrial Safety may be used. They shall be used only for purposes and under conditions for which such approval has been granted.

17.6. The respirators shall be of a type and so used as to insure proper fit and a minimum of discomfort and resistance to breathing.

17.7. Maintenance.

17.8. Respirators used by one person shall be cleaned and sanitized with an effective germicidal agent prior to use by another person.

17.9. All respirators shall be so maintained and filters, cartridges and canisters shall be checked regularly and replaced as often as necessary to provide the intended protection without excessive resistance to passage of air.

17.10. Storage.

17.11. All respirators not regularly in use shall be cleaned, sanitized and checked to assure that they are in good condition prior to storage and then kept in a clean, dry place.

Section 18. Gloves, Aprons, Boots, and Eye Protection

18.1. Persons who work in areas where their clothing, skin or eyes may be sprayed or splashed with corrosives, irritants, allergens or skin absorbent materials shall wear impervious gloves, aprons, boots, or clothing and suitable goggles as are necessary for protection against the particular hazard(s).

18.2. Such personal protection equipment shall be stored and maintained in a good and sanitary condition.

Section 19. Emergency Eye Fountains and Showers

19.1. Where toxic substances are stored, handled or used, emergency flood showers and eye wash fountains or other emergency water supply acceptable to the Health Officer shall be provided in the immediate area. However, if in the opinion of the Health Officer, toxic substances other than corrosives are used and the hazard to skin and clothing is a minimum then eye wash fountains only need be provided.

19.2. Shower and eye fountains shall be connected to a potable water supply line and shall be supplied with adequate pressure and quantity of water at all times.

PART VI. LABELING

Section 20. Containers

20.1. All containers of toxic substances shall be labeled in accordance with Article 85 of the California General Industry Safety Orders, California Administrative Code or with the general principles outlined in "Guide to Precautionary Labeling of Hazardous Chemicals," Manufacturing Chemists' Association, Inc., Sixth Edition, 1961, whichever is most restrictive.

PART VII. LOCAL EXHAUST VENTILATION

Section 21. Design

21.1. Local exhaust ventilator systems required to control air contaminants shall be designed, installed, maintained and operated to meet the minimum requirements in the tables in Part VIII, Appendix A, unless specified elsewhere in the Rules and Regulations or unless otherwise approved in writing by the Health Officer

21.2. Such systems shall be designed so contaminants are not brought to worker's breathing zones on their way to the exhaust hood.

21.3. Rooms or areas in which such systems are installed shall be provided with properly located air inlets to provide as much make-up as is exhausted.

21.4. Air from local exhaust ventilation systems shall not be recirculated if the contaminant is a toxic substance.

Section 22. Air Filters for Paint Spray Booths

22.1. Air filters shall be maintained in such a manner as to prevent excessive pressure drop.

22.2. Resistance of the air filters shall not exceed the point where blower cfm is reduced below the required quantity for proper operation of the equipment involved.

22.3. A gauge indicating air filter resistance in tenths of inch (0.1”) of water column shall be part of all equipment requiring air filters. Gauge shall be located on the outside wall of the air filter compartment and easily accessible for reading.

PART VIII. SUPPLEMENT
APPENDIX A
TABLES
OPEN SURFACE TANKS—GENERAL DESIGN FACTORS

Table I. DETERMINATION OF GAS, VAPOR OR MIST HAZARD POTENTIAL*			
Maximum Acceptable Concentration			
Hazard Potential	Gas & Vapor	Mist	Flash Point
A	0-100 ppm	0-0.1 mg/M^3	under 100 F.
B	101-500 ppm	0.101-0.5 mg/M^3	100*200 F.
C	Over 500 ppm	over 0.5 mg/M^3	over 200 F.
* Note: "Hazard Potential" is based upon either maximum acceptable concentration or flash point, whichever produces the highest hazard potential.			

Table II. DETERMINATION OF RATE OF GAS VAPOR OR MIST EVOLUTION				
Rate	Temperature of liquid degrees F.	Degrees below boiling point degrees F.	Relative Evaporation (time for 100% evaporation)	Gassing
1	over 200	0-20	Fast (0-3 hrs.)	High
2	150-200	21-50	Medium (3-12 hrs.)	Medium
3	94-149	51-100	Slow (12-50 hrs.)	Low
4	under 94	over 100	Nil (over 50 hrs.)	Nil

Table III. MINIMUM CAPTURE VELOCITY (FPM) FOR UNDISTURBED LOCATIONS					
	Enclosing Hood		Canopy Hoods		
Class I (See Tables I & II)	One open side	Two open sides	Lateral Exhaust	Three open sides	Four open sides
A-1,A-2,B-l	75	100	100	125	175
A-3,B-2,C-1	65	90	75	100	150
B-3, C-2	50	75	50	75	125
A4, B-4, C-4	Adequate general room ventilation sufficient				

Use of Tables I, II and III.

1. Classify open surface tank operations by (a) hazard potential (letter designation A to C from Table 1 and (b) rate of gas, vapor or mist evolution (number designation 1 to 4 from Table II).

2. (a) Determine class of open surface tank operations by (1) the substance(s), which may be released into the atmosphere and (2) the nature of such substance(s). When more than one substance is involved, base the class of operation on the substance having the highest hazard potential.

   (b) Determine rate of gas, vapor or mist evolution (1 to 4 from Table II.)

Reference for "Rate of Gassing" is Table 5-5-2, Appendix Industrial Ventilation, American Conference of Governmental Hygienists, Ninth Edition, 1966.

3. Design of local exhaust ventilation systems should conform to the most hazardous condition that might occur, i.e., an operation shall be classified according to the highest hazard potential (Table I) and highest rate of evolution (Table II) that might occur—use strictest criteria in each table for determining classification.

Table IV. MINIMUM CAPTURE VELOCITY FOR DUST CONTROL	
Condition of dispersion of contaminant Minimum capture velocity (FPM)	
Released with practically no velocity into quiet air	50
Released at low velocity into moderately still air	100
Active generation into zone of rapid air motion	200
Released at high initial velocity into zone of rapid air motion	300

Table V. MINIMUM CONVEYING VELOCITY	
Material Conveyed	Minimum conveying velocity in ducts (FPM)
Vapor, gases, fumes, very fine dusts	1500
Average industrial dusts	3500
Coarse particles, heavy loads, moist	4500

APPENDIX B
REFERENCE LIST

1. INDUSTRIAL VENTILATION—A MANUAL OF RECOMMENDED PRACTICE, published by the American Conference of Governmental Industrial Hygienists, Ninth edition, 1966.

2. METAL FINISHING GUIDEBOOK, published by Finishing Publications, Inc., 1960.

3. GUIDE TO PRECAUTIONARY LABELING OF HAZARDOUS CHEMICALS, Manufacturing Chemists' Association, Inc., Sixth edition, 1961.
4. "Proposed Revision to the 1955 American Standard Minimum Requirements for Sanitation in Places of Employment"—For California, Metropolitan Directors of Environmental Sanitation, March 1959.
5. GENERAL INDUSTRIAL SAFETY ORDER'S, State of California, Department of Industrial Relations.
6. EXHAUST HOODS, J. M. Dalla Valle, Industrial Press, New York, New York, 1952.
7. ACCIDENT PREVENTION MANUAL FOR INDUSTRIAL OPERATIONS, National Safety Council, 4th edition, Chicago, Illinois, 1959.
8. Federal Hazardous Substances Labeling Act.
9. California Hazardous Substances Labeling Act (excerpt from the California Health and Safety Coded.
10. Manuals of Stand and Recommended Practice Nos. C-1, C-2, D-31 and D-40, Manufacturing Chemists' Association, Inc.
11. Threshold Limit Values for 1967 (adopted at the 29th Annual Meeting of the American Conference of Governmental Industrial Hygienists).
12. Recommended Lighting Standards, Illuminating Engineering Society, September 1962.
13. United States of America Standards Institute Safety Code Z2-1-1959.

PART IX. SUPPLEMENT
APPENDIX C
MAXIMUM ACCEPTABLE CONCENTRATIONS

Acetaldehyde	200	360
Acetic acid	10	25
Acetic anhydride	5	20
Acetone	1,000	2,400
Acetonitrile	40	70
Acetylene dichloride, see 1, 2-Dichloroethylene	—-	—-
Acetylenetetrobromide	1	14
2-Tetrachloroethane	—-	—-
Acetylene tetrochloride, see 1, 1, 2, Acrolein	0.1	0.25
Acrylamide-Skin	—-	0.3
Acrylonitrile-Skin	20	45
Aldrin-Skin	—-	0.25
Allyl alcohol-Skin	2	5
Allyl chloride	1	3
Allyl glycidyl ether (AGE)	10	45
Allylpropyldisulfide	2	12
Aminodimethylbenzene, see Xylidine	—-	—-
2-Aminoethanol, see Ethanolamine	—-	—-
2-Aminonaphthalene, see B-Naphthylamine	—-	—-
2-Aminopyridine	0.5	2
Ammonia	50	35
Ammonium sulfamate (Ammate)	—-	15
n-Amylacetate	100	525
sec-Amylacetate	125	650

Aniline-Skin	5	19
Anisidine (o, p-isomers)Skin	—-	0.5
Antimony and compounds (as Sb)	—-	0.5
ANTU (Alpha naphthyl thiourea	—-	0.3
Arsenic and compounds (as As)	—-	0.5
Arsine	0.05	0.2
Azinphos-methyl-Skin	—-	0.2
Barium (soluble compounds)	—-	0.5
Benzene-Skin	25	80
Benzidine-Skin	—-	A[1]
p-Benzoquinone, see Quinone	—-	—-
Benzol, see Benzene	—-	—-
Benzoyl peroxide	—-	5
Benzyl chloride	1	5
Beryllium	—-	0.002
Boronoxide	—-	15
Boron triflouride	1	3
Bromine	0.1	0.7
Bromoform-Skin	0.5	5
Butadiene (1, 3-butadiene)	1,000	2,200
Butanethiol, see Butyl mercaptan	—-	—-
Butanol, see Butyl alcohol	—-	—-
2-Butanone	200	590
2-Butoxy ethanol-Skin	50	240
Butylacetate (n-butyl acetate)	150	710
n-Butyl acetate	150	710
sec-Butyl acetate	200	950
tert-Butyl acetate	200	950
Butyl alcohol	100	300
tert-Butyl alcohol	100	300
Butylamine—Skin	5	15
Butyl cellosolve, see 2-Butoxy ethanol	—-	—-
tert-Butyl chromate (as CrO3)-Skin	—-	0.1
n-Butyl glycidyl ether (BGE)	50	270
Butyl mercaptan	10	35
p-tert Butyltoluene	10	60
Cadmium (Metal dust and soluble salts)	—-	0.1
Cadmium oxide fume	—-	0.1
Calcium arsenate	—-	1
Calcium oxide	—-	5
Camphor	—-	2
Cabaryl (Sevin) (R)	—-	5
Carbolic acid, see Phenol	—-	—-
Carbon black	—-	3.5
Carbon dioxide	5,000	9,000
Carbon disulfide-Skin	20	60
Carbon monoxide	50	55

Carbontetrachloride-Skin	10	65
Cellosolve, see 2-Ethoxyethanol	—-	—-
Chlordane—Skin	—-	0.5
Chlorinated camphine-Skin	—-	0.5
Chlorinated diphenyl ether, see Chlorinated diphenyl oxide	—-	—-
Chlorinated diphenyl oxide	—-	0.5
Chlorine	1	3
Chlorine dioxide	0.1	0.3
Chlorine trifluoride	0.1	0.4
Chloroacetaldehyde	1	3
Chlorobenzene (monochlorobenzene)	75	350
o-Chlorobenzylidene malononitrile (OCBM)	0.05	0.4
Chlorobromonethane	200	1,050
2-Chloro-1, 3-butadiene, see Choloroprene	—-	—-
Chlorodiphenyl (42% chlorine)-Skin	—-	1
Chlorodiphenyl (54% chlorine)-Skin	—-	0.5
1-Chloro-2, 3-exposypropane, see Epichlorohydrin	—-	—-
2-Chloroethanol, see Ethylene chlorohydrin	—-	—-
Chloroform (trichloromethane)	50	240
1-Chloro-1-nitropropane	20	100
CMropicrin	0.1	0.7
Chloroprene-Skin	25	90
Chloropropylene oxide, see Epichlorohydrin	—-	—-
Chromic acid and chromates (as Cr03)	—-	0.1
Coal tar pitch volatiles (benzene soluble fraction) (anthracene, BaP, phenanthrene, acridine, chrysene, pyrene)	—-	0.2
Cobalt	—-	0.5
Copper fume	—-	0.1
dusts and mists	—-	1.0
Cotton dust (raw)	—-	1
Crag (R) herbicide	—-	15
Cresol (all isomers)-Skin	5	22
Crotonaldehyde	2	6
Cumene-Skin	50	245
Cyanide (as CN)-Skin	—-	5
Cyclohexane	300	1,050
Cyclohexanol	50	200
Cyclohexanone	50	200
Cyclohexene	300	1,015
Cyclophentadiene	75	200
2, 4-D	—-	10
DDH, see 1, 3-Dichloro-5, 5-dimethyl hydrantoin	—-	—-
DDT-Skin	—-	1
DDVP-Skin	—-	1
Decaborane-Skin	0.05	0.03
Demeton (R)-Skin	—-	0.1
Diacetone alcohol (4-hydroxy-4-methyl-2-pentanone	50	240

1, 2-Diaminoethane, see Ethylenediamine	—-	—-
Diazomethane	0.2	0.4
Dibenzoyl peroxide, see Benzoyl peroxide	—-	—-
Diborane	0.1	0.1
1, 2-Dibromoethane (ethylene dibromide)-Skin	25	190
o-Dichlorobenzene	50	300
p-Dichlorobenzene	75	450
Dichloromonofluoromethane	1,000	4,200
1, 3-Dichloro-5, 5-dimethyl hydrantoin	—-	0.2
1, 1-Dichloroethane	100	400
1, 2-Dichloroethane	50	200
1, 2-Dichloroethylene	200	790
Dichloroethylether-Skin	15	90
Dichloromethane, see Methylenechloride	—-	—-
Dichloromonofluoromethane	1,000	4,200
1, 1-Dichloro-1-nitroethane	10	60
2, 4-Dicholorphenoxyacetic acid, 2, 4-D	—-	—-
1, 2-Dichloropropane, see Propylenedichloride	—-	—-
Dichlorotetrafluoroethane	1,000	7,000
Dieldrin-Skin	—-	0.25
Diethylamine	25	75
Dlethylamino ethanol-Skin	10	50
Diethylether, see Ethyl ether	—-	—-
Di-2-ethylhexylphthalate, see Di-sec, octy phthalate	—-	—-
Difluorodibromoethane	100	860
Diglycidyl ether (DGE)	0.5	2.8
Dihydroxybenzene, see Hydroquinone	—-	—-
Diisobutyl ketone	50	290
Dimethoxymethane, see Methylal	—-	—-
Dimethylacelimide-Skin	10	35
Dimethylamine	10	18
Dimethylaminobenzene, see Xylidene	—-	—-
Dimethylaniline (N-dimethylaniline)-Skin	5	25
Dimethylbenzene, see Xylene	—-	—-
Dimethyl, 1, 2-dibromo-2, 2-dichloroethyl phosphate (Dibrom)(R)	—-	3
Dimethyl dichlorovinyl phosphate, see DDVP	—-	—-
Dimethylformamide-Skin	10	30
2, 6-Dimethylheptanone, see Diisobutyl ketone	—-	—-
1, 1-Dimethylhydrazine-Skin	0.5	1
Dimethyl ketone, see Acetone	—-	—-
Dimethylsultate-Skin	1	5
Dinitrobenzene (all isomers)-Skin	—-	1
Dinitro-o-cresol-Skin	—-	0.2
Dinitrotoluene-Skin	—-	1.5
Dioxane (Diethylene dioxide)-Skin	100	360
Diphenyl chloride, see Chlorodiphenyl	—-	—-
Diphenylmethane diisocyanante, see Methylene bisphenyl isocyanate (MDI)	—-	—-

Dipropylene glycol methyl ether-Skin	100	600
Di-sec, octyl phthalate	—-	5
DMF, see Dimethylformamide	—-	—-
DMH, see 1, 1-Dimethylhydrazine	—-	—-
DOP, see Di-sec octyl phthalate	—-	—-
Endrin-Skin	—-	0.1
Epichlorohydrin-Skin	5	19
EPN-Skin	—-	0.5
1, 2-Epoxypropane, see Propyleneoxide	—-	—-
2, 3-Epoxy 1-propanol, see Glycidol	—-	—-
Ethanethiol, see Ethyl mercaptan	—-	—-
Ethanol, see ethyl alcohol	—-	—-
Ethanolamine	3	6
2-Ethoxyethanol-Skin	200	740
2-Ethoxyethlacetate (Cellosolve acetate)-Skin	100	540
Ethyl acetate	400	1,400
Ethyl acrylate-Skin	25	100
Ethyl alcohol	1,000	1,900
Ethylamine	10	18
Ethylsec-amyl ketone (5-methyl-3-Heptanone)	25	130
Ethyl benzene	100	435
Ethyl bromide	200	890
Ethyl butyl ketone (e-Heptanone)	50	230
Ethyl chloride	1,000	2,600
Ethyl ether	400	1,200
Ethyl formate	100	300
Ethyl mercaptan	10	25
Ethyl silicate	100	850
Ethylene chlorohydrin-Skin	5	16
Ethylenediamine	10	25
Ethylene dibromide, see 1, 2-Dibromoethane	—-	—-
Ethylene dichloride, see 1, 2-Dichloroethane	—-	—-
Ethylene glycol dinitrate-Skin	0.2	1.2
Ethylene glycol monoethyl ether, see 2-Ethoxy ethanol	—-	—-
Ethylene glycol monomethyl ether, see Methyl cellosolve	—-	—-
Ethylene glycol monomethyl ether acetate, see Methyl cellosolve acetate	—-	—-
Ethylene imine-Skin	0.5	1
Ethylene oxide	50	90
Ethylidine chloride, see 1, 1-Dichloroethane	—-	—-
Ethyl methyl ketone, see 2-Butanone	—-	—-
N-Ethylmorpholine-Skin	20	94
Ferbam	—-	15
Ferrovanadium dust	—-	1
Fluoride (as F)	—-	2.5
Fluorine	0.1	0.2
Fluorotrichloromethane	1,000	5,600
Formaldehyde	5	6

Formic acid	5	9
Freon, see 1, 1, 1, 2-Tetrachloro-2, 2-difluoroethane	—-	—-
1, 1, 2, 2-Tetrachloro-1, 2-difluoroethane	—-	—-
Freon 12, see Dicholoromonofluoromethane	—-	—-
Freon 114, see Dichlorotetrafluoroethane	—-	—-
Furfural-Skin	5	20
Furfuryl alcohol	50	200
Gasoline	—-	A[6]
Glycidol (2, 3-Epoxy-l-propanol)	50	150
Glycol monobutyl ether, see 2-Butoxy ethanol	—-	—-
Glycol monoethyl ether, see 2-Ethoxy-ethanol	—-	—-
Guthion, see Azinphos-methyl	—-	—-
Hafnium	—-	0.5
Heptacholor-Skin	—-	0.5
Heptane (n-heptane)	500	2,000
Hexachlorocyclorhexane, see Lindane	—-	—-
Hexacholoroethane-Skin	1	10
Hexane (n-hexane)	500	1,800
2-Hexanone	100	410
Hexone	100	410
sec-Hexyl acetate	50	300
Hydrazine-Skin	1	1.3
Hydrobromic acid, see Hydrogen bromide	—-	—-
Hydrochloric acid, see Hydrogen chloride	—-	—-
Hydrocyanic acid, see Hydrogen cyanide	—-	—-
Hydrofluoric acid, see Hydrogen fluoride	—-	—-
Hydrogen bromide	3	10
Hydrogen chloride	5	7
Hydrogen cyanide-Skin	10	11
Hydrogen fluoride	3	2
Hydrogen peroxide, 90%	1	1.4
Hydrogen selenide	0.05	0.2
Hydrogensulfide	10	15
Hydroquinone	—-	2
Iodine	0.1	1
Iron oxide fume	—-	10
Isoamyl alcohol	100	360
Isoamylacetate	100	525
Isobutylacetate	150	700
Isophorone	25	140
Isopropyl acetate	250	950
Isopropylalcohol	400	980
Isopropylamine	5	12
Isopropylether	500	2,100
Isopropyl glycidyl ether (IGE)	50	240
Ketene	—-	0.9
Lead	—-	0.2

Lead arsenate	—-	0.15
Lime, see Calcium oxide	—-	—-
Lindane-Skin	—-	0.5
Lithium hydride	—-	0.025
L.P.G. (Liquified petroleum gas)	1,000	1,800
Magnesium oxide fume	—-	15
Malathion-Skin	—-	15
Manganese	—-	5
Mercury-Skin	—-	0.1
Mercury (organic compounds)-Skin	—-	0.01
Mesityl oxide	25	100
Methanethiol, see Methyl mercaptan	—-	—-
Methoxychlor	—-	15
2-Methoxyethanol, see Methyl cellosolve	—-	—-
Methyl acetate	200	610
Methylacetylene(propyne)	1,000	1,650
Methyl acetylene-propadiene mixture (MAPP)	1,000	1,800
Methyl acrylate-Skin	10	35
Methylal (dimethoxymethane)	1,000	3,100
Methyl alcohol (Methanol)	200	260
Methylamine	10	12
Methyl amyl alcohol, see Methyl isobutyl carbinol	—-	—-
Methyl (n-amyl) ketone (2-Heptanone)	100	465
Methyl bromide-Skin	20	80
Methyl butyl ketone, see 2-Hexanone	—-	—-
Methyl cellosolve-Skin	25	80
Methyl cellosolve acetate-Skin	25	120
Methyl chloride	100	210
Methyl chloroform	350	1,900
Methyl cyanide, see Acetonitrile	—-	—-
Methylcyclohexane	500	2,000
Methylcyclohexanol	100	470
o-Methylcyclohexanone-Skin	100	460
Methyl ethyl ketone (MEK), see 2-Butanone	—-	—-
Methyl formate	100	250
Methyl iodide-Skin	5	28
Methyl isobutyl carbinol-Skin	25	100
Methyl isobutyl ketone, see Hexone	—-	—-
Methyl isocyanate-Skin	0.02	0.05
Methyl mercaptan	10	20
Methylmethacrylate	100	410
Methyl propyl ketone, see 2-Pentanone	—-	—-
o-Methylstyrene	100	480
Methylsulfate, see Dimethylsulfate	—-	—-
Methylene bisphenyl isocyanate (MDI)	0.02	0.2
Methylene chloride (Dichloromethane)	500	1,740
Molybdenum (soluble compounds)	—-	5

(insoluble compounds)	—-	15
Monomethyl aniline-Skin	2	9
Monomethyl hydrazine-Skin	0.2	0.35
Morpholine-Skin	20	70
Muriatic acide, see Hydrogen chloride	—-	—-
Naphtha (coal tar)	200	800
Naphthalene	10	50
B-Naphthylamine	—-	A[2]
1-naphthyl N Methylcarbamate, see Carbaryl	—-	—-
NickelCarbonyl	0.001	0.007
Nickel, metal and soluble compounds	—-	1
Nicotine-Skin	—-	0.5
Nitric acid	2	5
Nitriles, see Cyanide	—-	—-
p-Nitroaniline-Skin	1	6
Nitrobenzene-Skin	1	5
p-Nitrochloro-benzene-Skin	—-	1
Nitroethane	100	310
Nitrogen dioxide	5	9
Nitrogen tetraoxide, see Nitrogen dioxide	—-	—-
Nitrogentrifluoride	10	29
Nitroglycerin-Skin	0.2	2
Nitromethane	100	250
1-Nitropropane	25	90
2-Nitropropane	25	90
N-Nitrosodimethyl-amine (Dimethyl nitrosoamine)-Skin	—-	A[3]
Nitrotoluene-Skin	5	30
Nitrotrichloromethane, see Chloropicrin	—-	—-
Octane	500	2,350
Oil mist (mineral)	—-	5
ortho-aminotoluene, see o-Toluidine	—-	—-
Osmium tetroxide	—-	0.002
Oxalic acid	—-	1
Oxygen difluoride	0.05	0.1
Ozone	0.1	0.2
Parathion-Skin	—-	0.1
PCP, see Pentachlorophenol	—-	—-
Pentaborane	0.0005	0.01
Pentachloronaphthelene-Skin	—-	0.5
Pentachlorophenol-Skin	—-	0.5
Pentane	1,000	2,950
2-Pentanone	200	700
Perchloroethylene	100	670
Perchloromethyl mercaptan	0.1	0.8
Perchloryl fluoride	3	13.5
Petroleum distillates (naphtha)	500	2,000
Phenol-Skin	5	19

p-Phenylene diamine-Skin	—-	0.1
Phenyl ether (vapor)	1	7
Phenyl ether-Biphenyl mixture (vapor)	1	7
Phenylethylene, see Styrene	—-	—-
Phenylglycidylether(PGE)	50	310
Phenylhydrazine-Skin	5	22
Phosdrin (Mevinphos) (R)-Skin	—-	0.1
Phosgene (carbonyl chloride)	0.1	0.4
Phosphine	0.3	0.4
Phosphorus pentasulfide	—-	1
Phosphorus trichloride	0.5	3
Phthalic anhydride	2	12
Picric acid-Skin	—-	0.1
Pival (2-Pivalyl-1, 3-indandione)	—-	0.1
Platinum (Soluble salts)	—-	0.002
Polytetrafluoroethylene decomposition products	—-	A[4]
Propane	1,000	1,800
Propane oxide, see Prophylene oxide	—-	—-
B Propiolactone	—-	A[5]
n-Propyl acetate	200	840
n-Propyl nitrate	25	110
Propylene dichloride	75	350
Propylene imine-Skin	2	5
Propylene oxide	100	240
Propyne, see Methylacetylene	—-	—-
Pyrethrum	—-	5
Pyridine	5	15
Quieklime, see Calcium oxide	—-	—-
Quinone	0.1	0.4
Rhodium, Metal fume and dusts	—-	0.1
Soluble salts	—-	0.001
Rotenone (commercial)	—-	5
Selenium compounds(asSe)	—-	0.2
Selenium hexafluoride	0.05	0.4
Sevin (R), see Carbaryl	—-	—-
Silver, metal and soluble compounds	—-	0.01
Sodium fluoroacetate (1080)-Skin	—-	0.05
Sodium hydroxide	—-	2
Stibine	0.1	0.5
Stoddard solvent	500	2,900
Strychnine	—-	0.15
Styrene monomer (phenylethylene)	100	420
Sulfur dioxide	5	13
Sulfur hexafluoride	1,000	6,000
Sulfuric acid	—-	1
Sulfur monochloride	1	6
Sulfur pentafluoride	0.025	0.25

Sulfuryl fluoride	5	20
Systox, see Demeton	—-	—-
2, 4, 5T	—-	10
Tantalum	—-	5
TCP, see Triorthocresyl phosphate	—-	—-
TDI, see Toluene-2, 4-diisocyanate	—-	—-
TEDP-Skin	—-	0.2
Teflon (R) decomposition products	—-	A[4]
TEL, see Tetraethyl lead (as Pb)	—-	—-
Tellurium	—-	0.1
Tellurium hexafluoride	0.2	0.2
TEPPSkin	—-	0.05
1, 1, 2, 2-Tetrabromoethane, see Acetylene tetrabromide	—-	—-
1, 1, 1, 2-Tetrachloro-2-difluoroethane	500	4,170
1, 1, 2, 2-Tetrachloro-1, 2-difluoroethane	500	4,170
1, 1, 2, 2-Tetrachloroethane-Skin	5	35
Tetrachloroethylene, see Perchloroethylene	—-	—-
Tetrachloromethane, see Carbon tetrachloride	—-	—-
Tetraethyl lead (as Pb)-Skin	—-	0.075
Tetraethyl pyrophosphate, see TEPP	—-	—-
Tetrahydrofuran	200	590
Tetramethyl lead (TML)(as lead)-Skin	—-	0.075
Tetramethyl succinonitrile-	0.5	3
Tetramethyl thiuram disulfide, see Thiram	—-	—-
Tetranitromethane	1	8
Tetryl (2, 4, 6trinitropheynylmethylnitramine) Skin	—-	1.5
Thallium (Soluble compounds)-Skin	—-	0.1
THF, see Tetrahydrofuran	—-	—-
Thiram	—-	5
Tin (inorganic compounds, except oxide)	—-	2
Tin (organic compounds)	—-	0.1
Titanium dioxide	—-	15
TMTD, see Thiram	—-	—-
TNT, see Trinitrotoluene	—-	—-
Toluene(toluol)	200	750
Toluene-2, 4-diisocyanate	0.02	0.14
o-Toluidine-Skin	5	22
Toxaphene, see Chlorinated camphene	—-	—-
TPP, see Triphenyl phosphate	—-	—-
1, 1, 1-trichloro-2, 2-di(p-chlorophenyl) ethane, see DDT	—-	—-
1, 1, 1-Trichloroethane, see Methyl chloroform	—-	—-
1, 1, 2-Trichloroethane-Skin	10	45
Trichloroethylene	100	535
Trichloromethane, see Chloroform	—-	—-
Trichloromethylsulfenyl chloride, see Perchloromethyl mercaptan	—-	—-
Trichloronaphthalene-Skin	—-	5
Trichloronitro-methane, see Chloropicrin	—-	—-

2, 4, 5-Trichlorophenoxyacetic acid, see 2, 4, ST	—-	—-
1, 2, 3-Tichloropropane	50	300
1, 1, 2-Trichloro-1, 2, 2 trifluoroethane	1,000	7,600
Triethylamine	25	100
Trifluoromonobromomethane	1,000	6,100
2, 4, 6-Trinitrophenol, see Picric acid	—-	—-
2, 4, 6-Trinitrophenylmethylnitramine, see Tetryl	—-	—-
Trinitrotoluene-Skin	—-	1.5
Triorthocresyl phosphate	—-	0.1
Triphenyl phosphate	—-	3
Turpentine	100	560
Uranium (Soluble compounds)	—-	0.05
(Insoluble compounds)	—-	0.25
Vanadic acid anhydride		
see Vanadium (V205 dust)	—-	—-
see Vanadium (V205 fume)	—-	—-
Vanadium (V205 dust)	—-	0.5
(V205 fume)	—-	0.1
VC, see Vinyl chloride	—-	—-
Vinyl benzene, see Styrene	—-	—-
Vinyl chloride	500	1,300
Vinylcyanide, see Acrylonitrile	—-	—-
Vinyl toluene	100	480
Warfarin	—-	0.1
Wood alcohol, see Methyl alcohol	—-	—-
Xylene (xMl)	100	435
Xylidine-Skin	5	25
Yttrium	—-	1
Zinc oxide fume	—-	5
Zirconium compounds (as Zr)	—-	5

RESPIRABLE DUSTS EVALUATED BY COUNT

Substance	MPPCF
SILICA	
Crystalline	
Quartz, Maximum Acceptable Concentration calculated from the formula	250 / (%SiO_2 + 5)
Cristobalite	" " " "
Amorphous, including natural diatomaceous earth	20
Tremolite	5
SILICATES (less than 1% crystalline silica),	
Asbestos	5
Mica	20
Soapstone	20

Talc	20
Portland Cement	50
GRAPHITE (natural)	15

"Inert" or Nuisance Particulates 50 (or 15 mg/m3 whichever is the smaller), see Note B

Conversion factors

mppcf X 35.3 = million particles per cubic meter = particles per c.c.

NOTE A

A[1] Benzidine. Because of high incidence of bladder tumors in man, any exposure, including skin, is extremely hazardous.

A[2] B-Naphthylamine. Because of the extremely high incidence of bladder tumors in workers handling this compound and the inability to control exposures, B-naphthlyamine has been prohibited by the State of Pennsylvania from manufacture, use and other activities that involve human contact.

A[3] N-Nitrosodimethylamine. Because of extremely high toxicity and presumed carcinogenic potential of this compound, contact by any route should not be permitted.

A[4] Polytetrafluoroethylene* decomposition products. Thermal decomposition of the fluorocarbon chain in air leads to the formation of oxidized products containing carbon, fluorine and oxygen. Because these products decompose in part by hydrolysis in alkaline solution, they can be quantitatively determined in air as fluoride to provide an index of exposure. No MAC is recommended pending determination of the toxicity of the products, but air concentrations should be minimal.
*Trade Names: Algoflon, Fluon, Halon, Teflon, Tetran.

A[5] B-Propiolactone. Because of high acute toxicity and demonstrated skin tumor production in animals, contact by any route should be avoided.

A[6] Gasoline. The composition of gasoline varies greatly and thus a single MAC for all types of gasoline is no longer applicable. In general, the aromatic hydrocarbon content will determine what MAC applies. Consequently the content of benzene, other aromatics and additives should be determined to arrive at the appropriate MAC.

NOTE B

Some "Inert" or Nuisance Particulates*

Alumdum (Al_2O_3)

Calcium Carbonate

Cellulose

Portland Cement

Corundum (Al_2O_3)

Emery

Glycerine Mist

Graphite (synthetic)

Gypsum

Limestone

Magnesite

Marble

Plaster of Paris

Rouge

Silicone Carbide

Starch

Sucrose

Tin oxide

Titanium Dioxide

Vegetable oil mists (except castor, cashew nut, or similar irritant oils)

*When toxic impurities are not present

APPENDIX 2 CROSS REFERENCE TABLE FOR ORDINANCE 7583

Sections of Ord. 7583 are listed alongside Los Angeles County Code Section numbers in which ordinance sections are codified.

Ord. 7583	LACC
Part 1	
100	11.02.100
101	11.02.110
102	11.02.040
103	11.02.020
104	11.02.060
105	11.02.120
106	11.02.140
107	11.02.070
108	11.02.090
109	11.02.010
110	11.02.080
111	11.02.130
112	11.02.030
113	11.02.050
Part 2	
200	11.04.010
201	11.04.020
202	11.04.030
203	11.04.040
204	11.04.050
205	11.04.060
206	11.04.070
207	11.04.080

208	11.04.090
209	11.04.100
210	11.04.110
211	11.04.120
212	11.04.130
213	11.04.140
214	11.04.150
215	11.04.160
216	11.04.170
217	11.04.180
218	11.04.200
219	11.04.210
220	11.04.220
221	11.04.230
222	11.04.240
223	11.04.250
224	11.04.260
225	11.04.270
226	11.04.280
227	11.04.290
228	11.04.190
Part 3	
Ch.1	
301	11.02.150
302	11.02.310
303	11.02.150
304	11.02.270
305	11.02.290
306	11.02.350
307	11.02.320
308	11.02.280
309	11.02.340
310	11.02.260
311	11.02.210
311.1	11.02.220
312	11.02.240
313	11.02.330
314	11.02.230
315	11.02.200
316	11.02.170
317	11.02.190
318	11.02.300
319	11.02.180
320	11.36.010—11.36.080

321	11.02.160
Ch. 2	
350	11.12.210
351	11.12.030
352	11.12.010
353	11.12.040
354	11.12.050
355	11.12.120
356	11.12.090
357	11.12.100
358	11.12.160
359	11.12.190
360	11.12.110
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362	11.12.200
364	11.12.060
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367	11.12.220
368	11.12.300
369	11.12.320
370	11.12.330
371	11.12.290
372	11.12.070
373	11.12.080
374	11.12.230
375	11.12.240
376	11.12.270
377	11.12.390
378	11.12.370
378.1	11.12.380
379	11.12.130
380	11.12.170
381	11.12.280
382	11.12.020
383	11.12.140
384	11.12.150
385	11.12.350
386	11.12.340
387	11.12.360
388	11.12.310
Ch. 3	
400	11.14.020

401	11.14.010
402	11.14.010
404	11.14.030
Ch. 4	
450	11.18.010
451	11.18.010
452	11.18.060
453	11.18.040
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455	11.18.030
456	11.18.050
457	11.18.070
Ch. 5	
500	11.38.450
500.1	11.38.590
501	11.38.030
502	11.38.050
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504	11.38.110
504.1	11.38.120
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504.3	11.38.010
504.4	11.38.060
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505	11.38.400
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510	11.38.430
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513	11.38.280
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528.2	11.38.480
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537	11.38.490
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541	11.38.470
542	11.38.460
543	11.38.610
Ch. 6	
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558	11.32.130
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561	11.32.160

561.1	11.32.180
561.2	11.32.170
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563	11.32.020
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570	11.32.080
Ch. 7	
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605	11.16.020
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609	11.16.080
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611	11.16.010
Ch. 8	
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626	11.30.040
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629	11.30.030
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631	11.30.070
632	11.30.060
Ch. 9	
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702	11.08.050
703	11.08.060
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705	11.08.090
706	11.08.080
707	11.08.100

708	11.08.040
709	11.08.030
Ch. 10	
750	Repealed by 98-0037
751	11.06.020
Ch. 11	
800	11.20.150
801	11.20.030
802	11.20.060
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804	11.20.040
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804.2	11.20.070
804.3	11.20.080
804.4	11.20.110
805	11.20.090
806	11.20.130
807	11.20.250
808	11.20.340
809	11.20.140
810	11.20.020
811	11.20.120
812	11.20.100
813	11.20.330
814	11.20.280
815	11.20.290
816	11.20.300
817	11.20.180
818	11.20.260
818.5	11.20.270
819	11.20.190
820	11.20.160
821	11.20.210
821.1	11.20.200
822	11.20.220
823	11.20.230
824	11.20.240
825	11.20.310
826	11.20.170
827	11.20.410
828	11.20.390
829	11.20.350
830	11.20.380

831	11.20.320
832	11.20.370
833	11.20.400
834	11.20.360
Ch. 12	
850	11.24.010
851	11.24.020
852	11.24.020
853	11.24.020
854	11.24.020
855	11.24.020
856	11.24.020
857	11.24.020
858	11.24.170
859	11.24.030
860	11.24.140
861	11.24.160
862	11.24.150
863	11.24.110
864	11.24.180
865	11.24.120
866	11.24.090
867	11.24.080
868	11.24.040
869	11.24.050
870	11.24.070
871	11.24.130
872	11.24.060
873	11.24.370—11.24.430
874	11.24.300—11.24.360
875	11.24.200
876	11.24.210
877	11.24.220—11.24.290
878	11.24.190
879	11.24.100
Ch. 13	
900	11.10.010
901	11.10.020
902	11.10.120
903	11.10.110
904	11.10.060
905	11.10.060
906	11.10.080

907	11.10.070
908	11.10.050
909	11.10.090
910	11.10.100
911	11.10.030
912	11.10.130
Ch. 14	
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1000.1	11.34.100
1001	11.34.010
1002	11.34.010
1003	Repealed by 91-0099
1004	Repealed by 91-0099
1005	Repealed by 91-0099
1006	Repealed by 91-0099
1007	Repealed by 91-0099
1008	11.34.040
1009	11.34.050
1010	Repealed by 91-0099
1011	11.34.060
1012	11.34.070
1013	11.34.080
1014	11.34.140
1015	11.34.090
1016	11.34.130
1017	Repealed by 91-0099
1018	11.34.110
1019	11.34.150
1020	11.34.160
1021	11.34.170
1022	11.34.120
1023	11.34.180
1024	11.34.190
1025	11.34.200
1026	11.34.210
1027	11.34.220
1028	11.34.230
Ch. 15	
1070	11.26.010
1071	11.26.020
1072	11.26.030
1073	11.26.040

Ch. 16	
1100	11.22.010
1101	11.22.020
1102	11.22.030
1103	11.22.040
1104	11.22.050
1105	11.22.060
1106	11.22.070
1107	11.22.080
1108	11.22.090
1109	11.22.100
1110	11.22.110
1111	11.22.120
1112	11.22.130
1113	11.22.140
1114	11.22.150
1115	11.22.160
1116	11.22.180
1117	11.22.190
1118	11.22.200
1119	11.22.210
1120	11.22.220
1121	11.22.170
1122	11.22.230
1123	11.22.240
1124	11.22.250
1125	11.22.260
1126	11.22.270
1127	11.22.280
1128	11.22.310
1129	11.22.300
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1131	11.22.330
1132	11.22.340
1133	11.22.290
1134	11.22.350
1135	11.22.360
1136	11.22.370
1137	11.22.380
1138	11.22.410
1139	11.22.400
1140	11.22.390
1141	11.22.450
1142	11.22.460
1143	11.22.480

1144	11.22.470
1145	11.22.490
1146	11.22.420
1147	11.22.440
1148	11.22.430
1149	11.22.700
1150	11.22.710
1151	11.22.720
1152	11.22.730
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1154	11.22.610
1155	11.22.650
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1157	11.22.670
1158	11.22.680
1159	11.22.630
1160	11.22.640
1161	11.22.510
1162	11.22.690
1163	11.22.500
1164	11.22.520
1165	11.22.550
1166	11.22.530
1167	11.22.540
1168	11.22.590
1169	11.22.560
1170	11.22.580
1171	11.22.570
1172	11.22.600
1173	11.22.750
1174	11.22.760
1175	11.22.770
1176	11.22.800
1177	11.22.810
1178	11.22.830
1179	11.22.820
1180	11.22.840
1181	11.22.780
1182	11.22.790
1183	11.22.850
1184	11.22.860
1185	11.22.870
1186	11.22.910
1187	11.22.920
1188	11.22.880

1189	11.22.890
1190	11.22.900
1191	11.22.620
Ch. 17	
1200	11.28.010
1201	11.28.010
1202	11.28.010
1203	11.28.010
1204	11.28.010
1205	11.28.020
1206	11.28.030
1207	11.28.040
1208	11.28.050
1209	11.28.060
1210	11.28.010
Part 10	
10001	Not codified
10002	Not codified
10003	Not codified

City Council Staff Report

Date: July 2, 2025
Agenda Item Number: 10.B.

To: The Honorable Mayor and City Council

From: Scott Haberle, Interim Fire Chief
Rebecca Bojorquez, Principal Management Analyst

Subject: Adoption of an Ordinance Updating the Fire Hazard Severity Zones ("FHSZ") Pursuant to Government Code section 51178

Recommendation:
It is recommended that the City Council consider:

1. Opening the continued public hearing; taking testimonial and documentary evidence; closing the public hearing;
2. After considering the evidence, adopting an ordinance adopting the finalized State Responsibility Area Fire Hazard Severity Zone map; and
3. Taking such additional, related, action that may be desirable.

CEQA (California Environmental Quality Act):
The City reviewed the environmental impacts of the extension under the California Environmental QualityAct (Public Resources Code §§ 21000, et seq. "CEQA") and the regulations promulgated thereunder (14 Cal. Code of Regs. §§ 15000, et. seq., the "CEQA Guidelines"). This activity contemplates administrative actions and will not result in any direct or indirect physical change in the environment. Accordingly, no further review is required.

Executive Summary:
The Office of the State Fire Marshal ("OFSM") finalized the adoption of the State Responsibility Area Fire Hazard Severity Zone ("FHSZ") map, which became effective April 1, 2024. The State Fire Marshal is mandated by Government Code section 51178 to identify levels of fire hazard based on consistent statewide criteria and the expected severity of fire hazards. Government Code section 51179 requires the State Fire Marshal to make recommendations of fire hazard severity zones to local agencies, including the City, for their designation and adoption by ordinance. The finalized map shows that the City of Monterey Park does not include any areas within the FHSZ identified by the State Fire Marshal. At the June 4, 2025, City Council meeting, the Council approved the introduction and waived the first reading of the ordinance. The public hearing was set for June 18, 2025. The City complied with regulatory notice requirements by posting a notice of the public hearing on June 12, 2025, in the Monterey Park Progress newspaper.

Background:
The California Department of Forestry and Fire Protection ("CAL FIRE") periodically updates fire hazard severity zone maps for Local Responsibility Areas ("LRAs") throughout the State. These maps identify varying levels of fire hazard (Moderate, High and Very High) based on factors including vegetation, topography, weather, crown fire potential, and ember production and movement. State law requires local jurisdictions to formally adopt these maps by ordinance to ensure proper implementation of associated building standards and fire safety requirements for identified hazard zones. CAL FIRE has completed its latest assessment of fire safety hazards in Monterey Park and there are no areas of the City that fall within a Fire Hazard Severity Zone.

Strategic Plan Goal:
N/A

Fiscal Impact:
There is no fiscal impact associated with adopting this ordinance.

Attachments:
1. Attachment 1 - MPK Fire Hazard Severity Zone Map
2. Attachment 2 - Draft Fire Hazard Severity Map Ordinance

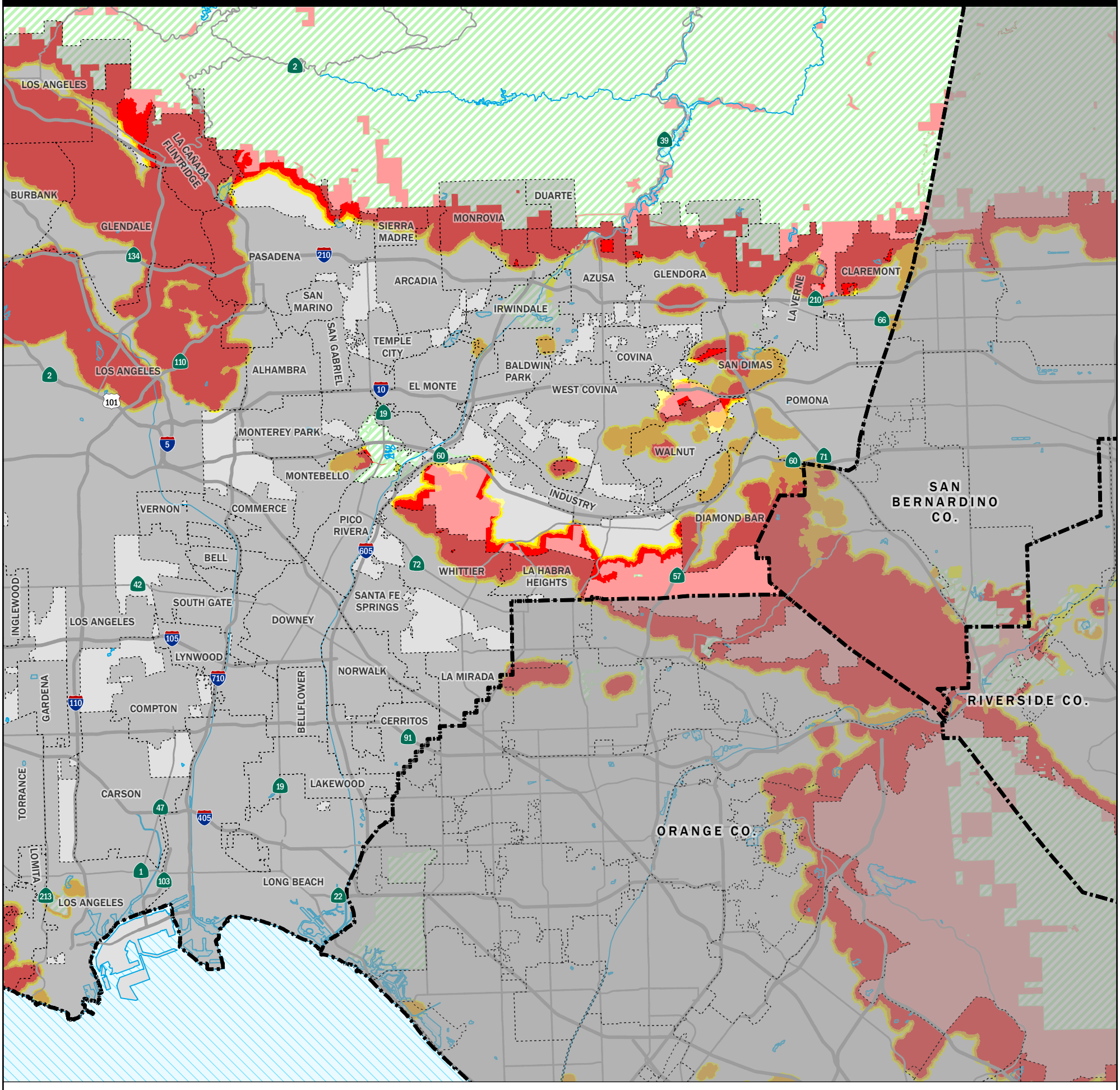
ATTACHMENT 1
City of Monterey Park - Fire Hazard Severity Zone Map

SOUTHEASTERN LOS ANGELES COUNTY – UNINCORPORATED LRA

Local Responsibility Area Fire Hazard Severity Zones

As Identified by the State Fire Marshal

March 24, 2025





Fire Hazard Severity Zones (FHSZ) in Local Responsibility Area (LRA), as Identified by the State Fire Marshal

Very High | High | Moderate

Fire Hazard Severity Zones in State Responsibility Area (SRA), Effective April 1, 2024

Very High | High | Moderate

Mi 0 5 10

Km 0 5 10 15 20

Projection: NAD 83 California Teale Albers
Scale: 1:277,000 at 11" x 17"

Incorporated City | Waterbody

Unzoned LRA | Federal Responsibility Area (FRA)

Government Code section 51178 requires the State Fire Marshal to identify areas in the state as moderate, high, and very high fire hazard severity zones based on consistent statewide criteria and based on the severity of fire hazard that is expected to prevail in those areas. Moderate, high, and very high fire hazard severity zones shall be based on fuel loading, slope, fire weather, and other relevant factors including areas where winds have been identified by the Office of the State Fire Marshal as a major cause of wildfire spread.

The State of California and the Department of Forestry and Fire Protection make no representations or warranties regarding the accuracy of data or maps. Neither the State nor the Department shall be liable under any circumstances for any direct, special, incidental, or consequential damages with respect to any claim by any user or third party on account of, or arising from, the use of data or maps.

Gavin Newsom, Governor, State of California
Wade Crowfoot, Secretary for Natural Resources, CA Natural Resources Agency
Joe Tyler, Director/Fire Chief, CA Department of Forestry and Fire Protection
Daniel Berlant, State Fire Marshal, CA Department of Forestry and Fire Protection

Data Sources:
CAL FIRE Fire Hazard Severity Zones (FHSZSRA23_3, FHSZLRA_25_1)
CAL FIRE State Responsibility Areas (SRA25_1)
City and County boundaries as of 10/22/24 (CA Board of Equalization)

ATTACHMENT 2
Draft Ordinance

ORDINANCE NO.

AN ORDINANCE ADOPTING THE STATE FIRE MARSHAL FIRE HAZARD SEVERITY ZONE MAP BY REFERENCE

The City Council of the City of Monterey Park does ordain as follows:

SECTION 1: The City Council finds and declares that:

A. This Ordinance adopts the Fire Hazard Severity Zones as recommended by the California Department of Forestry and Fire Protection pursuant to Government Code section 51178.

B. On March 24, 2025, the City received recommendations from the State Fire Marshal concerning its designation of moderate, high, and very high fire hazard severity zones in its jurisdiction.

C. On June 18, 2025, the City Council held a public hearing to receive public testimony and other evidence regarding the proposed Ordinance, including, without limitation, information provided to the City Council by the Fire Chief and public testimony;

D. This ordinance is adopted pursuant to the City's police powers as authorized by the California Constitution, Article XI, section 7; and

E. The findings in this Ordinance are made based on the entire administrative record including testimony and evidence presented to the City Council at its June 18, 2025, public hearing including, without limitation, the staff report.

SECTION 2: *Incorporation of Department of Forestry and Fire Protection Fire Hazard Severity Zones*. The City Council:

- Adopts the Fire Hazard Severity Zones established by the California Department of Forestry and Fire Protection which are attached as Exhibit "A" and incorporated by reference; and

- Authorizes and directs the City Manager, or designee, to transmit a copy of this Ordinance to the State Board of Forestry and Fire Protection within 30 days of its adoption, and post a notice at the office of the County Recorder pursuant to applicable law.

SECTION 3: *Construction*. This Ordinance must be broadly construed to achieve the purposes stated in this Ordinance. It is the City Council's intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

SECTION 4: *Summaries of Information*. All summaries of information in the findings, which precede this section, are based on the substantial evidence in the record. The absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that fact.

SECTION 5: *Reliance On Record*. Each and every one of the findings and determination in this Resolution are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the project. The findings and determinations constitute the independent findings and determinations of the City Council in all respects and are fully and completely supported by substantial evidence in the record as a whole.

SECTION 6: *Severability*. If any part of this Ordinance or its Application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 7: *Preservation*. This Resolution does not affect any penalty, forfeiture, or liability incurred before, or prelude prosecution and imposition of penalties for any violation occurring before, this Resolution's effective date. Any such amended part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Resolution.

SECTION 8: *Limitations.* The City Council's analysis and evaluation of the project is based on the best information currently available. It is inevitable that in evaluating a project that absolute and perfect knowledge of all possible aspects of the project will not exist. One of the major limitations on analysis of the project is the City Council's lack of knowledge of future events. In all instances, best efforts have been made to form accurate assumptions. Somewhat related to this are the limitations on the city's ability to solve what are in effect regional, state, and national problems and issues. The City must work within the political framework within which it exists and with the limitations inherent in that framework.

SECTION 9: *Electronic Signatures*. This Ordinance may be executed with electronic signatures in accordance with Government Code §16.5. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

SECTION 10: *Recordation*. The City Clerk, or designee, is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Monterey Park's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within 15 days after the passage and adoption of this

Ordinance, and cause it to be published or posted in accordance with California law.

SECTION 11: *Effective Date*. This Ordinance will become effective 30 days after second reading and adoption.

PASSED AND ADOPTED this 18th day of June, 2025.

_____
Vinh T. Ngo, Mayor

ATTEST:

_____
Maychelle Yee, City Clerk

APPROVED AS TO FORM:
Karl H. Berger, City Attorney

_____
Justin A. Tamayo, Assistant City Attorney

Exhibit A – City of Monterey Park Fire Hazard Severity Zone Map