Title 8

HEALTH AND SAFETY

Chapters:

8.04	**FIREWORKS**
8.12	**FOOD HANDLING ESTABLISHMENTS**
8.16	**GARBAGE**
8.20	**PROPERTY MAINTENANCE**
8.21	**VACANT BUILDING MONITORING FEE AND SECURING OF VACANT BUILDINGS**
8.22	**LONG-TERM BOARDED AND VACANT BUILDINGS**
8.24	**NUISANCE VEHICLES**
8.28	**RAW MILK**
8.32	**WEED, RUBBLE AND RUBBISH CONTROL**
8.36	**UNDERGROUND STORAGE OF HAZARDOUS SUBSTANCES**
8.40	**NOISE CONTROL STANDARDS**
8.44	**GRAFFITI CONTROL**
8.48	**SMOKING**

Chapter 8.04

FIREWORKS

Sections:

8.04.010	**Defined.**
8.04.020	**Permit--Required.**
8.04.030	**Permit--To sell fireworks.**
8.04.040	**Permit - application.**
8.04.050	**Exceptions to prohibition.**
8.04.060	**Public fireworks displays--Requirements.**
8.04.070	**Permit--Investigation--Issuance or denial.**
8.04.080	**Public fireworks displays--Supervision.**
8.04.090	**Transport, conveyance or delivery of fireworks within city.**
8.04.100	**Destruction of unauthorized fireworks.**
8.04.110	**Violation.**

Section 8.04.010 Defined.

"Fireworks" means and includes any combustible or explosive composition or any substance or combination visible or an audible effect by combustion, explosion, deflagration or detonation, including fireworks classified by the Health and Safety Code as "dangerous fireworks" and includes firecrackers, torpedoes, skyrockets, roman candles, dago bombs. This definition does not include what is ordinarily known as cap pistols or cap pistol caps or safe and sane fireworks as defined in Sections 12529 et seq. of the Health and Safety Code of the state. (Ord. 85 § 4 (part): Ord. 36 § 8(a): prior code § 7500(a))

Section 8.04.020 Permit--Required.

It is unlawful for any person, firm or corporation to manufacture, possess, sell, discharge or make any display of fireworks in the incorporated area of the city without securing a permit as provided by Sections 12500 et seq., of the Health and Safety Code of the state, and of this chapter and any amendments thereto. (Ord. 36 § 1: prior code § 7501)

Section 8.04.030 Permit--To sell fireworks.

The city council is hereby authorized to establish, by resolution or ordinance, the process by which the city will issue permits and the conditions that permit applicants and permittees must satisfy in order to receive the permits.(Ord. 2000-03, Repealed and Replaced, 02/15/2000)

Section 8.04.040 Permit - application.

This chapter does not prohibit public fireworks displays provided a written permit therefor is secured from the State Fire Marshal. The fire chief of the Galt fire district is designated by the city council of the city as the person to review written applications for public fireworks display. (Ord. 94-20 § 4: Ord. 36 § 2: prior code § 7502)

Section 8.04.050 Exceptions to prohibition.

The manufacture, sale, use, or discharge of fireworks is prohibited by this chapter with the following exceptions:

A. The use by a railroad or other transportation agency of devices for signal purposes or illumination of torpedoes, flares, or fuses;

B. The use by a railroad or other transportation agency of devices for signal purposes or illumination of torpedoes, flares, or fusees;

C. Blank cartridges for theatrical or ceremonial purposes, athletic events, or lawful military ceremonials or demonstrations;

D. Public fireworks displays, provided that such public fireworks displays are conducted only by an adult person or any firm, copartnership, or corporation, having obtained a permit in conformance with the provisions of Sections 12500 et seq., of the Health and Safety Code of the state and this chapter;

E. Such fireworks as are defined and classified as safe and sane fireworks pursuant to the provisions of Section 12529 of the Health and Safety Code of the state may be sold and

discharged in the city. (Ord. 94-20 § 6; Ord. 85 §§ 1, 2, 1963; Ord. 36 § 4, 1954: prior code § 7504)

Section 8.04.060 Public fireworks displays--Requirements.

All public fireworks displays are prohibited unless the following conditions have been complied with:

A. A written application for a permit made to the fire chief of the Galt fire district or to the State Fire Marshal at least two weeks in advance of the proposed display;

B. It shall be the duty of the fire chief of the Galt fire district to whom the application for a public fireworks display permit is submitted for review to make an investigation as to whether such display as proposed shall be of such a character and so located that it may be hazardous to property or dangerous to any person and he shall in the exercise of reasonable discretion grant or deny the application, subject to such reasonable conditions, if any, as he may prescribe;

C. The applicant for such display permit shall at the time of application furnish proof that he carries compensation insurance for his employees as provided by the laws of the state, and he shall file with the officer to whom the application is made, a bond issued by an authorized surety company to be approved by such officer, conditioned upon the applicant's payment of all damages to persons or property which shall or may result from or caused by such public display of fireworks, or any negligence on the part of the applicant, or his or its agents, servants, employees, or subcontractors in the presentation thereof, or a certificate evidencing the carrying of appropriate public liability insurance issued by an insurance carrier authorized to transact business in this state for the benefit of the person named therein as assured, as evidence of ability to respond in damages in at least such amount, said policies to be similarly approved. If the permit is granted, the sale, possession and use of fireworks for the public display is lawful for that purpose only. No permit is transferable;

D. In the case of an application for a permit for a public display of fireworks the amount of such surety bond shall be not less than one hundred thousand dollars for one person or not less than three hundred thousand dollars maximum for more than one person injured and property damage insurance of not less than twenty-five thousand dollars. This subsection does not apply to persons holding a general license for the public display of fireworks within the state, provided the license holder has complied with the provisions of Section 12500 et seq. of the Health and Safety Code of the state applying thereto, but as to such persons all the other sections and subsections of this chapter are applicable. (Ord. 94-20 § 7; Ord. 85 § 3, 1963; Ord. 36 § 5, 1954: prior code § 7505)

Section 8.04.070 Permit--Investigation--Issuance or denial.

It shall be the duty of the fire chief of the Galt fire district to whom the application for a public fireworks display permit has been reviewed to make investigation and submit a report of his findings and a recommendation for or against the issuance of the public fireworks display permit together with his reasons therefor to the city council who will either grant or deny the application within discretion subject to such reasonable conditions, if any, as it shall prescribe. (Ord. 94-20 § 5: Ord. 36 § 3: prior code § 7503)

Section 8.04.080 Public fireworks displays--Supervision.

Every public display of fireworks shall be handled or supervised by a competent and experienced pyrotechnic operator approved by the fire chief of the volunteer fire department of the Galt fire district or by the State Fire Marshal. (Ord. 36 § 6, 1954: prior code § 7506)

Section 8.04.090 Transport, conveyance or delivery of fireworks within city.

No person shall transport, convey or deliver fireworks within the incorporated area of the city except for permittees or to locations or public displays of fireworks authorized under this chapter, or to distributors outside of the city or within the limits of other incorporated cities of the county, providing such area or city does not prohibit the sale or possession or use or

discharge or display of fireworks substantially to the same manner and extent as does this chapter. (Ord. 36 § 7, 1954: prior code §7507)

Section 8.04.100 Destruction of unauthorized fireworks.

Any peace officer, the fire chief of the volunteer fire department of the Galt fire district, or his deputies, shall seize, take, remove, or cause to be removed and arrange for the destruction at the expense of the owner of all stocks of fireworks offered or exposed for sale, stored, possessed, or transported, or otherwise in violation of this chapter. (Ord. 36 § 9, 1954: prior code § 7508)

Section 8.04.110 Violation.

Any violation of any of the provisions of this Chapter is declared a misdemeanor or infraction pursuant to section 21.01.030.(Ord. 2006-07, Amended, 06/06/2006; Ord. 92-04 § 11: Ord. 36 § 10, 1954)

Chapter 8.12

FOOD HANDLING ESTABLISHMENTS

Sections:

8.12.010 Definitions.
8.12.020 Mobile food dispensing units.
8.12.030 Outdoor concessions and itinerant public eating places.
8.12.040 Food and beverage vending machines.
8.12.050 Permit--Application--Required.
8.12.060 Permit--Application--Inspection of premises.
8.12.070 Permit--Certificate of approval.
8.12.080 Permit--Suspension or revocation.
8.12.090 Permit - appeal of suspension or revocation.
8.12.100 Permit--Unlawful to operate without.
8.12.110 Review of plans prior to building permit issuance.
8.12.120 Size and floor space.
8.12.130 Floors.
8.12.140 Walls and ceilings.
8.12.150 Fly control.
8.12.160 Lighting.
8.12.170 Ventilation.
8.12.180 Water supply.
8.12.190 Toilet facilities.
8.12.200 Handwashing facilities.
8.12.210 Multiuse utensils, sinks, equipment.
8.12.220 Dishwashing.
8.12.230 Utensil storage.
8.12.240 Garbage and waste disposal.
8.12.250 Pure foods.
8.12.260 Refrigeration.
8.12.270 Protection from contamination.
8.12.280 Animals.
8.12.290 Rodents.
8.12.300 Living quarters.
8.12.310 Beds.
8.12.320 Storage of clothing.
8.12.330 Cleanliness of employees.
8.12.340 Communicable disease.
8.12.350 Investigation of infection.
8.12.360 Rules and regulations.
8.12.370 Enforcement authority.
8.12.380 Right of entry for inspection.
8.12.390 Violation--Penalty and public nuisance.

Section 8.12.010 Definitions.

As used in this chapter the words set out in this section shall have the following meanings:

A. "Food handling establishment" means and includes every bakery, confectionery, cannery, packing house, slaughterhouse, grocery, meat market, vegetable or fruit stand, public eating place and every other place within the city used for the production, preparation for sale or distribution of any food or beverage.

B. "Food or beverage" includes all articles used for food, drink, confectionery or condiment, whether simple or compound, and all substances and ingredients used in the preparation thereof for human consumption.

C. "Health officer" means the health officer of the city and his duly authorized agent.

D. "Operator" and/or "employee" means any person or owner engaged in the dispensing of, or assisting in the preparation of food or beverages, or any person otherwise employed in a food handling establishment. The term "owner" or "owners" means those persons, partnerships or corporations who are financially interested in the operation of a food handling establishment.

E. "Public eating place" means and includes every restaurant, public school and private school lunchroom, soda fountain, buffet, grill room, lunch counter, sandwich stand, dining room, coffee shop, public boardinghouse, hotel, club, tavern, cocktail lounge, Veterans club, cafeteria operated by any political subdivision, and every other place where food or beverage is prepared or sold, to be consumed on the premises, and all kitchens, commissaries, and other rooms appurtenant thereto or connected therewith.

F. "Utensils" includes kitchenware, tableware, glassware, cutlery, containers, machinery, implements, receptacles, or other equipment used for the storage, preparation,

distribution, or serving of food or drink. (Ord. 90 § 1 (A--H), 1963: prior code § 15000 (part))

Section 8.12.020 Mobile food dispensing units.

Mobile food dispensing units, catering trucks, food peddling vehicles of all types, and other similar type movable units in which food or beverage is sold, offered for sale, or dispensed to the general public from a parked vehicle within the city shall conform with the rules and regulations as may be formulated pursuant to Section 8.12.360. (Ord. 90 § 1(I), 1963: prior code § 15000(A))

Section 8.12.030 Outdoor concessions and itinerant public eating places.

All outdoor concessions and itinerant public eating places established on fairgrounds, carnivals, fiestas, and other celebrations within the city shall conform with rules and regulations as may be formulated pursuant to Section 8.12.360. (Ord. 90 § 1(J), 1963: prior code § 15000 (B))

Section 8.12.040 Food and beverage vending machines.

Food and beverage vending machines and their operation shall be regulated in accordance with the rules and regulations as may be formulated pursuant to Section 8.12.360. (Ord. 90 § 1(K), 1963: prior code § 15000(C))

Section 8.12.050 Permit--Application--Required.

Any person now operating a food handling establishment without a permit, or any person intending to operate any food handling establishment, shall make an application to the health officer upon a form provided by the health officer, giving the names of the owner or owners, manager or managers thereof, and such other information as the health officer may require for the administration of this chapter and the laws of the state. (Ord. 90 § 25(A) (part), 1963: prior code § 15024(A) (part))

Section 8.12.060 Permit--Application--Inspection of premises.

Following receipt of such application by the health officer, he shall make or cause to be made an inspection of the premises, and if the provisions of this chapter, the rules and regulations of the health officer, health laws of the state, and the rules and regulations of the State Department of Public Health have been complied with, he shall so certify that fact to the applicant and within ten days issue a permit to operate. If the food handling establishment does not conform to the provisions of this chapter, or the rules and regulations of the health officer or the laws of the state, or the rules and regulations of the State Department of Public Health, the health officer shall not issue a permit. (Ord. 90 § 25(A) (part), 1963: prior code § 15024(A) (part))

Section 8.12.070 Permit--Certificate of approval.

The certificate of approval issued by the health officer shall be considered the permit to operate under the provisions of this chapter. No permit to operate such place of business shall be issued to any person until all of the provisions of this chapter, the rules and regulations of the health officer, the health laws of the state, and the rules and regulations of the State Department of Public Health as well as all other ordinances of the city in relation to proper location, construction, and equipment of food handling establishments shall have been complied with. Any permit issued under these provisions shall not be transferable to any other person or any other location. No permit shall be valid for a longer period than ten days following date of its issue unless the operator, owner or manager procures a license from the license collector to operate such place of business. The license collector shall issue no license to operate a food handling establishment, as defined in this chapter, until a permit or certificate of approval shall have been issued by the health officer. The application for a permit to operate a food handling establishment when countersigned by the health officer, recommending a permit be

issued to the applicant, shall be the certificate of approval. (Ord. 90 § 25(B), 1963: prior code § 15024(B))

Section 8.12.080 Permit--Suspension or revocation.

A. Any permit issued pursuant to the provisions of this chapter may be suspended or revoked by the health officer for a violation of the provisions of this chapter, or any health law of the state, or any rule or regulation of the health officer; provided, however, that a permit shall not be suspended or revoked until a hearing upon written notice of the hearing shall have been held by the health officer. Written notice to the permittee shall be served upon the permittee either by personal delivery to the person to be notified, or by deposit in the United States Mail in a sealed envelope, postage prepaid, addressed to such person to be notified at his last known business or residence address as the same appears in the records of the health department at the City Hall in the city. The notice shall state:

1. The grounds for complaint or reasons for the proposed revocation or suspension in clear and concise language;
2. The time when and the place where the hearing is to be held.

B. Such notice shall be served or given to the permittee at least ten and not more than fifteen days prior to the date set for the hearing.

C. After conducting the hearing and a finding of cause for revocation or suspension of the permit as provided in this section, the health officer may suspend or revoke the permit upon such terms and conditions as, in the exercise of a reasonable and sound discretion, he shall determine, or may dismiss the proceedings. (Ord. 90 § 25(C), 1963: prior code § 15024(C))

Section 8.12.090 Permit - appeal of suspension or revocation.

Any person whose permit is revoked or suspended pursuant to the provisions of this Chapter may appeal by filing a request for a hearing of such appeal with the City Clerk within ten (10) days after the decision of the health officer that such permit be suspended or revoked. Such hearing shall be set and conducted pursuant to section 21.03.060. The hearing officer may at such hearing sustain, reverse or modify the decision of the health officer representing the suspension or revocation of such permit. The decision of the hearing officer shall be final. (Ord. 2006-07, Amended, 06/06/2006Ord. 90 § 25(D), 1963: prior code § 15024(D)

Section 8.12.100 Permit--Unlawful to operate without.

It is unlawful for any person controlling, leasing, acting as agent for, conducting, operating, or managing any food handling establishment within the city to conduct or operate, or cause or permit to be conducted or operated, such food handling establishment without a permit to operate the same, or during the time of suspension of such permit, or after the revocation of such permit, notwithstanding the fact that such person holds a valid license from the city to conduct such business. (Ord. 90 § 26, 1963: prior code § 15025)

Section 8.12.110 Review of plans prior to building permit issuance.

No building permit shall be issued for the construction or alteration of a building intended for a food handling establishment until the plans have been reviewed and approved by the health officer, or his duly authorized agent charged with the enforcement of the provisions of this chapter. (Ord. 90 § 1(L), 1963: prior code § 15000(D))

Section 8.12.120 Size and floor space.

Buildings for housing any food handling establishment shall be of sufficient size and floor space to allow for the maintenance of proper sanitation after equipment is installed. (Ord. 90 § 2(B), 1963: prior code § 15001(B))

Section 8.12.130 Floors.

The floors of all rooms in which food or beverage is stored, prepared, or handled, or in which utensils are washed, shall be kept clean and in good repair. The floors of all rooms in which food or beverage is prepared or utensils washed shall have a smooth, washable surface. (Ord. 90 § 2(A), 1963: prior code § 15001(A))

Section 8.12.140 Walls and ceilings.

The walls and ceilings of all rooms in which food or beverage is stored, prepared or handled shall be kept clean and in good repair. The walls and ceilings of all rooms in which food or beverage is prepared or utensils washed shall have a smooth washable surface. (Ord. 90 § 3, 1963: prior code § 15002)

Section 8.12.150 Fly control.

All openings into the outer air from food handling establishments shall be effectively screened and doors shall be self-closing unless other effective means approved by the health officer are provided to prevent the entrance of flies. (Ord. 90 § 4, 1963: prior code § 15003)

Section 8.12.160 Lighting.

All rooms in which food or beverage is stored, prepared or served or in which utensils are washed shall be well lighted. (Ord. 90 § 5, 1963: prior code § 15004)

Section 8.12.170 Ventilation.

All rooms in which food or beverage is stored, prepared or served or in which utensils are washed shall be well ventilated. (Ord. 90 § 6, 1963: prior code § 15005)

Section 8.12.180 Water supply.

Hot and cold running water under pressure shall be accessible to all rooms in which food or beverage is prepared or utensils are washed. The water supply shall be adequate and of a safe, sanitary quality. (Ord. 90 § 7, 1963: prior code § 15006)

Section 8.12.190 Toilet facilities.

A. Separate toilet facilities for each sex shall be provided convenient to the employees or operators on the premises of food handling establishments. In public eating places the toilet facilities shall also be provided convenient to the public.

B. Toilet rooms shall not be less than eighteen square feet and not less than three feet in width. Ante-rooms shall not be less than three feet in width.

C. Toilet rooms shall not open directly into any room in which food or beverage, or utensils are handled or stored. The doors of all toilet rooms and ante-rooms shall be self-closing.

D. Toilet rooms shall be ventilated to the outside air and effectively screened against insects and free from rodents.

E. Toilet room floors shall be of cement, tile, laid on cement, vitrified brick, other nonabsorbent material approved by the health officer. (Ord. 90 § 8, 1963: prior code § 15007)

Section 8.12.200 Handwashing facilities.

A. Adequate and convenient handwashing facilities shall be provided within or adjacent to toilet rooms, including running hot and cold water, soap, and approved sanitary towels or any other method approved by the health officer in all food handling establishments. The use of a common towel is prohibited.

B. No employee or owner shall resume work in a food handling establishment after visiting the toilet without first washing his hands and legible signs shall be posted in each toilet room directing attention to this requirement. (Ord. 90 § 9, 1963: prior code § 15008)

Section 8.12.210 Multiuse utensils, sinks, equipment.

All multiuse utensils and all show and display cases or windows, counters, shelves, tables, stoves, hoods, refrigerating equipment, utensils, or other equipment shall be kept clean and in good repair. All multiuse dishes and utensils shall be kept free of breaks, corrosion, open seams, cracks, and chipped places. All public eating places after the effective date of the ordinance codified in this chapter shall be provided with at least a three-compartment metal sink with metal drainboards, or an adequate dishwashing machine except where single-service eating and drinking utensils are used exclusively. All other food handling establishments shall be provided with metal sink or sinks with metal drainboards and shall be adequate and suitable for each such establishment. All stoves or ranges installed in public eating places after the effective date of the ordinance codified shall be at least twelve inches distance from the wall except where the hood and stoves or ranges are of one integral

part or where the hood and back wall metal flashing are tightly soldered or sealed to the stove or range to prevent grease and dirt from accumulating behind them. The temperature of all foods retained in a steam table or food warmer shall be maintained at a minimum of one hundred fifty degree Fahrenheit. All steam tables shall be properly drained. (Ord. 90 § 10, 1963: prior code § 15009)

Section 8.12.220 Dishwashing.

All except single-service eating and drinking utensils shall be thoroughly cleaned and then effectively subjected to one of the following approved bactericidal processes after each usage:

A. Immersion for at least one-half minute in clean, hot water at a temperature of at least one hundred eighty degrees Fahrenheit;

B. Immersion for at least two minutes in a chlorine bath containing at least one hundred p.p.m. at all times of available chlorine if hypochlorites are used, or a concentration of equal bactericidal efficiency if chloramines are used;

C. All chemicals and methods to be used in the sanitizing process for dishes, glasses, and eating utensils shall be of a type and of a use or method approved by the health officer;

D. Drying cloths, if used, shall be clean and shall be used for no other purpose. No article, polish, or other substance containing any cyanide preparation or other poisonous material shall be used for the cleaning or polishing of utensils. (Ord. 90 § 11, 1963: prior code § 15010)

Section 8.12.230 Utensil storage.

After washing and bactericidal treatment, utensils shall be handled in such manner as to prevent contamination. They shall be stored in a clean place protected from flies, dust, and other contamination. Single service utensils shall be purchased only in sanitary containers, shall be stored therein in a clean dry place until used, shall be handled in a sanitary manner, and shall be used only once. (Ord. 90 § 12, 1963: prior code § 15011)

Section 8.12.240 Garbage and waste disposal.

All wastes shall be properly disposed of, and all garbage and trash shall be kept in suitable, leakproof, nonabsorbent receptacles covered with close-fitting lids. Garbage disposal units may be used for wet garbage. Receptacles into which waste products are emptied at frequent intervals shall not be required to have lids during such use. Such receptacles shall be thoroughly cleansed after emptying and before reuse. (Ord. 90 § 13, 1963: prior code § 15012)

Section 8.12.250 Pure foods.

All food and beverage shall be clean, wholesome, free from spoilage, and be so prepared as to be safe for human consumption and shall comply with the provisions of the Health and Safety Code of the state relating to pure foods, adulteration and all portions pertaining thereto. (Ord. 90 § 14, 1963: prior code § 15013)

Section 8.12.260 Refrigeration.

Refrigeration for all perishable food in a food handling establishment shall be constantly maintained at fifty degrees Fahrenheit or lower except when being prepared or served and refrigeration shall be of a capacity so as to eliminate congestion of food and to provide for rapid cooling of all goods stored. All refrigerators shall be kept in a clean condition and in good repair at all times and drains in all walk-in refrigerators and/or refrigerated display cases installed after the effective date of the ordinance codified in this chapter shall be connected by air gap separation with the sewer, the same to comply with the plumbing laws of the city. There shall be an accurate thermometer in each separate refrigeration unit. (Ord. 90 § 15, 1963: prior code § 15014)

Section 8.12.270 Protection from contamination.

All food or beverage shall be so stored, displayed, dispensed, or served as to be reasonably protected from dust, dirt, flies, vermin, depredation and pollution by rodents,

unnecessary handling, droplet infection, overhead leakage, or other contamination. (Ord. 90 § 16, 1963: prior code § 15015)

Section 8.12.280 Animals.

No live animal, fowl, or aviary pets shall be kept or allowed in any room where food or beverage is prepared, stored, or served in any food handling establishment in any manner not approved by the health officer except that this section shall not apply to premises exclusively devoted to the slaughter of animals or fowl for food nor shall this section apply to dogs being used by the blind. (Ord. 90 § 17, 1963: prior code § 15016)

Section 8.12.290 Rodents.

The premises of all food handling establishments shall be clean and free by all reasonable means of litter, rubbish, rodents, roaches, ants, flies, or other insects. (Ord. 90 § 18, 1963: prior code § 15017)

Section 8.12.300 Living quarters.

No operation connected with the storage, sale, serving, or preparation of food or beverage in any food handling establishment shall be conducted in any room used as living or sleeping quarters. (Ord. 90 § 19, 1963: prior code § 15018)

Section 8.12.310 Beds.

No couch, cot, bed, or other accessory which may be used for sleeping purposes shall be maintained or kept in any room in which food or beverage is stored, prepared, or handled. (Ord. 90 § 20, 1963: prior code § 15019)

Section 8.12.320 Storage of clothing.

No owner or employee shall dress or undress in any room where food or beverage is prepared, sold or served. He shall not leave or store his clothing therein. A suitable room or space shall be provided where employees may change and store their outer garments. Soiled linens, coats and aprons shall be kept in containers provided for this purpose. (Ord. 90 § 21, 1963: prior code § 15020)

Section 8.12.330 Cleanliness of employees.

All employees and owners while engaged in the preparation, sale or serving of food or beverage in any food handling establishment shall wear clean outer garments, shall keep their hands clean, and shall not expectorate or use tobacco in any form while so engaged. Female employees in a public eating place shall wear hair nets, caps, or other suitable covering which confine the hair. (Ord. 90 § 22, 1963: prior code § 15021)

Section 8.12.340 Communicable disease.

No person shall be employed in any food handling establishment who, in the opinion of the health officer having jurisdiction, is affected with, or a carrier of, any disease in a stage which is likely to be communicable to persons exposed as a result of the affected employee's normal duties of a food or beverage handler. (Ord. 90 § 23, 1963: prior code § 15022)

Section 8.12.350 Investigation of infection.

When a complaint or information as to the possibility of the transmission of infection from any employee or owner is presented to the health officer, he shall investigate, and may, after investigation, require, in writing, any or all of the following measures:

A. The immediate exclusion of such employee or owner from the food handling establishment by the health officer;

B. The immediate closing of the food handling establishment until no further danger of disease outbreak exists in the opinion of the health officer;

C. Adequate medical examination of the owner, employee, and his coemployees, with such laboratory examination as may be indicated, or should such examination or examination be refused, then the immediate exclusion of the refusing owner, employee, or coemployee from that or any other food handling establishment until an adequate medical or laboratory examination shows that he is not affected with or a carrier of any disease in a communicable form. (Ord. 90 § 24, 1963: prior code § 15023)

Section 8.12.360 Rules and regulations.

The health officer shall have the right to make reasonable rules and regulations governing the conduct of the food handling establishments as defined in this chapter for the purpose of enforcing the provisions of this chapter. For the purpose of this chapter, such rules and regulations and amendments thereto shall be effective only after approval of the city council. (Ord. 90 § 27, 1963: prior code § 15026)

Section 8.12.370 Enforcement authority.

The health officer, and his duly authorized agents, is charged with the enforcement of the provisions of this chapter. (Ord. 90 § 28 (part), 1963: prior code § 15027 (part))

Section 8.12.380 Right of entry for inspection.

The health officer, and his duly authorized agents, may at all reasonable times enter any food handling establishment to inspect the premises and utensils, implements, machinery, receptacles, fixtures, furniture, and other equipment, supplies, articles of food, operatives and employees therein. (Ord. 90 § 28 (part), 1963: prior code § 15027 (part))

Section 8.12.390 Violation--Penalty and public nuisance.

Any violation of the provisions of this chapter is unlawful and an offense, and is additionally declared a public nuisance. Each day that conditions or actions in violation of any provision of this chapter continue is deemed a separate and distinct offense. Such violations shall be prosecuted as provided by Chapter 21.01 of Title 21.
(Ord. 2006-07, Amended, 06/06/2006; Ord. 92-04 § 12: Ord. 90 § 29, 1963)

Chapter 8.16

GARBAGE

Sections:

8.16.010 Definitions.
8.16.020 Automated/semi-automated containers.
8.16.030 Garbage collection rates.
8.16.070 Special pickup rates.
8.16.100 Credits for absence.
8.16.120 Bills - payable when.
8.16.125 Property owners responsible for bills.
8.16.130 Bills - delinquency.
8.16.135 Proration of charges.
8.16.150 Residential containers--location.
8.16.160 Pickup of dead animals.
8.16.170 Nonpayment of service unlawful.
8.16.180 Contract or agreement with collector--insurance for contractor required.
8.16.200 City dump use regulations.
8.16.210 Unlawful deposits--generally.
8.16.220 Unlawful deposits--within city limits or four hundred yards thereof.
8.16.230 Burning garbage within city unlawful--exception.
8.16.240 Burying garbage or swill within city unlawful.
8.16.260 Disposal of rubbish carrying contagious substances.
8.16.270 Vehicles transporting garbage.
8.16.280 Public works director to supervise collection.
8.16.290 License required for garbage collection.
8.16.300 Garbage collection compulsory.
8.16.310 Hauling of rubbish to city dump.
8.16.320 Disposing of waste accumulated at building construction site.
8.16.330 Disposing of rubbish to eliminate fire or health hazard.
8.16.340 Violation.
8.16.350 Tampering with prohibited.

Section 8.16.010 Definitions.

The following words, terms and phrases when used in this chapter shall have the meaning ascribed to them in this section except where the context clearly indicates a different meaning. The singular number shall include the plural.

A. "Automated/semi-automated containers" means a wheeled container, of at least ninety gallons capacity, suitable for use in semi-automated or fully automated collection systems.

B. "Garbage" means every accumulation of animal, vegetable or other matter that attends the preparation, consumption, decay, dealing in or storage of meats, fish, fowl, birds, fruit or vegetables. The term garbage shall not include swill as defined in this section, or liquids.

C. "Garbage collector" means an agent or employee of the city or any person, firm, corporation or association or the agents or employees thereof, licensed by contract or otherwise to collect and transport garbage, swill, rubbish and waste matter in the city.

D. "Panel" means a panel composed of the city manager, a representative of contractor, and a third person appointed by the city council to hear petitions regarding hardship waiver and damage bills. Decisions made by the panel shall be final and not subject to further review.

E. "Recyclable container" means any container authorized or provided by the city or the city's authorized agent for the collection of recyclable material.

F. "Recyclable material" means any items authorized for collection under the city's recycling program, such as, but not limited to, are the following: newspapers, glass bottles and jars, tin, aluminum, plastic and other items which may be added as materials markets are developed.

G. "Rubbish" means wood, leaves, tree or shrub trimmings, dead trees or the branches thereof, shavings, sawdust, excelsior, woodenware, dodgers, printed matter, paper, pasteboard, concrete, metal, construction and remodeling debris, grass, rags, straw, boots, shoes, hats and all other combustible matter not included under the term garbage.

H. "Swill" means all animal, vegetable or other matter having a food value, from clubs, hospitals, hotels, restaurants and public eating places, which is putrefactive or easily decomposable and attractive to flies or rodents.

I. "Waste matter" means crockery, glass, glassware, ashes, cinders, shells and all other

noncombustible material. Animal droppings, ashes from fireplaces and sawdust shall be securely wrapped. Waste matter shall not include the following: dirt, sod, rocks, flammables and liquids, live ammunition, paints, oils and acids. (Ord. 89-13 §§ 1, 2; Ord. 88-14 § 1: Ord. 80-12 § 1: Ord. 28 § 1, 1950: prior code § 15300)

Section 8.16.020 Automated/semi-automated containers.

The contractor, at its cost and expense, shall provide an automated/semiautomated container for nonseparated solidwaste, an automated/semiautomated container for yard waste, and an automated/semi-automated container for source separated recyclables to each customer served by the contractor, excluding those customers using commercial containers or drop boxes. The size of such containers shall be as specified in the franchise agreement or contract between the City and the contractor. The contractor may, if customer agrees to pay therefor, provide additional automated/semi-automated containers. Customer shall wheel such containers to the curb or alleyway on the designated day prior to five a.m. on that day, unless contractor and customer make alternate arrangements. The contractor shall not litter in the process of making collection, nor allow any refuse to blow or fall from any vehicle used for collections. The contractor shall repair or replace damaged containers. If customer shall wantonly, deliberately, or with gross negligence, damage or destroy, or allow to be damaged or destroyed, such containers, contractor shall notify city, which shall add the cost of repair or replacement to that customer's next bill. Any person to whose bill such a cost is added may petition to city for a hearing on that cost, which hearing shall be conducted by the panel. The decision of the panel shall be final and not subject to further review, except by action filed in the appropriate court. (Ord. 2007-10, Amended, 07/17/2007; Ord. 96-06 § 1: Ord. 96-05 § 1: Ord. 88-14 § 2: Ord. 80-12 § 2: Ord. 190 § 1 (part), 1973: Ord. 28 § 2, 1950: prior code § 15301)

Section 8.16.030 Garbage collection rates.

Every person from whom garbage or waste is collected under the provisions of this Chapter shall pay the rates or charges for solid waste collection service established or authorized by resolution of the City Council. In addition to such rates or charges, new subscribers may be required to pay a deposit in an amount not to exceed three times the monthly service charge as a deposit in advance on registering for service. The deposit requirement may be waived or reduced upon a finding of good creditor extreme financial hardship by the Finance Department. For purposes of this section, new subscribers shall include commercial and residential subscribers, excluding tenants of master-metered multi-unit residential buildings, whose service has been discontinued due to nonpayment. (Ord. 2009-10, Amended, 07/07/2009; Ord. 2007-10, Amended, 07/17/2007; Ord. 96-13 § 12: Ord. 94-11 § 1: Ord. 84-42 § 1: Ord. 83-1 § 1 (part): Ord. 82-14 § 1 (part): Ord. 80-12 § 3 (part): Ord. 79-5 § 1 (part): Ord. 44 § 1 (part), 1956: Ord. 28 § 12 (part), 1950: prior code § 15311 (part))

Section 8.16.070 Special pickup rates.

Contractor shall provide special haul service (collection of items not capable of, or allowed for, disposal in regular weekly pickups) to all occupants of premises within the collection area, on rates to be agreed upon between contractor and occupant. (Ord. 88-14 § 6: Ord. 84-42 § 5: Ord. 83-20 § 1 (part): Ord. 82-14 § 1 (part): Ord. 80-12 § 3 (part): Ord. 79-5 § 1 (part): Ord. 28 § 12(f), 1950: prior code § 15311(g))

Section 8.16.100 Credits for absence.

For periods of absence, during which regular weekly pickups need not be made, which exceed two weeks, any occupant who provides at least twenty-four hours' notice to city of such absence, shall be provided a credit for the period of noncollection. Upon return, the occupant shall be responsible for notifying city within twenty-four hours of such return and the necessity of recommencing collection. Credit may only be

granted if in conjunction with discontinuance of water services pursuant to Galt Municipal Code section 13.04.050. (Ord. 2007-10, Amended, 07/17/2007; Ord. 88-14 § 9: Ord. 80-12 § 3 (part): Ord. 79-5 § 1 (part): Ord. 172 § 1, 1972: Ord. 28 § 12(i), 1950: prior code § 15311(j))

Section 8.16.120 Bills - payable when.

The billing period will cover one month in the arrears and one month in advance. Bills are due on receipt. Payment of bills shall be in cash and where payment is made by check or any other payment method, acceptance of the check or other payment method does not constitute payment until honored by the bank drawn upon. If the check, or other non cash transaction, is dishonored or payment is declined, it will be considered as if no payment has been made. (Ord. 2007-10, Amended, 07/17/2007; Ord. 96-13 §§ 13, 14; Ord. 86-17 § 1: Ord. 85-2 § 1: Ord. 80-12 § 3 (part): prior code § 15311(m))

Section 8.16.125 Property owners responsible for bills.

A. Commercial property owners and owners of all master-metered multi-unit residential buildings shall be responsible for all bills for garbage service provided to their premises and any and all unpaid bills for garbage service shall become a lien on the real property and may be collectible by legal action or by refusal of service to the premises until the account is paid in full, or by application of all or a portion of the deposit amount set forth in this chapter to the unpaid bill, or by combination of these methods.

B. The applicant for garbage collection service for residential property, excluding master-metered multi-unit residential buildings, who may be either the property owner or tenant, shall be responsible for all bills for garbage service provided to their premises and any and all unpaid bills for such service. Unpaid bills may be collected by the finance department by refusing service to the premises until the account is paid in full. In addition, in the event of tenant nonpayment of all or a portion of the bill, the deposit provided for in this chapter shall be applied to the final bill issued when service is terminated.

C. When service has been discontinued for nonpayment, a charge as established by resolution of the city council as adopted from time to time must be paid in addition to the bill before service will be restored. In addition, in the event the finance department has applied any portion of the deposit to unpaid bills, prior to the restoration of service the applicant may be required to replenish the deposit up to the maximum amount provided in this chapter. The deposit requirement may be waived or reduced upon a finding of good credit or extreme financial hardship by the Finance Department. (Ord. 2009-10, Amended, 07/07/2009; Ord. 96-13 § 15; Ord. 88-14 § 10: Ord. 86-17 § 2)

Section 8.16.130 Bills - delinquency.

In addition, all bills are due on receipt and become delinquent on the fifth day of the calendar month following the billing period for which the bill is rendered. Upon delinquency, a penalty of ten percent (10%) of the delinquent amount shall be charged. However, only one penalty of ten percent (10%) of the delinquent amount per billing period will apply. Upon application to the Director of Finance by any person to whom a penalty is assessed, the director of finance may waive or refund a penalty upon showing of excusable neglect, error by parties other than the person to whom the penalty is assessed, or extreme hardship. Such application must be made within thirty (30) days of the assessment of the penalty. A refusal to waive or refund a penalty, after application is made, may be appealed by submission of a written appeal hearing request to the City Clerk. Such hearing shall be set and conducted pursuant to section 21.03.060. The decision of the hearing officer shall be final. (Ord. 2006-07, Amended, 06/06/2006; Ord. 96-13 § 16: Ord. 94-11 § 2: Ord. 86-17 § 3: Ord. 85-2 § 2: Ord. 81-13 § 2: Ord. 80-12 § 3 (part): Ord. 80-10 § 5: Ord. 229 § 2, 1975: prior code § 15311(n))

Section 8.16.135 Proration of charges.

When service is rendered for a period of less than one month, due to registering or terminating service, the charge will be prorated for the time service was rendered. (Ord. 94-11 § 3: Ord. 85-2 § 3)

Section 8.16.150 Residential containers--location.

Containers must be placed at curbside or as close as reasonably possible but in no event any distance exceeding ten feet or in the alley if appropriate; not to obstruct any drainage ditch, culvert, waterway, sidewalk, mailbox or regularly traveled footpath. Garbage containers may not be left at curbside, or in any location visible from a public or private street or road, for over thirty hours. (Ord. 2007-10, Amended, 07/17/2007; Ord. 88-14 § 12: Ord. 82-14 § 1 (part): Ord. 80-12 § 3 (part): Ord. 79-5 § 1 (part): Ord. 28 § 12(c), 1950: prior code § 15311(c))

Section 8.16.160 Pickup of dead animals.

The person to whom the franchise for garbage collection is awarded shall pick up any dead animals within the city limits of the city within twelve hours after being requested to do so by any citizen or police officer, provided said animal does not exceed sixty pounds in weight. (Ord. 2007-10, Amended, 07/17/2007; Ord. 80-12 § 3 (part): Ord. 79-5 § 1 (part): Ord. 44 § 1 (part), 1956: Ord. 28 § 12(k), 1950: prior code § 15311(l))

Section 8.16.170 Nonpayment of service unlawful.

It is unlawful for any person having garbage or rubbish collected and disposed of, as provided in this chapter, to willfully fail, neglect or refuse to pay to the person collecting and disposing of such garbage or rubbish, the rate provided in this chapter to be paid for such service. (Ord. 28 § 13, 1950: prior code § 15312)

Section 8.16.180 Contract or agreement with collector--insurance for contractor required.

The city council may let contracts or enter into agreements with any person, firm, or corporation for the removal of garbage, rubbish or waste matter. Such contract or agreement so entered into may be revoked at any time by the city council for noncompliance with the terms of this chapter. The said contractor shall be required to procure insurance to cover both the contractor, the city, and all of the city employees and agents engaged in any business connected with the removal of garbage, rubbish, or waste matters, to the extent and in the amounts as the city council shall require by a resolution. (Ord. 28 § 14, 1950: prior code § 15313 (part))

Section 8.16.200 City dump use regulations.

The collector of garbage shall maintain any dump used by the city for the dumping of garbage, rubbish or waste matters in accordance with the terms of any contract entered into between the city and any other person relating to the maintenance and operation of any such dump in the event the collector of garbage uses such dump made available to the city. In making any contract under the provisions of this chapter, the city council shall reserve the right to cancel the contract after a hearing, upon the violation of any term or covenant of the contract by the contractor. The contract shall provide that the contractor shall promptly and properly collect garbage and rubbish in the city and shall charge rates not in excess of those established in this chapter, and that insolence towards persons, firms, or corporations, or the employees or agents thereof, by the contractor, his agents or employees, shall constitute violations of the terms of the contract. (Ord. 28 § 16, 1950: prior code § 15315)

Section 8.16.210 Unlawful deposits--generally.

It is unlawful for any person in the city to throw or deposit any garbage, swill, rubbish or waste matter or to cause the same to be thrown or deposited upon any street, alley, gutter, park, or other public way or to throw or deposit the same in or upon any premises or vacant lots or to store or keep the same expect in containers as required by this Chapter. Nothing contained in this section shall prohibit the storing of occasional excess rubbish or waste matter in barrels, boxes or other proper receptacles adjacent to the garbage container while awaiting the regular collection, subject to the approval of the chief of the fire district of Galt. It is unlawful to store, deposit or keep garbage or swill in any place where rodents can have access thereto or feed thereon. (Ord. 2003-02, Amended, 02/04/2003; Ord. 28 § 3, 1950: prior code § 15302)

Section 8.16.220 Unlawful deposits--Within city limits or four hundred yards thereof.

It is unlawful for any person to deposit any garbage, swill, rubbish or waste matter within the city limits or within four hundred yards thereof, except in accordance with the provisions of this chapter. (Ord. 28 § 4, 1950: prior code § 15303)

Section 8.16.230 Burning garbage within city unlawful--Exception.

It is unlawful for any person, firm, or corporation to burn garbage, swill, or rubbish at any place within the city; provided, however, that the provisions of this section shall not apply to the burning of dry rubbish between the hours of six a.m. and nine a.m. and five p.m. and sundown every day except Sunday in accordance with the provisions of any fire prevention code of the city, when such burning is not attended by dense smoke or offensive odors. (Ord. 28 § 5, 1950: prior code § 15304)

Section 8.16.240 Burying garbage or swill within city unlawful.

It is unlawful for any person to bury garbage or swill at any place within the city. (Ord. 28 § 6, 1950: prior code § 15305)

Section 8.16.260 Disposal of rubbish carrying contagious substances.

All rubbish, such as rags, used clothing, bedding, mattresses, shoes and other material which may carry infectious or contagious substances or communicable diseases shall be taken as directly as possible on the day of collection to the place of disposal. The collector shall not retain any material of this character nor carry the same to any premises for storage, segregation or use. (Ord. 28 § 8, 1950: prior code § 15307)

Section 8.16.270 Vehicles transporting garbage.

Every vehicle used for the collection of garbage, rubbish, waste matter or recyclables shall have a metal line body and shall be operated so as to prevent the contents from falling or spilling therefrom. From the time the last pickup is made and until the truck reached the garbage dump, the contents thereof shall be covered. Each vehicle shall be well painted and shall be kept in a clean and sanitary condition. (Ord. 96-06 § 4: Ord. 28 § 9, 1950: prior code § 15308)

Section 8.16.280 Public works director to supervise collection.

The public works director is authorized to supervise the collection and disposal of garbage, swill, rubbish and waste matter in the city. The public works director shall receive and investigate all complaints and endeavor to improve and extend the garbage, rubbish and waste matter collection service. All disputes between garbage collectors and producers concerning charges, service or any other matter not otherwise delegated shall be decided by the public works director and his decision shall be final. The chief of police is directed to enforce the provisions of this chapter and he shall have the right to enter all premises for the purpose of making any inspection or investigation which he may deem necessary under the provisions of this chapter. (Ord. 190 § 1 (part), 1973; Ord. 28 § 10, 1950: prior code § 15309)

Section 8.16.290 License required for garbage collection.

It is unlawful for any person, firm, corporation, or association to collect garbage, rubbish or waste matter within the city or transport the same through the streets, alleys and public ways of the city unless such person, firm, corporation, or association has been licensed so to do by contract or otherwise. (Ord. 28 § 11 (part), 1950: prior code § 15313 (part))

Section 8.16.300 Garbage collection compulsory.

Every tenant, lessee, occupant, keeper, or owner of any private dwelling house, the keeper of a hotel, restaurant, eating house, boardinghouse or other building where meals are served, the owner of every flat or apartment house, trailer camp, motel, auto court, bachelor cabin and of every other person having garbage, rubbish or waste matter, shall be responsible for the regular collection of garbage from said places of occupancy or use by authorized collector of garbage in the city, and shall also be responsible for the payment of all garbage

services by said authorized collectors of garbage from said places of occupancy. (Ord. 88-14 § 13: Ord. 84-9 § 1 (part))

Section 8.16.310 Hauling of rubbish to city dump.

Nothing in this chapter shall be construed to prohibit any person with the consent of the chief of police from hauling rubbish or waste matter, or any firm or corporation handling live or dressed poultry, or handling fresh fish, from hauling garbage, as well as rubbish or waste matter, which in either or any event, has been produced on the premises actually occupied by said person, firm, or corporation, in his or their own vehicle, and depositing the same at the garbage dump. Delivery of garbage, rubbish, or waste matter, under the provisions of this section, must be made between the hours of eight a.m. and six p.m. of any day to the garbage dump used by the city. (Ord. 28 § 11 (part), 1950: prior code § 15310 (part))

Section 8.16.320 Disposing of waste accumulated at building construction site.

Nothing in this chapter shall be construed to prohibit any person from removing and disposing of waste matter which has accumulated during the construction or repair of any building or structure. It is unlawful for any person, building contractor or subcontractor engaged in the repair, construction or demolition of any building or structure, or part thereof, to fail to remove from any street, alley, gutter, park, sidewalk, curbing, or any public way, building materials, waste matter or rubbish deposited thereon in connection with that portion of the repair, construction or demolition work under his special or general supervision. The person, building contractor or subcontractor must remove such building materials or waste matter within seven days of his final cessation of work on the building or structure, or part thereof. (Ord. 28 § 11 (part), 1950: prior code § 15310 (part))

Section 8.16.330 Disposing of rubbish to eliminate fire or health hazard.

Nothing in this chapter shall be construed to prohibit any person from removing and disposing of rubbish or waste matter when ordered so to do by the chief of police or the health officer of the county or his authorized representative in order to eliminate a fire hazard or a health menace immediately. (Ord. 28 § 11 (part), 1950: prior code § 15310 (part))

Section 8.16.340 Violation.

Violation of any of the provisions of this Chapter is unlawful and an offense. Such violations are punishable as provided by Chapter 21.01 of Title 21. (Ord. 2006-07, Amended, 06/06/2006; Ord. 92-04 § 14: Ord. 28 § 17, 1950)

Section 8.16.350 Tampering with prohibited.

No person shall tamper or meddle with any refuse receptacle. No person other than the owner thereof, his agents or employees, or the city, or a licensed refuse collector shall remove the contents from any refuse receptacle. No person, other than the city or the city's authorized agent, shall remove recyclable materials which have been segregated for the purpose of collection and recycling by the city or the city's authorized agent. (Ord. 89-13 § 3)

Chapter 8.20

PROPERTY MAINTENANCE

Sections:

8.20.110	**Unlawful public nuisances declared.**
8.20.120	**Nonexclusive procedure and remedies.**
8.20.130	**Violation unlawful.**
8.20.140	**Administrative citation.**
8.20.150	**Recordation of notice of violation.**
8.20.170	**Limitation of filing judicial action.**
8.20.180	**No City duty to enforce.**
8.20.190	**Definitions.**
8.20.210	**Summary abatement.**
8.20.310	**Notice to abate.**
8.20.320	**Tenant notification.**
8.20.330	**Failure to comply with notice to abate unlawful-notice of hearing on abatement of nuisance-order to show cause.**
8.20.340	**Form of order to show cause.**
8.20.350	**Hearing officer.**
8.20.370	**Waiver of abatement hearing.**
8.20.380	**Hearing officer order of abatement and notice of right to appeal.**
8.20.395	**Failure to comply with order of abatement.**
8.20.410	**Abatement by city.**
8.20.420	**Recovery of costs of abatement.**

Section 8.20.110 Unlawful public nuisances declared.

It shall be unlawful and a public nuisance for any person owning, occupying, leasing or having charge or possession of any property in the city to maintain or allow to be maintained on such property any of the conditions set forth in this section, regardless of whether the property or any structure thereon is vacant or occupied.

A. The exterior accumulation of weeds, rank growths, dirt, litter, rubbish or debris which is visible from a public street, sidewalk or right-of-way.

B. Broken, abandoned or discarded furniture or other household equipment or fixtures, packing boxes, lumber, junk, trash, rubbish, or other materials or debris, which are visible from a public street, sidewalk or right-of-way, including the dumping, spillage or storage of solids or liquids which may negatively impact the visual or olfactory nature of the area.

C. Buildings, fences or other structures, the exterior walls or windows, which are visible from a public street, sidewalk or right-of-way, containing graffiti or other inscribed material or which are cracked, broken, leaning, fallen, decayed, deteriorated or defaced.

D. Any dangerous, unsightly or blighted condition. For purposes of this section, “blighted” shall mean characterized as being in a condition of decay, deterioration, disrepair, neglect or inadequate maintenance, including, but not limited to, conditions constituting a public nuisance, contributing to the diminution of the property values of surrounding properties, undermining the economic vitality of a neighborhood or creating health or safety dangers.

E. Neglected or improperly maintained landscaping, visible from a public street, sidewalk or right-of-way, including but not limited to dead, debris laden, weed infested or overgrown vegetation, such as trees, shrubs, hedges, grass and ground covers, or vegetation dying as a result of physical damage, disease, insect infestation or lack of water, or the removal or failure to maintain in good condition any landscaping required as a condition to any permit or development approved or included in the project plans or application, without city approval; provided however, that the provision as to dead or dying vegetation due to lack of water shall not to be enforced during a drought year, as determined by the city. For purposes of this subdivision, a lawn area shall be deemed overgrown if fifty percent or more of its area exceeds twelve inches in height.

F. All mistletoe or other parasite growth in any trees.

G. All sandburs or puncture vines.

H. Storage or maintenance in a residential zone, visible from a public street, sidewalk or right-of-way, of metal storage bins or containers larger than 120 square feet.

I. Where visible from a public street,

sidewalk or right-of-way, the exterior storage or maintenance of parts or machinery of any type or description unless specifically authorized by a city license or permit; building materials or merchandise unless specifically authorized by use permit; or construction equipment or garbage bins except while excavation, construction or demolition operations covered by an active building permit or other city permit are in progress on the subject or adjoining property. Provided, however, that Chapter 8.24 of the Galt Municipal Code shall apply to situations involving abandoned, wrecked, dismantled or inoperative vehicles, or parts thereof, on private or public property, and the abatement thereof.

J. The exterior storage of five (5) or more tires, or the storage of any number of tires in a manner that allows any accumulation of water or creates a fire hazard.

K. The parking or storage of any boat, trailer, camper, motor home, unregistered or non-operable vehicles or other mobile equipment, whether or not motorized, or portions or parts and components thereof, on property used or zoned for residential purposes, if either:

1. located on any front lawn or front yard or driveway within the front yard set back measured from the property boundary line; or

2. located in any side or rear yard so as to prevent a three foot (3') wide continuous fire access way from the front of the property; or

3. located on any side yard within the required side yard set back measured from the property boundary line of any corner lot.

L. The use of any trailer, camper or motor home for residential occupancy except on property zoned for mobile home parks or camping.

M. Land, the topography, geology or configuration of which, whether in natural state or as a result of grading operations, excavation or fill, causes erosion, subsidence, or surface water drainage problems of such magnitude as to be injurious or potentially injurious to the public health, safety and welfare or to adjacent properties.

N. Obstruction or encroachment upon any public property, including but not limited to any public street, sidewalk, highway, right-of-way, park or building, without prior city consent. Such obstructions or encroachments include, but are not limited to overgrown trees and shrubs; building materials; merchandise or other personal property; and buildings or portions of buildings or structures protruding onto public property.

O. Use of property in a residential district for the purpose of performing auto repair for profit, except where such use constitutes a legal non-conforming use pursuant to the zoning ordinance of the city.

P. Maintenance of any substance which because of its quantity, concentration or physical, chemical or infectious characteristics may either cause or substantially contribute to an increase in mortality or serious illness or pose a significant present or potential hazard to human health or the environment if improperly managed.

Q. Any condition recognized in law or in equity as constituting a public nuisance.

R. Any condition constituting a “substandard building” under section 17920.3 of the California Health and Safety Code.

S. The existence of any property condition which is unlawful or declared to be a public nuisance pursuant to any other provision in the Galt Municipal Code. This subsection shall be construed to place an affirmative duty on property owners and occupants to maintain their property in conformity with all applicable codes. The city shall have the power to require property owners and occupants to bring their property into compliance with applicable codes, regardless of whether or not the building is occupied.

Each day that any condition which constitutes a public nuisance continues shall be deemed to be a separate violation of this Chapter. (Ord. 2008-02, Amended, 06/03/2008; Ord. 1998-02, Repealed & Replaced, 03/03/1998)

Section 8.20.120 Nonexclusive procedure and remedies.

Any condition found to constitute a public nuisance may be abated pursuant to the

procedures set forth in this Chapter and Chapter 21.01 of Title 21. (Ord. 2006-07, Amended, 06/06/2006; Ord. 1998-02, Repealed & Replaced, 03/03/1998)

Section 8.20.130 Violation unlawful.

In addition to any other remedies provided for in this Chapter or under applicable law, violation of this Chapter or a failure to comply with an Order of Abatement or Notice to Abate issued pursuant to this Chapter shall be unlawful and a offense. Such violations shall be punishable as provided by Chapter 21.01 of Title 21. (Ord. 2006-07, Amended, 06/06/2006; Ord. 1998-02, Repealed & Replaced, 03/03/1998)

Section 8.20.140 Administrative citation.

The Building Official or his or her designee is authorized to issue an administrative citation, as provided by Chapter 21.02 of Title 21, to any person violating any of the provisions of this Chapter.
(Ord. 2006-07, Amended, 06/06/2006; Ord. 1998-02, Repealed & Replaced, 03/03/1998)

Section 8.20.150 Recordation of notice of violation.

The Building Official or his or her designee is authorized to record a "notice of violation" against any property on which a public nuisance exists declaring the existence of the nuisance and describing it. In any case where such a notice has been recorded and the nuisance is later abated, the Building Official shall record a further notice declaring the nuisance abated.(Ord. 1998-02, Repealed & Replaced, 03/03/1998)

Section 8.20.170 Limitation of filing judicial action.

Any action brought in superior court challenging the hearing officer's decision and order pursuant to section 8.20.350 shall be commenced within thirty (30) calendar days of the date of service of such decision.(Ord. 2006-07, Amended, 06/06/2006; Ord. 1998-02, Repealed & Replaced, 03/03/1998)

Section 8.20.180 No City duty to enforce.

Nothing in this Chapter shall be construed as requiring the City to enforce its prohibitions against any or all properties which may violate it. The City envisions that this Chapter will be enforced, in the City's prosecutorial discretion, only as to a limited number of problem properties, as resources permit. Nothing in this section or the absence of any similar provisions from any other City law shall be construed to impose a duty on the City to enforce such other provision of law. This Chapter is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care towards persons and property within or without the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law. (Ord. 1998-02, Repealed & Replaced, 03/03/1998)

Section 8.20.190 Definitions.

A. "Graffiti or other inscribed material" means any unauthorized inscription, word, figure or design that is written, marked, etched, scratched, drawn or painted on any real or personal property regardless of its content or nature of the material used in the commission of the act.

B. "Junk" shall mean any castoff, damaged, discarded, obsolete, salvaged, scrapped, unusable, worn-out or wrecked object, thing or material, including tires.

C. "Property" shall mean any real property or lot or parcel of land, including any alley, sidewalk or parkway abutting such lot or parcel of land. (Ord. 1998-02, Repealed & Replaced, 03/03/1998)

Section 8.20.210 Summary abatement.

Notwithstanding any other provision of this Chapter to the contrary, whenever it is determined that a public nuisance as defined by this Chapter is so imminently dangerous to life or other property that such condition must be immediately corrected or isolated, the City may institute summary abatement procedures as provided by section 21.01.090. (Ord. 2006-07, Amended, 06/06/2006; Ord. 1998-02, Repealed & Replaced, 03/03/1998)

Section 8.20.310 Notice to abate.

A. In General. Whenever any property is found by the Code Enforcement Officer to contain a public nuisance as declared by this Chapter, he or she shall notify the owner of such property in writing by issuing a Notice to Abate. The notice shall state the conditions which constitute the public nuisance, and shall order the owner to abate said conditions within thirty (30) days after the date of notice. The notice may provide for a shorter period of time in which to abate the public nuisance in the event that (1) the condition which constitutes the public nuisance is not one which makes the property substandard housing as defined by Health & Safety Code section 17920.3, or (2) prior notices to abate the same condition have been sent within the last (90) days and the condition has not been abated.

B. Substandard Housing. Whenever the condition which constitutes a nuisance is a substandard residential building, as defined by Health & Safety Code section 17920.3, then the Notice to Abate required by this section shall be sent not only to the owner, but also to any mortgagee or beneficiary under any deed of trust of record. The notice shall state the conditions which render the building unfit for human habitation and shall order the building or the affected portion of it vacated, and further order that it be either repaired or demolished within thirty (30) days after the date of notice.

If such building is encumbered by a mortgage or deed of trust of record, and the owner does not comply with the Notice to Abate on or before the expiration of thirty (30) days after its mailing and posting, the mortgagee or beneficiary may, within fifteen (15) days after the expiration of said thirty (30) day period, comply with the requirements of the Notice to Abate, in which event the cost of the mortgagee or beneficiary in so doing shall be added to and become a part of the lien secured by the mortgage or deed of trust and shall be payable as provided by Title 25 of the Code of California Regulations, section 54.

C. Manner of Giving Notice.

1. General. The notices shall be mailed by certified U.S. mail, postage prepaid and return receipt requested, to the owner of the property at the address for the owner shown on the last equalized assessment roll of Sacramento County. The names and addresses of owners appearing on the assessment roll shall be conclusively deemed to be the proper person and address for the purpose of mailing such notices. In addition, if the property is other than vacant property, a copy of the notice shall be mailed to the property address.

2. Substandard Housing. Whenever the condition which constitutes a nuisance also constitutes a substandard residential building, as defined by Health & Safety Code section 17920.3, then at least one copy of the Notice to Abate shall be posted conspicuously on the building alleged to be substandard; and an additional copy shall be mailed by registered or certified mail, postage prepaid and return receipt requested, to any mortgagee or beneficiary on any note or deed of trust of record. If the address of a mortgagee or beneficiary is unknown, then that fact shall be stated on the copy so mailed, and the Notice to Abate shall be sent to the mortgagee or beneficiary addressed to him or her at Sacramento, California.

3. Affidavits. The employee sending such Notice to Abate shall file an affidavit with the city clerk certifying the time and manner in which notice was given and shall also file with the city clerk any receipt card returned in acknowledgment of the Notice to Abate.

D. Failure to receive notice. The failure of any owner or other person to receive the Notice to Abate or other notices required by this Chapter shall not affect in any manner the validity of any proceeding taken under this Chapter. (Ord. 1998-02, Repealed & Replaced, 03/03/1998)

Section 8.20.320 Tenant notification.

Tenants in a residential building shall be provided a copy of any notice served under this Chapter concerning any violation which affects the health and safety of the occupants and which violates Civil Code section 1941.1, any order declaring the premises to be substandard, the City's decision to repair or demolish, or the issuance of a building or demolition permit following the abatement order. Copies may be provided either by first class mail to each affected residential unit, or by posting a copy in

a prominent place on the premises at the discretion of the code enforcement officer. (Ord. 19Ord. 1998-02, Repealed & Replaced, 03/03/1998)

Section 8.20.330 Failure to comply with notice to abate unlawful-notice of hearing on abatement of nuisance-order to show cause.

A. It shall be unlawful to fail, neglect or refuse to comply with a Notice to Abate issued pursuant to this Chapter.

B. In the event the owner fails, neglects or refuses to comply with the Notice to Abate, the Code Enforcement Officer may serve an "Order to Show Cause" which shall order such person to either abate the conditions specified in the Notice to Abate or appear before a hearing officer, at a stated time and place, not less than fifteen (15) days from the date of the Order, to show cause why the conditions should not be abated by the City at the owner's expense. The Order to Show Cause shall be served and posted, and an affidavit filed with the City Clerk, in the manner specified in sections 8.20.310 and 8.20.320.
(Ord. 2006-07, Amended, 06/06/2006; Ord. 1998-02, Repealed & Replaced, 03/03/1998)

Section 8.20.340 Form of order to show cause.

The Order to Show Cause shall be in substantially the following form:

NOTICE TO ABATE NUISANCE
AND
ORDER TO SHOW CAUSE

Hearing Date:
Time:
Location:

An initial determination has been made that there exists upon the building, structure, lot or premises located at __________________, Galt, California, condition(s) constituting a public nuisance(s) under section 8.20.110, subdivision(s) of the Galt Municipal Code.

The conditions constituting the nuisance are: _______. The methods of abatement available are: _______. You have previously received a written Notice to Abate dated ____________ requiring you to abate these conditions and have failed to do so. YOU ARE HEREBY ORDERED to either: (1) ABATE THE ABOVE CONDITION(S) by repairing, replacing, removing, destroying or otherwise remedying the condition(s) to the satisfaction of the undersigned enforcement officer within _______ days of the date of this order; OR, alternatively, (2) TO APPEAR AND SHOW CAUSE before a hearing officer at the offices of the ____________________ located at __________________, on at ____ o'clock __m., why these condition(s) should not be abated by the City and the expenses of doing so be charged to you as a personal debt and/or made a special assessment and lien upon the premises.

All persons having an interest in said matters are notified to attend the hearing, and their testimony and evidence will be given due consideration. **WARNING!** (1) If you do not either abate the conditions or attend the hearing, you will have waived your right to a hearing regarding the existence of the nuisance. In that case, the City will abate the nuisance and the expenses of doing so will be made a special assessment and lien upon the property. In addition, you may be cited for violations of the Galt Municipal Code and subject to a fine. (2) Once vehicles or other property are abated by the City, they may be destroyed or otherwise disposed of as provided by law. (3) In accordance with Revenue and Taxation Code sections 17274 and 24436.5, a tax deduction may not be allowed for interest, taxes, depreciation or amortization paid or incurred in the taxable year if these conditions are not abated.

Dated: ________
Code Enforcement Officer

The portion of the heading entitled "Notice to Abate Nuisance and Order to Show Cause" shall be in letters not less than three-fourths ("3/4") inch in height. (Ord. 2006-07, Amended, 06/06/2006; Ord. 1998-02, Repealed & Replaced, 03/03/1998)

Section 8.20.350 Hearing officer.

The show cause hearing to determine whether a nuisance exists shall be conducted by a hearing officer as provided by section

21.03.060. The hearing officer's decision shall be final.
(Ord. 2006-07, Amended, 06/06/2006; Ord. 1998-02, Repealed & Replaced, 03/03/1998)

Section 8.20.370 Waiver of abatement hearing.

Failure of the owner or responsible party to either abate the conditions specified in the Order to Show Cause or to appear at the hearing on the Order to Show Cause after notice has been served shall be deemed a waiver of the right to a hearing and an admission by such owner or responsible party of the existence of the nuisance conditions as specified. In the event of an unexcused failure to appear, the hearing officer may issue an Order of Abatement permitting the conditions to be abated by the City. Notwithstanding anything in this Chapter to the contrary, there shall be no right to appeal such order following both a failure to appear and a failure to abate. (Ord. 1998-02, Repealed & Replaced, 03/03/1998)

Section 8.20.380 Hearing officer order of abatement and notice of right to appeal.

Upon the conclusion of the hearing on the Order to Show Cause, the hearing officer shall determine whether the activity or the premises, or any part thereof, as maintained, constitutes a public nuisance. If the hearing officer finds that a public nuisance does not exist, he or she shall dismiss the proceedings. If the hearing officer finds that a public nuisance does exist and that there is sufficient cause to order the abatement of the public nuisance, the hearing officer shall issue an Order of Abatement, which shall contain findings of fact and shall direct and order the public nuisance abated within the time, and in the manner set forth in the Order. The Order of Abatement shall include notification of the right to appeal and shall be served in the manner set forth in Sections 8.20.310 and 8.20.320. (Ord. 1998-02, Repealed & Replaced, 03/03/1998)

Section 8.20.395 Failure to comply with order of abatement.

It shall be unlawful to fail, neglect or refuse to comply with an Order of Abatement issued pursuant to this Chapter. (Ord. 1998-02, Repealed & Replaced, 03/03/1998)

Section 8.20.410 Abatement by city.

A. If the nuisance is not completely abated by the owner in the time and manner set forth in the Order of Abatement, the nuisance shall be abated by City forces or private contractors retained in accordance with the provisions of this Code; and entry upon the premises to which the Order of Abatement relates is expressly authorized for such purposes. No person shall obstruct, impede or interfere with any officer, employee, contractor or authorized representative of the City whenever such person is engaged in the work of abatement, or in performing any necessary act preliminary to or incidental to such work, as authorized or directed pursuant to this Chapter. The cost, including incidental expenses, of abating the nuisance shall become a civil debt of the owner and other responsible persons and shall be billed to the owner and become due and payable fifteen (15) days thereafter. The term "incidental expenses" shall include, but not be limited to, personnel costs, both direct and indirect; attorney's fees; costs incurred in documenting the nuisance; the actual expenses and costs of the City in the preparation of notices, specifications, and contracts and in inspecting the work; the costs of printing and mailing the notices required hereunder; and any administrative or recording costs charged by the County.

B. In the event that the owner or occupant fails to consent to the City entering his or her property for the purposes of inspecting and/or abating a nuisance under this Chapter, the City may, if legally required, apply for and be granted a court warrant if cause exists, pursuant to Code of Civil Procedure section 1822.52 or any other authority. (Ord. 1998-02, Repealed & Replaced, 03/03/1998)

Section 8.20.420 Recovery of costs of abatement.

The costs of abatement shall be recouped through a civil action pursuant to sections 21.01.060 and 21.01.080, a lien pursuant to section 21.01.100, or a special assessment

pursuant to section 21.01.110.
(Ord. 2006-07, Repealed and Replaced, 06/06/2006; Ord. 1998-02, Repealed & Replaced, 03/03/1998)

Chapter 8.21

VACANT BUILDING MONITORING FEE AND SECURING OF VACANT BUILDINGS

Sections:

8.21.010	**Findings - vacant buildings.**
8.21.020	**Definitions.**
8.21.030	**Vacant or boarded building monitoring fee.**
8.21.040	**Securing vacant buildings.**
8.21.050	**Authority to designante agent to resume utility service.**
8.21.060	**Penalties.**

Section 8.21.010 Findings - vacant buildings.

The city council finds as follows:

Vacant buildings are a major cause and source of blight in residential and non-residential neighborhoods. This is particularly true when the owner of the vacant building fails to maintain and manage the building to ensure that it does not become a liability to the neighborhood. Vacant buildings often attract transients and criminals, including drug users. Use of vacant buildings by transients and criminals, who frequently employ primitive cooking or heating methods, creates a risk of fire for the vacant building and adjacent properties. Vacant properties are often used as dumping grounds for junk and debris and are often overgrown with weeds and grass. Vacant buildings which are boarded up to prevent entry by transients and other long-term vacancies discourage economic development and retard appreciation of property values.

Because of the potential economic and public health, welfare and safety problems caused by vacant buildings, the city needs to monitor the status of vacant buildings, so that they do not become attractive nuisances, are not used by trespassers, are properly maintained both inside and out, and do not become a blighting influence in the neighborhood. City departments involved in such monitoring include the police, public works and building departments and the code enforcement division. There is a substantial cost to the city for monitoring vacant buildings (whether or not those buildings are boarded up) which should be borne by the owners of the vacant buildings.(Ord. 2008-02, Repealed and Replaced, 06/03/2008; 98-03, Added, 03/03/1998)

Section 8.21.020 Definitions.

The definitions contained in this section shall govern the construction of this Chapter.

A. Blight shall mean a condition of decay, deterioration, disrepair, neglect or inadequate maintenance, including, but not limited to, conditions constituting a public nuisance, contributing to the diminution of the property values of surrounding properties, undermining the economic vitality of a neighborhood or creating health or safety dangers.

B. Boarded building or boarded up shall mean a building, any of the doors or windows of which have been covered with plywood or other material.

C. Vacant building or vacant shall mean a building which is without a legal resident or occupant or which is not being put to a lawful commercial or industrial use. (Ord. 2008-02, Repealed and Replaced, 06/03/2008; 98-03, Added, 03/03/1998)

Section 8.21.030 Vacant or boarded building monitoring fee.

A. Fee imposed. There is hereby imposed upon every owner of a vacant or boarded building a monthly vacant or boarded building monitoring fee in an amount to be set by resolution of the city council. The fee shall not exceed the estimated reasonable cost of monitoring the vacant or boarded building and shall be used solely for that purpose. The fee shall be payable as to any building, residential or non-residential, which:

1. Is boarded up by voluntary action of the owner or as the result of enforcement activities by the city, or

2. Is vacant for more than ninety (90) days for any reason.

B. Fee waiver. The vacant or boarded building monitoring fee may be waived by the building official upon a showing by the owner

that:

1. The owner has obtained a building permit and is progressing diligently to repair the premises for occupancy, or

2. The building meets all applicable codes and is actively being offered for sale, lease or rent.

C. Procedure. The vacant or boarded building monitoring fee shall be billed to the owner of the property and mailed to the owner's address as set forth on the last equalized assessment roll of the county assessor.

Any owner billed may apply for a waiver on the grounds set forth in subsection (B) of this section by submitting a written statement of the grounds for the waiver, and the owner's daytime telephone number, to the building official within thirty (30) days after the billing is mailed to the owner. The building official shall review the written statement and may contact the owner to discuss the application for waiver. The building official shall prepare a written decision which shall be mailed to the owner.

Any owner who disagrees with the decision of the building official relating to an application for waiver may appeal by submitting a written appeal hearing request to the city clerk within thirty (30) days of receipt of the building official's decision. The hearing shall be set and conducted pursuant to section 21.03.060.

D. Collection. If the fee is not paid within sixty (60) days after billing, or within sixty (60) days after the decision of the building official or the hearing officer, the fee may be collected through a lien pursuant to section 21.01.100 or a special assessment pursuant to section 21.01.110. (Ord. 2008-02, Repealed and Replaced, 06/03/2008; Ord. 2006-07, Amended, 06/06/2006; 1998-03, Added, 03/03/1998)

Section 8.21.040 Securing vacant buildings.

The city manager or designee may impose such requirements to secure the property as deemed reasonably necessary to protect the public health, safety and welfare. The city manager or designee shall notify the affected property owner of the decision to impose specific securing requirements in writing. Any owner who disagrees with the decision of the city manager relating to any specific securing requirements may appeal by submitting a written appeal hearing request to the city clerk within thirty (30) days of receipt of the written notice imposing specific securing requirements on the property. The hearing shall be set and conducted pursuant to section 21.03.060. (Ord. 2008-02, Repealed and Replaced, 06/03/2008; 98-03, Added, 03/03/1998)

Section 8.21.050 Authority to designante agent to resume utility service.

The owner of a vacant building may designate in writing to city an agent to authorize the resumption of city utility service to the property. However, this section shall not be interpreted to reduce or eliminate outstanding debts, fees or costs the owner or agent may be required to pay prior to city utility service connection. (Ord. 2008-02, Repealed & Replaced, 06/03/2008)

Section 8.21.060 Penalties.

Unless otherwise expressly provided, the remedies, procedures and penalties provided by this Chapter are cumulative to each other and to any others available under state law or other city ordinances. (Ord. 2008-02, Repealed & Replaced, 06/03/2008)

Chapter 8.22

LONG-TERM BOARDED AND VACANT BUILDINGS

Sections:

8.22.010	**Findings - vacant and boarded buildings.**
8.22.020	**Definitions.**
8.22.030	**Long-term boarded and vacant building prohibited.**
8.22.040	**Permitted time periods to commence and correct violations.**
8.22.050	**Notice of violation.**
8.22.060	**Opportunity for a hearing.**
8.22.070	**Extension**
8.22.080	**Inspection of premises.**
8.22.090	**Administrative penalty.**
8.22.100	**Administrative penalty - factors.**
8.22.110	**Payment of administrative penalty.**

Section 8.22.010 Findings - vacant and boarded buildings.

The city council finds as follows:

A. Vacant buildings are a major cause and source of blight in both residential and nonresidential neighborhoods especially when the owner of the building fails to actively maintain and manage the building to ensure that it does not become a liability to the neighborhood. Vacant buildings which are boarded, substandard or unkempt properties, and long-term vacancies discourage economic development and retard appreciation of property values.

B. It is a responsibility of property ownership to prevent owned property from becoming a burden to the neighborhood and community and a threat to the public health, safety, or welfare.

C. One vacant property which is not actively and well maintained and managed can be the core and cause of spreading blight. (Ord. 2008-02, Repealed and Replaced, 06/03/2008; Ord. 2007-11, Repealed and Replaced, 08/21/2007)

Section 8.22.020 Definitions.

The definitions contained in this section shall govern the construction of this Chapter.

A. "Blight" shall mean a condition of decay, deterioration, disrepair, neglect or inadequate maintenance, including, but not limited to, conditions constituting a public nuisance, contributing to the diminution of the property values of surrounding properties, undermining the economic vitality of a neighborhood or creating health or safety dangers.

B. "Boarded building" or "boarded up" shall mean a building whose doors or windows have been covered with plywood or other material.

C. "Vacant building" or "vacant" shall mean a building which is without a resident or occupant or which is not being put to a lawful commercial or industrial use. (Ord. 2008-02, Repealed and Replaced, 06/03/2008; Ord. 2007-11, Repealed and Replaced, 08/21/2007)

Section 8.22.030 Long-term boarded and vacant building prohibited.

A. The owner of any boarded building, whether boarded by voluntary action of the owner or as a result of enforcement activity by the city, shall cause the boarded building to commence rehabilitation for occupancy within thirty (30) days after the building is boarded.

B. No person shall allow a building designed for human use or occupancy to stand vacant for more than thirty (30) days, unless one of the following applies:

1. The building is the subject of an active building permit for repair or rehabilitation and the owner is progressing diligently to complete the repair or rehabilitation.

2. The building meets all codes, does not contribute to blight, is ready for occupancy, and is actively being offered for sale, lease, or rent.

3. The building official determines that the building does not contribute to, and is not likely to contribute to, blight because the owner is actively maintaining and monitoring the building so that it does not contribute to blight. Active maintenance and monitoring shall include:

a. Maintenance of landscaping and plant

materials in good condition.

b. Maintenance of the exterior of the building, including but not limited to paint and finishes, in good condition.

c. Regular removal of all exterior trash, debris and graffiti.

d. Maintenance of the building in continuing compliance with all applicable codes and regulations.

e. Prevention of criminal activity on the premises, including, but not limited to, use and sale of controlled substances, prostitution and criminal street gang activity. (Ord. 2008-02, Repealed and Replaced, 06/03/2008; Ord. 2007-11, Repealed and Replaced, 08/21/2007)

Section 8.22.040 Permitted time periods to commence and correct violations.

A. Any owner of a boarded building in violation of subsection 8.22.030(A) or any owner of a vacant building in violation of subsection 8.22.030(B) shall commence any corrections or repairs necessary to comply with this Chapter within thirty (30) days of the date of the issuance of the notice of violation. The date of the issuance of the notice of violation shall be the date the notice of violation is mailed to the property owner or posted on the property as provided for in section 8.22.050, whichever is earlier. Provided the property owner diligently pursues corrections or repairs to completion, no administrative penalties shall be imposed. In the event the property owner does not request a hearing or commence corrections within thirty (30) days of the date of the issuance of the notice of violation, the city may impose administrative penalties as provided for in section 8.22.090. In the event the property owner requests a hearing, the thirty (30) day correction commencement period shall be suspended from the date of the request until such time as the hearing officer renders a decision. Upon the issuance of the hearing officer's decision, the property owner shall have the balance of the original thirty (30) day period to commence any necessary corrections or repairs before administrative penalties accrue.

B. Prior to the expiration of the thirty (30) day correction commencement period, the property owner shall submit a rehabilitation plan to the building official. The rehabilitation plan shall include the following:

1. A statement outlining the property owner's plan for remedying each of the conditions described in the notice of violation as constituting a violation of this Chapter.

2. The expected timeline for completing any necessary corrections or repairs.

C. Once the property owner commences corrections or repairs, the owner shall work diligently to ensure such corrections or repairs are completed in a timely manner. In no case shall such repairs or corrections take longer than ninety (90) days from the date of the issuance of the notice of violation, sixty (60) days from the end of the thirty (30) day correction commencement period or any extension as provided for in section 8.22.070, whichever is later. In the event a property owner does not comply with this subsection, the city may impose administrative penalties as provided for in section 8.22.090.
(Ord. 2008-02, Repealed and Replaced, 06/03/2008; Ord. 2007-11, Repealed and Replaced, 08/21/2007)

Section 8.22.050 Notice of violation.

A. The code enforcement officer or his or her designee shall issue a notice directed to the record owner of the premises. The notice shall contain:

1. The street address and such other description as is required to identify the premises.

2. A statement specifying the conditions which constitute a violation of this Chapter.

3. A statement that administrative penalties may begin to accrue upon the expiration of the thirty (30) day correction commencement period if the property owner does not begin to make corrections or repairs to remedy any violations of this Chapter. The statement shall state that the thirty (30) day correction commencement period begins on the date of the issuance of the notice of violation. The statement shall identify the date of issuance.

4. A statement that the property owner must submit a rehabilitation plan specifying how the conditions constituting a violation of this Chapter will be remedied and the expected

timeline for doing so.

5. A statement notifying the property owner that he or she may request a hearing within twenty (20) calendar days of the mailing of the notice to dispute the existence of any violation or to show cause why an administrative penalty should not be assessed in accordance with this code. The statement shall notify the property owner that the thirty (30) day correction commencement period shall be suspended from the date of a request for a hearing until such time as the hearing officer renders a decision.

6. A statement advising the owner that he or she has the option of voluntarily correcting the condition(s) which violate the provisions of this Chapter prior to the imposition of administrative penalties. If the owner chooses to correct the conditions, the corrections must be completed prior to the expiration of the ninety (90) day correction completion period or any applicable extension, whichever is later. The owner must advise the code enforcement officer in writing that he or she will correct the conditions and the date of completion. The code enforcement officer or his or her designee will inspect the premises on the completion date, and if the conditions have been corrected, no administrative penalties will be assessed.

7. A statement notifying the property owner that he or she may request an extension as provided for in section 8.22.070.

B. The notice of violation, and any amended or supplemental notice, shall be served either by personal delivery or by return receipt mailing upon the record owner at his or her address as it appears on the latest equalized assessment roll of Sacramento County, or as known to the code enforcement officer. A copy of the notice any amended or supplemental notice shall also be posted on the building.
(Ord. 2008-02, Repealed and Replaced, 06/03/2008; 2007-11, Repealed & Replaced, 08/21/2007)

Section 8.22.060 Opportunity for a hearing.

Hearings shall be scheduled and conducted as provided for in Chapter 21.03.
(Ord. 2008-02, Repealed and Replaced, 06/03/2008; Ord. 2007-11, Repealed and Replaced, 08/21/2007)

Section 8.22.070 Extension

The building official may, upon request of the owner of the premises grant a thirty (30) day extension from the expiration of the ninety (90) day correction completion period for good cause shown. The building official may grant one (1) extension for each property in violation of this Chapter. Administrative penalties shall not accrue during the extension period. (Ord. 2008-02, Repealed and Replaced, 06/03/2008; Ord. 2007-11, Repealed and Replaced, 08/21/2007)

Section 8.22.080 Inspection of premises.

A. If the property owner requests a hearing, the hearing officer may, with the consent of the owner, inspect the building and premises involved in the hearing prior to, during or after the hearing, provided that:

1. Notice of such inspection shall be given to the parties before the inspection is made;

2. The parties are given an opportunity to be present during the inspection; and

3. The hearing officer shall state for the record during the hearing, if requested, or file a written statement after the hearing for inclusion in the hearing record, upon completion of the inspection, the material facts observed and the conclusion drawn therefrom.

B. The owner shall have a right to rebut or explain the matters stated by the hearing officer pursuant to subsection (A) either for the record during the hearing or by filing a written statement within five (5) days after the hearing for inclusion in the hearing record.

C. An inspection warrant or the owner(s) consent to inspect the building and surrounding properties is required unless such inspection can be made from areas in which the general public has access or with permission of other persons authorized to provide access to the property on which the building is located.
(Ord. 2008-02, Repealed and Replaced, 06/03/2008; Ord. 2007-11, Repealed and Replaced, 08/21/2007)

Section 8.22.090 Administrative penalty.

A. Any owner of a boarded building which remains boarded in violation of subsection 8.22.030(A) or any owner of a building which remains vacant in violation of subsection

8.22.030(B) beyond the time period for remediation allowed who fails to commence corrections or repairs within the correction commencement period allowed for in subsection 8.22.040(A) shall be liable for administrative penalties.

B. Any owner of a boarded building which remains boarded in violation of subsection 8.22.030(A) or any owner of a building which remains vacant in violation of subsection 8.22.030(B) beyond the correction completion period allowed for in subsection 8.22.040(C) or any extension as provided for in section 8.22.070, whichever is later, shall be liable for administrative penalties.

C. Any violation of section 8.22.030 shall be a misdemeanor. Any administrative penalty imposed pursuant to this chapter shall be in an amount not to exceed $1,000 per building for each violation. Pursuant to section 21.01.030, each and every day, or portion thereof, of continuing violation shall constitute a separate and distinct offense. (Ord. 2008-02, Repealed and Replaced, 06/03/2008; Ord. 2007-11, Repealed and Replaced, 08/21/2007)

Section 8.22.100 Administrative penalty - factors.

In setting the penalty, the building official shall consider factors including, but not limited to: the severity, extent and length of time in which the blighting conditions have existed on the property; the owner's efforts, or lack thereof, to remedy the problem; staff time and costs incurred in investigating the conditions; and the extent, if any, to which an administrative penalty would impose a substantial economic hardship on the owner or would hinder the rehabilitation of the building. (Ord. 2008-02, Repealed and Replaced, 06/03/2008; Ord. 2007-11, Repealed and Replaced, 08/21/2007)

Section 8.22.110 Payment of administrative penalty.

A. Upon the expiration of the thirty (30) day correction commencement period, the ninety (90) day correction completion period or any applicable thirty (30) day extension, whichever is applicable, the city may send the property owner a letter notifying him or her of any administrative penalties being imposed. The city shall send a letter each and every time administrative penalties are imposed. The administrative penalty shall become due and payable within thirty (30) days of the mailing of the letter notifying the property owner of the administrative penalty.

B. If the administrative penalty is not timely paid, the city may initiate action to collect the penalty by the remedies and procedures provided for in section 21.02.100.

C. An administrative penalty shall accrue interest at the same annual rate as any civil judgment. Interest shall accrue commencing on the 31st day following the date the penalty is due and payable as provided for in subsection (A) of this section. (Ord. 2008-02, Repealed & Replaced, 06/03/2008)

Chapter 8.24

NUISANCE VEHICLES

Sections:

8.24.010	**Definitions.**
8.24.020	**Applicability.**
8.24.030	**Provisions not exclusive.**
8.24.040	**Nuisance declared.**
8.24.050	**Authority of city to remove vehicle.**
8.24.060	**Notice of intention to abate and remove--Form.**
8.24.070	**Notice of intention to abate and remove--Request by owner for public hearing.**
8.24.080	**Public hearing by chief of police.**
8.24.090	**Appeal.**
8.24.100	**Vehicle removal.**
8.24.110	**Notification of Department of Motor Vehicles.**
8.24.120	**Assessments of costs of removal against property.**
8.24.130	**Administrative cost assessment.**
8.24.140	**Right of entry for removal.**
8.24.150	**Enforcement.**

Section 8.24.010 Definitions.

As used in this chapter:

A. "Highway" means a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. Highway includes street.

B. "Public property" does not include highway.

C. "Owner of the land" means the owner of the land on which the vehicle, or parts thereof, is located, as shown on the last equalized assessment roll.

D. "Vehicle" means a device by which any person or property may be propelled, moved, or drawn upon a highway, except a device moved by human power or used exclusively upon stationary rails or tracks. (Ord. 212 § 1 (part), 1974: prior code § 10700 (part))

Section 8.24.020 Applicability.

A. The chapter shall not apply to:

1. A vehicle, or parts thereof, which is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property; or

2. A vehicle, or parts thereof, which is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer, a junk dealer, or when such storage or parking is necessary to the operation of a lawfully conducted business or commercial enterprise.

B. Nothing in this section shall authorize the maintenance of a public or private nuisance as defined under provisions of law other than Chapter 10, commencing with Section 22650, of Division 11 of the Vehicle Code and this chapter. (Ord. 212 § 1 (part), 1974: prior code § 10701)

Section 8.24.030 Provisions not exclusive.

This chapter is not the exclusive regulation of abandoned, wrecked, dismantled or inoperative vehicles within the city. It shall supplement and be in addition to the other regulatory codes, statutes, and ordinances heretofore or hereafter enacted by the city, the state, or any other legal entity or agency having jurisdiction. (Ord. 212 § 1 (part), 1974: prior code § 10702)

Section 8.24.040 Nuisance declared.

In addition to and in accordance with the determination made and the authority granted by the state under Section 22660 of the Vehicle Code to remove abandoned, wrecked, dismantled or inoperative vehicles or parts thereof as public nuisances, the city council makes the following findings and declarations: The accumulation and storage of abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof on private or public property not including highways is found to create a condition tending to reduce the value of private property, to promote blight and deterioration, to invite plundering, to create fire hazards, to constitute an attractive nuisance creating a hazard to health and safety of minors, to create a harborage for rodents and insects and to be

injurious to the health, safety and general welfare. Therefore, the presence of an abandoned, wrecked, dismantled or inoperative vehicle or parts thereof, on private or public property not including highways, except as expressly permitted in this chapter, is declared to constitute a public nuisance which may be abated as such in accordance with the provisions of this chapter. (Ord. 212 § 1 (part), 1974: prior code § 10700 (part))

Section 8.24.050 Authority of city to remove vehicle.

Upon discovering the existence of an abandoned, wrecked, dismantled, or inoperative vehicle, or parts thereof, on private property or public property within the city, the city shall have the authority to cause the abatement and removal thereof in accordance with the procedure prescribed in this chapter. (Ord. 212 § 1 (part), 1974: prior code § 10706)

Section 8.24.060 Notice of intention to abate and remove--Form.

A ten-day notice of intention to abate and remove the vehicle, or parts thereof, as a public nuisance shall be mailed by registered mail to the owner of the land and to the owner of the vehicle, unless the vehicle is in such condition that identification numbers are not available to determine ownership. The notices of intention shall be in substantially the following forms:

NOTICE OF INTENTION TO ABATE AND REMOVE AN ABANDONED, WRECKED, DISMANTLED, OR INOPERATIVE VEHICLE OR PARTS THEREOF AS A PUBLIC NUISANCE

(Name and address of owner of the land)

As owner shown on the last equalized assessment roll of the land located at (address), you are hereby notified that the undersigned pursuant to (section of ordinance or municipal code) has determined that there exists upon said land an (or parts of an) abandoned, wrecked, dismantled or inoperative vehicle registered to , license number ________, which constitutes a public nuisance pursuant to the provisions of (ordinance or municipal code chapter number).

You are hereby notified to abate said nuisance by the removal of said vehicle (or said parts of a vehicle) within 10 days from the date of mailing of this notice, and upon your failure to do so the same will be abated and removed by the city and the costs thereof, together with administrative costs, assessed to you as owner of the land on which said vehicle (or said parts of a vehicle) is located.

As owner of the land on which said vehicle (or said parts of a vehicle) is located, you are hereby notified that you may, within 10 days after the mailing of this notice of intention, request a public hearing and if such a request is not received by the Chief of Police within such 10-day period, the (locally designated officer) shall have the authority to abate and remove said vehicle (or said parts of a vehicle) as a public nuisance and assess the costs as aforesaid without a public hearing. You may submit a sworn written statement within such 10-day period denying responsibility for the presence of said vehicle (or said parts of a vehicle) on said land, with your reasons for denial, and such statement shall be construed as a request for hearing at which your presence is not required. You may appear in person at any hearing requested by you or the owner of the vehicle or, in lieu thereof, may present a sworn written statement as aforesaid in time for consideration at such hearing.

Notice Mailed ______ s/ ________________
(date) (locally designated officer)

NOTICE OF INTENTION TO ABATE AND REMOVE AN ABANDONED, WRECKED, DISMANTLED OR INOPERATIVE VEHICLE OR PARTS THEREOF AS A PUBLIC NUISANCE

(Name and address of last registered and/or legal owner of record of vehicle--notice should be given to both if different)

As last registered (and/or legal) owner of record of (description of vehicle--make, model, license, etc.), you are hereby notified that the undersigned pursuant to (section of ordinance or municipal code) has determined that said vehicle

(or parts of a vehicle) exists as an abandoned, wrecked, dismantled or inoperative vehicle at (describe location) on public provisions of (ordinance or municipal code chapter number).

You are hereby notified to abate said nuisance by the removal of said vehicle (or said parts of a vehicle) within 10 days from the date of mailing of this notice.

As registered (and/or legal) owner of record of said vehicle (or said parts of a vehicle), you are hereby notified that you may, within 10 days after the mailing of this notice of intention, request a public hearing and if such a request is not received by the Chief of Police within such 10-day period, the locally designated officer shall have authority to abate and remove said vehicle (or said parts of a vehicle) without a hearing.

Notice Mailed ______ s/ _______________
(date) (locally designated officer)

(Ord. 212 1 (part), 1974: prior code § 10707)

Section 8.24.070 Notice of intention to abate and remove--Request by owner for public hearing.

A. Upon request by the owner of the vehicle or owner of the land received by the locally designated officer within ten days after the mailing of the notices of intention to abate and remove, a public hearing shall be held by the chief of police on the question of abatement and removal of the vehicle or parts thereof as an abandoned, wrecked, dismantled or inoperative vehicle, and the assessment of the administrative costs and the cost of removal of the vehicle or parts thereof against the property on which it is located.

B. If the owner of the land submits a sworn written statement denying responsibility for the presence of the vehicle on his land within such ten-day period, said statement shall be construed as a request for a hearing which does not require his presence. Notice of the hearing shall be mailed, by registered mail, at least ten days before the hearing to the owner of the land and to the owner of the vehicle, unless the vehicle is in such condition that identification numbers are not available to determine ownership. If such a request for hearing is not received within the ten days after mailing of the notice of intention to abate or remove, the city shall have the authority to abate and remove the vehicle or parts thereof as a public nuisance without holding a public hearing. (Ord. 212 § 19 (part), 1974: prior code § 10708)

Section 8.24.080 Public hearing by chief of police.

A. All hearings under this chapter shall be held before the chief of police which shall hear all facts and testimony it deems pertinent. Said facts and testimony may include testimony on the condition of the vehicle or parts thereof and the circumstances concerning its location on the said private property or public property. The chief of police shall not be limited by the technical rules of evidence. The owner of the land may appear in person at the hearing or present a sworn statement in time for consideration at the hearing, and deny responsibility for the presence of the vehicle on the land, with his reasons for such denial.

B. The chief of police may impose such conditions and take such other action as he deems appropriate under the circumstances to carry out the purpose of this chapter. He may delay the time for removal of the vehicle or parts thereof if, in his opinion, the circumstances justify it. At the conclusion of the public hearing, the chief of police may find that a vehicle or parts thereof has been abandoned, wrecked, dismantled, or is inoperative on private or public property and order the same removed from the property as a public nuisance and disposed of as hereinafter provided and determine the administrative costs and the cost of removal to be charged against the owner of the land. The order requiring removal shall include a description of the vehicle or parts thereof and the correct identification number and license number of the vehicle, if available at the site.

C. If it is determined at the hearing that the vehicle was placed on the land without the consent of the owner of the land and that he has not subsequently acquiesced in its presence, the chief of police shall not assess the costs of

administration or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect such costs from such owner of the land.

D. If the owner of the land submits a sworn written statement denying responsibility for the presence of the vehicle on his land but does not appear, or if an interested party makes a written presentation to the chief of police but does not appear, he shall be notified in writing of the decision. (Ord. 212 § 1 (part), 1974: prior code § 10709)

Section 8.24.090 Appeal.

A. Any interested party may appeal the decision of the Chief of Police by filing a written notice of appeal with the City Clerk within five (5) days after the decision.

B. Such appeal shall be set and conducted pursuant to section 21.03.060. The hearing officer may affirm, amend or reverse the order or take other action deemed appropriate. (Ord. 2006-07, Amended, 06/06/2006; Ord. 212 § 1 (part), 1974: prior code § 10710)

Section 8.24.100 Vehicle removal.

Five days after adoption of the order declaring the vehicle or parts thereof to be a public nuisance, five days from the date of mailing of notice of the decision if such notice is required, or fifteen days after such action of the governing body authorizing removal following appeal, the vehicle or parts thereof may be disposed of by removal to a scrapyard or automobile dismantler's yard. After a vehicle has been removed it shall not thereafter be reconstructed or made operable. (Ord. 212 § 1 (part), 1974: prior code § 10711)

Section 8.24.110 Notification of Department of Motor Vehicles.

Within five days after the date of removal of the vehicle or parts thereof, notice shall be given to the Department of Motor Vehicles identifying the vehicle or parts thereof removed. At the same time there shall be transmitted to the Department of Motor Vehicles any evidence of registration available, including registration certificates, certificates of title and license plates. (Ord. 212 § 12 (part), 1974: prior code § 10712)

Section 8.24.120 Assessments of costs of removal against property.

If the administrative costs and the cost of removal which are charged against the owner of the parcel of land are not paid within thirty days of the date of the order, or the final disposition of an appeal therefrom, such costs shall be assessed against the parcel of land pursuant to Section 38773.5 of the Government Code and shall be transmitted to the tax collector for collection. The assessment shall have the same priority as other city taxes. (Ord. 212 § 1 (part), 1974: prior code § 10713)

Section 8.24.130 Administrative cost assessment.

The city council shall from time to time determine and fix an amount to be assessed as administrative costs, excluding the actual cost of removal of any vehicle or parts thereof, under this chapter. (Ord. 212 § 1 (part), 1974: prior code § 10705)

Section 8.24.140 Right of entry for removal.

When the city council has contracted with or granted a franchise to any person or persons, such person or persons shall be authorized to enter upon private property or public property to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to this chapter. (Ord. 212 § 1 (part), 1974: prior code § 10704)

Section 8.24.150 Enforcement.

Except as otherwise provided in this chapter, the provisions of this chapter shall be administered and enforced by the chief of police or any regularly employed officer of the police department. In the enforcement of this chapter, such officer and his deputies may enter upon private or public property to examine a vehicle or parts thereof, or obtain information as to the identity of a vehicle, and to remove or cause the removal of a vehicle or parts thereof, declared to be a nuisance pursuant to this chapter. (Ord. 212 § 1 (part), 1974: prior code § 10703)

Chapter 8.28

RAW MILK

Sections:

8.28.010 Sale unlawful.

Section 8.28.010 Sale unlawful.

It is unlawful for any person, firm, or corporation to sell, or offer for sale, within the city, any raw milk to other than a properly licensed milk products plant, except that manufacturing milk or manufacturing cream may be sold or offered for sale in quantities of at least three gallons and in containers of at least three gallons capacity. (Ord. 145 § 1, 1969: prior code § 15500)

Chapter 8.32

WEED, RUBBLE AND RUBBISH CONTROL

Sections:

8.32.010 **Definitions.**
8.32.020 **Construction.**
8.32.030 **Public nuisance.**
8.32.040 **Removal - private property.**
8.32.050 **Removal--Sidewalks and streets.**
8.32.060 **Prevention--Private property.**
8.32.070 **Prevention--Sidewalks and streets.**
8.32.080 **Publication of notice.**
8.32.090 **Abatement - notice.**
8.32.100 **Abatement - form of notice to remove.**
8.32.110 **Abatement--Reports to city council.**
8.32.120 **Abatement - hearing.**
8.32.130 **Abatement--By city.**
8.32.140 **Account and report of costs.**
8.32.150 **Lien for abatement costs.**
8.32.160 **Special assessment for abatement costs.**
8.32.170 **Alternate procedure for collection of abatement costs.**
8.32.180 **Refunds.**
8.32.190 **Standards.**
8.32.200 **Violation.**
8.32.210 **No open burning.**

Section 8.32.010 Definitions.

Certain words and phrases are defined in this section to clarify their use in this chapter. Where a definition is not given or where a question of interpretation arises, the definition that shall control is the normal meaning of the word within the context of its use.

"City clerk" means and includes the city clerk of the city of Galt and his or her authorized representatives.

"City council" means and includes the city council of the city of Galt.

"City engineer" means and includes the city engineer of the city of Galt and his or her designated representatives.

"City manager" means and includes the city manager of the city of Galt and his or her authorized representatives.

"Owner" means the legal owner of real property fronting on any street in the city. Owner shall include any individual, firm, partnership, copartnership, joint venture, association, company, corporation, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, and the lessees, trustees, agents, employees, servants and representatives of same, and the plural as well as the singular number.

"Rubble" means and includes any rubble, residue, structure or part or portions of a structure, remaining after the demolition or partial demolition of any building or structure in the city.

"Rubbish" means and includes all putrescible and nonputrescible, combustible and noncombustible, solid wastes, including garbage, refuse, trash, garden refuse, tree trimmings, ashes, tin cans, dirt, street cleanings, dead animals, abandoned or no longer used motor vehicles, junk, or worthless and useless articles, which are in such a state or in such quantity as to be unsightly and offensive to the senses or detrimental to the attractiveness of the surroundings, against the general welfare, unhealthful, dangerous to persons or property, or an interference with the abatement of weeds and any other offensive or nauseous substances.

"Sidewalk" means that portion of a street, other than the roadway, set apart by curbs, barriers, markings, or other delineation for pedestrian travel and includes any park or parking strip maintained in the area between the property line and the street line.

"Street" means and includes any public or private thoroughfare which affords principal or secondary access by vehicles to abutting property, including any street, avenue, place, way, drive, lane, boulevard, highway, road, alley or any other thoroughfare used by vehicles, and any public rights-of-way, or any portions thereof, in the city.

"Weeds" means all grass, weeds, plants or brush growing upon streets, sidewalks or private property in the city and includes any of the following:

1. Weeds which bear seeds of a downy or

wingy nature;

2. Mistletoe or other parasite growth;

3. Sandburrs or puncture vines;

4. Sagebrush, chaparral and any other brush or weeds which attain such large growth as to become, when dry, a fire menace to adjacent improved property;

5. Weeds which are otherwise noxious or dangerous;

6. Poison oak and poison ivy when the conditions of growth are such as to constitute a menace to the public health;

7. Dry grass, stubble, brush, litter or other flammable material which endangers the public safety by creating a fire hazard. (Ord. 93-11 § 1; Ord. 86-8 § 1 (part))

Section 8.32.020 Construction.

The provisions of this chapter are intended to supplement rather than supplant the provisions of the Uniform Fire Code, as adopted by reference elsewhere in this title, or any similar provisions in this code. (Ord. 86-8 § 1 (part))

Section 8.32.030 Public nuisance.

All weeds, rubble, rubbish or other rank growths located upon private property or upon sidewalks and streets abutting private property within the city, which constitute a fire menace or which are otherwise a menace to health or safety, are a public nuisance and may be abated as provided in this chapter. (Ord. 86-8 § 1 (part))

Section 8.32.040 Removal - private property.

It is the duty of every owner of private property within the city to remove and destroy all weeds, rubble, rubbish or other rank growths located on their property. Weeds growing upon any lot or tract of land which appears on the assessment roll as a single parcel and exceeds one acre in size may be abated by the removal of such weeds from a thirty-foot area around the entire perimeter of the parcel and around all structures situated thereon. In all other cases, weeds must be removed from the entire parcel. (Ord. 86-8 § 1 (part))

Section 8.32.050 Removal--Sidewalks and streets.

It is the duty of every owner of private property within the city to remove all weeds, rubble, rubbish or other obstructions from the sidewalks and the half of the streets abutting their property. (Ord. 86-8 § 1 (part))

Section 8.32.060 Prevention--Private property.

Every owner of private property within the city shall keep such property free and clear of all weeds, rubble, rubbish or other rank growths, which from any cause whatsoever have accumulated thereon. (Ord. 86-8 § 1 (part))

Section 8.32.070 Prevention--Sidewalks and streets.

Every owner of private property within the city shall keep the sidewalks and the half of the streets abutting their property free and clear of all weeds, rubble, rubbish or other obstructions, which from any cause whatsoever have accumulated thereon. (Ord. 86-8 § 1 (part))

Section 8.32.080 Publication of notice.

At least annually, or when the weeds, rubble and rubbish are, in the city manager's discretion, posing or potentially pose a fire menace, health and safety menace or public nuisance, the city manager shall cause to be published twice in a newspaper of general circulation in the city providing as follows:

> NOTICE TO ALL PROPERTY OWNERS WITHIN THE GALT CITY LIMITS TO REMOVE GRASS, WEEDS, RUBBLE AND RUBBISH PRIOR TO THE COMMENCEMENT OF FIRE SEASON WHICH IS __________.
>
> All owners of private property within the Galt city limits are notified to remove or destroy all weeds, rubble or rubbish on their property and the sidewalks and the half of the streets abutting thereto prior to the commencement of fire season.
>
> ANY PROPERTY OWNER FAILING TO COMPLY WITH THIS NOTICE WILL BE

SUBJECT TO A MUNICIPAL COURT CITATION FOR A MISDEMEANOR VIOLATION OF CHAPTER 8.32 OF THE GALT MUNICIPAL CODE.

____

CITY MANAGER, City of Galt

(Ord. 97-05 § 1: Ord. 93-11 §2: Ord. 86-8 § 1 (part))

Section 8.32.090 Abatement - notice.

A. At least once each year, or when the weed, rubble and rubbish, in the City Manager's judgment, are posing or potentially pose a fire menace, health and safety menace or public nuisance, the City Manager or his designated agent shall identify those parcels of property or the sidewalks and the half of the streets abutting thereto within the city upon which weeds, rubble or rubbish exist in violation of this Chapter. Upon the failure of any owner to remove or destroy such weeds, rubble or rubbish in accordance with this Chapter, the owner involved shall be notified by the city manager or his designated agent to remove or destroy the same within a period of ten (10) days. The notice to abate shall be in writing or printed and shall be substantially the form set out in section 8.32.100.

B. The notice to abate shall be posted in a conspicuous place upon the property and shall be mailed to the owner of the property as shown on the last equalized assessment roll. If the owner's address as shown on the first equalized assessment roll is different from the street address, if any, of the subject property, a copy of the notice to abate shall also be sent to the street address of the property to the attention of "occupant." On or before the last day of the ten-day period set forth in the notice to abate, the owner, if he or she has any objection thereto, may appeal by filing an appeal hearing request with the City Clerk. All such requests must be in writing and set forth the name, address and telephone number of the owner, a brief description of the property and the legal and factual reasons upon which the appeal is based. If, at the end of the ten-day period set forth in the notice to abate, the owner fails to either comply or file a written appeal hearing request with the City Clerk, a misdemeanor citation shall be issued and duly served upon the owner for violation of this Chapter and the City Engineer shall abate the weeds, rubble or rubbish in accordance with this Chapter.(Ord. 2006-07, Amended, 06/06/2006; Ord. 93-11 § 3: Ord. 86-8 § 1 (part))

Section 8.32.100 Abatement - form of notice to remove.

The notice to abate to be posted and mailed in accordance with section 8.32.090 shall be in the following form:

NOTICE TO REMOVE OR DESTROY WEEDS, RUBBLE OR RUBBISH.

Notice is hereby given that the weeds, rubble or rubbish in existence upon your property located at ________________, and the half of the streets abutting thereto, as the case may be, constitute a public nuisance and must be removed or destroyed in accordance with Chapter 8.32 of the Galt Municipal Code within ten (10) days of this notice; otherwise, such weeds, rubble or rubbish shall be abated by City authorities, in which case the cost of abatement shall be made a special assessment on the property and constitute a lien thereon until paid.

NOTICE IS HEREBY FURTHER GIVEN THAT IF YOU FAIL TO COMPLY WITH THIS NOTICE, A MISDEMEANOR CITATION WILL BE DULY ISSUED AND SERVED UPON YOU REQUIRING YOU TO APPEAR IN RESPONSE THERETO BEFORE THE SOUTH SACRAMENTO MUNICIPAL COURT DISTRICT, GALT BRANCH. FAILURE TO COMPLY MAY RESULT IN ADDITIONAL CITATION(S), FINE(S) OR IMPRISONMENT, OR BOTH.

Notice is hereby further given that if you object to the call for removal or destruction of such weeds, rubble or rubbish, you may appeal by filing an appeal hearing request with the City Clerk within ten (10) days of the date of this notice. Such request must be in writing and set forth your name, address and telephone number, a brief description of the subject property and the legal and factual reasons upon which your appeal is based.

A brief official or city assessment

description of the subject property is as follows:
A.P.N.
DATED:
CITY MANAGER, City of Galt
(Ord. 2006-07, Amended, 06/06/2006; Ord. 93-11 § 4: Ord. 86-8 § 1 (part))

Section 8.32.110 Abatement--Reports to city council.

A. The city manager or his designated agent shall submit a written report to the city council at the first regular meeting of June of each year and in accordance with Section 8.32.100 containing the following information concerning those parcels of property upon which weeds, rubble or rubbish continue to exist in violation of the notice to remove:

1. The street address or other method of identifying the location of the property;
2. The assessor's parcel numbers of such property and the names and addresses of the record owners;
3. A general description of the condition upon each parcel or the sidewalks and the half of the streets abutting thereto, whereon the weeds, rubble or rubbish constituting the nuisance are located.

B. The city engineer shall submit a written report to the city council that sets the rate to be charged for the labor and equipment necessary to enforce this chapter, using city crews or private contractors, and estimate of the total expenses to be incurred by the city in enforcing this chapter based upon the report of the city manager or his designated agent. (Ord. 93-11 § 5: Ord. 86-8 § 1 (part))

Section 8.32.120 Abatement - hearing.

If the owner objects to the determination of the City Manager and files a timely written appeal hearing request with the City Clerk, such hearing shall be set and conducted pursuant to section 21.03.060. If the hearing officer rejects the appeal and upholds the determination of the City Manager, the owner shall have seven (7) days from the date of the hearing officer's decision to comply, after which a misdemeanor citation shall be issued and served upon the owner for violation of this Chapter and the City Engineer shall abate the weeds, rubble or rubbish in accordance with this Chapter. If the hearing officer does not uphold the determination of the City Manager, such action may be taken as the hearing officer recommends. In all cases, the City Clerk shall give mailed notice to the owner of the hearing officer's decision, the time period, if any, within which to comply and the penalty, if any, for failing to comply. (Ord. 2006-07, Amended, 06/06/2006Ord. 94-09 § 1: Ord. 86-8 § 1 (part))

Section 8.32.130 Abatement--By city.

If at the end of the time periods set forth in Sections 8.32.090 and 8.32.120 the owner has failed to comply with the notice to remove or has not successfully appealed therefrom, the city engineer shall cause the weeds, rubble or rubbish to be abated. The city engineer may, at his discretion use either city crews or private contractors to perform such work. Any owner or other person who prevents or obstructs the abatement of such weeds, rubble or rubbish shall be in violation of this chapter. (Ord. 86-8 § 1 (part))

Section 8.32.140 Account and report of costs.

The city engineer shall keep an account of the cost of abatement for each separate parcel of property upon which work is performed. The city engineer shall file an itemized written report showing all such costs with the city clerk. Any person owning property who received a notice to abate and who files a written request therefore with the city clerk shall be entitled to written notification of the submission of the city engineer's report. (Ord. 86-8 § 1 (part))

Section 8.32.150 Lien for abatement costs.

In the event the city abates the weeds, rubble or rubbish as provided by 8.32.130, the costs of abatement shall be recouped by lien pursuant to section 21.01.100. (Ord. 86-8 § 1 (part))
(Ord. 2006-07, Amended, 06/06/2006)

Section 8.32.160 Special assessment for abatement costs.

As an alternative to the lien procedure provided by section 8.32.150, the costs of

abatement may be recouped by special assessment pursuant to section 21.01.110. (Ord. 2006-07, Repealed and Replaced, 06/06/2006)

Section 8.32.170 Alternate procedure for collection of abatement costs.

The cost of abatement, upon recordation by the City Clerk in the book kept for that purpose in accordance with section 8.32.150, shall also be a personal indebtedness of the owner of the property upon which the abatement work has been performed and may be collected directly by the city by the institution of a legal proceeding in any court of competent jurisdiction as provided by sections 21.01.060 and 21.01.080. In addition to the abatement costs, the owner shall be liable for a penalty of ten percent (10%) of such costs, plus interest at the legal rate on the amount recovered. If there is more than one owner, their liability shall be joint and several. The procedure authorized by this section shall be an alternate to the lien procedure pursuant to section 8.32.150 or special assessment procedure pursuant to section 8.32.160. (Ord. 2006-07, Amended, 06/06/2006; Ord. 86-8 § 1 (part))

Section 8.32.180 Refunds.

The city council may order refunded all or part of a special assessment paid pursuant to this chapter if it finds that all or part of the special assessment has been erroneously levied. A special assessment or portion thereof shall be refunded unless a claim is filed with the city clerk on or before the March 1st after the special assessment became due and payable. The claim shall be verified by the owner who paid the assessment, or his guardian, executor, administrator, assignee or successor in interest. (Ord. 86-8 § 1 (part))

Section 8.32.190 Standards.

In removing or destroying weeds, rubble or rubbish, in accordance with this chapter, owners shall comply with such standards as may be established by the city. (Ord. 94-09 § 2: Ord. 86-8 § 1 (part))

Section 8.32.200 Violation.

The violation of any of the provisions of this Chapter is unlawful and an offense. Each day that conditions or actions in violation of any provision of this Chapter continue is deemed a separate and distinct offense. Such violations shall be punished as provided by Chapter 21.01 of Title 21.
(Ord. 2006-07, Amended, 06/06/2006; Ord. 92-04 § 15: Ord. 86-8 § 1 (part))

Section 8.32.210 No open burning.

Notwithstanding any other portion of this chapter, no burning of weeds, rubble, rubbish or trash shall occur on any open space within the city. (Ord. 96-14 § 1: Ord. 93-11 § 6)

Chapter 8.36

UNDERGROUND STORAGE OF HAZARDOUS SUBSTANCES

Sections:

8.36.010	**Purpose.**
8.36.020	**Definitions.**
8.36.030	**Design standards and monitoring systems for new facilities.**
8.36.040	**Monitoring systems for existing facilities.**
8.36.050	**Abandonment.**
8.36.060	**Permit required.**
8.36.070	**Application filing.**
8.36.080	**Application contents.**
8.36.090	**Issuance.**
8.36.100	**Term.**
8.36.110	**Contents of permit.**
8.36.120	**Monitoring.**
8.36.130	**Fees.**
8.36.140	**Transferability.**
8.36.150	**Violations.**
8.36.160	**Inspections.**
8.36.170	**Unauthorized release.**
8.36.180	**Repairs.**
8.36.190	**Hearing authority.**
8.36.200	**Appeals.**
8.36.210	**Appeal hearing.**
8.36.220	**Finality of determination.**
8.36.230	**Grounds for revocation.**
8.36.240	**Method of revocation.**
8.36.250	**Administration.**

Section 8.36.010 Purpose.

It is the purpose of this chapter to establish standards for construction and monitoring of facilities used for the underground storage of hazardous substances, and to establish a procedure for issuance of permits for the use of these facilities. (Ord. 83-22 § 1 (part), 1983: prior code § 15600)

Section 8.36.020 Definitions.

A. "Board" means the State Water Resources Control Board.

B. "Facility" means any one, or combination of, underground storage tanks used by a single business entity at a single location or site.

C. "Hazardous substance" means all of the following liquid and solid substances unless the State Water Resources Control Board determines the substance could not adversely affect the quality of the waters of the city, county or the region:

1. Substances on the list prepared by the Director of the Department of Industrial Relations pursuant to Section 6382 of the Labor Code of the state;

2. Hazardous substances, as defined in Section 25316 of the Health and Safety Code of the state;

3. Any substance or material which is classified by the National Fire Protection Association (NFPA) as a flammable liquid, a Class II combustible liquid, or a Class III-A combustible liquid.

D. "Permitting authority" shall be the Galt city council or its designee.

E. "Person" means an individual, trust, firm, joint stock company, corporation, including a government corporation, partnership, and association. "Person" also include any city, county, district, the state, or any department or agency thereof.

F. "Primary containment" means the first level of containment, such as the portion of a tank which comes into immediate contact on its inner surface with the hazardous substance being contained.

G. "Product-tight" means impervious to the substance which is contained, or is to be contained, so as to prevent the seepage of the substance from the primary containment. To be product-tight, the tank shall not be subject to physical or chemical deterioration by the substance which it contains over the useful life of the tank.

H. "Secondary containment" means the level of containment external to, and separate from, the primary containment.

I. "Single-walled" means construction with wall made of only one thickness of material. For the purpose of this chapter, laminated, coated, or clad materials shall be considered single-walled.

J. "Storage" or "store" means the containment, handling or treatment of hazardous

substances, either on a temporary basis or for a period of years. "Storage" or "store" does not mean the storage of hazardous wastes in an underground storage tank if the person operating the tank has been issued a hazardous waste facilities permit by the State Department of Health Services pursuant to Section 25200 or granted interim status under Section 25200.5 of the Health and Safety Code of the state, and has submitted to the permitting authority documentation verifying the issuance of the permit or the granting of the interim status.

K. "Unauthorized release" means any release or emission of any hazardous substance which does not conform to the provisions of this chapter, unless this release is authorized by the State Water Resources Control Board pursuant to Division 7 (Commencing with Section 13000) of the Water Code of the state.

L. "Underground storage tank" means any one or combination of tanks, including pipes connected thereto, which is used for the storage of hazardous substances and which is substantially or totally beneath the surface of the ground. "Underground storage tank" does not include any of the following:

1. A tank used for the storage of hazardous substances used for the control of external parasites of cattle and subject to the supervision of the county agricultural commissioner if the county agricultural commissioner determines, by inspection prior to use, that the tank provides a level of protection equivalent to that required by Section 8.36.030 if the tank was installed after June 30, 1984, or protection equivalent to that provided by Section 8.36.040 if the tank was installed on or before June 30, 1984;

2. Tanks which are located on a farm and store motor vehicle fuel which is used only to propel vehicles used primarily for agricultural purposes;

3. Tanks used for aviation or motor vehicle fuel located within one mile of a farm and the tank is used by a licensed pest control operator, as defined in Section 11705 of the Food and Agricultural Code of the state, who is primarily involved in agricultural pest control activities;

4. Structures such as sumps, separators, storm drains, catchbasins, oil field gathering lines, refinery pipelines, lagoons, evaporation ponds, well cellars, separation pumps, lines and unlined pits, sumps and lagoons. Sumps which are a part of a monitoring system required under Section 8.36.030 or Section 8.36.040 are not exempted by this section.

M. "Special inspectors" means a professional engineer, registered pursuant to Chapter 7 (commencing with Section 6700) of Division 3 of the Business and Professions Code of the state, who is qualified to attest, at a minimum, to structural soundness, seismic safety, the compatibility of construction materials with contents, cathodic protection, and the mechanical compatibility of the structural elements.

N. "Owner" means the owner of an underground storage tank.

O. "Operator" means the operator of an underground storage tank.

P. "Pipe" means any pipeline or system of pipelines which is used in connection with the storage of hazardous substances and which are not intended to transport hazardous substances in interstate or intrastate commerce or to transfer hazardous materials in bulk to or from a marine vessel. (Ord. 83-22 § 1 (part), 1983: prior code § 15601)

Section 8.36.030 Design standards and monitoring systems for new facilities.

No underground storage tank or facility shall be installed after January 1, 1984, unless a permit to operate is first obtained from the permitting authority. A permit to operate shall not be issued for any underground storage tank or facility installed after January 1, 1984, unless the underground storage tank or facility meets the following requirements:

A. Be designed and constructed to provide primary and secondary levels of containment of the hazardous substances stored in them in accordance with the following performance standards:

1. Primary containment shall be product-tight.

2. Secondary containment shall be constructed to prevent structural weakening as a result of contact with any released hazardous substances, and also shall be capable of storing, for the maximum anticipated period of time necessary for the recovery of any released

hazardous substance.

3. In the case of an installation with one primary container, the secondary containment shall be large enough to contain at least one hundred percent of the volume of the primary tank.

4. In the case of multiple primary tanks, the secondary container shall be large enough to contain one hundred fifty percent of the volume of the largest primary tank placed in it, or ten percent of the aggregate internal volume of all primary tanks, whichever is greater.

5. If the facility is open to rainfall, then the secondary containment must be able to additionally accommodate the volume of a twenty-four-hour rainfall as determined by a one-hundred-year storm history.

6. Single-walled containers do not fulfill the requirement of an underground storage tank providing both a primary and a secondary containment.

7. The design and construction of underground storage tanks for motor vehicle fuels storage need not meet the requirements of subsections 1 to 6, inclusive, if the primary containment construction is of glass fibre, reinforced plastic, cathodically protected steel, or steel clad with glass fibre reinforced plastic, any such alternative primary containment is installed in conjunction with a system that will intercept and direct a leak from any part of the tank to a monitoring well to detect any release of motor vehicle fuels stored in the tank and which is designed to provide early leak detection, response, and to protect groundwater from releases, and if the monitoring is in accordance with the alternative method identified in subsection B(3) of Section 8.36.040. Pressurized piping systems connected to underground storage tanks used for the storage of motor vehicle fuels and monitored in accordance with subsection B(3) of Section 8.36.040 shall also be deemed to meet the requirements of this subsection.

B. Be designed and constructed with a monitoring system capable of detecting the entry of hazardous material stored in the primary containment into the secondary containment. If water could intrude into the secondary containment, a means of monitoring for water intrusion and for safely removing the water shall also be provided.

C. When required by the permitting authority, a means of overfill protection for any primary tank, including an overfill prevention device or an attention-getting high level alarm, or both. Primary tank filling operations of underground storage tanks containing motor vehicle fuels which are visually monitored and controlled by a facility operator satisfy the requirements of this subsection.

D. Different substances that in combination may cause a fire or explosion, or the production of flammable, toxic, or poisonous gas, or the deterioration of a primary and secondary containment so as to avoid potential intermixing.

E. If water could enter into the secondary containment by precipitation or infiltration, the facility shall contain a means of removing the water by the owner or operator. This removal system shall also provide for a means of analyzing the removed water for hazardous substance contamination and a means of disposing of the water, if so contaminated, at an authorized disposal facility. (Ord. 83-22 § 1 (part), 1983: prior code § 15602)

Section 8.36.040 Monitoring systems for existing facilities.

No underground storage tank or facility installed on or before January 1, 1984, and used for the storage of hazardous substances shall continue to operate unless a permit to operate is obtained by January 1, 1985. No permit to operate such tank or facility shall be issued or remain valid unless the following actions are taken:

A. On or before January 1, 1985, the owner shall outfit the facility with a monitoring system capable of detecting unauthorized releases of any hazardous substances stored in the facility, and thereafter, the operator shall monitor each facility, based on materials stored and the type of monitoring installed.

B. On or before January 1, 1985, the owner shall provide a means for visual inspection of the tank, wherever practical, for the purpose of monitoring required by subsection A. Alternative methods of monitoring the tank on a monthly, or more frequent basis, may be required by the permitting authority.

The alternative monitoring methods include, but are not limited to, the following methods:

1. Pressure testing, vacuum testing or hydrostatic testing of the piping systems or underground storage tanks;

2. A groundwater monitoring well or wells which are down gradient and adjacent to the underground storage tank, vapor analysis within a well where appropriate, and analysis of soil borings at the time of initial installation of the well. The permitting authority shall develop regulations specifying monitoring alternatives and shall approve the location and number of wells, the depth of wells and the sampling frequency, pursuant to these regulations;

3. For monitoring tanks containing motor vehicle fuels, daily gauging and inventory reconciliation by the operator, if inventory records are kept on file for one year and are reviewed quarterly, the tank is tested for tightness hydrostatically or, when appropriate with pressure between three and five pounds, inclusive, per square inch at time intervals specified by the State Water Resources Control Board and whenever any pressurized system has a leak detection device to monitor for leaks in the piping. The tank shall also be tested for tightness hydrostatically or where appropriate, with pressure between three and five pounds, inclusive, per square inch whenever there is a shortage greater than the amount specified by the State Water Resources Control Board. (Ord. 83-22 § 1 (part), 1983: prior code § 15603)

Section 8.36.050 Abandonment.

A. No person shall abandon an underground storage tank or close or temporarily cease operating an underground storage tank except as provided in this section.

B. An underground storage tank which is temporarily taken out of service, but which the operator intends to return to use, shall continue to be subject to all the permit, inspection, and monitoring requirements of this chapter, unless the operator complies with the provisions of subsection C for the period of time the underground tank is not in use.

C. No person shall close an underground storage tank unless the person undertakes all of the following actions:

1. Demonstrates to the permitting authority that all residual amounts of the hazardous substance or hazardous substances which were stored in the tank prior to its closure have been removed, properly disposed of, and neutralized;

2. Adequately seals the tank to minimize any threat to the public safety and the possibility of water intrusion into, or runoff from, the tank;

3. Provides for, and carries out, the maintenance of the tank as permitting authority determines is necessary, for the period of time the permitting authority requires;

4. Demonstrates to the permitting authority that there has been no significant soil contamination resulting from a discharge in the area surrounding the underground storage tank or facility. (Ord. 83-22 § 1 (part), 1983: prior code § 15604)

Section 8.36.060 Permit required.

A. No person shall operate a facility for the underground storage of any hazardous substance within the city limits unless by authority of a valid, unexpired and unrevoked permit to operate issued to the owner pursuant to the provisions of Sections 8.36.030 or 8.36.040.

B. A person shall be deemed to operate a facility and violate this section if the person, without a required permit to operate in effect, supervises, inspects, directs, organizes, manages or controls or is in any way responsible for or in charge of the facility for which the permit is required.

C. This section does not obviate the requirements to obtain valid permits pursuant to and in compliance with other applicable ordinances, including but not limited to the Galt zoning code and building code. (Ord. 83-22 § 1 (part), 1983: prior code § 15605)

Section 8.36.070 Application filing.

All applications for a permit to operate shall be filed in the office of the city clerk or such other place as the permitting authority shall designate. (Ord. 83-22 § 1 (part), 1983: prior code § 15606)

Section 8.36.080 Application contents.

The application for a permit to operate shall be filed on a form and contain such information

as is prescribed by the permitting authority, including the following:

A. A description of the construction of the underground storage tank or tanks;

B. A list of all the hazardous substances which are or will be stored in the underground storage tank or tanks, specifying the hazardous substances for each underground storage tank;

C. A description of the monitoring program for the underground storage tank or tanks;

D. The name and address of the person, firm, or corporation which owns the underground storage tank or tanks and, if different, the name and address of the person who operates the underground storage tank or tanks;

E. The address of the facility at which the underground storage tank or tanks are located;

F. The name of the person making the application;

G. The name and twenty-four-hour phone number of the contact person in the event of an emergency involving the facility;

H. If the owner or operator of the underground storage tank is a public agency, the application shall include the name of the supervisor of the division, section, or office which operates the tank;

I. Such other further information as is deemed necessary to administer the provisions of this chapter. (Ord. 83-22 § 1 (part), 1983: prior code § 15607)

Section 8.36.090 Issuance.

The permitting authority shall act upon the application not later than ninety days after the date it is accepted as complete unless the applicant has filed with the permitting authority written notice of a request and received written approval for extension of the time within which action is taken on the grounds that additional time is required to prepare or present plans or other information, obtain zoning variances or other permits, or make other corrections remedying inconsistencies with the provisions of this chapter; or the permitting authority has on file a written notice from a public agency showing just cause for an extension of time, and

has approved an extension of time pursuant thereto. (Ord. 83-22 § 1 (part), 1983: prior code § 15608)

Section 8.36.100 Term.

The term of the permit to operate shall be five years, at which time the permittee may apply for renewal pursuant to Section 8.36.090. (Ord. 83-22 § 1 (part), 1983: prior code § 15609)

Section 8.36.110 Contents of permit.

A. The permit to operate shall contain a complete description of the enterprise for which it is issued, the date of issuance and date of expiration, and a description of any and all conditions upon which the permit has been issued. A copy of the permit shall be kept on the premises and shall be made available to the permitting authority upon demand.

B. As a condition of any permit to operate an underground storage tank, the permittee shall complete an annual report form prepared by the permitting authority, which will detail any changes in the usage of any underground storage tanks, including the storage of new hazardous substances, changes in monitoring procedure and unauthorized release occurrences. (Ord. 83-22 § 1 (part), 1983: prior code § 15610)

Section 8.36.120 Monitoring.

The operator of the underground storage facility shall monitor the facility using the method specified on the permit for the facility. Records shall be kept in sufficient detail to enable the permitting authority to determine that the operator has undertaken all monitoring activities required by the permit to operate.

If the operator is not the owner, the owner shall provide a copy of the permit to operator, enter into a written contract with the operator which requires the operator to monitor the tank as set forth in the permit, and provide the operator with a copy of Section 8.36.150 or a summary of this section, in the form which the permitting authority specified by regulation. The owner shall notify the permitting authority of any change of operator. (Ord. 83-22 § 1 (part): prior code § 15611)

Section 8.36.130 Fees.

The city council may, by resolution and from time to time, prescribe fees for the issuance and renewal of a permit to operate and fees for the filing of appeals relating to denial of such permits or the revocation thereof. (Ord. 83-22 § 1 (part): prior code § 15612)

Section 8.36.140 Transferability.

A. Except as provided in subsection B, no person shall operate an underground storage tank unless a permit to operate has been issued. Any person who is to assume the ownership of an underground storage tank from the previous owner shall complete the form accepting the obligations of the permit and submit the completed form to the permitting authority at least thirty days after the ownership of the underground storage tank is to be transferred. The permitting authority may review and modify, or terminate the transfer of the permit to operate the underground storage tank upon receiving the completed form.

B. Any person assuming ownership of an underground storage tank used for the storage of hazardous substances for which a valid permit to operate has been issued shall have thirty days after the date of assumption of ownership to apply for a permit to operate or if accepting a transferred permit, shall submit to the permitting authority the completed form accepting the obligation of the transferred permit, as specified in subsection A. During the period from the date of application until the permit is issued or refused, the person shall not be held to be in violation of this section. (Ord. 83-22 § 1 (part): prior code § 15613)

Section 8.36.150 Violations.

A. A violation of any of the provisions of this chapter or failure to comply with any of the regulatory requirements of this chapter is unlawful and an offense.

B. Each person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provisions of this chapter is committed, continued, or permitted by any such person, and shall be punished accordingly. (Ord. 92-04 § 16: Ord. 83-22 § 1 (part): prior code § 15614)

Section 8.36.160 Inspections.

A. The permitting authority shall inspect every underground storage tank or facility at least once every three years. The purpose of the inspection is to determine whether the tank or facility complies with the design and construction standards of this chapter, whether the operator has monitored and tested the tank as required by the permit, and whether the tank is in a safe operating condition. After an inspection, the permitting authority shall prepare a compliance report detailing the inspection and shall send a copy of this report to the permitholder.

B. In addition to, or instead of, the inspections specified in subsection A, the permitting authority may require the permitholder to employ, periodically, special inspectors to conduct an audit or assessment of the permitholder's facility to determine whether the facility complies with the factors specified in subsection A and to prepare a special inspection report with recommendations concerning the safe storage of hazardous materials at the facility. The report shall contain recommendations consistent with the provisions of this chapter, where appropriate. A copy of the report shall be filed with the permitting authority at the same time the inspector submits the report to the permitholder. Within thirty days after receiving this report, the permitholder shall file with the permitting authority a plan to implement all recommendations contained in the report or shall demonstrate, to the satisfaction of the permitting authority, why these recommendations should not be implemented.

C. In order to carry out the purposes of this chapter, any duly authorized representative of the permitting authority has the authority to inspect any place where underground storage tanks are located or to inspect real property which is within two thousand feet of any place where underground storage tanks are located. (Ord. 83-22 § 1 (part): prior code § 15615)

Section 8.36.170 Unauthorized release.

A. Any unauthorized release from the primary containment which the operator is able to clean up within eight hours and which does not escape from the secondary containment,

does not increase the hazard of fire or explosion, and does not cause any deterioration of the secondary containment of the underground storage tank shall be recorded on the operator's monitoring reports.

B. Any unauthorized release which escapes from the secondary containment, increases the hazard of fire or explosion, or causes any deterioration of the secondary containment of the underground tank shall be reported by the operator to the permitting authority within twenty-four hours after the release has been detected or should have been detected. A full written report shall be transmitted by the owner or operator of the underground storage tanks within five working days of the occurrence of the release.

The permitting authority shall review the permit whenever there has been an unauthorized release or when it determines that the underground storage tank is unsafe. In determining whether to modify or terminate the permit, the permitting authority shall consider the age of the tank, the methods of containment, the methods of monitoring, the feasibility of any required repairs, the concentration of the hazardous substances stored in the tank, the severity of potential unauthorized releases, and the suitability of any other long-term preventive measures which would meet the requirements of this chapter. (Ord. 83-22 § 1 (part): prior code § 15616)

Section 8.36.180 Repairs.

Any physical modification including replacement, of an underground storage tank or facility, shall be undertaken in compliance with applicable codes as specified in subsection C of Section 8.36.060. (Ord. 83-22 § 1 (part): prior code § 15617)

Section 8.36.190 Hearing authority.

Whenever the term "hearing authority" is utilized in this chapter, it shall refer to one or more persons assigned the responsibility of conducting a hearing by the city manager. The city manager shall be authorized to assign hearing responsibilities from time to time to either:

A. Any person or persons, qualified by training or experience, who the city manager may employ or who are retained by contract to conduct such hearings; or

B. Administrative law judges assigned to the State of California Office of Administrative Hearings.

The city manager is authorized to contract in the name of the city for the retention of hearing services at rates which do not exceed financial limitations established by the city's annual budget. (Ord. 83-22 § 1 (part): prior code § 15618)

Section 8.36.200 Appeals.

Any decision of the permitting authority may be appealed to the hearing authority.

Any such appeals shall be in writing, shall state the specific reasons therefor and grounds asserted for relief, and shall be filed with the clerk of the permitting authority not later than fifteen days after the date of service. If an appeal is not filed within the time or in the manner prescribed above, the right to review of the action against which complaint is made shall be deemed to have been waived. (Ord. 83-22 § 1 (part): prior code § 15619)

Section 8.36.210 Appeal hearing.

Not later than thirty days, or longer if a notice of continuance is mailed to the appellant, following the date of filing an appeal within the time and in the manner prescribed by Section 8.36.200, the hearing authority shall conduct a hearing for the purpose of determining whether the appeal should be granted. Written notice of the time, date and place of the hearing shall be mailed to the appellant not later than ten days preceding the date of the hearing.

During the hearing, the burden of proof shall rest with the appellant. The provisions of the California Administration Procedure Act (commencing at Section 11500 of the Government Code) shall not be applicable to such hearings; nor shall formal rules of evidence in civil or criminal judicial proceedings be so applicable. At the conclusion of the hearing, the hearing authority shall prepare a written decision which either grants or conditionally grants or denies the appeal, and contains findings of fact and conclusions. Notice of the written decision,

including a copy thereof, shall be filed with the clerk of the permitting authority and mailed to the appellant not later than seven days following the date on which the hearing is closed. (Ord. 83-22 § 1 (part): prior code § 15620)

Section 8.36.220 Finality of determination.

The decision by the hearing authority shall become final upon the date of filing and mailing. (Ord. 83-22 § 1 (part): prior code § 15621)

Section 8.36.230 Grounds for revocation.

Any permit to operate issued pursuant to this chapter may be revoked during its term upon one or more of the following grounds:

A. That an unauthorized release has occurred pursuant to subsection B of Section 8.36.170;

B. That modifications have been made to the underground storage tank or facility in violation of the permit to operate;

C. That the holder of the permit has violated one or more conditions upon which the permit has been issued. (Ord. 83-22 § 1 (part): prior code § 15622)

Section 8.36.240 Method of revocation.

The permitting authority may revoke a permit to operate by issuing a written notice of revocation, stating the reasons therefor, and serving same, together with a copy of the provisions of this chapter, upon the holder of the permit. The revocation shall become effective fifteen days after the date of service, unless the holder of the license files an appeal within the time and in accordance with the provisions of Section 8.36.200. If such an appeal is filed, the revocation shall not become effective until a final decision on the appeal is issued. (Ord. 83-22 § 1 (part): prior code § 15623)

Section 8.36.250 Administration.

Except as otherwise provided, the permitting authority shall designate the governmental department or agency charged with administering this chapter and it shall be authorized from time to time to promulgate and enforce such rules or regulations consistent with the purposes, intent, and express terms of this chapter as he or she deems necessary to implement such purposes, intent and express terms. Such rules shall be filed with the clerk of the city and shall become effective thirty days thereafter. (Ord. 83-22 § 1 (part): prior code § 15624)

Chapter 8.40

NOISE CONTROL STANDARDS

Sections:

8.40.010	**Findings.**
8.40.020	**Declaration of policy.**
8.40.030	**Liberal construction.**
8.40.040	**Definitions.**
8.40.050	**Sound level measurement (general).**
8.40.060	**Exterior noise standards.**
8.40.070	**Interior noise standards.**
8.40.080	**Exemptions.**
8.40.090	**Preexisting industrial or commercial facilities--Transition period.**
8.40.100	**Schools, hospitals and churches.**
8.40.110	**Machinery, equipment, fans and air conditioning.**
8.40.120	**Off-road vehicles.**
8.40.130	**Waste disposal vehicles.**
8.40.140	**General noise regulations.**
8.40.145	**Specific unlawful noises.**
8.40.150	**Administration.**
8.40.160	**Noise control program--Recommendations.**
8.40.170	**Rules and standards.**
8.40.180	**Special condition permits.**
8.40.190	**Variance procedure.**
8.40.200	**Hearing board.**
8.40.210	**Appeals.**
8.40.220	**Violations.**
8.40.230	**Other remedies.**

Section 8.40.010 Findings.

The city council finds:

A. Excessive, unnecessary or offensive noise within the city is detrimental to the public health, safety, welfare and peace and quiet of the inhabitants of the city and therefore is declared a public nuisance; and

B. Every person in the city is entitled to live in an environment free from excessive, unnecessary or offensive noise levels; and

C. The establishment of maximum permissible noise level will further the public health, safety, welfare and quiet of city inhabitants;

D. The adoption of uniform noise standards for the city will promote uniformity and ease of enforcement. (Ord. 87-2 § 1 (part))

Section 8.40.020 Declaration of policy.

It is declared to be the policy and purpose of this chapter to assess complaints of noises alleged to exceed the ambient noise levels. Further, it is declared to be the policy to contain sound levels in the city at their present levels with the ultimate goal of reducing such levels, when and where feasible and without causing undue burdens, to meet the noise standards set forth in this chapter. (Ord. 87-2 § 1 (part))

Section 8.40.030 Liberal construction.

The chapter shall be liberally construed so as to effectuate its purpose. (Ord. 87-2 § 1 (part))

Section 8.40.040 Definitions.

The following words, phrases and terms as used in this chapter shall have the following meanings:

A. "Ambient noise level" means the all-encompassing noise level associated with a given environment, being a composite of sounds from all sources, excluding the alleged offensive noise, at the location and approximate time at which a comparison with the alleged offensive noise is to be made.

B. "City" means the incorporated area of the city.

C. "Cumulative period" means an additive period of time composed of individual time segments which may be continuous or interrupted.

D. "Decibel" or "dB" means a unit which denotes the ratio between two quantities which are proportional to power; the number of decibels corresponding to the ratio of two amounts of power is ten times the logarithm to the base of ten of this ratio.

E. "Emergency work" means the use of any machinery, equipment, vehicle, manpower or other activity in an effort to protect, maintain, provide or restore safe condition in the community or for citizenry, or work by private

or public utilities when restoring utility service.

F. "Hertz" means a unit of measurement of frequency, numerically equal to cycles per second.

G. "Impulsive noise" means a noise characterized by brief excursions of sound pressures whose peak levels are very much greater than the ambient noise level, such as might be produced by the impact of a pile driver, punch press or a drop hammer, typically with one second or less duration.

H. "Noise level" means the A weighted sound pressure level in decibels obtained by using a sound level meter at slow response with a reference pressure of twenty micropascals. The unit of measurement shall be designated as dBA.

I. "Person" means a person, firm, association, copartnership, joint venture, corporation or any entity, public or private in nature.

J. "Residential property" means a parcel or real property which is developed and used either in part or in whole for residential purposes, other than transient uses such as hotels and motels.

K. "Simple tone noise" or "pure tone noise" means a noise characterized by the presence of a predominant frequency or frequencies such as might be produced by whistle or hum.

L. "Sound level meter" means an instrument meeting American National Standard Institute's Standard S1.4-1971 for Type 2 sound level meters or an instrument and the associated recording and analyzing equipment which will provide equivalent data.

M. "Sound pressure level" means a sound pressure level of sound, in decibels, as defined in ANSI Standards 51.2-1962 and 51.13 1921; that is, twenty times the logarithm to the base ten of the ratio of the pressure of the sound to a reference pressure, which reference pressure shall be explicitly stated.

N. "Zone" means any of the zoning classifications specified in the Galt zoning ordinance. (Ord. 87-2 § 1 (part))

Section 8.40.050 Sound level measurement (general).

A. Any noise level measurement made pursuant to the provisions of this chapter shall be performed using a sound level meter as defined in Section 8.40.040.

B. The location selected for measuring exterior noise levels shall be at a point at least one foot inside the property line of the affected residential property. Where feasible the microphone shall be at a height of three to five feet above ground level and shall be at least four feet from walls or similar reflecting surfaces. In the case of interior noise measurements, the windows shall be in normal seasonal configuration and the measurement shall be made at a point at least four feet from the wall, ceiling or floor nearest the affected occupied area. (Ord. 87-2 § 1 (part))

Section 8.40.060 Exterior noise standards.

A. The following noise standards, unless otherwise specifically indicated in this chapter shall apply to all properties within designated zones:

Designated Zones: R-1-A, R-1-B, R-1-C, R-2, R-3, C-R and R-M

Time Period	Exterior Noise Standard
7:00 a.m.--10:00 p.m.	55 dBA
10:00 p.m.--7:00 a.m.	50 dBA

B. It is unlawful except as otherwise specified in this chapter for any person at any location within the city to create any noise which causes the noise levels on an affected property, when measured in the designated noise area, to exceed for the duration of time set forth following, the specified exterior noise standards in any one hour by:

Cumulative Duration of the Intrusive Sound	Decibels Allowance
1. Cumulative period of thirty minutes per hour	0
2. Cumulative period of fifteen minutes per hour	+5
3. Cumulative period of five minutes per hour	+10
4. Cumulative period of one minute per hour	+15
5. Level not to be exceeded for any time per	

hour +20

C. Each of the noise limits specified in subsection B of this section shall be reduced to 5 dBA for impulsive or simple tone noises, or for noises consisting of speech or music.

D. If the ambient noise level exceeds that permitted by any of the first four noise limit categories specified in subsection B of this section, the allowable noise limit shall be increased in 5 dBA increments in each category to encompass the ambient noise level. If the ambient noise level exceeds the fifth noise level category, the maximum ambient noise level shall be the noise limit for that category. (Ord. 87-2 § 1 (part))

Section 8.40.070 Interior noise standards.

A. In an apartment, condominium, town house, duplex or multiple dwelling unit it shall be unlawful for any person to create any noise from inside his unit that causes the noise level when measured in a neighboring unit during the period from ten p.m. to seven a.m. to exceed:

1. Forty-five dBA for a cumulative period of more than five minutes in any hour;
2. Fifty dBA for a cumulative period of more than one minute in any hour;
3. Fifty-five dBA for any period of time.

B. If the ambient noise level exceeds that permitted by any of the noise level categories specified in subsection A of this section, the allowable noise limit shall be increased in five dBA increments in each category to encompass the ambient noise level. (Ord. 87-2 § 1 (part))

Section 8.40.080 Exemptions.

The following activities shall be exempted from the provisions of this chapter:

A. School bands, school athletic and school entertainment events;

B. Outdoor gatherings, public dances, shows and sporting and entertainment events, provided the events are conducted pursuant to a license or permit by the city;

C. Activities conducted on parks, public playgrounds and school grounds, provided such parks, playgrounds and school grounds are owned and operated by a public entity or private school;

D. Any mechanical device, apparatus or equipment related to or connected with emergency activities or emergency work;

E. Noise sources associated with construction, repair, remodeling, demolition, paving or grading of any real property, provided the activities do take place only between the hours of six a.m. and eight p.m. on weekdays and seven a.m. and eight p.m. on Saturdays and Sundays. Provided, however, when an unforeseen or unavoidable condition occurs during a construction project and the nature of the project necessitates that work in process be continued until a specific phase is completed, the contractor or owner shall be allowed to continue work after eight p.m. and to operate machinery and equipment necessary until completion of the specific work in progress can be brought to conclusion under conditions which will not jeopardize inspection acceptance or create undue financial hardships for the contractor or owner;

F. Noise sources associated with agricultural operations, provided such operations take place only between the hours of six a.m. and eight p.m.;

G. All mechanical devices, apparatus or equipment which are utilized for the protection or salvage of agricultural crops during periods of adverse weather condition or when the use of mobile noise sources is necessary for pest control;

H. Noise sources associated with maintenance to residential area property, provided the activities take place between the hours of six a.m. and eight p.m. on any day except Saturday or Sunday, or between the hours of seven a.m. and eight p.m. on Saturday or Sunday;

I. Any activity to the extent provisions of Chapter 65 of Title 42 of the United States Code, and Articles 3 and 3.5 of Chapter 4 of Division 9 of the Public Utilities Code of the state of California preempt local control of noise regulations and land use regulations related to noise control of airports and their surrounding geographical areas, any noise source associated with the construction, development, manufacture, maintenance, testing or operation of any aircraft engine, or of any weapons system or subsystems which are owned, operated or

under the jurisdiction of the United States, any other activity to the extent regulation thereof has been preempted by state or federal law or regulation;

J. Any noise sources associated with the maintenance and operation of aircraft or airports which are owned or operated by the United States. (Ord. 87-2 § 1 (part))

Section 8.40.090 Preexisting industrial or commercial facilities--Transition period.

A. Any industrial or commercial facility in existence prior to the effective date of this chapter shall be allowed a one-year period commencing on such date within which to comply with this chapter.

B. During the one-year period all such facilities shall make reasonable efforts to be in compliance and to reduce noise which exceeds the standards specified in this chapter. Commencing at the end of one year after the effective date of this chapter, any such facility shall be subject to all applicable requirements of this chapter.

C. If any facility which is not in compliance by the end of the one-year period applies for a variance pursuant to Section 8.40.190, in deciding whether to grant a variance the granting body shall take into account the extent to which the applicant has endeavored to reduce noise during the one-year period to meet the standards specified in this chapter.

D. This section applies only to a commercial or industrial facility already in existence or for which the work of improvement had commenced prior to the effective date of this chapter.

E. As used in this section, "industrial facility" means any building, structure, factory, plant, premises or portion thereof used for manufacturing or industrial purposes, and "commercial facility" means any building, structure, premises or portion thereof used for wholesale or retail commercial purposes. (Ord. 87-2 § 1 (part))

Section 8.40.100 Schools, hospitals and churches.

It is unlawful for any person to create any noise which causes the noise level at any school, hospital or church regardless of the zone in which such school, hospital or church is located, while the same is in use to exceed the noise standards specified in Section 8.40.060 or to create any noise which unreasonably interferes with the use of such institution or unreasonably disturbs or annoys patients in the hospital. In any disputed case, interfering noise which is ten dBA or more above the ambient noise level at the building shall be deemed excessive and unlawful. (Ord. 87-2 § 1 (part))

Section 8.40.110 Machinery, equipment, fans and air conditioning.

It is unlawful for any person to operate in any manner any mechanical equipment, pump, fan, air conditioning apparatus, stationary pump, stationary cooling tower, stationary compressor, similar mechanical device or any combination thereof so as to create any noise which would cause the maximum noise level to exceed fifty-five dBA at any point at least one foot inside the property line of the affected residential property and three to five feet above ground. (Ord. 87-2 § 1 (part))

Section 8.40.120 Off-road vehicles.

It is unlawful for any person to operate any motorcycle or recreational off-road vehicle within the city in such a manner that the noise level exceeds the exterior noise standards specified in Section 8.40.060. (Ord. 87-2 § 1 (part))

Section 8.40.130 Waste disposal vehicles.

A. It is unlawful for any person authorized to engage in waste disposal service or garbage collection to operate any truck-mounted waste or garbage loading and/or composting equipment or similar mechanical device in any manner so as to create any noise exceeding the following level, when measured at a distance of fifty feet from the equipment in an open area.

1. New equipment purchased or leased on or after a date six months from the effective date of this chapter shall not exceed a noise level of eighty dBA.

2. New equipment purchased or leased on or after forty-two months from the effective date of this chapter shall not exceed a noise level of

seventy-five dBA.

3. Present equipment shall not exceed a noise level of eighty dBA on or after five years from the effective date of this chapter.

B. The provisions of this section shall not abridge or conflict with the powers of the state over motor vehicle control. (Ord. 87-2 § 1 (part))

Section 8.40.140 General noise regulations.

A. Notwithstanding any other provisions of this chapter and in addition thereto, it is unlawful for any person to wilfully make or continue or cause to be made or continued any loud, unnecessary or unusual noise which disturbs the peace and quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area.

B. The standards which shall be considered in determining whether a violation of the provisions of this section exists shall include, but not be limited to, the following:

1. The sound level of the objectionable noise;
2. The sound level of the ambient noise;
3. The proximity of the noise to residential sleeping facilities;
4. The nature and zoning of the area from which the noise emanates;
5. The density of the inhabitation of the area affected by noise;
6. The time of day or night the noise occurs;
7. The duration of the noise and its tonal information or musical content;
8. Whether the noise is continuous, recurrent or intermittent;
9. Whether the noise is produced by a commercial or noncommercial activity. (Ord. 87-2 § 1 (part))

Section 8.40.145 Specific unlawful noises.

Notwithstanding any other provision of the chapter to the contrary, the following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of the chapter, but such enumeration shall not be deemed to be exclusive, namely:

A. Motor noises: any noise made by the motor of any automobile, truck, tractor or motorcycle, not reasonably required in the operation thereof under the circumstances and shall include, but not be limited to, backfiring and motor racing;

B. Horns and signaling devices: the sounding of any horn or signaling device on any automobile, motorcycle, trolley coach or other vehicle on any street or public place of the city, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; and the sounding of any such device for an unnecessary and unreasonable period of time. The use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or any other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up;

C. Yelling and shouting: yelling, shouting, hooting, whistling, singing or blowing of horns on the public streets, particularly between the hours of twelve midnight and seven a.m. or at any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in any office or in any dwelling, hotel, motel, apartment or other type of residence, or any person in the vicinity;

D. Pile drivers, hammers, etc.: the operation between the hours of ten p.m. and seven a.m. of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual noise;

E. Tools: the use of or operation between the hours of ten p.m. and seven a.m. of any power saw, power planer, or other powered tool or appliance or saw or hammer, or other tool, so as to disturb the quiet, comfort, or repose of persons in any dwelling, hotel, motel, apartment or other type of residence, or of any person in the vicinity;

F. Blowers: the operating of any noise-creating blower or power fan or any internal combustion engine the operation of which causes noise due to the explosion of operation gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped;

G. Exhausts: the discharge into the open air of the exhaust of any steam engine, stationary

internal combustion engine, motor boat, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom;

H. Loading, unloading--open boxes: the creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers;

I. Hawkers, peddlers and vendors: the shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of persons in the neighborhood;

J. Drums: the use of any drum or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale;

K. Transportation of metal, rails, pillars and columns: the transportation of rails, pillars or columns of iron, steel or other material, over and along streets and other public places upon carts, drays, cars, trucks in any manner so as to cause loud noises or to disturb the peace and quiet of persons in the vicinity thereof;

L. Animals, birds, fowl: the keeping of any animal, fowl or bird which by causing frequent or long continued noise shall disturb the comfort or repose of persons in the vicinity;

M. Any noise emitted from a radio, tape player, tape recorder, record player or television outdoors on or in any publicly owned property or place, including but not limited to public parks, when such noise is audible to a person of normal hearing sensitivity one hundred (100) feet from the radio, tape player, tape recorder, record player or television:

1. Notwithstanding any other provision of this Chapter, no notice to appear shall be issued or criminal complaint shall be filed for a violation of this subsection unless the offending party is first given a verbal or written notification of violation by any peace officer or other person charged with enforcing this subsection and a reasonable opportunity to correct the violation.

2. Notwithstanding any other provision of this code, any person violating this subsection shall be guilty of an offense and shall be punishable in accordance with Chapter 21.01 of Title 21. This subsection shall apply notwithstanding the provisions of subsection B of section 8.40.080. As used in this subsection, "person of normal hearing sensitivity" means a person who has a hearing threshold level of between zero and twenty-five (25) decibels HL averaged over the frequencies 500, 1000 and 2000 Hertz. (Ord. 2006-07, Amended, 06/06/2006; Ord. 92-04 § 17; Ord. 87-2 § 1 (part))

Section 8.40.150 Administration.

Except for the enforcement of Section 8.40.145 which shall be the responsibility of the police chief, the administration of this chapter is vested in the Sacramento county health officer. The health officer shall be responsible for:

A. Employing individuals trained in acoustical engineering or an equivalent field to assist in the administration of this chapter;

B. Training field inspectors;

C. Procuring measuring instruments and inspectors trained in their calibration and operation;

D. Conducting a public education program in all aspects of noise control;

E. Coordinating the noise control program with other governmental agencies. (Ord. 87-2 § 1 (part))

Section 8.40.160 Noise control program--Recommendations.

At least every third year following the effective date of this chapter, the county health officer shall evaluate the effectiveness of the noise control program in the city and shall make recommendations to the city council for its improvement. (Ord. 87-2 § 1 (part))

Section 8.40.170 Rules and standards.

Within one year after the effective date of this chapter, the county health officer, with the advice and assistance of other appropriate governmental agencies, shall investigate and recommend to the city council the following:

A. Rules and procedures to be used in measuring noise;

B. Noise standards for motor vehicle operation within the city. However, nothing within this chapter shall be deemed to abridge or conflict with the powers of the state over motor vehicle control;

C. Noise standards governing the construction, repair or demolition of a structure including streets and other thoroughfares;

D. Recommendations, if appropriate, for the establishment of sound level standards for nonresidentially zoned areas within the city. (Ord. 87-2 § 1 (part))

Section 8.40.180 Special condition permits.

Notwithstanding any provision of this chapter, the county health officer may grant special condition permits for a period not exceeding three days when the general purpose and intent of this chapter can be carried out by the granting of the special condition permit. The special condition permits may be renewed for a period not exceeding three days at the discretion of the health officer. (Ord. 87-2 § 1 (part))

Section 8.40.190 Variance procedure.

A. The owner or operator of a noise source which violates any of the provisions of this chapter may file an application with the county health officer for a variance from the provisions thereof. The application shall set forth all actions taken to comply with this chapter, the reasons why immediate compliance cannot be achieved, a proposed method for achieving compliance and a proposed time schedule for its accomplishment. The application shall be accompanied by a fee in the amount of seventy-five dollars. A separate application shall be filed for each noise source; provided, however, that several mobile sources under common ownership or several fixed sources on a single property may be combined into one application. Upon receipt of the application and fee, the county health officer shall refer the application with his recommendation thereon within ten days to the hearing board.

B. Upon receipt of an application for a variance, the hearing board shall schedule a public hearing to be conducted within sixty days of receipt of the application. During the public hearing the applicant and the county health officer may submit oral and documentary evidence relative to their respective contentions.

C. The hearing board may deny the application for a variance or may grant a variance. A variance may be for a limited period and may be subject to any other maximum compliance with the provisions of this chapter. Such terms, conditions, and requirements may include, but shall not be limited to, limitation on noise levels and operating hours.

D. Each variance shall set forth the approved method of achieving maximum compliance and a time schedule for its accomplishment. In its determination, the hearing board shall consider the magnitude of nuisance caused by the offensive noise, the uses of property within the area of impingement by the noise, the time factors related to study, design, financing and construction of remedial work, the economic factors related to age and useful life of equipment and the general public interest and welfare.

E. In deciding whether to grant a variance, the hearing board shall consider all facts relating to whether strict compliance with the requirement of this chapter will cause practical difficulties, unnecessary hardship or unreasonable expense and any other relevant consideration, including but not limited to, the fact that a commercial or industrial facility as defined in Section 8.40.090 commenced development prior to the existence of a residence affected by noise from such facility.

F. The hearing board shall render a decision within thirty days of completion of the hearing. The decision of the hearing board shall be transmitted to the applicant and to the city council. (Ord. 87-2 § 1 (part))

Section 8.40.200 Hearing board.

A. A joint Sacramento City-Sacramento County hearing board consisting of nine members was created by Sacramento County Ordinance No. 254 when it was adopted by the Sacramento County board of supervisors. The city shall refer all applications for a variance to that board for a public hearing.

B. Four members of the hearing board are appointed by the mayor of the city of Sacramento with the approval of the Sacramento city council. One member shall be an acoustical consultant with a background in engineering and with a demonstrated knowledge and experience in the field of acoustics; one member shall have been admitted to the practice of law in the state

of California; one member shall be a mechanical contractor holding a current active state of California C-20 or SC-20 license; and one member shall be a representative of the general public.

C. Four members are appointed by the board of supervisors of the county of Sacramento. One member shall be a licensed professional mechanical engineer; one member shall a physician licensed in the state, qualified in the field of physiological effects of noise; one member shall be a general contractor engaged in general building or engineering construction holding a current active state of California A or B license; and one member shall be a representative of the general public.

D. One member shall be appointed by the board of supervisors of the county of Sacramento and the mayor of the city of Sacramento with the approval of the city council. This member shall be a representative of business and industry.

E. The term of office of each member shall be for three years and until the appointment and qualification of a successor.

F. Any member may be removed by the appointing authority or authorities. Vacancies occurring during a term whether by removal, resignation or other cause, shall be filled for the unexpired term by the appointing authority or authorities.

G. The health officer of the county of Sacramento, or his appointed representative, shall be a nonvoting ex officio member of the hearing board and shall act as secretary of the board.

H. The hearing board shall adopt rules and regulations for its own procedures in carrying out its functions under the provisions of this chapter.

I. Five members of the hearing board shall constitute a quorum. If five or more members of the hearing board conduct a hearing, concurrence of the majority of those present shall be necessary for decision.

J. Meetings of the hearing board shall be held at the call of the secretary and at such time and locations as the board shall determine. All such meetings shall be open to the public. (Ord. 87-2 § 1 (part))

Section 8.40.210 Appeals.

A. Within ten days following the decision of the hearing board on an application for a variance, the applicant or county health officer may appeal the decision to the city council by filing a notice of appeal with the secretary of the hearing board.

B. Within ten days following receipt of a notice of appeal, the secretary of the hearing board shall forward to the city clerk copies of the application for variance and all papers and exhibits concerning the application received by the hearing board and its decision thereon. Any person may file with the city clerk written arguments in favor of or against the decision.

C. The city clerk shall mail to the applicant, the county health officer and other individuals or entities so requesting a notice of the date set for hearing of the appeal. The notice shall be mailed at least ten days prior to the hearing date.

D. Within thirty days following conduct of the hearing before the city council, the council shall either affirm, modify or reverse the decision of the hearing board. In deciding the appeal, the city council shall have the same powers as are conferred on the hearing board. The city council may also direct the hearing board to conduct further proceedings on the application. Failure of the city council to affirm, modify or reverse a decision of the hearing board or to direct the hearing board to conduct further proceedings within a thirty-day period from the date of the hearing shall constitute an affirmation of the decision of the hearing board. (Ord. 87-2 § 1 (part))

Section 8.40.220 Violations.

Upon receipt of a complaint from any person, the police department, the county health officer or their duly authorized representatives may investigate and assess whether the alleged noise levels exceed the noise standards set forth in this Chapter. If such officers have reason to believe that any provision(s) of this Chapter have been violated, they may cause written notice to be served upon the alleged violator. Such notice shall specify the provision(s) of this Chapter alleged to have been violated and the facts alleged to constitute a violation, including

dBA readings noted and the time and place of their detection and may include an order that corrective action be taken within a specified time. If corrective action is not taken within such specified time, or any extension thereof approved by the county health officer, the violation shall constitute an offense punishable in accordance with Chapter 21.01 of Title 21.

Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

(Ord. 2006-07, Amended, 06/06/2006Ord. 92-04 § 18: Ord. 87-2 § 1 (part))

Section 8.40.230 Other remedies.

A. Provisions of this Chapter are to be construed as an added remedy for abatement of the public nuisance declared and not in conflict or derogation of any other action, proceedings or remedies proved by law.

B. Any violation of the provisions of this Chapter shall be, and the same is declared to be unlawful and a public nuisance, and the duly constituted authorities of the city shall, upon order of the City Council, immediately commence actions or proceedings for the abatement or enjoinment thereof in the manner provided by Chapter 21.01 of Title 21 and shall take such steps and apply to such court or courts as may have jurisdiction to grant such relief as will abate such nuisance. (Ord. 2006-07, Amended, 06/06/2006; Ord. 87-2 § 1 (part)

Chapter 8.44

GRAFFITI CONTROL

Sections:

8.44.010	**Inspection of premises.**
8.44.020	**Graffiti defined.**
8.44.030	**Graffiti prohibition.**
8.44.040	**Sale and possession of pressurized paint cans.**
8.44.050	**Prohibition against maintenance of graffiti.**
8.44.060	**Removal of graffiti.**
8.44.070	**Alternative means of enforcement.**
8.44.080	**Violation.**

Section 8.44.010 Inspection of premises.

The purpose of this chapter is to provide regulations designed to prevent and control the further spread of graffiti in the city and to provide a program for removal of graffiti from walls and structures on both public and private property. The increase of graffiti on both public and private buildings, structures and places is creating a condition of blight within the city which results in a deterioration of property and business values for adjacent and surrounding properties all to the detriment of the city. Government Code Section 53069.3 authorizes the city, under certain circumstances, to provide for the removal of graffiti and other inscribed materials from private as well as public property. The city council finds that graffiti is often used as a method of communication or marking territory between juvenile gangs and that the presence of juvenile gangs in the city is not favored. The city council further finds and determines that graffiti is detrimental to the health, safety, and welfare of the community, obnoxious and a public nuisance which serves as an invitation for repeated trespasses and vandalism and therefore must be abated so as to avoid the detrimental impact of such graffiti on the city and to prevent the further spread of graffiti. (Ord. 89-01 § 1 (part))

Section 8.44.020 Graffiti defined.

For the purposes of this chapter:

A. "Graffiti" means the unauthorized scratching, carving, spraying of paint, or marking of ink, chalk, dye or other similar substances on public and private buildings, structures and places.

B. "Unauthorized" means that the private property owner or city officials have not given their consent to any of the foregoing acts. (Ord. 89-01 § 1 (part))

Section 8.44.030 Graffiti prohibition.

It is unlawful for any person to scratch, carve, paint, chalk or otherwise apply graffiti on any public or privately owned personal or real property within the city. (Ord. 2007-12, Amended, 08/21/2007; Ord. 89-01 § 1 (part))

Section 8.44.040 Sale and possession of pressurized paint cans.

A. The following regulation shall apply to the sale and distribution of pressurized paint cans in the city:

1. No person shall sell, exchange, give, or loan, or cause or permit to be sold, exchanged, given, or loaned, any pressurized can(s) containing any substance commonly known as paint or dye to anyone under the age of eighteen years, unless such person is the parent or legal guardian of such minor. No person under the age of eighteen years shall purchase any pressurized can(s) containing paint or dye.

2. No person shall have in his or her possession any pressurized can containing any substance commonly known as paint or dye while in a public park, playground, swimming pool, recreational facility in the city. This section shall not apply to authorized employees of the city or an individual or authorized employee of any individual, agency or company under contract with the city.

B. All persons offering for sale pressurized containers of paint, indelible or waterproof ink or liquids capable of defacing property, including merchants at the Galt Market, shall restrict access to those items by placing all such items in a locked container, cabinet or other storage facility so that access to them can only be gained by employees, agents or other authorized representatives. All persons offering

for sale markers with a marking tip of one quarter (1/4) of an inch or more in width shall keep such markers in a location that is in constant view of the employees, agents or other authorized representatives selling such markers.(Ord. 2007-12, Amended, 08/21/2007; Ord. 89-01 § 1 (part))

Section 8.44.050 Prohibition against maintenance of graffiti.

No owner of a lot or parcel of land within the city shall, for a period in excess of forty-eight (48) hours, (A) permit graffiti to remain upon the lot or parcel of land, (B) maintain any structure affixed to such lot or parcel of land with graffiti on such structure or (C) maintain any personal property with graffiti on such lot or parcel of land or on any public owned property, including but not limited to public rights-of-way. (Ord. 2007-12, Amended, 08/21/2007; Ord. 89-01 § 1 (part))

Section 8.44.060 Removal of graffiti.

The city council declares that a violation of Section 8.44.050 is a public nuisance which must be abated. Graffiti may be removed by application of any of the following methods:

A. Any person applying graffiti within the city shall have the duty to remove the same within twenty-four hours after notice by the city or the public or private owner of the property involved. Where graffiti is applied by juveniles, the parent or parents shall be responsible for such removal or for the payment therefor.

B. Whenever the chief of police or his/her designated representative determines that graffiti is so located on public or privately owned structures on public or privately owned real property within the city so as to be capable of being viewed by a person utilizing any public right-of-way in this city, the police chief, or his/her designated representative, may be authorized, upon city council approval, to provide for the removal of the graffiti solely at the city's expense, without reimbursement from the property owner upon whose property the graffiti has been applied, upon the following conditions:

1. In removing the graffiti the painting or repair of a more extensive area shall not be authorized;

2. When a structure is owned by a public entity other than this city, the removal of the graffiti may be authorized only after securing the consent of the public entity having jurisdiction over the structure;

3. Where a structure is privately owned, the removal of the graffiti by city forces or by a private contractor under the direction of the city, may be authorized only after securing the consent of the owner.

C. Alternatively, graffiti located on privately owned structures on privately owned real property within the city so as to be capable of being viewed by a person utilizing any public right-of-way in this city may be removed by the city at the owner's expense as a public nuisance pursuant to the following provisions:

1. Whenever the chief of police or his/her designated representative is apprised of the presence of graffiti located on privately owned real property within the city, the chief of police or his/her designated representative may cause a written notice to be served upon the owner of the affected premises as such owner's name and address appears on the last equalized assessment roll by depositing a copy of the notice in the U.S. Postal Service enclosed in a sealed envelope and with the postage thereon fully prepaid. The mail shall be registered or certified and addressed to the owner at the last known address of the owner, and if there is no known address, then in care of the property address. The service is complete at the time of such deposit. "Owner," as used in this chapter, means any person in possession and also any person having or claiming to have any legal or equitable interest in the premises as described by a preliminary title search from any accredited title company. The failure of any person to receive such notice shall not affect the validity of any proceeding hereunder. The property owner shall have seven days after the date of the notice to remove the graffiti or be subject to city removal of the graffiti and assessment of the costs of such removal as a lien on the subject property.

The notice shall be substantially in the following form:

NOTICE OF INTENT TO

REMOVE GRAFFITI

Date:

NOTICE IS HEREBY GIVEN that you are required at your expense to remove or paint over that graffiti located on the property commonly known as _______, Galt, California, which is visible to public view within seven (7) days after the date of this notice; or if you fail to do so, then City employees or private City contractors will enter upon your property and abate the public nuisance by removal or painting over of the graffiti. The cost of the abatement by the City employees or its private contractors will be assessed upon your property and such costs will constitute a lien upon the land until paid.

All persons having any objection to, or interest in said matters are hereby notified to submit any objections or comments to the Chief of Police for the City of Galt or his/her designated representative within seven (7) days from the date of this notice. At the conclusion of this seven (7) day period the City may proceed with the abatement of the graffiti inscribed on your property at your expense without further notice.

The service of this notice shall be made on the day the notice is dated and by affidavit filed with the city clerk.

2. A like notice shall also be posted at the conspicuous place on the premises upon which graffiti is inscribed. The posting of this notice shall be made on the day the notice is dated and by affidavit filed with the city clerk.

3. If the owner fails to remove or cause the graffiti to be removed by the designated date, or such continued date thereafter as the chief of police or his/her designated representative approves, then the chief of police or his/her designated representative shall so notify the city manager and the city manager shall cause the graffiti to be abated by city forces or private contract, and the city or its private contractor is expressly authorized to enter upon the premises for such purpose.

4.Should the city be required to abate the graffiti as a public nuisance it shall follow the lien procedures set forth in Section 21.01.100. However, the notice of lien for purposes of this chapter shall be in form substantially as follows:

NOTICE OF LIEN

(Claim of City of Galt)

Pursuant to the authority vested by the provisions of Section 8.44.060 of the Galt Municipal Code, the City Manager of the City of Galt did on or about the _____ day of ______, 20__ cause the painting over or removal of graffiti at the premises hereinafter described in order to abate a public nuisance on said real property; and the City Manager of the City of Galt did on the _____ day of ______, 20__ assess the cost of such abatement upon the real property hereinafter described; and the same has not been paid nor any part hereof; and that said City of Galt does hereby claim a lien on such costs of abatement in the amount of said assessment, to wit: the sum of ______ dollars; and the same shall be a lien upon said real property until the same has been paid in full and discharged of record.

The real property hereinbefore mentioned, and upon which a lien is claimed, is that certain parcel of land lying and being in the City of Galt, County of Sacramento, State of California and particularly described as follows:

(Described)

DATED this _____ day of ________, 20__.

City Manager of the
City of Galt, California

(Ord. 2006-07, Amended, 06/06/2006; Ord. 89-01 § 1 (part))

Section 8.44.070 Alternative means of enforcement.

Nothing in this Chapter shall be deemed to prevent the City Council from ordering the City Attorney to commence a civil or criminal proceeding to abate a public nuisance under applicable California Civil or Penal Code provisions, or from proceeding to abate the

public nuisance pursuant to Chapter 21.01 of Title 21 as an alternative to the proceedings set forth in this Chapter. (Ord. 2006-07, Amended, 06/06/2006; Ord. 89-01 § 1 (part))

Section 8.44.080 Violation.

Any violation of section 8.44.030 shall be punishable under section 21.01.050 as a misdemeanor. All other violations of this Chapter shall be punishable as an infraction pursuant to section 21.01.040.
(Ord. 2007-12, Repealed and Replaced, 08/21/2007)

Chapter 8.48

SMOKING

Sections:

8.48.010	**Findings and purpose.**
8.48.020	**Definitions.**
8.48.030	**Prohibition of smoking in enclosed places of employment.**
8.48.040	**Interpretation.**
8.48.050	**Enforcement - administrative officer designated.**
8.48.060	**Violation - penalty.**

Section 8.48.010 Findings and purpose.

A. The City Council finds that:

1. Numerous studies have found that tobacco smoke is a major contributor to indoor air pollution.

2. Reliable studies have shown that breathing secondhand smoke is a significant health hazard for certain population groups, including elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease.

3. Health hazards induced by breathing secondhand smoke include lung cancer, respiratory infection, decreased exercise tolerance, decreased respiratory function, bronchoconstriction and bronchospasm.

4. Nonsmokers with allergies, respiratory diseases and those who suffer other ill effects of breathing secondhand smoke may experience a loss of job productivity or may be forced to take periodic sick leave because of adverse reactions to same.

5. Numerous studies have shown that a majority of both nonsmokers and smokers desire to have restrictions on smoking in public places and places of employment.

6. Smoking is a documented cause of fires, and cigarette and cigar burns and ash stains on merchandise and fixtures cause economic losses to businesses.

B. Accordingly, the City Council finds and declares that the purposes of this Chapter are:

1. To protect the public health and welfare by prohibiting smoking in public places except in designated smoking areas, and by regulating smoking in places of employment; and

2. To strike a reasonable balance between the needs of smokers and the need of nonsmokers to breathe smoke-free air, and to recognize that, where these needs conflict, the need to breathe smoke-free air shall have priority. (Ord. 2006-08, Added, 07/18/2006)

Section 8.48.020 Definitions.

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

A. Business means any sole proprietorship, partnership, joint venture, corporation or other business entity formed for profit-making purposes, including retail establishments where goods or services are sold as well as professional corporations and other entities where legal, medical, dental, engineering, architectural or other professional services are delivered.

B. Employee means any person who is employed by any employer or hired as an independent contractor in consideration for direct or indirect monetary wages or profit.

C. Employer means any person, partnership, corporation or nonprofit entity, including a municipal corporation, who employs the services of one or more persons.

D. Enclosed means closed in by roof and four walls with appropriate openings for ingress and egress.

E. Place of employment means any area under the control of a public or private employer that employees may have cause to enter during the normal course of employment, including, but not limited to, work areas, vehicles, employee lounges and restrooms, conference rooms and classrooms, cafeterias and hallways, except that a private residence is not a place of employment except when it is used as a child care or a health care facility.

F. Retail tobacco store means a retail store utilized primarily for the sale of tobacco products and accessories.

G. Smoking means inhaling, exhaling, burning or carrying any lighted pipe, cigar,

hookah or cigarette of any kind, or any other combustible substance.

H. Tobacco paraphernalia means cigarette papers or wrappers, pipes, hookahs, holders of smoking materials of all types, cigarette rolling machines, and any other item designed for the smoking or ingestion of tobacco products.

I. Tobacco product means: (1) any substance containing tobacco leaf, including but not limited to cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, dipping tobacco, bidis, hookah tobacco or any other preparation of tobacco; and (2) any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human body but does not include any product specifically approved by the Federal Food and Drug Administration for use in treating nicotine or tobacco product dependence.

J. Tobacco retailer means any person who sells, offers for sale, or does or offers to exchange for any form of consideration, tobacco, tobacco products or tobacco paraphernalia. Tobacco retailing shall mean the doing of any of these things. This definition is without regard to the quantity of tobacco, tobacco products or tobacco paraphernalia sold, offered for sale, exchanged or offered for exchange. (Ord. 2006-08, Added, 07/18/2006)

Section 8.48.030 Prohibition of smoking in enclosed places of employment.

A. Smoking shall be prohibited in all enclosed places of employment within the city of Galt except in the enclosed places identified in California Labor Code Section 6404.5(d), or its successor.

B. Notwithstanding the exception in subsection A for enclosed places identified in California Labor Code Section 6404.5(d) or its successor, “place of employment” shall include retail or wholesale tobacco shops and private smokers’ lounges, as such terms are defined in California Labor Code Section 6404.5(d)(4). (Ord. 2006-08, Added, 07/18/2006)

Section 8.48.040 Interpretation.

This Chapter shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable laws. (Ord. 2006-08, Added, 07/18/2006)

Section 8.48.050 Enforcement - administrative officer designated.

A. Enforcement shall be implemented by the City Manager.

B. Any citizen who desires to register a complaint hereunder may initiate enforcement with the City Manager, or his or her designees. Any owner, manager, operator or employer of any establishment controlled by this Chapter shall have the right to inform persons violating this Chapter of the appropriate provisions thereof. (Ord. 2006-08, Added, 07/18/2006)

Section 8.48.060 Violation - penalty.

A. It is unlawful for any person who owns, manages, operates or otherwise controls the use of any premises subject to the regulation under this Chapter to fail to comply with its provisions.

B. It is unlawful for any person to smoke in any area restricted by the provisions of this Chapter.

C. Any person who violates any provision of this Chapter shall be guilty of an infraction. (Ord. 2006-08, Added, 07/18/2006)