

## ARTICLE V - SANITATION AND HEALTH

### CHAPTER 1 - GENERAL

Sec. 5100. City Health Code. Reference is hereby made to San Luis Obispo County Ordinance Code, Chapter 8, Health and Sanitation, Part I, Part II, and Part III, as amended, being the Health Code of the County of San Luis Obispo, and the same are hereby approved and adopted as the Health Code of the City of Grover City, except as follows: Sections 7.004 and 7.005 of Division 2 of Chapter 7 of the Health and Sanitation Code are expressly eliminated and shall not be applicable in the City of Grover City. (Ord. 20)

Sec. 5101. Adopt San Luis Obispo County Health Code. Three (3) copies of said San Luis Obispo County Code Ordinance, Chapter 7, Health and Sanitation, Part I, Part II and Part III, except therefrom Sections 7.004 and 7.005 of Division 2, of said Chapter 7, which are hereinabove eliminated and made inapplicable in the City of Grover City, which said parts of said County Code Ordinance constitute the Health Code of the County of San Luis Obispo, shall be deposited in the office of the City Clerk of the City of Grover City and shall be maintained by Said City Clerk for the use and examination by the public. (Ord. 20)

Sec. 5102. Adoption of San Luis Obispo County Code by Reference. Title 8, Chapter 8.04, of the San Luis Obispo County Code, is hereby adopted as the law relating to food and drink establishments, and each of the provisions of said chapter are hereby referred to, adopted, and made a part hereof, including subsequent amendments thereto, as though fully set forth herein. (Ord. 20; Am. Ord. 75-11)

### CHAPTER 2 - TRAILER AND TRAILER PARK REGULATIONS

Sec. 5200. Compliance with Chapter and Legislative Acts. All trailer parks within the City of Grover City shall conform to the requirements of this chapter, and to the provisions of the State Trailer Park Act, Division 13, Part 2, of the Health and Safety Code of the State of California, and all applicable provisions of the California Administrative Code applicable thereto. (Ord. 21)

Sec. 5201. Definitions. For the purpose of this Chapter, certain words and phrases are defined as follows, and certain provisions shall be construed as herein set forth, unless it shall be apparent from the context that they have a different meaning.

(A) Trailer Coach as used in this Chapter means any camp car, trailer or other vehicle, with or without motive power, designed and constructed to travel on public thoroughfares at the maximum allowable speed limit and in accordance with the provisions of the California Motor Vehicle Code, and designated for human habitation. Trailer also means Trailer Coach. An independent trailer coach is one equipped with a toilet for sewage disposal and a dependent trailer coach is one not so equipped.

(B) Trailer Park as used in this Chapter means any area or tract of land designed for use or intended to be used for one or more users, or owners of trailer coaches, or where free parking is permitted owners or users of trailer coaches.

(C) Trailer Site or Site as used in this part means any portion of a trailer park designed for the use or occupancy of one (1) trailer coach.

(D) Approved when used in connection with any material appliances or construction shall mean that those have been approved, listed or labeled as conforming to the Standard Underwriters Laboratories, U.S. Bureau of Standards, Western Plumbing Officials Conference, Uniform Building Code, or some other such similar nationally or regionally recognized board or group, provided, however, that the City Building Inspector may refuse to approve any such item for just cause.

(E) Building as used in this Chapter shall include public toilets, public baths, laundry rooms or other structures and also includes a compartment containing a toilet or bath or both, constructed for the exclusive use of an occupant of a trailer site.

(F) Human Habitation as used in this Chapter shall include sleeping.

(G) Inspector as used herein shall mean the City Building Inspector of the City of Grover City. (Ord. 21)

Sec. 5202. Enforcement. It shall be the duty of the Inspector to enforce all of the provisions of this Chapter, and for the purpose of securing enforcement thereof, the Inspector or any of his duly licensed, authorized representatives are hereby empowered to enter private property to determine if a trailer park exists, and they are further empowered to enter upon the premises of any trailer park now operating or which may thereafter be operated within the City to inspect the same and all accommodations connected therewith. (Ord. 21)

Sec. 5203. Permit to Locate a Trailer Park. No trailer park hereafter established shall be located within the City until the location thereof has been approved by the City Planning Commission in accordance with the following provisions:

(A) An application shall be filed on a form prescribed by the City Planning Commission. Said application shall be acted upon by said City Planning Commission in the same manner and under the same rules and regulations as are applied by said Commission to an application for a "Use Permit" under the zoning laws of the City.

(B) Said application shall set forth, among other things, the following information, to-wit:

(1) True legal description of the property upon which it is proposed to locate such trailer park;

(2) A plot plan showing the trailer sites and location of any buildings or other improvements proposed to be constructed or located thereon;

(3) Description of water electrical and gas supply;

(4) Description of ground drainage;

(5) Description of proposed method of sewage disposal;

(6) General description of the use of adjacent lands.

(C) Said application shall be accompanied by a filing fee as set forth in the Master Fee Schedule and amended from time to time. Said filing fee shall preclude the imposition of other fees as may be required by other provisions of this code or law.

(D) When approved by the Planning Commission, an application shall thereupon be made to the City for a building permit. (Ord. 21; Am. Ord. 03-02)

Amended September 1, 2004

V-2

Sec. 5204. Expiration of Building Permit. All permits granted under the provisions of this Chapter for the construction of a trailer park and all building permits granted therefor shall automatically expire within one hundred eighty (180) days from the date of issuance thereof unless the work authorized under such permit has been started within said period. However, the Building Inspector may extend the expiration date of said permit for a reasonable time upon just cause being shown. (Ord. 21)

Sec. 5205. Business License Required. Upon the completion of any such trailer park and prior to the use thereof, the owner or operator of such trailer park shall make application to the City Clerk of said City for a business license to operate the trailer park. The application therefor shall be in writing upon a form provided by the City Clerk. It shall be filed not less than ten (10) days nor more than twenty (20) days before the trailer park is ready for use. The Inspector shall, upon the filing of said application, make a final inspection of the trailer park referred to in said application, and if it is found to be in conformity with the requirements of this Chapter and all other ordinances and laws of the City and of the State of California, the City Clerk shall issue to the owner or operator thereof a business license upon payment of the fees according to the provisions of the business license ordinances of the City. Such license shall at all times be posted on the premises of said trailer park in a conspicuous place. (Ord. 21)

Sec. 5206. Renewal of Licenses. No business license issued for a trailer park shall be renewed unless at the time of renewal the trailer park, for which renewal is sought, complies with the provisions of this Chapter as revealed by an inspection thereof made by the Inspector at the time the application is made for the renewal of the business license for said trailer park. (Ord. 21)

Sec. 5207. Suspension and Revocation of Business License. Whenever it is found that any trailer park is not being conducted in conformity with the provisions of this Chapter or the laws of the State of California or any other law in the City, the business license shall be subject to revocation or suspension by the City Council in the following manner, to-wit:

(A) The inspector shall give a written notice to the owner or operator at the trailer park or address shown on the business license, which notice shall state the particular violations which have been found to exist. Said notice shall specify a time and place at which the owner and/or operator of the trailer park may appear before the City Council of the City and then and there show cause why the license to operate said trailer park should not be revoked or suspended.

(B) The notice above referred to shall be given at least five (5) days prior to the date upon which the appearance to show cause is returnable.

(C) The notice above referred to shall be given to the person or persons owning or operating the trailer park as such person's name and address appear on the business license issued for the operation of said business or as otherwise known to the City Clerk. The notice may be served personally or by mail.

(D) If the service is made personally, an affidavit of service shall be made and filed with the Clerk showing the place and time of service and the person or persons served. If service is made by mail, it shall be accomplished by depositing the notice in the United States mail, registered, postage prepaid, with return receipt requested; the return receipt card shall be filed with the City Clerk. Service shall be deemed complete when made by mail upon the deposit of said notice in the mail as hereinabove required. The failure of an owner, operator or business license holder to receive the notice shall not affect, in any manner, the validity of the proceedings hereunder.

(E) In addition to the written notice served as provided above, there shall also be a copy of said notice posted conspicuously upon the premises of the trailer park itself.

(F) At the time and place mentioned in said notice, the person holding said license, or anyone interested in the operation of said trailer court may appear in person or by an agent or attorney and shall thereupon be heard with respect to any matter touching upon the charges set forth in said notice. The Inspector and/or any other person shall also be heard with respect to the matter of said charges.

(G) After hearing all evidence bearing upon said matter, the City Council of the City may, in its sole discretion, revoke or suspend under such terms as it may deem desirable, the license to operate said trailer park. The decision of the City Council on the matters involved in said hearing and determination shall be final. (Ord. 21)

Sec. 5208. General Restrictions. It shall be unlawful for any person in a trailer park to use or cause or permit to be used for occupancy any trailer coach under any of the following conditions:

(A) Any trailer coach from which any tire or wheel has been removed, or which is not maintained in a serviceable condition, except for the purpose of making repairs or placing such trailer in dead storage;

(B) Any trailer coach to which is attached any rigid water, gas or sewer pipes; provided, however, that metal tubing not to exceed five-eighths (5/8) inside diameter may be used for water and gas;

(C) Any trailer coach to which is supported with underpinning or foundation to the ground; provided, however, that stabilizing devices may be used when spaced at intervals of not less than six (6) feet apart horizontally;

(D) Any trailer coach which does not carry a current yearly license issued by any State or foreign state motor vehicle department;

(E) Any trailer coach in any unsanitary condition or which is not structurally sound or which does not protect its habitants against the elements;

(F) Any trailer coach to which there is attached, or to which there is established less than six (6) feet adjacent thereto, any room or lean-to, unless constructed in conformity with Title 8, Chapter 9, Article 4 of the California Administrative Code. (Ord. 21)

Sec. 5209. Renting Prohibited. It shall be unlawful for any person owning or operating a trailer park to rent as lessor or hold out for rent any trailer coach in a trailer park. (Ord. 21)

Sec. 5210. Parking on City Streets. It shall be unlawful to camp overnight or to park a trailer coach over night upon any public street, alley or parking lot, including the right-of-way thereof. This provision shall not apply where a trailer coach is parked for the purpose of making emergency repairs. (Ord. 21)

Sec. 5211. Trailer Site Areas and Other Requirements. (A) Each trailer site in a trailer park shall not be less than one thousand (1000) square feet in area, and not less than twenty-five (25) feet in width. The corners of said area shall be clearly and distinctly marked. Each trailer site shall be numbered or otherwise marked for identification purposes.

(B) No trailer coach shall be located closer than six (6) feet from any building or another trailer coach.

(C) Each trailer coach and each building shall not be located closer than three (3) feet from a lot or property line.

(D) A driveway of not less than twenty (20) feet in width shall be provided into a trailer park from a public thoroughfare for the purpose of ingress and egress. If the parking of automobiles is permitted, a twenty (20) foot clearance must be maintained. Each trailer site shall front upon an interior driveway of not less than twenty (20) feet in width. All driveways shall have clear and unobstructed access to a public thoroughfare. All driveways shall be paved with suitable paving material as approved by the Inspector. Each trailer shall be parked on each site with the hitch fronting toward such driveway.

(E) A trailer park shall not accommodate any trailer coach when there are no available trailer sites within the trailer park.

(F) At least one (1) off-street parking space for motor vehicles shall be provided for each site in all trailer parks. (Ord. 21)

Sec. 5212. Plumbing Within Trailer Parks. All plumbing within a trailer park serving all trailer coaches shall meet the requirements of Title 8, Chapter 9, Article 3 of the California Administrative code as set forth therein. (Ord. 21)

Sec. 5213. Buildings. Any and all buildings used for human habitation within a trailer park shall comply with the provisions of Article VIII, Chapter 1 of the Grover City Municipal Code, and such other applicable laws of the City as may from time to time be adopted, and also with the provisions of Division 13, Part 1 of the Health and Safety Code of the State of California, being more commonly designated as the "State Housing Act." (Ord. 21)

Sec. 5214. Garbage Disposal. Every trailer park shall provide metal garbage cans with tight-fitting covers. Said cans shall have sufficient capacity to provide at least twenty (20) gallons of capacity or equivalent for each trailer site and each occupied building located on the park property. (Ord. 21)

Sec. 5215. Park Maintenance and Fire Protection. (A) The area or tract of land upon which a trailer park is situated and each trailer site shall be:

- (1) Well drained and graded to the elevation of the abutting streets;
- (2) Landscaped and kept weed-free with all walkways and driveways kept in a dust and mud-free condition;
- (3) Kept clean and free from the accumulation of refuse, garbage, rubbish and/or debris;
- (4) Kept clear of all impedimenta or objects from the front of each trailer to the driveway.

(B) Each trailer site and the space directly beneath each trailer coach shall be kept clean and free from refuse, rubbish or other impedimenta.

(C) Fire protection shall be provided in each trailer park as follows:

- (1) There shall be a minimum of one (1) five (5) pound CO-2 extinguisher or any chemical extinguisher, which extinguishers shall be located on the premises in a place available to all persons at all hours.

(2) Fire hydrants shall be placed at the discretion and direction of the Fire Chief of the Code. (Ord. 21; Am. Ord. 114)

Sec. 5216. Liquefied Petroleum Use; Petroleum Use Requirements. The location, installation, marking, filling, maintenance and use of LPG tanks and associated equipment shall be in accordance with the Industrial Safety Orders of the California State Division of Industrial Safety insofar as the same apply to LPG. (Ord. 21)

Sec. 5217. Parking of Trailers, Recreational Vehicles and Boats on Private Property. (A) No trailer, recreational vehicle, or boat parked on private property within the City may be used for human habitation, except in a licensed trailer park, or on a lot or parcel of property designated by a zone or use permit as a trailer park or a mobile home subdivision; provided, that trailers or mobile homes may be used as offices accessory to uses otherwise permitted in any manufacturing zone in the City, subject to the obtaining of a conditional use permit therefor in accordance with the use permit provisions provided under City ordinance.

(B) No trailer coach, even if not being used for human habitation, may be parked in the City unless it complies with zoning regulations and the following:

(1) If the trailer coach is located in any area other than a side yard or rear yard, then such trailer coach shall not exceed 22 feet in length; or

(2) If the trailer coach exceeds 22 feet in length, it may only be located in a side or rear yard. (Ord. 77-3, Amd. 98-7)

Sec. 5218. Application of this Chapter to Existing Trailer Parks. No provision of this Chapter shall be construed to require structural changes or alterations in or on an existing building where such is not required otherwise by law prior to the effective date of this Chapter. (Ord. 21)

Sec. 5219. Regulations Pertaining to Trailers Parked on Private Property (Other than Trailer Parks) Prior to the Adoption of this Chapter. Trailer coaches parked on private property in the City of Grover City prior to the adoption of this chapter will be permitted to remain, but shall immediately be subject to the following regulations, to-wit:

(A) All trailer coaches parked on private property used for human habitation shall be inspected by the Inspector and shall conform to the requirements of Division 13, Part 2 of the Health and Safety Code of the State of California.

(B) The area and buildings, if any, adjacent to any parked trailer shall also be inspected by the Inspector.

(C) A permit to continue parking of a trailer coach on private property within the City limits must be obtained after the trailer coach has been inspected.

(D) The permit referred to in (C) above will be issued by the City Clerk. The fee shall be as set forth in the Master Fee Schedule and amended from time to time and must be renewed each year.

(E) No permit shall be issued by the City Clerk unless and until evidence is presented showing that the current yearly registration on the trailer has been purchased from the Department of Motor Vehicles.

(F) No trailer coach may be occupied by anyone other than the owner of said trailer, who shall also be the owner of the property on which the trailer is located.

(H) No permit shall be issued for a trailer which replaces the trailer for which the original permit was issued hereunder.

(I) No trailer parked on private property in the City may be rented after the adoption of this Chapter, if used for human habitation. (Ord. 21; Am. Ord. 03-02)

Sec. 5220. Permit Fees for Mobile homes. (A) Installation Permit; No mobile home may be installed on any parcel of land within the City which is in a mobilehome subdivision until a mobilehome installation permit has been issued by the City Clerk. The fee for such permit shall be as set forth in the Master Fee Schedule and amended from time to time.

(B) Construction Permit Fees: No construction or installation regulated by this subsection shall be done by any person without first applying for and receiving a permit from the City Clerk therefor. Any person submitting an application for a permit to construct or install a cabana, ramada, awning, carport, porch, or fence or windbreak, five (5) feet or more in height, shall pay the fees as set forth in the Master Fee Schedule and amended from time to time. A single permit may be issued for all work to be accomplished at the same time on the same premises. Fees for mobile home accessory buildings or structures, not specifically covered by the foregoing, shall be based on the applicable provisions of the Uniform Building Code.

(C) Definitions: The terms used in this section shall be as defined in or have the same meaning as they are used in the State of California Mobilehome Parks Act. (Am. 75-10; Am. Ord. 03-02)

### CHAPTER 3 - CIVIL DEFENSE AND DISASTERS, AND PRESERVATION OF ORDER

Sec. 5300. Purposes. The declared purposes of this Chapter are to provide for the preparation and carrying out of plans for the protection of persons and property within this City in the event of an emergency; the direction of the emergency organization; and the coordination of the emergency functions of the City with all other public agencies, organizations, entities, and private persons; all for the express purpose of protection of life and property and preservation of peace and order in the event of an emergency. (Ord. 25; Am. Ord. 80-14)

Sec. 5301. "Emergency" Defined. As used in this Chapter, "emergency" means the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons or property within the City caused by such conditions as transportation or industrial accidents, civil disturbances, earthquakes, epidemics, fire, flood, nuclear incident, oil spill, pipeline incident, air or water pollution, riot, storms, or other conditions, including conditions resulting from war or imminent threat of war, which conditions are or are likely to be beyond the control of the services, personnel, equipment, and facilities of the City. (Ord. 25; Am. Ord. 80-14)



Sec. 5302. Disaster Council. The Grover City Disaster Council is hereby created and shall consist of the following:

(A) The City Administrator, who shall be the Director of Emergency Services and Chairman of the Disaster Council;

(B) The Public Works Director, who shall be Assistant Director of Emergency Services;

(C) The Deputy Director of Emergency Services, who shall be chosen by the Director;

(D) The Chiefs of Emergency Services as are provided for in a current emergency plan of the City adopted pursuant to this Chapter;

(E) Such representatives of civil, business, labor, veterans, professional, or other organizations having an official emergency responsibility, as may be appointed by the Director with the advice and consent of the City Council. (Ord. 25; Am. Ord. 80-14)

Sec. 5303. Disaster Council Powers and Duties. It is the duty of the Grover City Disaster Council, and it is hereby empowered, to develop and recommend for adoption by the City Council emergency and mutual aid plans and agreements, and such ordinances, resolutions, rules, and regulations as are necessary to implement such plans and agreements. The Disaster Council shall meet upon call of the Chairman or, in his absence from the City or inability to call such meeting, upon call of the Vice Chairman. (Ord. 25; Am. Ord. 80-14)

Sec. 5304. Powers and Duties of the Director, etc. (A) The Director is hereby empowered to:

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

(2) Request the Governor to proclaim a "state of emergency" when, in the opinion of the Director, the locally available resources are inadequate to cope with the emergency;

(3) Control and direct the efforts of the Disaster Council for the accomplishment of the purposes of this Chapter;

(4) Direct cooperation between, and coordination of services and staff of, the emergency organization of the City, and resolve questions of authority and responsibility that may arise between them;

(5) Represent the City in all dealings with public or private agencies on matters pertaining to emergencies;

(6) In the event of the proclamation of an emergency as herein provided, the proclamation of a state of emergency by the Governor or the Director of the State Office of Emergency Services, or the existence of a state of war emergency, the Director may:

(a) Make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency, including but not limited to curfews, business closings, traffic control, and control on possession of weapons and alcoholic beverages; provided, however, that such rules and regulations must be confirmed within seven (7) days by the City Council,

(b) Obtain vital supplies, equipment, such other property found lacking and needed for the protection of life and property, and to bind the City for the fair value thereof and, if required immediately, to commandeer the same for public use,

(c) Require emergency services of any City officer or employee and, in the event of the proclamation of a state of emergency in the County or the existence of a state of war emergency, to command the aid of as many citizens of this community as he deems necessary in the execution of his duties, such persons to be entitled to all privileges, benefits, and immunities as are provided by state law for registered disaster service workers,

(d) Requisition necessary personnel or material of any City department or agency, and

(e) Execute all of his ordinary powers as City Administrator, all of the special powers conferred upon him by this Chapter or by resolution or emergency plan adopted by the City Council, and all powers conferred upon him by any statute, by any agreement approved by the City Council, and by any other lawful authority.

(B) The Director of Emergency Services shall designate the order of succession to that office to take effect in the event the Director is unavailable to attend meetings and otherwise perform his duties during an emergency.

(C) The Assistant Director shall assist the Director of Emergency Services in all respects, particularly in coordinating the activities of City staff members and volunteer members of the emergency organization.

(D) The Deputy Director shall, under supervision of the Director and Assistant Director, and with the assistance of emergency service chiefs, develop emergency plans and manage the emergency programs of the City; and shall have such other powers and duties as may be assigned by the Director and Assistant Director. (Ord. 25; Am. Ord. 80-14)

Sec. 5305. Emergency Organization. All officers and employees of the City, together with those volunteer forces enrolled to aid them during an emergency, and all groups, organizations, and persons who may by agreement or operation of law be charged with duties incident to the protection of life and property in the City during an emergency, shall constitute the emergency organization of the City. (Ord. 25; Am. Ord. 80-14)

Sec. 5306. Emergency Plan. The Disaster Council shall develop an Emergency Plan, which plan shall provide for the effective mobilization of all of the resources of the City, both public and private, to meet any condition constituting a local emergency, state of emergency, or state of war emergency; and shall provide for the organization, powers and duties, and services and staff, of the emergency organization. Such plan shall take effect upon adoption by resolution of the City Council. (Ord. 25; Am. Ord. 80-14)

Sec. 5307. Expenditures. Any expenditures made in connection with emergency activities, including mutual aid activities, shall be deemed conclusively to be for the direct protection and benefit of the persons and property of the City of Grover City. (Ord. 25; Am. Ord. 80-14)

Sec. 5308. Violations. It is a misdemeanor for any person, during an emergency, to:

(A) Willfully obstruct, hinder, or delay any member of the emergency organization in the enforcement of any lawful rule or regulation issued pursuant to this Chapter, or in the performance of any duty imposed upon him by virtue of this Chapter;

(B) Do any act forbidden by any lawful rule or regulation adopted pursuant to this Chapter, if such act is of such a nature as to give or be likely to give assistance to an enemy or to

imperil the life or property of inhabitants of the City, or to prevent, hinder or delay the defense or protection thereof;

(C) To wear, carry, or display, without authority, any means of identification specified by the emergency agency of the state. (Ord. 25: Am. Ord. 80-14)

#### CHAPTER 4 - RUBBISH, REFUSE AND GARBAGE CONTROL

Sec. 5400. Definitions. Words used in this Chapter are defined as hereinafter provided, to-wit:

(A) Person shall mean any person, firm or corporation acting as principal, agent, officer, servant or employee for himself, or for any other person, firm or corporation.

(B) Contract Agent shall include and mean, for the purpose of this Chapter, an agent or employee of the City, or any person, firm, corporation or association, or the agents or the employees thereof, with whom the City shall have duly contracted under the terms hereinafter set out in this Chapter, and under the provisions of the General Laws, to collect, transport through the streets, alleys or public ways of said City, and dispose of refuse, garbage, wet garbage and rubbish produced within the limits of said City.

(C) Garbage as used herein shall mean and include kitchen and table refuse, offal, swill and also every accumulation of animal and vegetable refuse, and other matter that attends the preparation, consumption, decay or dealing in or storage of meats, fish, fowl, birds, fruits or vegetables. It shall also include crockery, bottles, tin vessels, ashes and all or any refuse, save and excepting as herein defined as rubbish or wet garbage.

(D) Wet Garbage as used herein shall mean all clean garbage, suitable for foods for hogs, coming from restaurants, cafes, cafeterias, hospitals, hotels, boarding houses, clubs and all other like eating places in the City, and from butcher shops and dealers in fresh vegetables and shall be held to consist of and include only kitchen and table refuse, offal and swill, and every accumulation of animal and vegetable scraps, refuse or waste and other matter that attends the preparation, consumption, decay or dealing in or storage of meats, fish, fowl, birds, fruit or vegetables. Provided, however, that said definition is not intended to, nor does it include the by-products of butcher shops, where said by-products have a commercial value and are not decomposed nor offensive and where said by-products have not been rejected by the owners or producers thereof as offensive or useless.

(E) Incinerators shall include and mean fireproof receptacles approved by the City Building Inspector or Fire Chief, and used for disposing of combustible rubbish on private premises.

(F) Refuse shall include and mean all matter and materials which are rejected by the owners or producers thereof as offensive or useless, and which by their presence or accumulation may injuriously affect the health, comfort, or safety of the community by increasing disease or hazard by fire.

(G) Refuse Collector as used in this Chapter shall include and mean the same as heretofore defined for the term "contract agent."

(H) Rubbish shall include and mean all combustible and noncombustible waste and refuse matter, excepting garbage, ordinarily accumulating in and about residences, flats, buildings, apartment houses, lodging houses, hotels, restaurants, eating houses, stores, shops, offices and other public buildings; among other things, it shall include tree trimmings, grass

cuttings, dead plants and weeds, bed springs, mattresses and building rubbish, but shall not include brick, mortar or other debris incident to the construction of buildings.

(I) Standard Containers shall include plastic or galvanized metal containers, water tight, with tight-fitting covers approximately thirty-two (32) gallons, or less, in capacity, with cover, handle and side bails. (Ord. 82)

(J) Trash Enclosure shall mean a structure built in compliance with specific construction standards adopted by Council Resolution and as may be amended from time to time. (Ord. 89-10)

(K) Development Project as used in Section 5417 means any of the following:

(1) A project for which a building permit will be required for a commercial, industrial, or institutional building, marina, or residential building having five or more living units, where solid waste is collected and loaded and any residential project where solid waste is collected and loaded in a location serving five or more units.

(2) Any new public facility where solid waste is collected and loaded and any improvements for areas of a public facility used for collecting and loading solid waste. (Ord. 94-6)

Sec. 5401. Regulations for Accumulation. (A) It shall be unlawful for any person to deposit, keep, accumulate or permit, cause or suffer any refuse, rubbish, wet garbage, or garbage to be disposed, kept or accumulated upon any lot or parcel of land or on any public or private place, street or alley, unless the same shall be kept deposited, or allowed to accumulate in such manner as may from time to time be provided by regulations issued by the City Council and the City Council is herewith authorized to issue regulations concerning the accumulation of garbage, wet garbage, refuse and rubbish within the City by resolution duly adopted and from time to time amend said regulations in accordance with the best interests of the residents of the City.

(B) It shall be unlawful for any person to deposit, keep, accumulate or permit, cause or suffer any refuse, garbage, wet garbage, or rubbish to be disposed, kept or accumulated upon any lot or parcel of land or on any public or private place, street or alley unless the same is kept deposited in a "standard container."

(C) Refuse containers shall be placed in areas where they will be readily accessible for collection. Said areas and access thereto shall be kept free and clear of all obstacles, such as fences, doors, trellises, flowers, vines and such that would obstruct a clear passageway for the removal of containers. Refuse containers shall not be placed in the right-of-way of a street or alley. No container shall be placed in such a manner as to constitute a nuisance. (Ord. 82)

(D) Refuse and garbage containers shall not be placed adjacent to the street for pickup more than twenty-four (24) hours prior to pickup time, and such containers shall be removed from the curb within the twelve (12) hour period following pickup and placed in an area that is not visible from the street and not within any front yard setback or sideyard abutting a street. (Ord. 87-7)

(E) At least one trash enclosure shall be required for any commercial or industrial project. Additional enclosures may be required by the Planning Commission or the Community Development Director depending on the size of the project.

At least one trash enclosure shall be required for every apartment complex consisting of four (4) units or more. The number of required enclosures may be increased by the Planning Commission or Community Development Director.

The requirement for trash enclosures in Condominium and Planned Unit Development projects shall be left to the discretion of the Planning Commission and Community

Development Director. The factors used to determine the need for such enclosures will be the number of units and the way in which they are arranged on the property. (Ord. 87-7)

(F) No trash enclosure shall be located in any front yard setback or in any sideyard setback when that setback abuts a public right-of-way. (Ord. 87-7)

Any trash enclosure installed within such setbacks before the effective date of this ordinance with City permit or specific City authorization shall be a non-conforming use. Such non-conforming use shall be abated and moved (with City permits) outside of such setbacks within the amortization periods specified herein. Masonry-type enclosures (Type 1 construction) shall be moved within three (3) years of the effective date of this ordinance. Wood construction enclosures (Type 5 construction) shall be moved within eighteen (18) months of the effective date of this ordinance. The Council finds that the relocation periods provided herein reasonable amortization periods to allow the property owner to relocate trash enclosures. (Ord. 87-7)

(G) This Section shall apply to all properties and uses within the City, existing or proposed. (Ord. 89-10)

(H) Any person seeking an exception or extraordinary relief from the provisions of Subsections (C), (D), (E) or (F) of this section may apply to the Community Development Director in a form and manner as established by the Director and after payment of applicable fees. In acting upon the request, the Director shall consider all relevant factors, including, but not limited to:

- (1) The topography and geography of the site;
- (2) The physical constraints caused by existing developments;
- (3) The aesthetics of the proposed exception;
- (4) The compatibility of the proposed exception with the surrounding uses and properties;
- (5) The aesthetic impacts caused by strict compliance with the Code requirements.

The Director may approve, conditionally approve or deny the application. Reasonable conditions, including, but not limited to, periodic review, requirement for an encroachment permit, etc., may be imposed. Appeals shall be heard in a form and manner as set forth in Section 9108.12 of this Code, except that the Planning Commission shall be the appellate body. Subsequent appeals may be heard by the Council as provided for in said section.

Sec. 5402. Transportation. (A) Garbage and Rubbish Transportation: No garbage or rubbish shall be removed and carried on and along the streets and alleys of the City except that the same be carried, conveyed or hauled in conveyances so constructed as to be absolutely dust proof, and so arranged as not to permit dust or other matter to sift through or fall upon said streets or alleys. The contents of such conveyances must be further protected so as to prevent the same from being blown upon the streets, alleys, and adjacent lands.

(B) No wet garbage shall be removed and carried on or along any street or alley of the said City except that the same be carried, conveyed or hauled in containers with property covers, so that the garbage shall not be offensive and every such container shall be kept clean and said garbage shall be so loaded that none of it shall fall, drip or spill to or on the ground, sidewalk or pavement. (Ord. 82)

Sec. 5403. Collection. (A) All garbage, wet garbage, and/or rubbish, of any kind, shall be removed by the City, its agents, employees or permittees or representatives, at least once every

seven (7) days, unless otherwise directed by the City Health Officer or the City Building Inspector.

(B) City Health Officer or City Building Inspector may direct removal. It shall be the duty of any collector engaged in or conducting the business of collecting garbage, wet garbage and/or rubbish by contract with the City or acting as its agent, permittee or representative under this chapter when directed by the City Health Officer or City Building Inspector, to go to the place to which said rubbish or garbage collector may be directed by said Health Officer or City Building Inspector and where garbage, wet garbage, and/or rubbish is accumulated and there collect and remove said garbage, wet garbage and/or rubbish in accordance with the provisions of this chapter. The reasonable cost of such collection and removal shall be paid to the collector by the City, and the owner and/or occupant of the premises involved shall thereupon be obligated to repay the City for such cost. The City may sue on such obligation, or may add the amount of such obligation to the water charge for the property involved if the premises are receiving water service, and thereafter use any remedies available for collection of water rates. The City Health Officer or City Building Inspector shall have the discretion to have such garbage, wet garbage and/or rubbish removed by city employees or other independent contractors, and the owner and/or occupant shall be liable for the reasonable cost thereof in the same manner as above provided.

(C) As a health and safety measure, no collector can be required to service containers of over thirty-two (32) gallons capacity or weighing over eight (80) pounds, including the container. (Ord. 82; Am. Ord. 84)

Sec. 5404. Rates for Collection. Rates for collection and disposal of garbage, refuse and rubbish shall be set by resolution of the City Council. Special rates may be established by the City Council for hardship cases where placing of material at the curb for collection is impractical. (Ord. 82; Am. Ord. 74-5)

Sec. 5405. Changing of Rates. The City Council may from time to time, by resolution, make such changes in the rates to be charged for refuse, rubbish and garbage collections as shall in their opinion be desirable and in the best interest of the residents of the City and where such charges can be made without violating the terms of any contract then in existence. (Ord. 82)

Sec. 5406. Trucks. Every truck used in the collection and removal of garbage, wet garbage and/or rubbish shall be kept well painted and clean inside and out. (Ord. 82)

Sec. 5407. Burning Refuse. All burning of refuse, rubbish, garbage and wet garbage shall be in accordance with and subject to the provisions of Chapter 1 of Article VI of the Grover City Municipal Code (Sections 6100, et seq.). (Ord. 82)

Sec. 5408. Emergency Removal. Nothing in this Chapter shall be deemed to prohibit the removal and hauling by an unlicensed person of materials considered by the Health Officer or City Building Inspector to constitute a health menace of such nature as necessary to be ordered by either of said officers to be promptly removed. (Ord. 82)

Sec. 5409. Use of Solid Waste Disposal Service Mandatory. (A) It is hereby found and determined that the periodic collection of garbage, wet garbage, refuse or rubbish, hereinafter collectively referred to as "solid waste," from all places in the City of Grover City benefits all occupants of places and premises in the City and in nearly every case the person who is the

occupant of any place in or from which solid wastes are created, accumulated or produced has already contracted for other municipal services to the premises.

(B) Solid waste disposal service subject to the limitations herein noted shall be provided by the City, and it shall be mandatory for all places and premises in the City of Grover City in or on which garbage or other solid waste is created, accumulated or produced to use the City's collection service; provided, however, that where the total amount of water used over a two (2) month period by a residence does not exceed one hundred fifty (150) cubic feet, that residence shall be exempted from such mandatory requirements upon application to the City.

(C) For the purposes of establishing liability and responsibility for the payment of fees and charges hereinafter referred to, the party responsible for payment for garbage services is deemed to be the person who has heretofore applied or will hereafter apply for water service to each place or premises within the City and all fees and charges hereinafter referred to shall be collected directly by the authorized contract agent of the City of Grover City.

(D) Nothing in this ordinance contained shall be construed to prohibit any producer of refuse, garbage or rubbish from personally hauling in producer's vehicle through the streets of the City and disposing of the same at the City disposal site, providing that such hauling and disposal shall at all times be subject to the approval of the Director of Public Works. The person in charge of any vehicle used to haul refuse, garbage, or rubbish under the permission granted by the provisions of this section shall, on request from the custodian of, or person in charge at the City disposal site, exhibit satisfactory evidence showing that such refuse, garbage, or rubbish accumulated in, and was hauled from, the City, and that the producer thereof is a resident of the City. The permission granted by the provisions of this section shall not include the right to haul and dispose of dead animals, the refuse from the construction, demolition or alteration of buildings, old automobile bodies or frames, nor any refuse or rubbish originating in a commercial establishment where the quantity exceeds one (1) cubic yard.

The Council is hereby authorized to provide by resolution that any person who shall haul his own refuse, garbage, or rubbish and dispose of the same at the City disposal site pay the contractor holding a contract from the City a fee for such privilege. The rate of such fee shall be established by such resolution and may be changed from time to time by the Council, by resolution duly adopted by the Council. (Ord. 82; Am. Ord. 128; Am. Ord. 74-5)

Sec. 5410. Certain Hauling Prohibited. It shall be unlawful for any person other than the contract agent to collect, remove or haul garbage, refuse or rubbish over the streets of the City during such time as such contract agent has a contract with the City for the collection and disposal of the same; provided, however, that this Section shall not apply to producer hauling as provided in Section 5409 of this Chapter nor to persons who have a permit from the Health Officer or City Building Inspector to haul and dispose of the same; and provided further, that the provisions of this Section shall not apply during any week set apart and approved by the City Council as a "Clean-up Week"; nor shall this Section apply to gardeners, landscapers, or building contractors in connection with the removal of rubbish or refuse resulting from their work and incidental thereto. (Ord. 82)

Sec. 5411. Health Officer Regulations. The City Building Inspector in conjunction with the Health Officer shall have power to establish rules and regulations not inconsistent with this Chapter, governing the collection and disposal of refuse, garbage, wet garbage, or rubbish, provided that such

rules and regulations shall have as their purpose the enforcement of the provisions of this Chapter and the health and sanitary laws effective in the City. (Ord. 82; Am. Ord. 84)

Sec. 5412. Enforcement. (A) The City Building Inspector, the Health Department and the Police of the City are hereby specifically required to enforce the provisions of this Chapter and shall have the right to enter any and all premises for the purpose of determining whether the provisions of this Chapter are being conformed with, and any person denying or obstructing such entry shall be guilty of a misdemeanor.

(B) It shall be unlawful for any person in any manner to interfere with the collection of refuse, garbage, or rubbish by any person authorized by license or contract to collect and dispose of the same.

(C) The City Health Officer, the City Building Inspector, and the Police of the City, are hereby given the power to issue a citation to any person found to be in violation of this Chapter, in writing, requiring such person to remove the garbage, wet garbage, rubbish or refuse, or to otherwise comply with the terms of this Chapter, within a specified number of days, from one (1) to fourteen (14), the actual number to be determined by the officer or Inspector issuing the citation. The officer or Inspector shall insert on the citation the number of days which he deems sufficient and reasonable under the circumstances involved, and his decision shall be final. The citation shall be in duplicate, shall be signed by the person to whom it is directed, shall bear the name and address of such person, the location involved, a brief statement of what is required by the officer or Inspector, and the date on or before which compliance with the citation is required. A copy shall be thereupon delivered to the person to whom it is directed. On or before the date specified in the citation, the person cited shall fully comply with the terms of the citation and with the provisions of this Chapter, and within said time shall inform the issuing officer or Inspector, or the City Clerk, that he has done so, and furnish such information as may be required to enable the City to verify such compliance. The failure to sign the citation, or to comply with the terms of the citation within the time specified, or with the other provisions of this Section or Chapter, shall constitute a misdemeanor. The citation powers hereby granted shall be in addition to all other rights and remedies the City may have for the enforcement of the provisions of this Chapter. (Ord. 82; Am. Ord. 84)

Sec. 5413. Contract. (A) For the collection and disposal of refuse, garbage, wet garbage and rubbish, a contract for a period not to exceed ten (10) years may be entered into by the City, in accordance with and subject to the terms and conditions of this Chapter.

(B) Such contract shall provide that the contractor shall collect and dispose of the refuse, garbage, wet garbage and rubbish in the City in the manner in this Chapter provided, and shall not charge any amounts in excess of the rates specified in this Chapter or by resolution adopted hereunder. Said contractor shall be required to furnish a cash or surety bond to the City in the sum as set forth in the Master Fee Schedule and amended from time to time conditioned upon the faithful performance of the contract and the provisions of this Chapter. Such contractor shall have the sole and exclusive right, except as in this Chapter otherwise provided, to collect all refuse, garbage and rubbish in the City and transport the same through the streets and public ways of said City.

(C) Said contract shall further provide that said contractor shall be required to dispose of all such refuse or garbage and rubbish, save and excepting wet garbage, at a dump approved by the County Health Department of the County of San Luis Obispo.



(D) Such contract may provide therein for the rates for collection to be charged by the contract agent for the collection and disposal of garbage, wet garbage, refuse and rubbish.

(E) Such contract shall also require that said contractor procure for the period covered by the contract, full compensation insurance in accordance with the provisions of the Labor Code of the State of California.

(F) Such contract shall also require that said contractor carry public liability insurance to the extent of one hundred thousand dollars (\$100,000.00), for the death or injury to one (1) person and three hundred thousand dollars (\$300,000.00) for the death or injury of more than one (1) person, and property damage insurance of ten thousand dollars (\$10,000.00), upon each of the trucks or vehicles used by him in carrying out the work called for in the contract; such insurance to cover both the City and the refuse collector.

(G) The City Council by resolution shall have power to provide for the inclusion in such contract of such terms as it deems necessary to protect the interests of the City.

(H) Upon expiration of the franchise agreement the parties may extend the terms and conditions of the franchise agreement on a month to month basis. During such extension, the contractor shall negotiate in good faith with the City for a period not to exceed one hundred (120) days for a new franchise agreement. If the parties cannot agree on the terms and conditions for a new franchise agreement within said 120 day period, the City may put the franchise out to bid. Each proposal or bid shall be accompanied by a certified check payable to the City in the sum as set forth in the Master Fee Schedule and amended from time to time, which sum shall be forfeited to the City if the bidder to whom the contract is awarded shall fail or refuse to enter into the contract within forty-five (45) days after the date of mailing to the successful bidder the "Notice of Award of Contract". The Council reserves the right to reject any and all bids. If the proposed contract is for a period of five (5) years or less, then the Council may, but shall not be required to, call for bids as above provided. If bids are called for, the Council shall determine whether notice of calling for bids shall be by publication or by posting, or both. (Ord. 82; Am. Ord. 84; Ord. 97-7; Am. Ord. 03-02)

Sec. 5414. Disputes. In all cases of disputes or complaints arising from or concerning the place where the garbage, wet garbage and rubbish receptacles shall be placed while awaiting the removal of their contents, or concerning the costs of such removal, the same shall be determined by the Health Officer or City Building Inspector, provided that any citizen dissatisfied with such decision may appeal such decision to the City Council by filing a notice of appeal with the City Council within five (5) days of the decision of such Health Officer or City Building Inspector, and the City Council shall thereupon hear the matter and make a determination. The decision of the said Council shall be final. (Ord. 82)

Sec. 5415. Clean-up Week. The Contract Agent shall provide one "clean-up week" in the springtime of each year during which time he will, without charge therefore, collect all tree trimmings, grass cuttings, dead plants, weeds, and any and all rubbish or refuse placed at the curb lines in the City, which are placed in containers or bundles that one (1) man can hoist into the truck. (Ord. 82)

Sec. 5416. Curbside Recycling Program. A curbside recycling program shall be conducted in the City on terms, conditions and circumstances as determined by Council and set forth by resolution. The Contract Agent shall provide upon request of any residential or commercial customer, or

account, baskets or other suitable containers for the purpose of recycling glass, aluminum and newspaper (or other materials that may later be identified) as part of the program. The Council is hereby authorized to provide by resolution specific fees or charges for the recycling program. (Ord. 89-12)

Sec. 5417. Areas for Collecting and Loading Recyclable Materials. (A) All development projects shall have adequate areas for collecting and loading recyclable materials, as per Division 30, Part 3, Chapter 18 (commencing with Section 42900) of the Public Resources Code.

(B) All development project areas for collecting and loading recyclable materials shall be improved or constructed to the requirements of the adopted City Standards and Specifications to be prepared by the Community Development Department.

(C) All modifications to existing trash enclosures shall conform to the requirements of the adopted City Standards and Specifications. (Ord. 94-6)

## CHAPTER 5 - WATER WELL STANDARDS

Sec. 5501. Purpose. It is the purpose of this Chapter to protect the health, safety, and general welfare of the people of the State of California by ensuring that the ground waters of this state will not be polluted or contaminated. To this end, minimum requirements are contained in this ordinance for construction, reconstruction, repair, and destruction of water wells<sup>1</sup>, cathodic protection wells, and monitoring wells. (Ord. 89-16)

Sec. 5502. Definitions and Interpretation: (A) Except as otherwise required by the context of this Chapter, the terms used in this Chapter shall have the same meaning as in Chapter 10 of Division 7 of the California Water Code and the Department of Water Resources Bulletin 74-81 and subsequent supplements or revisions.

(B) Council shall mean the governing body of the City of Grover City.

(C) Enforcement Agency shall mean the department designated by the Council to administer and enforce this Chapter.

(D) Person shall mean any person, firm, corporation or governmental agency, to the extent authorized by law.

(E) Well or Water Well shall mean any artificial excavation constructed by any method for the purpose of extracting water from, or injecting water into, the underground. It shall not mean or include potholes, drainage trenches or canals, waste water ponds, shallow root zone piezometers, stock ponds, or similar excavations. (Ord. 89-16)

Sec. 5503. Permit Requirements: (A) When Required: No person shall dig, bore, drill, deepen, modify, repair, or destroy a water well, cathodic protection well, observation well,

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<sup>1</sup> The California Water Code Section 13801(b) refers to well construction, maintenance, and abandonment standards. Since the Department of Water Resources' "Water Well Standards" defines an abandoned well in terms of an undesirable condition, best remedied by destruction of the well, this usage is followed in these regulations.

monitoring well or any other excavation that may intersect ground water without first applying for and receiving a permit as provided in this Chapter unless exempted by law.

(B) **Penalty for Failure to Obtain Permit:** Any person who shall commence any work for which a permit is required by this Chapter without having obtained a permit shall be required, if subsequently granted a permit for this work, to pay double the standard permit fee.

(C) **Emergency Work:** The above provisions shall not apply to emergency work required on short notice to maintain drinking water or agricultural supply systems. In such cases, the person responsible for the emergency work shall:

(1) **Urgency:** Satisfy the enforcement agency that such work was urgently necessary.

(2) **Conformance with Standards:** Demonstrate that all work performed was in conformance with the technical standards as designated in Section 5507. (Ord. 89-16)

Sec. 5504. Same. (A) **Application Procedure:** Applications for permits shall be made to the enforcement agency on forms approved by the agency and shall contain all such information the enforcement agency requires to accomplish the purposes of the Chapter. The application shall be accompanied by the required filing fee. If the enforcement agency finds the application contains all necessary information, it shall issue to the applicant a comprehensive permit containing such conditions as are necessary to fulfill the purposes of the Chapter.

(B) **Filing Fees:** Filing fees may be set by the Council from time to time by Resolution. (Ord. 89-16)

Sec. 5505. Permit Conditions: (A) **Limitations:** When the enforcement agency issues a permit pursuant to this Chapter, it may condition the permit in any manner necessary to carry out the purposes of this Chapter. Conditions may include, but are not limited to such quantity and quality testing methods as the enforcement agency finds necessary.

(B) **Performance Bond:** The enforcement agency may require a performance bond or other approved security as a condition to the permit.

(C) **Persons Permitted to Work on Wells:** All construction, reconstruction, or destruction work on wells shall be performed by a person who possesses an active C-57 contractor's license in accordance with the provisions of the California Business and Professions Code, Section 7000, et. seq. and Water Code Section 13750.5.

(D) **Proper Disposal of Drilling Fluids:** The permit shall contain a clause requiring the safe and appropriate handling and disposal of drilling fluids and other drilling materials used in connection with the permitted work.

(E) **Abandoned Wells:** As a condition of a construction or reconstruction permit, any abandoned wells on the property shall be destroyed in accordance with standards provided in this Chapter.

(F) **Posting of Permit:** It shall be the responsibility of the permittee to maintain a copy of this permit on the drilling site during all stages of construction or destruction. (Ord. 89-16)

Sec. 5506. Permit Denial, Expiration, Suspension, and Revocation. (A) **Denial:** The enforcement agency shall deny an application for a permit if, in its judgement, issuance of a permit is not in the public interest.

(B) **Expiration:** The permittee shall complete the work authorized by the permit within the time and before the date set out in the permit. If there have been exceptional circumstances, the enforcement agency may grant the applicant an extension. Upon the

expiration of the permit, no further work shall be done unless and until the applicant has received an extension or a new permit.

(C) Suspension and Revocation: (1) Circumstances for Such Action: The enforcement agency may suspend or revoke any permit issued pursuant to this Chapter, whenever it finds that the permittee has violated any of the provisions of this Chapter, or has misrepresented any material fact in his application, or any supporting documents, for such a permit. Prior to ordering any such suspension or revocation, the enforcement agency shall give the permittee an opportunity for a hearing thereon, after reasonable notice. The hearing shall be before the enforcement agency head or his designated representative. An appeal may be made as set forth below.

(2) Consequences: No person whose permit has been suspended or revoked shall continue to perform the work for which the permit was granted until, in the case of suspension, such permit has been reinstated by the enforcement agency.

(3) Order Additional Work: Upon suspending or revoking any permit, the enforcement agency may order the permittee to perform any work reasonably necessary to protect the underground waters from pollution or contamination, if any work already done by the permittee has left a well in such condition as to constitute a hazard to the quality of the underground waters. No permittee or person who has held any permit issued pursuant to this Chapter shall fail to comply with any such order. (Ord. 89-16)

Sec. 5507. Well Standards. Except as otherwise specified, the standards for the construction, repair, reconstruction, or destruction of wells shall be as set forth in:

(A) Department of Water Resources Bulletin 74-81: The California Department of Water Resources Bulletin 74-81 "Water Well Standards, State of California" except as modified by subsequent revisions.

(B) All Subsequent Supplements and Revisions: All subsequent Bulletin 74-81 supplements or revisions issued by the Department of Water Resources, once the revised standards have been reviewed at appropriate public hearing. (Ord. 89-16)

Sec. 5508. Variances. The enforcement agency shall have the power under the following specified conditions to grant a variance from any provision of the standards referenced above and to prescribe alternative requirements in their place.

(A) Special Circumstances: There must be, in a specific case, a special circumstance where practical difficulties or unnecessary hardship would result from the strict interpretation and enforcement of any standard.

(B) Intent of Chapter not Compromised: The granting of such a variance is consistent with the purposes of this Chapter. (Ord. 89-16)

Sec. 5509. Special Ground Water Protection. The enforcement agency may designate areas where ground water quality problems are known to exist and where a well will penetrate more than one aquifer. The enforcement agency may require in these designated areas special well seal(s) to prevent mixing of water from several aquifers. Where an applicant proposes well construction, reconstruction, or destruction work in such an area, the enforcement agency may require the applicant to provide a report prepared by a Registered Geologist or Registered Civil Engineer (California Business and Professions Code Sections 7850 and 6762 respectively) that identifies all strata containing poor quality water and recommends the location and specifications of the seal or seals needed to prevent the entrance of poor-quality water or its migration into other aquifers. (Ord. 89-16)

Sec. 5510. Inspections. The enforcement agency shall make an inspection of the annular seal construction work. It may make an initial inspection of each proposed drilling site, an inspection at the completion of the work, and inspections at such other times as it deems appropriate.

(A) Initial Inspection: Upon receipt of an application, the enforcement agency may make an inspection of the drilling site prior to the issuance of a well permit. The purpose of this inspection is to determine whether there are any site conditions such that the enforcement agency shall do the following:

(1) Relocation of Drilling Site: Require relocation of the drilling site should the location shown on the permit application be too close to potential sources of pollution.

(2) Additional Conditions: Set additional conditions if needed to remediate any previously unknown ground water quality protection problems.

(B) Inspection of Well Seal: The enforcement agency shall inspect the annular space grout depth prior to the sealing.

(1) Required Notice: The enforcement agency shall be notified by the well driller a minimum of twenty-four (24) hours prior to sealing the annular space. Drillers who anticipate completing a well in less than one day shall notify the enforcement agency twenty-four (24) hours prior to commencement of drilling and provide the anticipated time to commence the sealing of the annular space.

(2) Should Enforcement Agency Fail to be Present: If the enforcement agency wishes to allow a seal to be tremied or placed without inspection, the driller shall seal the well in accordance with the standards of this Chapter and any permit conditions. No seal shall be tremied or placed until permission to proceed is given.

(C) Final Inspection: If requested by the enforcement agency, the driller shall notify the enforcement agency within seven days of the completion of their work at each drilling site. The enforcement agency may made a final inspection after completion of the work to determine whether the well was completed in accordance with this Chapter.

(D) Waiver of Inspections: The enforcement agency may waive inspections should any of the following conditions exist:

(1) Well Inspected by Other Agencies: Inspections may be waived where the work will be inspected by the staff of the California Regional Water Quality Control Board or the California Department of Health Services if these designated agencies will inspect and report to the enforcement agency on all drilling features required by the Standards.

(2) Monitoring Wells Under Specified Conditions: Inspections may be waived for monitoring wells that will penetrate only aquifers containing degraded waters or will penetrate only formations that normally contain no water.

(3) Drilling Sites Known to Have No Threats to Ground Water Quality: Initial inspections may be waived when the drilling site is well known to the enforcement agency staff and it is known that no significant threats to ground water quality exist in the area. (Ord. 89-16)

Sec. 5511. Completion Reports. The driller shall provide the enforcement agency a completion report within 30 days of the completion of any well construction, reconstruction, or destruction job.

(A) Submittal of State "Report of Completion": A copy of the "Report of Completion" (Water Well Driller's Report, Department of Water Resources Form 188) required by California Water Code Section 13751 shall be submitted by the permittee to the enforcement agency within 30 days of construction, alteration, or destruction of any well. This report shall document that the work was completed in accordance with the standards and all additional

permit conditions. This section shall not be deemed to release any person from the requirement to file said report with the State Department of Water Resources.

(B) Confidentiality of Report: In accordance with California Water Code Section 13752, reports shall not be made available for inspection by the public but shall be made available for inspection by governmental agencies for use in making studies. Reports shall be made available to any person who obtains written authorization from the owner of the well.

(C) Other Agency's Requirements: Nothing in this Chapter shall be deemed to excuse any person from compliance with the provisions of California Water Code Sections 13750 through 13755 relating to notices and reports of completion or any other Federal, State, or Local reporting regulations. (Ord. 89-16)

Sec. 5512. Appeals. (A) Right of Hearing: Any person whose application for a permit has been denied, or granted conditionally, or whose permit has been suspended or revoked, or whose variance request has been denied, may appeal to the Council, in writing, within ten days after any such denial, conditional granting, suspension, or revocation. Such appeal shall specify the grounds upon which it is taken, and shall be accompanied by a filing fee as set forth herein. The City Clerk shall set such appeal for hearing at the earliest practicable time, and shall notify the appellant and the enforcement agency, in writing, of the time so set at least five days prior to the hearing.

(B) Council Action: After such hearing, the Council may reverse, wholly or partly, or may modify the order or determination appealed from. (Ord. 89-16)

Sec. 5513. Right of Entry and Inspection: Representatives of the enforcement agency shall have the right to enter upon any premises at all reasonable times to make inspections and tests for the purpose of such enforcement and administration. If any such premises are occupied, he shall first present proper credentials and demand entry. If the same is unoccupied, he shall first make a reasonable effort to locate the owner or other person having charge or control of same and demand entry. If such entry is refused, he shall have recourse to such remedies as are provided by law to secure entry. (Ord. 89-16)

Sec. 5514. Abatement of Abandoned Wells. All persons owning an abandoned well as defined in the well standards shall destroy it before December 31, 1991, except those excluded by California Health and Safety Code Section 24440. (Ord. 89-16)

Sec. 5515. Criminal and Civil Enforcement. (A) Violation a Misdemeanor: Any person who violates any of the provisions of this Chapter is guilty of a misdemeanor, and upon conviction thereof is punishable by such penalties as provided for by law.

(B) Civil Enforcement - Notice of Violation: (1) Notice of Violation Recordation: Whenever the enforcement agency determines that a well (a) has not been completed in accordance with a well permit or the plans and specification relating thereto, (b) has been constructed without the required permit, or (c) an abandoned well has not been destroyed in accordance with the standards, the enforcement agency may record a Notice of Violation with the office of the County Recorder. The owner(s) of the property, as revealed by the assessment roll, on which the violation is situated and any other person responsible for the violation shall be notified of the recordation, if their address is available.

If the property owner(s) or authorized agent disagree with the determination, he may submit evidence to the enforcement agency indicating that there is no violation and then shall

have a right to appeal an adverse decision of the enforcement agency to the Council in accordance with the provisions of the following Section.

(2) Appeal - Council Action: (a) Date of Hearing: Upon receipt of the notice of appeal, the Council shall, within fifteen (15) days following the filing of the appeal, set a date for public hearing thereon.

(b) Evidence: The evidence before the Council shall consist of the records in the enforcement agency's files and any other relevant evidence which, in the judgement of the Council, should be considered to effectuate and implement the policies of this Chapter.

(c) Council Decision: The Council may reverse or affirm, wholly or in part, or modify the decision or the Notice of Violation and may make such order as should be made. Such action shall be final.

(C) Civil Enforcement - Nuisance: Violations of this Chapter may also be redressed in the manner hereinafter set forth by civil action. In addition to being subject to prosecution, any person who violates any of the provisions of this Chapter may be made the subject of a civil action. Appropriate civil action includes, but is not limited to, injunctive relief and cost recovery.

(D) Remedies Cumulative: The remedies available to the Council to enforce this Chapter are in addition to any other remedies available under regulation or statute, and do not replace or supplant any other remedy but are cumulative thereto. (Ord. 89-16)

Sec. 5516. Reports to the Regional Board. Pursuant to California Water Code Section 13225(c), the enforcement agency shall submit a report, not less than annually, to the California Regional Water Quality Control Board(s) having jurisdiction in their area. This report shall contain the following data, unless the Regional Board determines a lesser amount of information is necessary.

(A) Wells Constructed or Destroyed: The number of wells constructed or destroyed.

(B) Abatement Actions: A description of all well destructions undertaken by the enforcement agency using its regulatory authority under nuisance abatement powers.

(C) Variances Granted: A description of each specific case where variances were granted and the circumstances that made a variance necessary.

(D) Inspection Waivers Granted: A description of each specific case where an inspection was waived and the circumstances that made the waiver necessary. (Ord. 89-16)

Sec. 5517. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this Chapter is for any reason held to be invalid, or unconstitutional by a decision of a court of competent jurisdiction, it shall not affect the remaining portions of this Chapter, including any other section, subsection, sentence, clause, or phrase therein. (Ord. 89-16)

## CHAPTER 6 - ILLEGAL DISCHARGES AND ILLICIT CONNECTIONS

Sec. 5600. Purpose. The regulations included in this Chapter are to provide for the health, safety, and general welfare of the citizens of the City through the regulation of non-storm water discharges to the storm drainage system and receiving waters within the City to the maximum extent practicable as required by federal and state law. (Ord. 13-04)

Sec. 5601. Applicability. (A) This Chapter is applicable to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by the State Water Resource Control Board or the City.

(B) The requirements of this Chapter are not intended to modify or repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this Chapter are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this Chapter imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control. (Ord. 13-04)

Sec. 5602. Objectives. The objectives of this Chapter are:

(A) To regulate the contribution of pollutants to groundwater, Meadow Creek or the Pacific Ocean by storm water discharges.

(B) To prohibit illicit connections and illegal discharges to the storm drain system.

(C) To establish legal authority to carry out all inspection, surveillance, monitoring, and enforcement procedures necessary to ensure compliance with this Chapter. (Ord. 13-04)

Sec. 5603. Definitions. For the purpose of this Chapter, certain words and phrases are defined as follows, and certain provisions shall be construed as herein set forth, unless it shall be apparent from the context that they have a different meaning.

(A) Basin Plan refers to the Central Coast Water Board adopted Water Quality Control Plan, Central Coast Basin that designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for receiving waters within the Region.

(B) California Toxics Rule refers to regulations codified in 40 CFR Section 131.36 and Section 131.38 respectively, which establish numeric criteria for priority toxic pollutants for California's inland surface waters, enclosed bays, and estuaries.

(C) "Incidental runoff" shall mean the unintended amount of runoff, which escapes the areas of intended use (e.g., minimal over-spray from sprinklers). Water leaving an intended use area is not considered incidental if it is a result of:

- (1) Inadequate or improper facility design;
- (2) Excessive application;
- (3) Intentional overflow or application; or
- (4) Negligence.



(D) "Illegal discharge" shall mean any direct or indirect non-storm water discharge to the storm drain system including discharges from commercial and non-profit car washes, mobile cleaning services, pressure washing operations and non-storm water runoff from irrigated areas that is not considered incidental runoff except as exempted in Section 5605. Illegal discharges are also any discharge that may cause or threaten to cause or contributes to an exceedance of any water quality standard in a Statewide Water Quality Control Plan, the California Toxics Rule, or the Basin Plan.

(E) "Storm drain system" shall mean the system of conveyances (including sidewalks, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) owned and operated by the City and designed or used for collecting or conveying storm water, and that is not used for collecting or conveying sewage.

(F) "Non-storm water discharge" shall mean any discharge to the storm drain system that is not composed entirely of storm water.

(G) "Person" shall mean any individual, association, organization, partnership, firm, corporation or other entity living, working or visiting the City.

(H) Statewide Water Quality Control Plan refers to documents issued at the State level for the conservation, development, and utilization of the water resources of the State. They currently consist of the Oceans Plan, Bay-Delta Plan, Thermal Plan, and Freshwater and Estuarine Plan, with future plans under development for Nutrients for Inland Surface Water of the State, and Trash Controls in California Waters (partial list). (Ord. 13-04)

Sec. 5604. Authority. The Public Works Director shall have the authority, to detect and eliminate illegal discharges and illicit connections to the storm drain system. This includes entering onto private property for the purpose of inspecting, at reasonable times, any facility, equipment, practices, or operations for compliance with this Chapter.

Should the Public Works Director suspect that an illegal discharge or illicit connection is present, the Public Works Director may do any or all of the following:

(A) For non-storm water discharges suspected of being sanitary sewage and/or significantly contaminated, require the discharger to promptly cease and desist discharging and/or cleanup and abate their discharge, spill, or pollutant release as soon as possible.

(B) For suspected illicit connections, require the owner, within seventy-two (72) hours of notification, to identify the nature of the suspected illicit connection and to identify the outfall location or point of connection to the storm drain system, sanitary sewer system or other discharge point. Should the suspected illicit connection be confirmed, see item (C) below.

(C) For illegal discharges and illicit connections, require the discharger to promptly cease and desist discharging and/or cleanup and abate their discharge, spill, or pollutant release within seventy-two (72) hours of notification.

(D) For incidental runoff, require the person responsible to detect leaks and correct the leaks within seventy-two (72) hours of learning of the leaks, and remedy other situations within ten (10) days, which may include properly designing and aiming sprinkler heads, and/or not irrigating during precipitation events.

If corrective activities cannot be completed within the specified time frame, a new time frame shall be developed, and agreed upon, and presented to the Regional Water Quality Control Board

for consideration. The Regional Water Quality Control Board shall respond to the request to modify the timeframe within five (5) business days. The revised implementation timeframe shall only be permitted by the City if approved by the Regional Water Quality Control Board. (Ord. 13-04)

Sec. 5605. Prohibition of Illegal Discharges. No person shall throw, drain, or otherwise discharge, cause, or allow others under its control to throw, drain, or otherwise discharge into the storm drain system or to groundwater, Meadow Creek or the Pacific Ocean, any material other than storm water, except as allowed by this Chapter or as otherwise authorized by a separate NPDES Permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the United States Environmental Protection Agency (EPA), provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

The following non-storm water discharges may be allowed provided appropriate control measures to minimize the impacts of such discharges are consistent with the California Stormwater Quality Association (CASQA) Best Management Practices Handbook, or equivalent precautions are taken:

- (A) Water line flushing;
- (B) Individual residential car washing;
- (C) Diverted stream flows;
- (D) Rising ground waters;
- (E) Uncontaminated ground water infiltration (as defined at 40 C.F. R. § 35.2005(20)) to separate storm sewers;
- (F) Uncontaminated pumped ground water;
- (G) Discharges from potable water sources;
- (H) Foundation drains;
- (I) Air conditioning condensation;
- (J) Springs;
- (K) Water from crawl space pumps;
- (L) Footing drains;
- (M) Flows from riparian habitats and wetlands;
- (N) Dechlorinated swimming pool discharges;
- (O) Incidental runoff from landscaped areas;
- (P) Discharges or flow from firefighting; and
- (Q) Other discharges approved by the Public Works Director and specified in writing as being necessary to protect public health and safety.

This provision does not obviate the need to obtain any other appropriate permits, such as discharges which are required to be enrolled under Order R3-2011-0223 "Waste Discharge Requirements National Pollution Discharge Elimination System (NPDES) General Permit for Discharges with Low Threat to Water Quality". (Ord 13-04)

Sec. 5606. Prohibition of Illicit Connections. The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether said drain or



connection had been previously allowed, permitted, or approved by an authorized enforcement agency or permissible under law or practices applicable or prevailing at the time of connection.

(A) Any drain or conveyance, whether on the surface or subsurface that allows an illegal discharge to enter the storm drain system including but not limited to, any conveyances that allow any non-storm water discharge including sewage, processed wastewater, and wash water to enter the storm drain system, and any connections to the storm drain system from indoor drains and sinks or, any drain or conveyance connected from a commercial or industrial land use to the storm drain system that has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

(B) Improper connections in violation of this Chapter must be disconnected and redirected, if necessary, to an approved onsite wastewater management system or the sanitary sewer system upon approval of the City.

(C) Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the storm drain system, shall be located by the owner or occupant of that property upon receipt of written notice of violation from the City requiring that such locating be completed. Such notice will specify a seventy-two (72) hour time period within which the location of the drain or conveyance is to be determined, that the drain or conveyance be identified as storm drain, sanitary sewer or other, and that the outfall location or point of connection to the storm drain system, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and provided to the Regional Water Quality Control Board. (Ord. 13-04)

Sec. 5607. Violations. It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Chapter. Any person who has violated or continues to violate the provisions of this Chapter, may be subject to the enforcement actions outlined in this section or may be restrained by injunction or otherwise abated in a manner provided by law.

(A) In the event the violation constitutes an immediate danger to public health or public safety, the City is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation and/or restore the property. The City is authorized to seek costs of the abatement consistent with Article VI "Public Safety", Chapter 6, Section 6603.

(B) Warning Notice. When the City finds that any person has violated, or continues to violate, any provision of this Chapter, or any order issued hereunder, the City may serve upon that person a written Warning Notice, specifying the particular violation believed to have occurred and requesting the discharger to immediately investigate the matter and to seek a resolution whereby any offending discharge will cease. Investigation and/or resolution of the matter in response to the Warning Notice in no way relieve the alleged violator of liability for any violations occurring before or after receipt of the Warning Notice. Nothing in this subsection shall limit the authority of the City to take any action, including emergency action or any other enforcement action, without first issuing a Warning Notice.

(C) Notice of Violation. Whenever the City finds that a person has violated a prohibition or failed to meet a requirement of this Chapter, the City may order compliance by written Notice of Violation to the responsible person. The Notice of Violation shall contain:

- (1) The name and address of the alleged violator;

- (2) The address when available or a description of the building, structure or land upon which the violation is occurring, or has occurred;
- (3) A statement specifying the nature of the violation;
- (4) A description of the remedial measures necessary to restore compliance with this Chapter and a time schedule for the completion of such remedial action;
- (5) A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;
- (6) A statement that the determination of violation may be appealed to the City Public Works Director by filing a written notice of appeal within ten (10) days of service of notice of violation; and
- (7) A statement specifying that, should the violator fail to restore compliance within the established time schedule, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

Such notice may require without limitation:

- (1) The performance of monitoring, analyses, and reporting;
- (2) The elimination of illicit connections or discharges;
- (3) That violating discharges, practices, or operations shall cease and desist;
- (4) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;
- (5) Payment of a fine to cover administrative and remediation costs; and
- (6) The implementation of source control or treatment BMPs consistent with the California Storm Water Quality Association (CASQA) Best Management Practices Handbooks or equivalent.

(D) Civil Penalties. In the event the alleged violator fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within thirty (30) days, or such greater period as the City shall deem appropriate, after the City has taken one or more of the actions described above, the City may impose a penalty not to exceed one hundred dollars (\$100) (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the Notice of Violation.

(E) Compensatory Action. In lieu of enforcement proceedings, penalties, and remedies authorized by this Chapter, the City may impose upon a violator, alternative compensatory options, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc. (Ord. 13-04)

## CHAPTER 7 - EXPANDED POLYSTYRENE PRODUCTS

Sec. 5700. Definitions. The following words and phrases, whenever used in this chapter, shall have the meanings defined in this section unless the context clearly requires otherwise:

(A) "ASTM Standard" means meeting the standards of the American Society for Testing and Materials (ASTM) International Standards D6400 or D6868 for biodegradable and compostable plastics, as those standards may be amended.

(B) "Biodegradable" means Compostable (separately defined) or the ability of organic matter to break down from a complex to a more simple form through the action of bacteria or to undergo this process.

(C) "City Facility" means any building, structure or vehicle owned and operated by the City of Grover Beach, its agents, agencies, and departments.

(D) "City Contractor" means any person or entity that enters into an agreement with the City to furnish products or services to or for the City.

(E) "Compostable" means all the materials in the product or package will break down, or otherwise become part of, usable compost (e.g., soil-conditioning material, mulch). Compostable disposable food containers must meet ASTM Standards for compostable materials.

(F) "Disposable Food Container" is interchangeable with "to go" packaging and "food packaging material" and means all containers that are used to hold Prepared Food or drinks. Disposable Food Containers include clamshells, bowls, plates, trays, cartons, and cups that are intended for single use, including without limitation, food containers for takeout foods and/or leftovers from partially consumed meals prepared by Food Providers. This does not include single-use disposable items such as straws, cup lids, or utensils, nor does it include single-use disposable packaging for unprepared foods.

(G) "Events Promoter" means an applicant for any event permit issued by the City or any City employee(s) responsible for any City-organized event.

(H) "Expanded Polystyrene" or "EPS" means blown expanded and extruded polystyrene or other plastic foams which are processed by any number of techniques including, but not limited to, fusion of monomer spheres (expanded bead plastic), injection molding, foam molding, and extrusion-blown molding (extruded foam plastic). Expanded polystyrene and other plastic foam is generally used to make cups, bowls, plates, trays, clamshell containers, meat trays, ice chests, shipping boxes and packing peanuts.

(I) "Expanded Polystyrene Products" means any item such as coolers, ice chests, cups, bowls, plates, clamshells containers, shipping boxes, packing peanuts, or any other merchandise made from expanded polystyrene that is not wholly encapsulated or encased by a more durable material.

(J) "Food Provider" means any establishment located within the City, that is a retailer of Prepared Food or beverages for public consumption including, but not limited to any store, supermarket, delicatessen, restaurant, shop, caterer or mobile food vendor.

(K) "Person" means an individual, business, Event Promoter, trust, firm, joint stock company, corporation, non-profit, including a government corporation, partnership, or association.

(L) "Prepared Food" means food or beverages, which are served, packaged, cooked, chopped, sliced, mixed, brewed, frozen, squeezed or otherwise prepared within the city. Prepared Food does not include raw, butchered meats, fish and/or poultry sold from a butcher case or similar food establishment.

(M) "Recyclable" means any material that is specified in the franchise agreement with the City's solid waste removal provider including, but not limited to, aluminum, tin and bimetal cans, clear and colored glass containers, High Density Polyethylene (HOPE), Polyethylene Terephthalate (PET), clear or rigid polystyrene, corrugated cardboard and mixed paper.

(N) "Vendor" means any store or business which sells or offers goods or merchandise, located or operating within the City of Grover Beach, including those referenced in and including "Food Provider." (Ord. 18-01)

Sec. 5701. Expanded Polystyrene Disposable Food Containers Prohibited. (A) Food Providers within the City of Grover Beach may not provide Prepared Food in or provide separately any Disposable Food Container made from Expanded Polystyrene, except as exempted in Section 5704.

(B) Disposable Food Containers made from Expanded Polystyrene are prohibited from use in all City Facilities.

(C) City Contractors in the performance of City contracts and Events Promoters may not provide Prepared Food in Disposable Food Containers made from Expanded Polystyrene. (Ord. 18-01)

Sec. 5702. Required Biodegradable, Compostable, or Recyclable Disposable Food Containers.

(A) All Food Providers within the City utilizing Disposable Food Containers shall use Biodegradable, Compostable or Recyclable products.

(B) All City Facilities utilizing Disposable Food Containers shall use Biodegradable, Compostable or Recyclable products.

(C) City Contractors and Events Promoters utilizing Disposable Food Containers shall use Biodegradable, Compostable, or Recyclable products while performing under a City contract or permit. (Ord. 18-01)

Sec. 5703. Prohibited Sales. No Vendor or Events Promoter in the City may sell or otherwise provide any Expanded Polystyrene Product which is not wholly encapsulated or encased within a more durable material, except as exempted in Section 5704. This specifically includes, but is not limited to, cups, plates, bowls, trays, clamshells and other products intended primarily for food service use, as well as coolers, containers, ice chests, shipping boxes, packing peanuts, or other packaging materials. (Ord. 18-01)

Sec. 5704. Exemptions. (A) The City Manager, or his/her designee, may issue a one-time exemption for up to one (1) year for a Food Provider from the requirements set forth in this ordinance upon the Food Provider showing, in writing, that this ordinance would create an undue hardship or practical difficulty. The City Manager or designee shall put the decision to grant or deny an exemption in writing, and the decision shall be final.

(B) Exemptions to allow for the sale or provision of Expanded Polystyrene Products may be granted by the City Manager or designee, if the vendor can demonstrate in writing a public health and safety requirement or medical necessity to use the product. The City Manager or designee shall put the decision to grant or deny the exemption in writing and the decision shall be final.

(C) An exemption application shall include all information necessary for the City Manager or designee to make a decision, including, but not limited to, documentation showing factual support for the claimed exemption. The City Manager or designee may require the applicant to provide additional information. The City Manager or designee may approve the exemption application in whole or in part, with or without conditions.





(D) Foods prepared or packaged outside the City and sold inside the City are exempt from the provisions of this chapter.

(E) Raw meat, fish and other raw food trays are exempt from the provisions of this chapter.

(F) Products made from Expanded Polystyrene which are wholly encapsulated or encased by a more durable material are exempt from the provisions of this chapter. Examples include surfboards, life preservers, and craft supplies, which are wholly encapsulated or encased by a more durable material, and coolers encased in hard plastic.

(G) Construction products made from Expanded Polystyrene are exempted from this ordinance if the products are used in compliance with Grover Beach Municipal Code Article VIII Building Regulations and used in a manner preventing the Expanded Polystyrene from being released into the environment.

(H) In a situation deemed in writing by the City Manager or designee to be an emergency for the immediate preservation of the public peace, health or safety, City Facilities, Food Providers, City Contractors and Vendors doing business with the City shall be exempt from the provisions of this chapter.

(I) Expanded Polystyrene packaging products, which have been received from sources outside the City, may be reused to be kept out of the waste stream. (Ord. 18-01)

Sec. 5705. Violations. (A) Any violation of the provisions of this chapter by any person is subject to the penalty provisions as provided in Chapter 2 (Penal Provisions), Article 1 (General Provisions) or any other pertinent provision of this code or as amended.

(B) For the first violation, the City Manager or designee may allow the violating Food Provider, in lieu of the penalty provisions contained above, to submit receipts demonstrating the purchase after the citation date, of Biodegradable, Compostable, or Recyclable products.

(C) In addition to other remedies provided by this chapter or by other law, any violation of this chapter may be remedied by a civil action brought by the City Attorney including, but not limited to, administrative or judicial nuisance abatement proceedings, civil or criminal code enforcement proceedings, and suits for injunctive relief. The remedies provided by this chapter are cumulative and in addition to any other remedies available at law or in equity. (Ord. 18-01)

Amended October 9, 2018

V-30