

1                                   BEFORE THE BOARD OF SUPERVISORS  
2                                   OF THE COUNTY OF FRESNO  
3                                   STATE OF CALIFORNIA  
4                                   ORDINANCE NO. \_\_\_\_\_  
5

6           AN ORDINANCE AMENDING TITLE 8 HEALTH AND SAFETY, CHAPTERS 8.19  
7   SOLID WASTE MANAGEMENT - PROHIBITIONS, 8.50 ENVIRONMENTAL HEALTH  
8   PERMITS AND INSPECTION FEES, AND TITLE 14 WATER AND SEWAGE, CHAPTER  
9   14.04 WELL REGULATIONS - GENERAL PROVISIONS, AND DELETING TITLE 8 HEALTH  
10   AND SAFETY, CHAPTER 8.60 STORAGE OF HAZARDOUS SUBSTANCES IN  
11   UNDERGROUND TANKS OF THE ORDINANCE CODE OF THE COUNTY OF FRESNO.

12           The Board of Supervisors of the County of Fresno ordains as follows:

13           **SECTION 1:** The Ordinance Code of the County of Fresno is hereby amended by  
14   adding Subsection 8.19.070, amending Chapter 8.50 and deleting Chapter 8.60 of Title 8  
15   Health and Safety, and amending Chapter 14.04 of Title 14 Water and Sewage to read as  
16   follows:

17           Chapter 8.19 - SOLID WASTE MANAGEMENT—PROHIBITIONS

18           Section 8.19.10 - Unsanitary Conditions Prohibited

19           8.19.020 - Reserved

20           8.19.030 - Water closet, privy, cesspool—Contents removal

21           8.19.040 - Sanitary facilities—Discharge into waterways

22           8.19.050 - Open pits and excavations prohibited

23           8.19.060 - Scavenging prohibited

24           8.19.070 - Liquid Waste

25  
26   **Section 8.19.10 - Unsanitary Conditions Prohibited**

27           It is unlawful for any person to maintain, permit or allow to exist upon his property or  
28   premises, or in or upon any property or premises which he is then and there occupying or

1 leasing, any kind of water closet, privy, cesspool or other container for refuse matter in an  
2 unsanitary condition.

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4 **8.19.020 - Reserved**

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6 **8.19.030 - Water closet, privy, cesspool—Contents removal**

7 It is unlawful for any person to remove the contents of any water closet, privy or  
8 cesspool, except in a water-tight container and so covered that the same shall not be exposed  
9 to flies or offensive to the senses, and without having first obtained a written permit therefor  
10 from the health officer in accordance with Chapter 8.50 of this code.

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12 **8.19.040 - Sanitary facilities—Discharge into waterways**

13 It is unlawful for any person to hereafter establish or install any sanitary facility which is  
14 designed to or which does discharge any contents or effluent, whether previously filtered or  
15 otherwise treated or not, from any privy, water closet, cesspool or septic tank into any river,  
16 stream, canal, lake or other surface body of water, or discharge the same in such near proximity  
17 thereto that the same might reasonably be expected to enter such waters by seepage,  
18 percolation, drainage or otherwise and in no event within one hundred feet of the high water  
19 mark of such body of water.

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21 **8.19.050 - Open pits and excavations prohibited**

22 It is unlawful for any person to maintain or to permit to exist upon lands under his control  
23 any well or cesspool of whatever depth or dimension or any other pit or excavation within the  
24 earth of more than five feet in depth and being less than four feet across in its greater dimension  
25 without having the same capped or covered in a secure manner; provided further, that any  
26 such well, cesspool, pit or excavation which has been permanently abandoned shall be  
27 completely filled in.

1 **8.19.060 - Scavenging prohibited**

- 2 A. No person shall open, look into, search through or remove any of the contents of any  
3 waste receptacle.
- 4 B. For purposes of this section, "solid waste receptacle" shall mean any bin, automatic lift  
5 container or any other type of receptacle used for the deposit, storage, collection or  
6 transport of garbage, litter, junk, debris, refuse, swill, rubbish, waste matter, putrescible  
7 waste, hazardous waste, infectious waste, recyclable materials, or garden refuse.
- 8 C. This section shall not apply to the following persons:1.Any owner, tenant, lessee, or  
9 occupant of the property for which the solid waste receptacle is used;2.Any persons  
10 acting with the consent of any owner, tenant, lessee, or occupant of the property for  
11 which the solid waste receptacle is used;3.Any private collector or any contractor of a  
12 private collector, that owns or maintains the solid waste receptacle or is responsible for  
13 hauling away its contents, who is acting in accordance with their duties as such; or4.Any  
14 employee or contractor of any city, county, state or federal government agency, who is  
15 acting in accordance with their duties as such.
- 16 D. Notwithstanding any other provision of this Code, any person violating this section is  
17 guilty of an infraction. The first violation of this section in any twelve-month period shall  
18 be punished by a fine of one hundred dollars. The second violation of this section in the  
19 same twelve-month period shall be punished by a fine of two hundred dollars. The third  
20 and each subsequent violation of this section within the same twelve-month period shall  
21 be punished by a fine of three hundred dollars for each violation.
- 22 E. This section shall apply and be enforced only in the following area of the unincorporated  
23 county: Fig Garden policing district boundaries.

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25 **8.19.070 - Liquid Waste**

- 26 A. The following words and terms used in this chapter are defined for the purpose thereof  
27 as follows:
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1. "Chemical Toilet Waste Hauler" means any person who engages in the business of collection and/or transportation of chemical toilet waste.
  2. "Grease Hauler" means any person who engages in the business of collection and/or transporting of inedible kitchen grease, kitchen grease or grease traps.
  3. "Liquid Waste Hauler" means any person who engages in the business of collection and/or transportation of pumping or cleaning of septic tanks, holding tanks chemical toilets, kitchen grease, grease traps.
  4. "Septic Tank Waste Hauler" means any person who engages in the business of collection and/or transportation of pumping or cleaning septic tanks and/or its components, holding tanks, leach lines, seepage pits.
- B. Any person or firm engaged in the business of pumping or cleaning septic tanks and/or its components, holding tanks, kitchen grease, grease traps, or providing chemical toilets must operate under permit from the Department of Public Health. It is unlawful for any person to clean sewage disposal systems/inedible kitchen grease tanks or to dispose of or aid in the disposal of the cleanings therefrom (transport), who does not possess a valid permit to operate issued by the Department of Public Health.
- C. Individual applications and fees are required for the company/business and each vehicle. Upon receipt of the completed application and applicable fees, the Department of Public Health – Environmental Health Division will inspect the pumping vehicle. The annual permit registration fee is charged to persons authorized to perform services as outlined in Section 8.19.070(B).
- D. Each pumper who transports any septage/grease shall deposit said waste to an approved wastewater treatment plant (POTW) or approved facility. Cleaning operations must be conducted in a manner that will not endanger human health or the environment. Any spillage of sewage must be cleaned immediately.
- E. The following inscription/labeling shall be legibly affixed, in a conspicuous place, on both sides of the vehicle or tank in letters at least 3 inches high: name, address and phone number of the person or business; and fluid capacities in gallons for the vehicle. Once

1 permitted, the Department of Public Health will issue a permit to operate. A valid permit  
2 to operate shall be affixed to the rear of the tank or vehicle at all times.

- 3 1. All tanks used for hauling sewage and grease shall be of metal construction  
4 throughout, that is welded or riveted, and shall be water-tight and splash proof.  
5 Tanks shall be properly baffled to prevent splashing and be fitted with watertight  
6 covers or manholes. A leak proof gate valve must be provided on each tank for  
7 the discharge or lading of the contents. Vehicles must have a leak proof screw  
8 plug or cap at all times.
- 9 2. Each vehicle shall be equipped with a reliable gauge to indicate the actual  
10 volume of sewage and/or grease in the tank, measured in gallons.
- 11 3. Each vehicle shall be equipped with necessary hoses, both for pumping and  
12 cleaning of equipment, with adequate length to extend into an approved  
13 manhole, grease trap or dump station. The pumping hose shall be fitted with  
14 watertight connections to prevent spillage. The hoses are to be cleaned on the  
15 premises without any spillage of contents. A minimum 5/8-inch water hose, 50  
16 feet in length shall be carried for cleaning purposes.
- 17 4. Each pumping vehicle shall have the following items included on the truck at all  
18 times: personal protection equipment (PPE) including gloves, rubber boots and  
19 safety glasses; containment tools (PIGS); and an absorbent material (e.g., kitty  
20 litter) to contain wastewater; a shovel; garbage bags; a 5-gallon bucket; bleach  
21 and lime.

22 F. Pursuant to California Health and Safety Code, Section 117435(a), all sewage pumping  
23 (septic systems, septic tanks) businesses shall file with the health officer, or his or her  
24 duly authorized representative, a report specifying the pumping activities over a given  
25 month. All persons shall submit a typed or legibly printed report of pumping activities to  
26 the Department of Public Health or the receiving wastewater treatment plant (POTW),  
27 who will maintain the reports. Said reports must be submitted monthly for the preceding  
28 month's activities. Reports shall be specific to pumping activities and include the date,

1 name and location of each establishment where a system has been cleaned, and the  
2 total number of gallons pumped within the County.

3 G. When an operator of a sewage pumping, grease pumping or toilet rental business is  
4 found in violation of any provision of this chapter, shall be guilty of a misdemeanor and  
5 could have their permit suspended or revoked pursuant to Section 8.50.155.

6  
7 Chapter 8.50 - ENVIRONMENTAL HEALTH PERMITS AND INSPECTION FEES

8 8.50.010 - Declaration of findings

9 8.50.020 - Purpose

10 8.50.030 - Area of application

11 8.50.040 - Definitions

12 8.50.045 - Permit required

13 8.50.050 - Businesses and activities subject to permits

14 8.50.055 - Businesses and activities subject to inspection fees

15 8.50.070 - Imposition of fees

16 8.50.080 - Establishment of fees

17 8.50.090 - Refunds and proration of fees

18 8.50.100 - Filing application

19 8.50.110 - Issuance of receipt and permit

20 8.50.120 - Exhibition of receipt and permit

21 8.50.130 - Penalty for delinquent payment

22 8.50.140 - Transfer of permits and receipts

23 8.50.150 - Violation of this chapter

24 8.50.155 - Permit suspension or revocation

25 8.50.160 - Enforcement

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27 **8.50.010 - Declaration of findings**

28 The board of supervisors of the county finds and declares as follows:

- 1 A. That certain state statutes, orders, quarantines, rules or regulations, and local  
2 ordinances relating to public health require that permits to operate be issued to certain  
3 businesses and activities;
- 4 B. That the county Department of Public Health enforces said statutes, orders,  
5 quarantines, rules, regulations and ordinances relating to public health, both within the  
6 unincorporated and incorporated areas of the county, to ensure that such businesses  
7 and activities comply;
- 8 C. That in order to enforce said statutes, orders, quarantines, rules relations and  
9 ordinances the county requires all businesses and activities which are subject to  
10 environmental health inspections and are specified in this chapter, to secure and  
11 maintain permits to operate from the county Department of Public Health. Such permits  
12 may revoked or withheld by the county Department of Public Health for cause;
- 13 D. That the expenses incurred by the county Department of Public Health in the  
14 enforcement of statutes, orders, quarantines, rules and regulations prescribed by state  
15 officers or departments, are not met by any fees prescribed by the state;
- 16 E. That the expenses incurred by the county Department of Public Health in the  
17 enforcement of said statutes, orders, quarantines, rules, regulations and ordinances,  
18 and in providing other related services, are reasonable and necessary therefor.

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20 **8.50.020 - Purpose**

21 The purpose of this chapter is to establish a permit and inspection fee system for certain  
22 businesses and activities specified herein which are subject to state statutes, orders,  
23 quarantines, rules or regulations and local ordinances relating to public health, in order to  
24 reimburse the county for the expense of enforcing said statutes, orders, quarantines, rules,  
25 regulations and ordinances.

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27 **8.50.030 - Area of application**

28 The Environmental Health permit and inspection fees described in this chapter shall be

1 required for any business or activity listed in Sections 8.50.050 and 8.50.055 of this chapter  
2 and located or operating within the geographic area in which the Department of Public Health  
3 enforces state and local statutes orders, quarantines, rules, regulations and ordinances relating  
4 to public health in the unincorporated area of Fresno County or within the incorporated area of  
5 any city within the county.

#### 7 **8.50.040 - Definitions**

8 As used in this chapter:

- 9 A. "Auditor-controller" means the County Auditor-Controller/Treasurer-Tax Collector or a  
10 duly authorized representative.
- 11 B. "Enforcement officer" means a person employed and authorized by the Department of  
12 Public Health to conduct environmental health inspections.
- 13 C. "Environmental Health Division Manager" means the Division Manager who provides  
14 oversight of the Environmental Health Division, or a duly authorized representative.
- 15 D. "Department of Public Health" means the County Director of the Department of Public  
16 Health, health officer, or their duly authorized representatives.
- 17 E. "Hearing Officer" means the County Director of the Department of Public Health or their  
18 duly authorized representative.
- 19 F. "Permit" means a written authorization to operate a specific business and activity at a  
20 specific location or for a specific vehicle, issued to a person by the Department of Public  
21 Health in accordance with this chapter.
- 22 G. "Permit fee" or "inspection fee" means any payment of money for expenses incurred by  
23 the Department of Public Health in the regulation of operating permits and enforcement  
24 of state and local statutes, orders, quarantines, rules, regulations and ordinances  
25 relating to public health and not met by fees otherwise prescribed by said statutes or  
26 ordinances.
- 27 H. "Person" means any individual, association, partnership, firm or corporation.

#### 28 **8.50.045 - Permit required**



1 A. It is unlawful for any person, without first having obtained a written permit from the  
2 Department of Public Health, to engage in the businesses and activities set forth under  
3 Section 8.50.050.

4 B. All permits issued to a person to engage in a business and activity at a specific location  
5 or for a specific vehicle as required herein, shall remain in effect for a period of one year  
6 unless otherwise specified by the Department of Public Health or provided in this  
7 chapter or unless revoked pursuant to Section 8.50.155. Thereafter it is unlawful for a  
8 person to continue to engage in such businesses and activities unless a new permit is  
9 issued by the Department of Public Health as provided herein.

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11 **8.50.050 - Businesses and activities subject to permits**

12 A. Body Art. The terms "body art," "body art facility," and "practitioner" shall have the same  
13 meanings as set forth in the California Health and Safety Code, Division 104, Part 15,  
14 Chapter 7, Section 119301 Safe Body Art Act – Definitions.

15 B. Community Event. The term "community event" shall have the same meaning as set  
16 forth in the California Health and Safety Code, Division 104, Part 7, California Retail  
17 Food Code, Section 113775 Community Event.

18 C. Cottage Food. The term "cottage food operation" shall have the same meaning as set  
19 forth in the California Health and Safety Code, Division 104, Part 7, California Retail  
20 Food Code, Section 113758 Cottage Food Operation.

21 D. Food Facility. The term "food facility" shall have the same meaning as set forth in the  
22 California Health and Safety Code, Division 104, Part 7, California Retail Food Code,  
23 Section 113789 Food Facility.

24 E. Hazardous Materials Compliance. The term "hazardous materials compliance" means  
25 the generation, production, storage, treatment or other handling of hazardous materials  
26 and/or hazardous waste.

- 27 1. Aboveground Petroleum Storage Act (APSA) as required by HSC, Division 20,  
28 Chapter 6.67 and 40 CFR Part 112.

- 1           2. California Accidental Release Prevention (CalARP) Program as required by
- 2           HSC, Division 20, Chapter 6.95, Article 2 and CCR, Title 19, Division 2, Chapter
- 3           4.5.
- 4           3. Hazardous Material Release Response Plans and Inventories as required by
- 5           HSC, Division 20, Chapter 6.95 and CCR, Title 19.
- 6           4. Hazardous Waste Generators as required by HSC, Division 20, Chapter 6.5 and
- 7           California Code of Regulations (CCR), Title 22, Division 4.5, Chapters 10-45.
- 8           5. Hazardous Waste On-Site Treatment as required by HSC, Division 20, Chapter
- 9           6.5 and CCR, Title 22, Division 4.5, Chapters 10-45.
- 10          6. Underground Storage Tanks as required by HSC, Division 20, Chapter 6.7,
- 11          Sections 25280-25296; and 25298-25299.6 and CCR, Title 23, Division 3,
- 12          Chapter 16, Sections 2610-2717.7.

13       F. Organized Camp. The term "organized camp" shall have the same meaning as set forth  
14       in the California Health and Safety Code, Division 13, Housing, Part 2.4 Camps, Section  
15       18897 Organized Camp.

16       G. Public Swimming Pool. The term "public swimming pool" means any public swimming  
17       pool, spa and wading pool or other artificial basin used for recreative bathing wherein  
18       water remains in the facility from user to user, and all related appurtenances.

19       H. Septic Cleaning and Pumping. The term "septic cleaning and pumping" means any  
20       person or firm engaged in the business of cleaning septic tanks, chemical toilets,  
21       cesspools or sewage seepage pits or the disposal of the cleanings therefrom.

22       I. Solid Waste Collection Vehicle/Bin Hauling Company. The term "solid waste collection  
23       vehicle/bin hauling" means the removal of solid waste and placement in a collection  
24       vehicle or bin for transport, storage, or processing of municipal solid waste, general  
25       refuse, food/food waste, single-stream recyclables, construction/demolition debris and  
26       green waste. This residential and/or commercial service includes SB 1383 haulers,  
27       Non-Exclusive Waste Haulers Agreement (NEWHA) haulers, Exclusive Service Area  
28       Program (ESAP) haulers, and other collection services.

1 J. State Small Water System. The term "state small water system" means a system for  
2 the provision of piped water to the public for human consumption that serves at least  
3 five, but not more than fourteen, service connections and does not regularly serve more  
4 than an average of twenty-five individuals daily for more than sixty days out of the year.

5 K. Temporary Food Facility. The term "temporary food facility" shall have the same  
6 meaning as set forth in the California Health and Safety Code, Division 104, Part 7,  
7 California Retail Food Code, Section 113930 Temporary Food Facility.

8 L. Well, Water Well, Cathodic Protection Well and Monitoring Well. The terms "well,"  
9 "water well," "cathodic protection well" and "monitoring well" shall have the same  
10 meaning as defined in Section 13710-13713 of the California Water Code.

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12 **8.50.055 - Businesses and activities subject to inspection fees**

13 Temporary Food Facility operating at Community Events. The term "Temporary Food  
14 Facility operating at Community Events " means a temporary food facility operating at a fixed  
15 location in conjunction with a single community event with the approval of the community event  
16 organizer. Inspection fees for such facility shall be due and payable for each event.

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18 **8.50.070 - Imposition of fees**

19 Any person who conducts or engages in any of the business or activities as defined in  
20 Sections 8.50.050 and 8.50.055 within the geographic area under the jurisdiction of the  
21 Department of Public Health shall be liable to pay a fee as established by Section 8.50.080 for  
22 that business or activity. Said fee shall be payable annually and shall cover a period of one  
23 year from the date payment is due unless otherwise specified by the Department of Public  
24 Health consultation, inspection or approval of projects and plans are required by state and local  
25 statutes, orders, quarantines, rules, regulations and ordinances shall be liable to pay a fee as  
26 established by Section 8.50.080.

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28 **8.50.080 - Establishment of fees**

1 A copy of the fees charged and a written administrative policy defining the application  
2 of the fees shall be available at the Department of Public Health billing and collection office and  
3 the Environmental Health office. The amount of such fees shall be updated at least annually  
4 and be as set forth in the master schedule of fees, charges, and costs recovery.

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6 **8.50.090 - Refunds and proration of fees**

7 No person required by this chapter to pay a fee is entitled to a refund or proration of the  
8 fee unless specifically authorized by the Department of Public Health.

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10 **8.50.100 - Filing application**

11 A. Every person required to comply with the provisions of Section 8.50.045 shall file an  
12 application for a permit to operate provided by the Department of Public Health. A  
13 permit shall be issued by the Department of Public Health when investigation has  
14 determined that the proposed business or activity and its method of operation will  
15 conform to state and local standards and the applicant has paid to the Department of  
16 Public Health the prescribed permit fee and penalty, if any, prior to the commencement  
17 of such business or activity. If upon investigation the enforcement officer finds the  
18 proposed business or activity and its method of operation in conformance, an interim  
19 permit may be issued. Such interim permit shall be valid for ninety days or until the  
20 applicant receives the permit to operate. If the permit is denied, the applicant is entitled  
21 to hearing and appeal procedures as described in Section 8.50.155(B), (C) and (G).

22 B. Every person who conducts or engages in any of the businesses or activities as defined  
23 in Section 8.50.055 shall file an application provided by the Department of Public Health  
24 and pay the prescribed fee and penalty, if any, prior to the commencement of such  
25 business or activity.

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27 **8.50.110 - Issuance of receipt and permit**

28 Upon approval of a permit to operate from the Department of Public Health, if required

1 by Section 8.50.045, and receipt of the completed application and fee, the Department of Public  
2 Health shall issue a permit and shall give the original permit and fee receipt to the applicant.  
3 The Department of Public Health shall retain all other copies for the public record. In the event  
4 an applicant requests a copy of a permit or fee receipt because of loss of the original permit or  
5 receipt or for other reasons, the Department of Public Health shall charge a transaction fee  
6 established by the Board of Supervisors for each additional copy furnished.

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8 **8.50.120 - Exhibition of receipt and permit**

9 Every person issued an interim permit, permit, or fee receipt under the provisions of  
10 this chapter and having a fixed place of business shall keep such interim permit, permit, or  
11 receipt posted and exhibited in a conspicuous place at said business. Every person issued  
12 such interim permit, permit, or receipt and not having a fixed place of business, shall personally  
13 maintain proof of such interim permit, permit, or receipt at all times while conducting the  
14 regulated business or activity.

15  
16 **8.50.130 - Penalty for delinquent payment**

17 If any fees required to be paid by this chapter have not been paid when due, there shall  
18 be imposed, in addition to all fees due and owing, a penalty equal to ten percent of said fees  
19 for each month or fraction thereof during which said fees are delinquent and unpaid.

20  
21 **8.50.140 - Transfer of permits and receipts**

22 Permits to operate, interim permits, and fee receipts required by this chapter shall not  
23 be transferred from one person to another, from one site of operation to another, nor from one  
24 vehicle to another, except when specifically authorized by the Department of Public Health.

25  
26 **8.50.150 - Violation of this chapter**

27 Any person who fails to pay the applicable fee and maintain a current permit, as  
28 provided by this chapter, shall be guilty of a misdemeanor and may result in facility closure.

1 However, timely payment of applicable fees does not exempt any person from any action  
2 initiated by the Department of Public Health as may be required in the enforcement of state  
3 statutes, orders, quarantines, rules, and regulations, or local ordinances.

4  
5 Pursuant to California Government Code Section 25132, any person who willfully  
6 violates any provision of this chapter or any other rules or regulations adopted by the  
7 Environmental Health Division pursuant to this chapter, in addition to any criminal penalties,  
8 shall be liable for a civil penalty of between one hundred dollars (\$100.00) and five hundred  
9 dollars (\$500.00) for each day of violation. The enforcement agency shall be authorized to file  
10 and maintain an action in a court of appropriate jurisdiction to collect any such civil penalty  
11 arising under this section.

12  
13 In addition, any violation of this chapter is deemed to be a public health nuisance and  
14 may be abated by the enforcement officer, irrespective of any other remedy provided in this  
15 chapter.

16 A. If the operation is permissible, persons will be required to: (1) complete an application  
17 with Environmental Health; (2) undergo the plan check process, as applicable; and (3)  
18 pay twice the amount of permit fees.

19 B. The County shall establish a process for granting a hardship waiver to reduce the  
20 amount of the fine upon a showing by a responsible party that the responsible party has  
21 made a bona fide effort to comply after the first violation, and that payment of the full  
22 amount of the fine would impose an undue financial burden on the responsible party.

23  
24 This section does not limit the amount of administrative fine or civil penalty that may be  
25 imposed for violations of this Ordinance Code which are designated as misdemeanors or for  
26 which different fine amounts are set or allowed by State law.

27  
28 **8.50.155 - Permit suspension or revocation**

1 A. A permit or interim permit may be suspended or revoked for a violation of the Fresno  
2 County Ordinance Code or state statutes, orders, quarantines, rules, and regulations.  
3 Any business or activity for which a permit has been suspended shall cease operation  
4 and remain out of operation until the permit has been reinstated. Any business or  
5 activity for which a permit has been revoked shall cease operation and remain out of  
6 operation until a new permit has been issued.

7 B. Whenever an enforcement officer finds that an applicant or a permitted business or  
8 activity is not in compliance, a written notice to comply shall be issued to the permittee  
9 or applicant.

10 1. If the permittee or applicant fails to comply, the enforcement officer shall issue  
11 to the permittee or applicant a notice setting forth the acts or omissions with  
12 which the permittee or applicant is charged, and informing him or her of a right  
13 to a hearing, if requested, to show cause why the permit should not be denied,  
14 suspended, or revoked. A written request for a hearing shall be made by the  
15 permittee or applicant within fifteen calendar days after receipt of the notice.  
16 Failure to request a hearing within fifteen calendar days after receipt of the  
17 notice shall be deemed a waiver of the right to a hearing. When circumstances  
18 warrant, the Environmental Health Division Manager may order a hearing at any  
19 reasonable time within this fifteen-day period to expedite the permit denial,  
20 suspension or revocation process.

21 2. The hearing shall be held before the Environmental Health Division Manager  
22 within fifteen calendar days of the receipt of a request for a hearing. Upon written  
23 request of the permittee or applicant, the Environmental Health Division  
24 Manager may postpone any hearing date, if warranted.

25 C. The Environmental Health Division Manager shall issue a written notice of decision to  
26 the permittee or applicant within five working days following the hearing. In the event of  
27 a denial, suspension or revocation, the notice shall specify the acts or omissions with  
28 which the permittee or applicant is charged, and shall state the terms of the denial or

1 suspension or that the permit has been revoked.

2 D. If any immediate danger to the public health or safety is found, unless the danger is  
3 immediately corrected, the Environmental Health Division Manager may temporarily  
4 suspend the permit and order the business closed or activity to cease. Immediate  
5 danger to the public health and safety means any condition, based upon inspection  
6 findings or other evidence, that can cause infection, poisoning, disease transmission,  
7 or hazardous condition.

8 1. Whenever a permit is suspended as the result of an immediate danger to the  
9 public health or safety, the Environmental Health Division Manager shall issue  
10 to the permittee a notice setting forth the acts or omissions with which the  
11 permittee is charged, specifying the pertinent code section, and informing the  
12 permittee of the right to a hearing.

13 2. At any time within fifteen calendar days after service of a notice pursuant to  
14 subdivision (2) of this subsection, the permittee may request in writing a hearing  
15 before the Environmental Health Division Manager to show cause why the  
16 permit suspension is not warranted. The hearing shall be held within fifteen  
17 calendar days of the receipt of a request for a hearing. A failure to request a  
18 hearing within fifteen calendar days shall be deemed a waiver of the right to  
19 such hearing.

20 E. The Environmental Health Division Manager may, after providing opportunity for a  
21 hearing, modify, suspend or revoke a permit for serious or repeated violations of any  
22 state and local requirements or for interference in the performance of the duty of the  
23 enforcement officer.

24 F. A permit may be reinstated or a new permit issued if the Environmental Health Division  
25 Manager determines that conditions which prompted the suspension or revocation no  
26 longer exist. Applicable fees must be paid upon issuance of a new permit.

27 G. Permit modification, denial, suspension, or revocation may be appealed to the hearing  
28 officer. A written request for an appeal hearing shall be made by the permittee or



1 applicant within fifteen days of receipt of the notice of decision from the Environmental  
2 Health Division Manager.

3 H. Failure to request a hearing before the hearing officer pursuant to subsection G of this  
4 section shall be deemed a waiver of the right to such hearing. If a hearing is timely  
5 requested, the hearing officer may sustain, modify or reverse the decision of the  
6 Environmental Health Division Manager.

7 I. Any interested party, including the health officer, may appeal the decision of the hearing  
8 officer to the board of supervisors by filing an appeal in writing with the Clerk of the  
9 Board of Supervisors within fifteen days of the decision. Failure to request a hearing  
10 within fifteen calendar days shall be deemed a waiver of the right to such hearing. The  
11 board of supervisors may sustain, modify or reverse the decision of the hearing officer.  
12 The board of supervisors' decision shall be final.

13  
14 **8.50.160 - Enforcement**

15 Any person authorized by the Department of Public Health to conduct inspections or to  
16 collect fees for any business or activity subject to this chapter shall have the authority and  
17 immunities of a public officer and employee as provided in Section 836.5 of the California Penal  
18 Code, to make arrests without a warrant whenever the officer or employee has reasonable  
19 cause to believe that the person to be arrested has committed an infraction in the officer's or  
20 employee's presence which is a violation of this chapter.

21  
22 **CHAPTER 14.04 - WELL REGULATIONS—GENERAL PROVISIONS**

23 14.04.010 - Purpose

24 14.04.020 - Application

25 14.04.030 - Definitions

26 14.04.040 - General provisions applicable

27 14.04.050 - Permit required and inspections

28 14.04.060 - Expiration of permit

1 14.04.070 - Revocation or suspension of permit

2 14.04.080 - Administrative variance

3 14.04.090 - Additional or substitute standards

4 14.04.100 - Well drillers and pump installers

5 14.04.110 - Reports

6 14.04.120 - 14.04.140—Reserved

7 14.04.150 - Unlawful acts

8 14.04.160 - Violation—Penalty

9  
10 **14.04.010 - Purpose**

11 The Board of Supervisors of the County declares and finds that it is necessary for well  
12 construction, pump installation and well destruction standards be established to protect  
13 persons from contaminated or polluted water, and to maintain groundwater quality.

14  
15 **14.04.020 - Application**

16 This chapter and Chapter 14.08 shall apply to the construction, repair, reconstruction,  
17 change of use or destruction of any well as hereinafter defined or the installation, or  
18 reinstatement, of any pump used or to be used for domestic, industrial, commercial or  
19 agricultural purposes.

20 **14.04.030 - Definitions**

21 A. "Well" or "water well" means any artificial excavation constructed by any method for the  
22 purpose of extracting water from, or injecting water into, the underground. This  
23 definition shall not include:

- 24 1. Oil and gas wells, or geothermal wells constructed under the jurisdiction of the  
25 Department of Conservation of the State of California, except those wells  
26 converted to use as water wells;

27 2. Wells used for the purposes of:

- 28 a. Dewatering excavation during construction, or

1                   b. Stabilizing hillsides or earth embankments.

2                   3. Springs.

3           B. "Community water well" means a well used to supply water for domestic purposes in  
4           systems subject to Chapter 7 of Part 1 of Division 5 of the California Health and Safety  
5           Code. (This definition includes wells commonly referred to as "municipal wells" or "city  
6           wells").

7           C. "Individual domestic well" means a well used to supply water for domestic needs of a  
8           residential unit or commercial establishment.

9           D. "Industrial well" means a well used to supply water for industry or an individual as  
10          distinguished from a community basis.

11          E. "Agricultural well" means a well used to supply water for irrigation or other agricultural  
12          purposes, including so-called "stock wells."

13          F. "Recharge or injection wells" means wells constructed to introduce water into the  
14          ground as a means of replenishing groundwater basins, repelling the intrusion of  
15          seawater or disposing of waste water.

16          G. "Air-conditioning wells" means wells constructed to return to the aquifer water which  
17          has been used as a coolant in air-conditioning processes. Because the water  
18          introduced into these wells is degraded (from the standpoint of temperature), such wells  
19          are construed as waste discharges and are, therefore, subject to the water quality  
20          control laws (Division 7 of the Water Code and Division 5 of the Health and Safety  
21          Code).

22          H. "Horizontal wells" means water wells drilled horizontally or at an angle with the horizon  
23          (as contrasted with the common vertical well. This definition does not apply to horizontal  
24          drains or "wells" constructed to remove subsurface water from hillsides, cuts, or fills to  
25          prevent or correct conditions that produce landslides.

26          I. "Observation and monitoring wells" means wells constructed for the purpose of  
27          observing or monitoring groundwater conditions.

28          J. "Test wells" means wells constructed for the purpose of obtaining the information

1 needed to design a well prior to its construction. Such wells are to be distinguished from  
2 "test holes" or "exploration holes" which are temporary in nature (i.e., uncased  
3 excavations whose purpose is the immediate determination of existing geologic and  
4 hydrologic conditions).

5 K. "Inactive or standby wells" means a well not routinely operating but capable of being  
6 made operable with the placement of a pump.

7 L. "Contamination" means the impairment of a quality of water to a degree which creates  
8 a hazard to the public health through poisoning or through spread of disease.

9 M. "Pollution" means an alteration of the quality of water to a degree which unreasonably  
10 affects:

- 11 1. Such waters for beneficial uses; or
- 12 2. Facilities which serve such beneficial uses. Pollution may include  
13 contamination.

14 N. "Person" means any person, firm, corporation, or governmental agency subject to the  
15 jurisdiction of the County.

16 O. "Order of abatement" means both mandatory and prohibitory orders requiring or  
17 prohibiting one or more acts; said term shall also include those orders effective for a  
18 limited, as well as an indefinite, period of time and shall include modification or  
19 restatements of any order.

20 P. "Abatement" means the construction, reconstruction, repair or destruction of a well so  
21 as to eliminate a nuisance caused by a well polluting or contaminating groundwater.

22 Q. "Health officer" means the Director of the Department of Public Health or their duly  
23 authorized representative.

24 R. "Cathodic protection well" means any artificial excavation in excess of fifty feet  
25 constructed by any method for the purpose of installing equipment or facilities for the  
26 protection electrically of metallic equipment in contact with the ground, commonly  
27 referred to as cathodic protection.

28 S. "Repair or reconstruction of well" means the deepening of a well or the reperforation or

1 replacement of a casing.

2 T. "Pump installation" Means the setting of a pump on any domestic, industrial,  
3 commercial or agricultural well, except that it shall not apply to the resetting of a pump  
4 on an agricultural well.

5  
6 **14.04.040 - General provisions applicable**

7 The general provisions set forth in this chapter shall apply to this chapter and Chapter  
8 14.08.

9  
10 **14.04.050 - Permit required and inspections**

11 A. No person, as principal, owner, servant, agent or employee, shall dig, drill, or drive,  
12 repair or destroy any (water) well regardless of whether the well is to be used for  
13 domestic, irrigation, testing, geophysical or cathodic protection or other practices,  
14 without having a valid, unrevoked or unsuspended permit to do so, issued by the  
15 Department of Public Health.

16 B. Except as provided in subsection F of this section, the health officer shall issue the  
17 permit when they find that the location of the proposed well and other circumstances  
18 relating thereto, or other work to be done, is such that it will not constitute a health  
19 hazard and can be accomplished in accordance with the provisions of Chapters 14.04  
20 and 14.08 of this title. In the event that the health officer determines that the proposed  
21 well or work to be done will constitute a health hazard or cannot be done in accordance  
22 with Chapters 14.04 and 14.08, they shall deny the permit.

23 C. Fees charged for wells shall be posted on the County website. To encourage well  
24 destructions and protect our ground water, when well destructions are sealed at the  
25 same time as a new well on the same parcel, requiring a single inspection for both, the  
26 well destruction fee shall not be charged.

27 D. Inspections may be made by the health officer at any time during construction,  
28 reconstruction, repair or destruction of (water) wells to ensure compliance with the

1 requirements of this chapter, Chapter 14.08 and state statutes applicable to such  
2 construction, reconstruction, repair or destruction of (water) wells. After the work has  
3 been completed, the health officer shall be notified by the person performing the work  
4 and the Department of Public Health shall make a final inspection thereof. The health  
5 officer shall inspect injection wells used for industrial waste four times a year. The health  
6 officer shall inspect all other injection wells once a year.

7 E. No property owner shall be denied the right to install a well or pump upon his or her  
8 own property, excepting as provided under Chapter 14.09.

9 F. Before issuing any permit to destroy any water well, the health officer shall determine  
10 whether the well is within an area that would benefit from additional groundwater  
11 monitoring wells. If the well is within such an area, then the health officer shall  
12 immediately refer the permit to the water and natural resources manager of the  
13 Department of Public Works and Planning, who shall immediately give written notice to  
14 the groundwater sustainability agency with jurisdiction over the area where the well is  
15 located. The written notice shall specify that the groundwater sustainability agency has  
16 five County business days in which to respond and state whether it intends to pursue  
17 conversion of the well to groundwater monitoring in lieu of destruction.

18 1. If the written response from the groundwater sustainability agency is that it does  
19 not so intend, or if the groundwater sustainability agency does not respond in  
20 writing within five County business days, then the Department of Public Works  
21 and Planning shall immediately return the permit to the health officer for further  
22 processing as provided in this section 14.04.050.

23 2. If the written response from the groundwater sustainability agency is that it does  
24 intend to pursue conversion of the well to groundwater monitoring in lieu of  
25 destruction, then the property owner shall immediately cover the well with a  
26 locked watertight cap or other secured means, and the groundwater  
27 sustainability agency has sixty days in which to do all of the following: (a)  
28 negotiate with the property owner; (b) execute a written agreement for

1 maintenance of the well by the groundwater sustainability agency, which  
2 agreement must also provide that when the well is no longer useful as a  
3 monitoring well, it shall be destroyed; (c) obtain an easement for maintenance  
4 access; and (d) provide copies of fully executed to the health officer. If the  
5 groundwater sustainability agency fails to do all of those things within the sixty-  
6 day period, then the Department of Public Works and Planning shall  
7 immediately return the permit to the health officer for further processing as  
8 provided in this section 14.04.050.

9  
10 **14.04.060 - Expiration of permit**

- 11 A. Each permit issued pursuant to this chapter shall expire and become null and void if  
12 the work authorized thereby has not been completed within one-hundred eighty days  
13 following the issuance of the permit. An extension, not to exceed sixty days may be  
14 granted by the health officer if requested prior to the expiration of a permit upon a finding  
15 that such work could not be completed for causes beyond the control of the permittee.  
16 One additional extension, not to exceed another ninety days, may be granted for well  
17 constructions or destructions only in areas directly affected by a declared state of  
18 emergency that prevent wells in these areas to be completed before the expiration date.
- 19 B. Upon expiration of any permit issued pursuant hereto, no further work may be done in  
20 connection with construction, repair, reconstruction or destruction of a well unless and  
21 until a new permit for such purpose is secured in accordance with the provisions of this  
22 chapter.

23  
24 **14.04.070 - Revocation or suspension of permit**

- 25 A. A permit issued hereunder may be revoked or suspended by the health officer as  
26 hereinafter provided if he determines that a violation of this chapter or Chapter 14.08  
27 exists, and the permittee fails to correct such violations within thirty days after the date  
28 of written notice via mail or email of the violation notice.

1 B. A permit may be revoked or suspended by the health officer if he determines that the  
2 person to whom any permit was issued pursuant to this chapter has obtained the same  
3 by fraud or misrepresentation.

4 C. Stop Work Order. Whenever any well construction, destruction, pump installation or  
5 well repair work is being done contrary to the requirements of this chapter or Chapter  
6 14.08, the health officer shall order work stopped by posting a notice to desist at the  
7 well site. No further work shall be done until the health officer deems that the necessary  
8 corrections have been made.

9  
10 **14.04.080 - Administrative variance**

11 The health officer may grant administrative variance from any standard set forth in  
12 Chapter 14.08 where evidence is submitted that an unusual circumstance exists in particular  
13 case whereby an unnecessary hardship would result from the application of the standard are  
14 that the granting of the variance will not cause a hazardous condition or endanger the public  
15 health.

16  
17 **14.04.090 - Additional or substitute standards**

18 In the event of:

19 A. Unusual geologic or groundwater conditions which necessitate standards more  
20 restrictive than those required herein; or

21 B. The drilling of test holes, observation wells, exploratory holes or saltwater (hydraulic)  
22 barrier injections, the health officer may impose additional or substitute standards  
23 consistent with the purpose of this chapter and Chapter 14.08.

24  
25 **14.04.100 - Well drillers and pump installers**

26 Wells shall be constructed and pumps installed by contractors licensed in accordance  
27 with the provisions of the Contractors License Law of the State of California (Chapter 9, Division  
28 3, of the Business and Professions Code) unless exempted by that act. Nothing herein



1 contained shall be construed so as to prevent a resident or owner from doing his own work.

2  
3 **14.04.110 - Reports**

4 A copy of the water well driller's report shall be filed with the health officer not later than  
5 thirty days of the completion of any well as provided in Chapter 14.08. Nothing contained in  
6 this chapter shall be deemed to release any person from compliance with the provisions of  
7 Division 7, Chapter 10, Article 3 of the Water Code of the State of California.

8  
9 **14.04.120 - 14.04.140—Reserved**

10 Editor's note— Ord. No. 13-016, § 2, adopted August 2, 2013, repealed §§ 14.04.120—  
11 14.04.140. Former § 14.04.120 pertained to the water well appeals board and derived from  
12 Ord. 0-83-008, § 4; Ord. 596, § 1, adopted 1977; and Ord. 470-A-39, § 1, adopted 1974. Former  
13 § 14.04.130 pertained to appeal from denial, revocation, or suspension of permit or an order of  
14 abatement, and derived from Ord. 470-A-39, § 1, adopted 1974. Former § 14.04.140 pertained  
15 to abatement of nuisance and derived from Ord. 470-A-39, § 1, adopted 1974.

16  
17 **14.04.150 - Unlawful acts**

18 It is unlawful for any person to construct, repair or reconstruct a well, destroy any well  
19 or set a pump in violation of any provisions of this chapter or Chapter 14.08.

20  
21 **14.04.160 - Violation—Penalty**

22 The penalty for violation of any of the provisions of this chapter or Chapter 14.08 shall  
23 be as prescribed in Section 1.12.010. The provisions of this chapter and Chapter 14.08 may  
24 also be enforced by injunction issued out of the Superior Court upon suit of the County or the  
25 owner or person in possession of any real property affected by such violation or prospective  
26 violation. This method of enforcement shall be cumulative and in no way affect the penal  
27 provisions hereof.

28 **SECTION 2:** This Ordinance shall take effect no sooner than thirty (30) days after final

1 passage.

2 THE FOREGOING, was passed and adopted by the following vote of the Board of  
3 Supervisors of the County of Fresno this \_\_\_\_\_ day of \_\_\_\_\_, 2024, to wit:

4

5 AYES:

6 NOES:

7 ABSENT:

8 ABSTAINED:

9

10

11

\_\_\_\_\_  
Nathan Magsig, Chairman of the Board of  
Supervisors of the County of Fresno

12

13

14

15 **ATTEST:**

Bernice E. Seidel  
Clerk of the Board of Supervisors  
County of Fresno, State of California

17

18 By: \_\_\_\_\_

19 Deputy

20

21 FILE # \_\_\_\_\_

22 AGENDA # \_\_\_\_\_

23 ORDINANCE # \_\_\_\_\_

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25

26

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FORM]***