

EXHIBIT A

Title 8

HEALTH AND SAFETY

Chapters:

- 8.04 Residential Outdoor Burning**
- 8.08 Cannabis Cultivation**
- 8.12 Public Consumption of Marijuana/Cannabis**
- 8.16 Medical Cannabis Dispensaries**
- 8.20 Fire Prevention**
- 8.24 Public Nuisance**
- 8.28 Weed and Rubbish Control**

Chapter 8.04

RESIDENTIAL OUTDOOR BURNING

Sections:

- 8.04.010 Burning regulations**
- 8.04.020 Burn permit required**
- 8.04.030 Authority of Fire Chief.**
- 8.04.040 Cost incurred for fire suppression**

8.04.010 Burning regulations

A. No person shall ignite, or allow to become ignited, allowable combustibles unless it is a permissive burn day in the County. Permits are required year-round within the town. No person shall dispose of dry, natural vegetation waste originating on the premises from yard maintenance, if reasonably free of dirt, soil and surface moisture from any property by burning unless the following minimum drying periods are met:

1. Pruning and small branches – 3 weeks;
2. Grass clippings – 3 weeks with turning once per week;
3. Large branches (6 inches and larger) and trees – 8 weeks
4. Unwanted trees – 3 months;
5. All unwanted trees over 6 inches in diameter shall be felled and dried prior to the burn

B. No person shall conduct residential waste burning in piles unless the following conditions are met:

1. Piles are no larger than four (4) feet in diameter;
2. The material to be burned is dry;
3. The material to be burned originated on the premises. (Ord. 12-05-2016)

C. Incinerator burning is prohibited – no exceptions.

8.04.020 Burn permit required

Open outdoor fires for the disposal of natural vegetation, only on a permissive burn day, shall be granted for the following:

A. Right-of-way clearing by a public entity or utility or for levee, reservoir or ditch maintenance.
B. The disposal of wood waste from trees, vines, or bushes on property being developed for commercial or residential purposes or the disposal of brush cuttings resulted from brush clearance done in compliance with local ordinances to reduce fire hazard, on the property where it was grown, if reasonably free of dirt, soil and surface moisture. Burning under this subdivision is subject to the conditions specified in Section 41803 and 41804 of the California Health and Safety Code and the following drying times:

1. Prunings and small branches – 3 weeks;
2. Grass clippings – 3 weeks with turning once per week;
3. Large branches (6 inches and larger) and trees – 8 weeks
4. Unwanted trees – 3 months;
5. All unwanted trees over six (6) inches in diameter shall be felled and dried prior to the burn.

Burn permits can be obtained free of charge at Fort Jones Fire Department located at 31 Newton St. For Burn Day information call 842-8123 or 1-866-652-2876 toll-free within Siskiyou County. For further information or questions regarding burning call 468-2261. (Ord 12-05-2016)

8.04.030 Authority of fire chief

The chief of the fire department may delay issuance of any such permit, postpone the time provided in the permit for burning, or revoke any such permit at any time when, in his/her judgment, conditions exist which might cause the burning of such rubbish to be or become hazardous. (Ord. --- (c), 19--)

8.04.040 Costs incurred for fire suppression

Any expense incurred by the town in suppressing any fire resulting in the burning pursuant to any such permit or for the protection of property endangered by the burning pursuant to any such permit shall be borne by the permittee. The permittee, by applying for such permit, shall be deemed to have agreed to bear all such expense, which expense shall be in accordance with the rates established by the chief of the fire department and approved by the town council. (Ord. --- (d), 19--)

COUNTER COPY

Exhibit A

Chapter 8.08

CANNABIS CULTIVATION

Sections:

<u>8.08.010</u>	<u>Purpose</u>
<u>8.08.020</u>	<u>Conflicts with Other Laws</u>
<u>8.08.030</u>	<u>Definitions</u>
<u>8.08.040</u>	<u>Cultivation of Cannabis – Prohibited</u>
<u>8.08.050</u>	<u>Cultivation of Cannabis – Indoor Requirements</u>
<u>8.08.060</u>	<u>Public Health and Safety: Nuisance</u>
<u>8.08.070</u>	<u>Violations: Penalties: Injunction</u>

8.08.010 Purpose

The purpose of this chapter is to regulate the cultivation of cannabis within the town in a manner that protects the health, safety, and welfare of the community and minimizes or eliminates the potential harms or nuisances associated with cannabis cultivation in a manner and which is consistent with applicable state and federal laws and regulations.

8.08.020 Conflicts with Other Laws

This chapter shall be interpreted and applied in such a manner so as to not be in conflict with any state or federal law or regulation. This chapter shall not be deemed to permit any activity that is prohibited by any state or federal law or regulation. If any portion of this chapter is determined to be in conflict with any state or federal law, that portion of this chapter shall be deemed null and void.

8.08.030 Definitions

For the purposes of this chapter, the following definitions shall apply:

"Business Entity" means a corporation, unincorporated association, limited liability company, partnership, limited partnership, limited liability partnership, professional corporation, or similar organization.

"Cannabis" shall have the same definition as in the Medicinal and Adult-Use Cannabis Regulation and Safety Act.

"Child Care Center" means any licensed child care center, day-care center, or child care home, or any pre-school.

"City" means the Town of Fort Jones.

"Code" means the Municipal Code of the Town of Fort Jones.

"Cultivation" means the planting, growing, harvesting, drying, processing, storage, or distribution of cannabis.

"Detached, fully enclosed and secure structure" means a building completely detached from a residence that complies with the California building code and has a complete roof enclosure supported by connecting walls extending from the ground to the roof, a foundation, slab or equivalent base to which the floor is secured by bolts or similar attachments, is secure against unauthorized entry, and is accessible only through one or more lockable doors. Walls and roofs must be constructed of solid materials that cannot be easily broken through, such as two-inch by four-inch or thicker studs overlaid with three-eighths inch or thicker plywood or the equivalent. Exterior walls must be constructed with nontransparent material. Plastic sheeting, regardless of gauge, or similar products do not satisfy this requirement.

"Indoors" means within a fully enclosed and secure building.

"Legal Parcel" means a parcel of real property that may be separately sold in compliance with the California "Subdivision Map Act".

"Outdoor(s)" means any location within the city that is not within a fully enclosed and secure structure consisting of a roof and walls.

"Playground" means facilities such as slides, swings, and climbing apparatus intended for use by young children.

"Premises" means a single, legal parcel of property. Where contiguous legal parcels are under common ownership or control, such contiguous legal parcels shall constitute a single "premise" for purposes of this chapter.

"Property" means a single, legal parcel of land where a person resides. If the property consists of contiguous parcels owned by the same person or business entity, it shall be considered to be a single parcel for purposes of this chapter.

"Residence" means the property on which a person may legally reside in compliance with all applicable laws, ordinances, and regulations, and who is doing so at the time he or she is engaged in Cannabis Cultivation. Such a residence may not be, or include, a school, preschool, daycare facility, or similar facility.

"School" means a qualified and legally operating institution of learning, whether public or private, offering a regular course of instruction to children at the kindergarten, elementary school, middle school, or high school levels. Residences in which home schooling, preschool, or daycare facilities exist are not included, nor are facilities providing instruction solely in religion, performing or visual arts, recreation, or any other limited curriculum.

"Solid fence" means a fence constructed of substantial material (such as wood) that prevents viewing the contents from one side to the other.

8.08.040 Cultivation of Cannabis – Prohibited

The following are prohibited and apply to the cultivation of cannabis within the town.

- A. It is unlawful and a public nuisance to have outdoor cultivation of cannabis within any zoning district of the town.
- B. Cultivation of cannabis shall not take place inside the residence of any parcel.
- C. Persons residing in the town shall not be allowed to cultivate cannabis at their private residence in excess of six (6) cannabis plants.
- D. Cultivation of cannabis is prohibited in all agricultural (except agricultural-residential), commercial, office, industrial, open space, special purpose, and overlay/combining zoning districts.
- E. It is unlawful and a public nuisance to cultivate cannabis on any legal parcel or premises within 500 feet of any school, child care center, public park, playground, public library, government building or church. The 1,000 feet shall be measured from the closest property line of the school, child care center, public park, government building or church to the closest property line of the cultivation parcel.
- F. It is unlawful to cultivate cannabis within a detached structure that is greater than 144 square feet or 12 ft. x 12 ft. in size.
- G. Cultivation of cannabis for sale is prohibited.

8.08.050 Cannabis Cultivation – Indoor Requirements

It is hereby declared to be unlawful and a public nuisance for any person or persons owning, leasing, occupying, or having charge or possession of any legal parcel or premises within any zoning district in the town to cultivate cannabis except as provided for in this chapter.

- A. The indoor cultivation of cannabis in a residential zone shall only be conducted within a detached, fully enclosed and secure structure no greater than 144 square feet or 12 ft. x 12 ft. in size.
- B. Any new construction of a detached structure that is to be used for the cultivation of cannabis must have a valid building permit issued from the Siskiyou County Building Department and a valid use permit issued by the Town of Fort Jones.
- C. Any existing detached structure that is to be used for the cultivation of cannabis must have a valid use permit issued by the Town of Fort Jones.
- D. The detached structure must meet the California Building Code.

- E. Indoor grow lights shall not exceed 1,200 watts and shall comply with the California Building, Electrical and Fire Codes. Gas products (including, but without limitation, CO2, butane, propane, and natural gas) or generators shall not be used within any detached structure used for the cultivation of cannabis.
- F. Any detached, fully enclosed and secure structure used for the cultivation of cannabis must have a ventilation and filtration system installed that shall prevent cannabis plant odors from exiting the interior of the structure and that shall comply with California Building Code Section 402.3, Mechanical Ventilation. The ventilation and filtration system must be approved by the town or county building official and installed prior to commencing cultivation within the detached, fully enclosed and secure structure.
- G. Detached structure shall be located in the rear yard area of a legal parcel or premises, maintain a minimum 10-foot setback from any property line, and the area surrounding the structure must be enclosed by a solid fence at least six feet in height.
- H. A total of six (6) cannabis plants are allowed to be cultivated on one legal parcel.
- I. Any person or persons owning, renting, leasing, occupying or having charge or possession of any legal parcel shall reside full-time on the premises where the cannabis cultivation occurs.

8.08.060 Public Health and Safety: Nuisance.

- A. Conditions. Notwithstanding the provisions of this chapter, the cultivation of cannabis shall not adversely affect the health or safety of any nearby resident, nor cause physical annoyance or discomfort to any nearby resident in any manner, whether by the creation or release of noxious gas, smoke, noise, or odor, nor be hazardous to the public due to the use or storage of materials, processes, products, or wastes.
- B. Violation. A violation of this chapter shall constitute a public nuisance for which the town or any adversely affected member of the public may seek relief through the courts, in addition to such penalties as may be specified in this chapter or code.

8.08.070 Violations; Penalties; Injunction.

- A. Criminal Prosecution. Any person who violates any provision of this chapter shall, in the discretion of the code/law enforcement officer or his/her designee, be guilty of either an infraction or a misdemeanor and, upon conviction, shall be punished in the manner then specified by this code or state law.
- B. Injunction. In addition to criminal penalties, the town may seek a court order to enjoin any activity prohibited by this chapter, or to require the performance of any activity mandated hereby.

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2. This ordinance shall take effect and be in force thirty (30) days after its passage.
 3. A summary of this ordinance shall be prepared by the town attorney and the said summary shall be published in the Siskiyou Daily News, a newspaper of general circulation in the Town of Fort Jones, within fifteen (15) days of its passage.

ORDINANCE NO. 2021-3

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FORT JONES
REGULATING CANNABIS CULTIVATION

The Town Council of the Town of Fort Jones does ordain as follows:

Section 1: The City hereby amends its code by adding the following as sections, attached hereto as Exhibit A:


Chapter 8.08 Cannabis Cultivation

INTRODUCED at a regular meeting of the Town Council of the Town of Fort Jones, California, on the 12th day of April, 2021, and adopted at a regular meeting of the Town Council of the Town of Fort Jones, California, on the 10th day of May, 2021.

APPROVED:


Michelle Decausmaker, Mayor

ATTEST:


Karl Drexel, City Administrator


The foregoing Ordinance No. 2021-3 was adopted at a regular meeting of the Town Council of the Town of Fort Jones, held on the 10th day of May, 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:


Karl Drexel, City Administrator

APPROVED AS TO FORM:


Margaret Long, City Attorney

ORDINANCE NO. 2021-3

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FORT JONES
REGULATING CANNABIS CULTIVATION

The Town Council of the Town of Fort Jones does ordain as follows:

Section 1: The City hereby amends its code by adding the following as sections, attached hereto as Exhibit A:

Chapter 8.08 Cannabis Cultivation

INTRODUCED at a regular meeting of the Town Council of the Town of Fort Jones, California, on the 12th day of April, 2021, and adopted at a regular meeting of the Town Council of the Town of Fort Jones, California, on the 10th day of May, 2021.

APPROVED: 
Michelle Decausmaker, Mayor

ATTEST: 
Karl Drexel, City Administrator

The foregoing Ordinance No. 2021-3 was adopted at a regular meeting of the Town Council of the Town of Fort Jones, held on the 10th day of May, 2021 by the following vote:


AYES: M. DeCausmaker, W. Beckwith, M. Garcia, K. Banks, C. Sherfy

NOES: None

ABSENT: None

ABSTAIN: None


Karl Drexel, City Administrator

APPROVED AS TO FORM: 
Margaret Long, City Attorney

Chapter 8.12

PUBLIC CONSUMPTION OF MARIJUANA/CANNABIS

Sections:

<u>8.12.010</u>	<u>Purpose and findings</u>
<u>8.12.020</u>	<u>Prohibition</u>
<u>8.12.030</u>	<u>Penalty</u>

8.12.010 Purpose and Findings

A. On November 5, 1996, the voters of the state of California approved Proposition 215 enacting Section 11362.5 of the Health and Safety Code. That section permits, for purposes of state law, the limited use, cultivation and possession of marijuana for specified medical purposes.

B. On January 1, 2018, Prop 64 made it legal for persons age 21 and older to possess and use small amounts of marijuana (also known as "pot" or "weed") and cultivate up to 6 living marijuana plants.

C. While recognizing the enactment of Section 11362.5 of the Health and Safety Code and the passing of Prop 64, the town council believes that the open and public use of marijuana, which might otherwise be permitted by the above, (1) is injurious to public health in many of the same ways that tobacco consumption is injurious to the public health and (2) provides to a public, including minors, not privy to reasons for such use, a deleterious example regarding the consumption of otherwise illicit, controlled substances.

D. Therefore, the town council believes it necessary to balance the uses of marijuana permitted by Section 11362.5, Prob 64, the public health and the need to recognize that possession and use of marijuana for other purposes remains illegal.

8.12.020 Prohibition

The consumption of marijuana otherwise permitted by Section 11362.5 of the California Health and Safety Code, and Prob 64 are hereby prohibited on any public property or in any facility or space to which members of the public have access.

8.12.030 Penalty

Violations of this chapter shall be a misdemeanor punishable by a fine not exceeding \$1,000, imprisonment for a term not exceeding six months, or by both such fine and imprisonment.

Chapter 8.16

MEDICAL CANNABIS DISPENSARIES

Sections:

<u>8.16.010</u>	<u>Purpose</u>
<u>8.16.020</u>	<u>Definition</u>
<u>8.16.030</u>	<u>Prohibited</u>

8.16.010 Purpose

The purpose of this chapter is to determine the regulations for medical cannabis dispensaries with in the Town of Fort Jones.

8.16.020 Definition

"Medical Cannabis Dispensary" is defined as a facility where cannabis or its derivatives are made available for medical purposes in accordance with the California "Compassionate Use Act", Health and Safety Code 11362.5 (Proposition 215, 1996) or the "Medical Cannabis Program", Health and Safety Code 11362.7.

8.16.030 Prohibited

Establishing a medical cannabis dispensary is a prohibited use of the land within all zones of the Town of Fort Jones and may be abated as a nuisance.

Chapter 8.20

FIRE PREVENTION

Sections:

<u>8.20.010</u>	<u>Adoption of California Fire Code</u>
<u>8.20.020</u>	<u>Enforcement</u>
<u>8.20.030</u>	<u>Definitions</u>
<u>8.20.040</u>	<u>Modifications</u>
<u>8.20.050</u>	<u>Appeals</u>
<u>8.20.060</u>	<u>Penalties</u>

8.20.010 Adoption of California Fire Code

Adopted by the town for the purpose of prescribing regulations governing conditions hazardous to life and property from fire and explosion, that certain code and standards known as the California Fire Code, Title 24, California Code of Regulations, Part 9, incorporating the International Fire Code published by the International Code Council, being in particular the 2019 Edition, including the appendices thereof, and the International Fire Code Standards published by the International Code Council, being particularly the 2019 Edition, and the wholes thereof, save and except such portions as hereinafter deleted, modified or amended therein. Not less than one copy of such code has been and now is filed with the town clerk of Fort Jones. A copy will also be available at the Fort Jones Fire Department.

8.20.020 Enforcement

- A. The chief, of the Fort Jones fire department or his/her designee, shall have authority to enforce this chapter and issue citations, if he/she has obtained the PC 832 certificate, for violations of this code pursuant to Section 832 of the California Penal Code.
- B. The code enforcement officer, chief of police or his/her designee, shall have authority to enforce this chapter and issue citations for violations of this code pursuant to Section 832 of the California Penal Code.

8.20.30 Definitions

- A. Whenever the words "International Fire Code" are used in this chapter, they shall mean the California Fire Code, Title 24, California Code of Regulations, Part 9, incorporating the 2019 Edition of the International Fire Code.
- B. Wherever the word "municipality" is used in the International Fire Code, it shall mean the town of Fort Jones.

C. Wherever the words "Chief" or "Chief of the Bureau of Fire Prevention" are used in the International Fire Code, they shall mean the chief of the town of Fort Jones fire department or his/her designee.

8.20.040 Modifications

A. The chief or his/her designated representative may modify any of the provisions of the International Fire Code upon application in writing by the owner or lessee, or his/her duly authorized agent, when the chief or his/her designated representatives determine there are practical difficulties in the way of carrying out the strict letter of the code; provided, that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decision of the chief or his/her designated representative thereof shall be entered upon the records of the department and a signed copy shall be furnished to the applicant.

B. For the purposes of this section, the cost of compliance with the provisions of this code shall not constitute a practical difficulty.

8.20.050 Appeals

Any person aggrieved by any decision or action of the fire department chief, chief of police, code enforcement or their designee may appeal to the Fort Jones town council, by filing a written notice of appeal with the town clerk within 30 days from the date such decision or action was taken.

8.20.060 Penalties

A. Any person who violates any of the provisions of this chapter and the code hereby adopted or fails to comply therewith, or who violates or fails to comply with any order made hereunder, or who builds in violation of any detailed statement of specifications or plans hereunder, or who fails to comply with such an order as affirmed or modified by the city council of Etna or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation be guilty of an infraction. Any person who violates Appendix Chapter 1, Section 109.2.3.1, Citations, Section 109.2.2, Compliance with Orders or Notices, and Section 109.2.4, Unauthorized Tampering, shall be guilty of a misdemeanor. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all persons shall be required to correct or remedy such violation or defects within a reasonable time to be determined by the enforcing officer/chief on a case-by-case basis. When not otherwise specified each day or portion thereof during which any violation occurs or continues shall constitute a separate offense.

B. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

ORDINANCE NO. 2022-3

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FORT JONES
CREATING PUBLIC NUISANCE ORDINANCE

The Town Council of the Town of Fort Jones does ordain as follows:

Section 1: The Town hereby amends its code by adding the following as sections, attached hereto as Exhibit A:

Chapter 8.24 Public Nuisance

INTRODUCED at a regular meeting of the Town Council of the Town of Fort Jones, California, on the 15th day of February, 2022, and adopted at a regular meeting of the Town Council of the Town of Fort Jones, California, on the 14th day of March, 2022.

APPROVED:


Michelle DeCausmaker, Mayor

ATTEST:


Celeste McFall, City Clerk

The foregoing Ordinance No. 2022-3 was adopted at a regular meeting of the Town Council of the Town of Fort Jones, held on the 14th day of March, 2022 by the following vote:

AYES: DeCausmaker, Banks, Beckwith, Garcia

NOES:

ABSENT: Gepford

ABSTAIN:


Celeste McFall, City Clerk

APPROVED AS TO FORM and LEGAL CONTENT:


Margaret Long, City Attorney

Exhibit A

Chapter 8.24

PUBLIC NUISANCE

Sections:

<u>8.24.010</u>	<u>Intent and purpose</u>
<u>8.24.020</u>	<u>Definitions</u>
<u>8.24.030</u>	<u>General provisions</u>
<u>8.24.040</u>	<u>Enforcement authority</u>
<u>8.24.050</u>	<u>Inspections</u>
<u>8.24.060</u>	<u>Acts constituting nuisance</u>
<u>8.24.070</u>	<u>Public nuisance defined</u>
<u>8.24.080</u>	<u>Notice of public nuisance and order to abate – procedures</u>
<u>8.24.090</u>	<u>Summary abatement - procedures</u>
<u>8.24.100</u>	<u>Failure to abate nuisance - penalties</u>
<u>8.24.110</u>	<u>Failure to abate nuisance - Notice to show cause</u>
<u>8.24.120</u>	<u>Council hearing - abatement</u>
<u>8.24.130</u>	<u>Right to abate</u>
<u>8.24.140</u>	<u>Abatement costs - procedures</u>
<u>8.24.150</u>	<u>Abatement cost report – appeals process</u>
<u>8.24.160</u>	<u>Abatement cost report – appeals hearing process</u>
<u>8.24.170</u>	<u>Abatement cost report – collection of costs</u>
<u>8.24.180</u>	<u>Other remedies</u>

8.24.010 Intent and Purpose

A. The purpose of this chapter is to provide a just, equitable and practicable method for preventing, discouraging and/or abating certain conditions which endanger the life, limb, health, property, safety or welfare of the general public and to provide town staff with enforcement regulations that can be effectively applied and administered in a fair, expedient, and cost-efficient manner. The town may direct a property owner to remove a nuisance on the property and, if the owner fails to do so, remove the nuisance at the owner's expense.

B. The procedure set forth in this chapter for the abatement of a nuisance and the making of the cost of abatement a special assessment against that parcel is adopted under Government Code Section

38773.5. The procedure set forth in this chapter for abatement applies to any nuisance which the town declares is a nuisance either under this code or by another ordinance which the town may adopt.

C. The procedure set forth in this chapter is not exclusive and is in addition to the procedure for abatement which is conferred upon the town by Civil Code Section 3494, Code of Civil Procedure Section 731, Government Code Section 38773, or other lawful authority.

8.24.020 Definitions

The following words and phrases when used in this chapter shall, for the purposes of this chapter, have the meanings ascribed to them in this section:

“Abandoned,” applied to a building, means a building that is unoccupied and is in such a state of neglect that a reasonable person would believe that the building has not been used for its intended, lawful purpose and/or has not been lawfully occupied for an extended period of time.

“Abandoned,” applied to real property, means real property that is vacant and undeveloped, and/or real property that has not been lawfully developed and/or improved and which is more than two years delinquent in payment of the assessed real property taxes owing upon such property.

“Abandoned,” applied to a vehicle, means the status of a vehicle or part thereof when the vehicle owner has ceased to assert or exercise any interest, right or title therein without intent to resume or reassert such interest, right or title.

“Abate” means to repair, replace, remove, destroy or otherwise remedy the condition in question by such means, manner and extent as to the code/law enforcement or authorized agent. in their judgment, shall determine what is necessary in the interest of the general health, safety and welfare of the community

“Abatement” means the removal of a certain condition or conditions which are detrimental to, or endanger the life, limb, health, property, safety or welfare of, the general public.

“Assessment” means the special assessment which may be assessed against a parcel of land as authorized by Section 38773.5 of the Government Code to recover the town’s cost of abatement of a public nuisance.

“Building official” means the individual designated by the county of Siskiyou as the person authorized to serve as the town’s building official for the purposes of administering various uniform codes, including, but not limited to, the building, administrative, plumbing, mechanical, electrical, abatement of dangerous buildings, sign and swimming pool, spa and hot tub codes.

"Camping" includes, but is not limited to the use of camping facilities, such as tents, tarpaulins, or other temporary shelters, cots, beds, sleeping bags, hammocks, and other equipment for the purpose of living outdoors, maintaining a campfire, and occupying the property in such fashion for more than six (6) hours.

"City" means the Town of Fort Jones.

"Town or City Attorney" means the duly appointed town attorney of the Town of Fort Jones, or his or her assistant or deputy.

"Town or City Clerk" means the duly elected or appointed town clerk of the Town of Fort Jones, or his or her assistant or deputy.

"Town or City Council" means the town council of the Town of Fort Jones.

"Code" means the Fort Jones Municipal Code.

"Day" means a calendar day, but if the time to perform an act expires on a day on which the town offices are closed, the act, if performed the next day on which such offices are open, shall be deemed timely.

"Graffiti" means, but not limited to, any authored inscription, word, figure, mark, or design that is written, marked, etched, scratched, drawn, or painted on any real or personal property; representations of any gang-type group; projected threats; insults to any race, creed or religion; or expressions of profanity.

"Municipal Code" means the Fort Jones Municipal Code.

"Notice and order" means a formal notice informing a party about the existence of a certain condition or situation which constitutes an infraction or misdemeanor violation of the Etna Municipal Code, a public nuisance, or a violation of any applicable statute, rule, code or regulation.

"State" means the State of California.

"Waste Matter" shall include but not be limited to broken crockery, broken bottles, metal vessels, trimmings from lawns, trees and flower gardens, ashes, cardboard boxes, berry boxes, rags, paper, straw, mattresses, packing material, shavings, boxes, sawdust, brick, stones, piled dirt, wire, other combustible and non-combustible and flammable waste material.

8.24.30 General Provisions

A. Computation of time:

The time in which any act provided by this chapter is to be done is computed by including the first and the last day. If the last day for the performance of any act set forth in this chapter is a holiday, then the time in which to perform the act is extended to and includes the next day which is not a holiday. If the last day for the performance of any act provided by this chapter is Saturday or Sunday, then the time in which to perform the act is extended to and including the next Monday.

B. Recovery of costs pursuant to Code of Civil Procedure:

Nothing in this chapter is intended to prohibit or preclude the town from seeking and recovering any costs pursuant to Sections 1032 through 1033.5 of the Code of Civil Procedure.

C. Collection of debts by the town:

The amount of any fine or fee imposed by this chapter shall be deemed a civil debt owing to the town. An action may be commenced in the name of the town in any court of competent jurisdiction for the collection of the amount of any such delinquent or unpaid fine or fee, with any penalties applicable thereto as prescribed by this chapter or other enactment. The remedy prescribed by this section shall be cumulative, and the use of an action to collect such an amount as a debt by civil action shall not bar the use of any other remedy provided by this chapter or as otherwise provided by law.

D. Confidentiality in connection with service requests:

The town shall take all reasonable steps to ensure that the identity of any person making a service request to the town concerning a violation of the ordinance or other applicable laws shall remain confidential. However, no enforcement action shall be taken beyond issuance of a notice of violation unless: (A) the complaining witness agrees to be identified upon request of the responsible party, or (B) the code enforcement officer, chief of police and any other enforcement officer has developed sufficient evidence to take further action.

8.24.040 Enforcement authority

The code enforcement officer shall have concurrent enforcement authority with the chief of police regarding any violation of the Fort Jones Municipal Code resulting in a misdemeanor, an infraction or a public nuisance, unless otherwise provided by this chapter, the Fort Jones Municipal Code, applicable statutes, rules, codes and regulations, resolution of the city council, or written agreement by and between the code enforcement officer and the chief of police. Nothing in this chapter shall be construed or interpreted as providing the code enforcement officer with the authority to enforce any provision or any statute that is specifically required to be enforced solely by the city's local law enforcement agency under the authority of the chief of police.

8.24.050 Inspections

A. Inspections pertaining to storm water management and discharge:

To enforce the provisions of the Fort Jones Municipal Code and/or other applicable statutes, rules or regulations, a public works inspector or other authorized enforcement officer may inspect and/or manage any discharges to the storm water drainage system in the town.

B. Inspections pursuant to applicable statutes, rules, codes, regulations or inspection warrants:

Nothing in this chapter shall prohibit or preclude inspections conducted pursuant to any applicable statute, rule, code, regulation or inspection warrant for purposes of inspections related to the respective statute, rule, code, regulation or inspection or search warrant.

C. Refusal to permit inspection pursuant to court-issued inspection warrants:

Any occupant or tenant who refuses to permit an inspection pursuant to any court-issued inspection warrant may be subject to arrest for a misdemeanor by the code enforcement officer, police officer, or other authorized enforcement officer. Forcible execution of said inspection under such circumstance shall be permitted only if the warrant expressly grants permission for such forcible entry.

8.24.060 Acts constituting nuisance

Anything which is injurious to a person's health, is indecent, is offensive to the senses, or is an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property or unlawfully obstructs the free passage or use, in the customary manner of any public park, street, alley way, highway, or other public easement is a nuisance.

8.24.070 Public nuisance defined

A public nuisance is one which affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal. The following are specifically declared to be nuisances and it is not intended by this enumeration to exclude the designation of other conditions as nuisances.

- A. Existence of rubbish, tin cans or waste matter of any type upon any sidewalk or alley within the town;
- B. Substantial accumulation of rubbish, tin cans or waste matter of any type, including manure of any

kind, offensive to any of the senses on private property within the town;

- C. Automobile motors, transmissions and all other automotive parts or accessories stored anywhere other than within a fully enclosed space, carport, garage (public or private) or an approved automobile wrecking yard or approved repair facility;
- D. Any dead animal or fowl on private property within the town.
- E. Accumulation of wooden pallets, wastepaper, hay, grass, straw, weeds, litter, combustible or flammable waste material, waste petroleum products or rubbish of any kind upon any roof or any courtyard, vacant lot or open space; and all weeds, grass, vines, or other growth, when same endangers property or constitutes a fire hazard.
- F. All combustible rubbish, oily rags or waste material, when kept within a building or adjacent to a building, and not securely stored in metal or metal-lined receptacles equipped with tight-fitting covers or in rooms or vaults constructed of noncombustible materials;
- G. Combustible waste matter beneath trailers or at any other place within an auto and/or trailer camp/park.
- H. Abandoned, damaged, broken, discarded equipment, vehicles, machinery or household items such as furniture, stoves, refrigerators, freezers, cans or containers.
- I. Any device, decoration, design, fence, structure, clothesline or vegetation which is unsightly by reason of its condition or its inappropriate location;
- J. Maintaining property in such manner as to cause a hazard to the public by obscuring visibility of intersections.
- K. Any matter or substance from a private vault, cesspool, septic tank, water closet, privy, vault, urinal, pipe, sewer line or any sewage, effluent, slop water, polluted water or any other filthy water to flow or discharge upon the ground or upon any public sidewalk, street or other public place.
- L. Any repeated disruptive activities including, but not limited to, disturbances of the peace and quiet of the neighborhood which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area, public drunkenness, drinking in public, harassment of passersby, sale of stolen goods, public urination, theft, assaults, battery, acts of vandalism, excessive littering, illegal parking, loud noises, traffic violations, curfew violations, or police detentions and arrests.

M. Blighted Property

1. Any property on which there exists any one or more of the following conditions or activities is a blighted property for the purposes of this chapter.
 - a. A building or structure that is not being inhabited, occupied or unsecured when the public can gain unimpeded or undeterred entry without the consent of the owner. This subsection also includes any vacant building, or unit in a vacant building or structure, which is unoccupied, including, without limitation, buildings or structures of any nature intended for human habitation or occupation and includes manufactured housing or mobile homes.

- i. A building or structure, or unit in a building or structure, is not deemed to be vacant for purposes of this chapter if construction or alteration of the building, structure or unit is in progress pursuant to a valid, unexpired building permit.
- b. A partially constructed, reconstructed or demolished building or structure upon which work is abandoned.
- c. Property which is in an unsecured state so as to potentially constitute an attraction to children, a harbor for vagrants, criminals or other unauthorized persons, or so as to enable persons to resort thereto for the purpose of committing a nuisance or unlawful act.
- d. Exterior wall and/or roof coverings that have become deteriorated and do not provide adequate weather protection, resulting in termite infestation and/or dry rot.
- e. Broken or missing windows or doors which constitute a hazardous condition or a potential attraction to trespassers.
- f. Building exteriors, walls, fences, and retaining walls which are broken, deteriorated, or substantially defaced to the extent that the disrepair visually impacts neighboring property or presents an endangerment to public safety; driveways or walkways which are broken, deteriorated, or substantially defaced to the extent that the disrepair presents an endangerment to the public safety. For purposes of this subsection, defacing includes, without limitation, writings, inscriptions, figures, scratches or other markings commonly referred to as "graffiti".
- g. Building exteriors, walls, fences, or retaining walls on which any painted surface is peeling, disintegrating, or sloughing-off to the extent that the disrepair visually impacts neighboring property or presents an endangerment to public safety.
- h. Overgrown, diseased, dead or decayed trees, weeds or other vegetation which;
 - i. Constitutes a fire hazard or a condition considered dangerous to the public health, safety, and general welfare; or
 - ii. Are likely to harbor rats, vermin and other nuisances; or
 - iii. Detracts from the property values of the neighboring properties
- i. Landscaping that is not installed or maintained in accordance with any applicable code or permit.
- j. Solid waste, which by reason of its location and character either detrimentally impacts the surrounding neighborhood or community, or which is allowed or permitted to be transported by wind or otherwise onto or upon a public street, alley, or sidewalk. For purposes of this subsection, solid waste means any putrescible and non-putrescible solid and semi-solid waste material including without limitation garbage, rubbish, demolition and construction wastes, industrial wastes, reusable or recyclable material, bulky goods, and other discarded solid and semi-solid wastes.
- k. Substantial accumulation of dirt, litter, or debris in vestibules or doorways of residential, commercial or industrial buildings.

- l.** Any swimming pool, pond or other body of water that is abandoned, unattended, unfiltered, or not otherwise maintained, resulting in the water becoming polluted water. For purposes of this subsection, "polluted water" means water which contains bacterial growth, including algae; remains of rubbish, refuse, debris, papers, and any other foreign matter or material or deleterious substance which, because of its nature or location, constitutes an unhealthy or unsafe conditions or water which is defined as "polluted water" or other similar term under state or federal law.
- m.** A swimming pool which is more than eighteen (18) inches deep (whether empty or filled with water) that is not secured by a fence (with a locked gate when the pool is unattended) of at least five (5) feet in height.
- n.** Land having a topography, geology, or configuration, that, as a result of grading operations or improvements to said land, causes erosion, subsidence, unstable soil conditions, or surface or subsurface drainage problems so as to pose a threat to or be injurious to adjacent properties.
- o.** Any condition or object maintained on private property that obscures the visibility to the public of public streets or public street intersections to such a degree as to constitute a hazard. Such conditions include without limitation vehicles, landscaping, fencing, and signs.
- p.** Conditions that due to their accessibility to the public may prove hazardous or dangerous including without limitation:

 - i.** Unused or broken equipment;
 - ii.** Abandoned wells, shafts, or basements;
 - iii.** Hazardous or unprotected pools, ponds, or excavations;
 - iv.** Structurally unsound fences, walls, or structures;
 - v.** Machinery that is inadequately secured or protected;
 - vi.** Lumber, trash, fences, solid waste, or debris that may prove a hazard for the public. For the purposes of this subsection, solid waste is defined as set forth in subsection **j** of this section;
 - vii.** Storing or keeping any chemicals, gasoline, motor oil, or other substances, in a quantity exceeding typical residential household usage, which may prove a hazard to the public.
- q.** Signs which have not been maintained or are in a state of disrepair for a period of more than thirty (30) days, including without limitation, broken signs, signs with missing parts, panels, letters or light bulbs, signs with exposed wiring, signs out of plumb, signs that are unsafe, dangerous to the public, or a hazard to traffic, defaced signs (for purposes of this subsection, defacing includes without limitation, unauthorized, unrelated or offensive writing, inscriptions, figures, scratches, or other markings commonly known as graffiti).
- r.** Any construction equipment, machinery, vehicles, or material except as follows:

 - i.** Such items may be temporarily kept within or upon the property for and during

the time such equipment, machinery, or materials are required for the construction or installation of improvements or facilities on the property for which all required permits have been obtained and are valid.

- ii. Such items may be kept in the side yard or rear yard areas if such items are used for the maintenance of the property or facilities on the property and if such items are concealed by a fence, shrubbery, or other similar means.
- s. Any commercial equipment, machinery, vehicles, or material not authorized by a valid city permit when such items constitute visual blight, reduce the aesthetic appearance of the neighborhood, or are detrimental to nearby property values. Commercial equipment, machinery, vehicles, or material not otherwise authorized by a valid city permit may be kept in the side yard or rear yard areas if such items are used for the maintenance of the property or facilities on the property and if such items are concealed by a fence, shrubbery, or other similar means.
- t. Any refrigerator, washing machine, clothes dryer, sink, stove, heater, boiler, tank or other household equipment, machinery, furniture, appliance or appliances, or any parts of any of the listed items, for a period of time in excess of seventy-two consecutive hours. For purposes of this subsection, an item is unlawfully kept or stored in any area for a period of time in excess of seventy-two (72) consecutive hours when either the item has not been removed from such area for an intervening period of time in excess of seventy-two (72) consecutive hours or the item has been parked, kept, or stored during the intervening period of time upon any public street. This subsection does not prohibit the following:
 - i. Machinery installed in the rear setback areas for household or recreational use.
 - ii. Furniture designed and used for outdoor activities.
 - iii. Any item stored or kept within and enclosed storage structure or unit. For the purpose of this subsection, a storage unit is a prefabricated enclosure which is not required to have a building permit and is not permanently affixed to the ground, but which is not on wheels or mobile.
- u. Storing or keeping of packing boxes, lumber, dirt, solid waste, and other debris, except as allowed by this code for the purposes of construction, in any areas visible from public property or neighboring properties for a period of time in excess of seventy-two (72) consecutive hours. For purposes of this subsection, solid waste is defined as set forth in subsection j of this section. For purposes of this subsection, an item is unlawfully kept or stored in any area for a period of time in excess of seventy-two (72) consecutive hours when either the item has not been removed from such area for an intervening period of time in excess of seventy-two (72) consecutive hours, or the item has been kept or stored during the intervening period of time upon any public street.
- v. Wrecking, dismantling, disassembling, manufacturing, fabricating, building, remodeling, assembling, repairing, painting, in any setback area, of any

airplane, aircraft, motor vehicle, boat, trailer, machinery, equipment, appliance or appliances, furniture or other personal property.

- i. This subsection shall not prohibit an owner, lessee, tenant or occupant of the property from engaging in periodic activities incidental to the normal use of a motor vehicle, boat, trailer, or furniture owned by that owner, lessee, tenant or occupant of the property to the extent otherwise permitted by and in conformance with this Municipal Code. Any such activities shall be completed within a consecutive seventy-two (72) hour period.
 - w. The use of any trailer, camper, recreational vehicle or motor vehicle for living or sleeping quarters in any place within the town, outside of a lawfully operating mobile home park or recreational vehicle/travel park, is subject to the following:
 - i. Nothing contained in this subsection shall be deemed to prohibit bona fide guests of a town resident from occupying a trailer, camper or recreational vehicle upon residential premises with the consent of the resident for a period not to exceed fourteen (14) consecutive days when; (a) the trailer, camper or recreational vehicle has not been removed from such area for an intervening period of time in excess of fourteen (14) consecutive days; or (b) the trailer, camper, or recreational vehicle has been parked, kept or stored during the intervening period of time on any public street.
 - ii. Nothing contained in this subsection shall be deemed to permit any violation of the Municipal Code, California, Building Code, California Electrical Code, or California Plumbing Code by any trailer, camper; or recreational vehicle occupied pursuant to subsection (a) of this section, or any use of such trailer, camper, or recreational vehicle, or any connection from such trailer, camper or recreational vehicle to any building.
 - iii. Any trailer, camper, or recreational vehicle so used shall not discharge any waste or sewage into the Town's sewer system except through an approved residential discharge connection of the residential premises on which the trailer, camper or recreational vehicle is parked.
 - x. Any condition which is detrimental to the public health, safety or general welfare or which constitutes a nuisance under any other town ordinance, State law or common law.
 - y. Any condition of deterioration or disrepair that creates substantial detrimental impact on neighboring properties.
 - z. Any dwelling that does not have adequate water, sewer, and electrical service in compliance with applicable codes.
 - aa. Camping on public property, or on private property without the owner's written permission.
2. The acts and conditions specified below, when performed or existing upon any lot or parcel of land within the town, whether improved or unimproved, are declared to constitute blighted

property, are unlawful, and are defined to be public nuisances which are injurious or potentially injurious to the public health, safety, and welfare, which have a tendency to degrade the appearance and property values of surrounding property and/or which cause damage to public rights-of-way. Nothing herein shall be deemed to restrict a public nuisance to the definition provided below.

- a. A building or structure which is designed for human use or occupancy and which is not occupied as a residence or as business premises by human beings for more than ninety (90) days, and is in violation of one or more of the following requirements:
 - i. If the building or structure is the subject of an active building permit for repair or re rehabilitation, that the owner is progressing diligently to complete the repair or rehabilitation;
 - ii. If the building or structure meets all applicable building, habitability, and municipal code provisions, and does not otherwise constitute a public nuisance, it is ready for use or occupancy and is actively being offered for sale, lease, or rent, at reasonable market rates; or
 - iii. The building or structure, including the premises on which it is located, does not otherwise constitute a public nuisance and is not likely to become a public nuisance because it is being actively maintained and monitored.
- b. Active maintenance and monitoring shall include compliance with all of the following:
 - i. Maintenance of landscaping and plant materials in good condition;
 - ii. Maintenance of the exterior of the building or structure, including but limited to, its paint, finishes, and signs, in good condition;
 - iii. Regular removal of all exterior trash, debris, and graffiti;
 - iv. Maintenance, use, and occupancy of the building or structure: in continuing compliance with all applicable codes, regulations, and ordinances; and,
 - v. Prevention of criminal activity on the premises, including but not limited to the use, sale, growing, and distribution of controlled substances, prostitution, trespassing, curfew violations, or other behavior which tends to disturb the peace or the use or enjoyment of neighboring properties.

8.24.80 Notice of public nuisance and order to abate - procedures

When a code enforcement officer, police officer or other enforcement officer has inspected any real property or premises and has found and determined that conditions at or upon such property or premises constitute a public nuisance pursuant to any provision of the Fort Jones Municipal Code and/or applicable statute, rule, code and regulation, and the town has not commenced an alternative public nuisance abatement procedure prescribed by statute regarding said public nuisance, the code enforcement officer, police officer or enforcement officer may issue or cause the issuance of a notice of public nuisance and order to abate ("notice and order").

Said notice shall specify that the nuisance must be abated within fifteen (15) days after the date of the delivery or mailing of said notice, or such shorter time as the issuer deems appropriate. If the issuer

deems the nuisance to be an emergency, then he or she shall have the power to order the abatement summarily within twenty-four (24) hours of the giving of the written notice as set forth below.

A. Contents of notice and order:

The notice shall be titled "notice and order" and posted, along with any amended or supplemental notice and order, on the property on which the violation occurs and shall include the following information:

1. The name of the property's record owner, the occupant, if any, and/or the agent, if any, having charge or control of the property;
2. The date of inspection;
3. The date of violation;
4. The street address of a definite description of the location where the violation occurred;
5. The code sections(s) violated
6. A description of the property's condition which violated the applicable codes;
7. The actions necessary to correct the subject violations;
8. The deadline or specific date by which to correct the violations;
9. A reference to the potential consequences should the property remain in violation after the expiration of the compliance deadline;
10. An order prohibiting the continuation or repeated occurrence of the code violation described in the notice and order;
11. The name and signature of the citing code enforcement officer or other authorized agent.

B. Service of a copy of the notice and order shall be made upon such persons that are entitled thereto either personally or by certified mail, postage prepaid, return receipt requested, at their address as it appears on the last equalized assessment roll of the county. Additionally, the notice shall be served on the responsible party by first class certified mail, return receipt requested, sent to the address contained in records of the town of Fort Jones for utility billings, if such address is different than that listed on the last equalized county assessment roll. If an address of any such person does not appear on the last equalized assessment roll or is not otherwise known to the issuing inspector or enforcement officer, then a copy of the notice and order shall be addressed to such person(s) and mailed to the address of the subject premises. The failure of any such person to receive a copy of the notice and order shall not affect the validity of any proceedings or actions taken under this chapter. Service by certified mail in the manner herein provided shall be affixed to the copy of the notice and order and retained by the inspector or enforcement officer.

C. Proof of service of the notice and order shall be certified at the time of service by a written declaration under penalty of perjury executed by the persons effecting service, declaring the date and manner in which service was made. The declaration, together with any receipt card returned in acknowledgment of receipt by certified mail, shall be affixed to a copy of the notice and order and retained by the code enforcement officer.

D. After a notice and order becomes final upon failure to file a timely appeal the code enforcement

officer, or his/her designee, may file a certificate of nuisance in the office of the Siskiyou County clerk-recorder to certify that: (A) the subject property is being maintained in violation of the Fort Jones Municipal Code and/or applicable statute, rule, code and regulation; and (B) the property owner has been so notified.

E. The fee for filing a certificate of nuisance with the office of the Siskiyou County clerk-recorder shall be established by resolution of the town council.

F. Whenever it is determined by the code enforcement officer, chief of police, or other enforcement officer that the corrections ordered by the certificate of nuisance have been completed so that the premises no longer exists in a condition that is in violation of the Fort Jones Municipal Code and/or applicable statute, rule, or code, and all outstanding fees/fines have been paid, a certificate of abatement may be recorded in the office of the Siskiyou County clerk-recorder certifying that all required corrections have been made and that the subject premises is no longer being maintained as a public nuisance.

G. Service of the demand for payment which is personally served shall be deemed completed at the time of such delivery. Service of a notice of public nuisance which is served by mail is deemed completed on the date said notice of public nuisance is deposited in the mail.

H. Proof of service of the demand for payment shall be certified at the time of service by a written declaration under penalty of perjury executed by the persons effecting service, declaring the date and manner in which service was made. The declaration, together with any receipt card returned in acknowledgment of receipt by certified mail, shall be affixed to a copy of the demand for payment and retained by the code enforcement officer or other enforcement officer.

I. The prevailing party in any proceeding conducted pursuant to this chapter and associated with the abatement of a public nuisance shall be entitled to recovery of attorneys' fees incurred in any such proceeding.

8.24.090 Summary abatement - procedures

If, upon the determination of a code enforcement officer, police officer, or other authorized enforcement officer, a particular public nuisance as described in this chapter or any other applicable statute, rule, code or regulation poses an immediate threat to public health and safety, the authorized enforcement officer who made the public nuisance determination may dispense with the notice and hearing requirements of the public nuisance appeals procedures set forth in this chapter and cause town crews or private contractors to take such reasonable actions that are necessary to immediately abate the activity or activities and/or condition or conditions causing the public nuisance as follows:

A. Prior to the town performing any abatement work pursuant to this chapter, the authorized enforcement officer who caused the summary abatement shall, if feasible, cause an inventory to be taken which lists those items which are proposed to be removed from the property and discarded.

B. Prior to ordering summary abatement pursuant to this chapter, the authorized enforcement officer

who caused the summary abatement shall prepare a written report which sets forth in writing the facts and circumstances establishing:

1. Why advance notice of the abatement to the property owner, occupant and/or agent having charge or control is not reasonable or feasible or why prior advance notice was not effective;
 2. Why the subject property constitutes a public nuisance; and
 3. Why immediate abatement of the public nuisance is necessary.
- D. A copy of the summary abatement report shall be served as soon as possible to the owner(s) of record of the parcel of land on which the public nuisance exists by certified mail, postage prepaid, return receipt requested, to each such person at their address as it appears on the last equalized assessment roll of the county or as known to any city officer or other enforcement officer. If no address of any such person so appears or is otherwise known, then a copy of the summary abatement report shall be so mailed, addressed to such person(s), at the address of the subject premises. The failure of any such person(s) to receive a copy of the summary abatement report shall not affect the validity of any proceedings or actions taken under this chapter.
- E. Proof of service of the summary abatement report shall be certified at the time of service by a written declaration under penalty of perjury executed by the persons effecting service, declaring the date and manner in which service was made. The declaration, together with any receipt card returned in acknowledgment of receipt by certified mail, shall be affixed to a copy of the summary abatement report and retained by the officer or agent who prepared the summary abatement report.
- F. The prevailing party in any proceeding conducted pursuant to this chapter and associated with the abatement of a public nuisance shall be entitled to recovery of attorneys' fees incurred in any such proceeding.
- G. If the town elects to perform public nuisance abatement work pursuant to this chapter, the owner of record of the property shall be liable for all costs of abatement incurred by the town.

8.24.100 Failure to abate nuisance - penalties

A. Any owner, agent, person having charge of, or occupying, any premises on which a nuisance is being committed within the town, or any person creating, causing, committing, or maintaining a nuisance who refuses or neglects to abate the same in pursuance to the request specified in the notice and order within the period specified therein, may be charged with either an infraction or a misdemeanor as specified below. Any such person, owner or agent may be subject to administrative penalties as provided by this code.

B. Any violation of the Fort Jones Municipal Code by a member of the public that is not exclusively deemed an infraction violation may be deemed a misdemeanor violation and may be prosecuted as such for the purposes of this chapter. The fourth and each subsequent violation that would otherwise be an infraction violation within a 12-month period commencing upon the date of the first violation shall be deemed a misdemeanor violation. A separate offense occurs for each day a misdemeanor violation is continued and/or maintained.

C. Upon conviction of any misdemeanor violation, the convicted violator shall be required to pay all applicable civil fines in addition to any misdemeanor penalties.

D. Nothing in this chapter is intended to prohibit or preclude the town from seeking and recovering restitution in any misdemeanor violation proceeding. The prevailing party in any misdemeanor violation proceeding associated with the abatement of a public nuisance shall be entitled to recovery of attorneys' fees incurred in any such proceeding. This shall be in addition to all other available remedies as hereinafter set forth as provided by law.

E. Failure to comply with a notice of violation may result in the issuance of a field citation or such other action or proceeding pursuant to this chapter or permitted by law.

8.24.110 Failure to abate nuisance - Notice to show cause

If the owner, agent or person having charge of or occupying any premises on which said nuisance is being committed fails to comply with the notice by completing the abatement within the period prescribed in the notice and order, or by making such other arrangements as may be satisfactory to the authorized enforcement officer who made the public nuisance determination, the enforcement officer or authorized agent shall thereupon deliver a notice, by certified mail, postage prepaid, return receipt requested, to the said persons, and a copy thereof to any lien or mortgage holder as may appear from a title report obtained from a title company, to appear before the town council, to be heard and show cause, if any, why the nuisance should not be abated by the town. The failure of any such person(s) to receive a copy of such notice shall not affect the validity of any proceedings or actions taken under this chapter. The cost of the title report shall be added to the costs chargeable to such persons as hereinafter set forth.

8.24.120 Council hearing - abatement

At the time fixed in the notice, the town council shall proceed to hear the testimony of said persons to whom such notice has been given or their representatives or other competent persons who may be present and desire to testify respecting the nuisance, the estimated cost of abating the same and any other matter which the town council may deem pertinent thereto. Upon the conclusion of the hearing, the town may by resolution declare its finding, and in the event that it so concludes, it may declare that the nuisance is being committed, and that the owner, agent, or person having charge of or occupying the premises on which the nuisance is being committed, shall commence the abatement of the same within fifteen (15) days after the date of posting on the premises a notice of the adoption of the resolution, and shall complete such abatement within sixty (60) days of such date or such other shorter time as may be deemed necessary by the town council. On or about the day the premises are posted, the code enforcement officer or his/her authorized agent shall deliver copies of the resolution to all said persons as such persons' names and addresses appear on the last equalized assessment roll, or as known to the code enforcement officer, and to each mortgagee or lien holder at their last known address.

8.24.130 Right to abate

In the event the nuisance is not abated the code enforcement officer shall cause the nuisance to be abated. The town administrator will determine either by use of town employees or by contracting with a licensed contractor for the abatement.

8.24.140 Abatement costs – procedures

A. If the town elects to perform public nuisance abatement work pursuant to this chapter, the owner of record of the property shall be liable for all costs of abatement incurred by the town, including, but not limited to, administrative costs.

B. Administrative fines are set forth in the schedule of fines adopted by resolution of the town council.

C. Recovery of costs pursuant to this chapter shall be in addition to and shall not limit any prevailing party's right to recover any cost that a prevailing party is entitled to recover by law.

D. Upon completion of any abatement work performed by or under the direction of the town, the issuing code enforcement officer or other enforcement officer shall prepare an abatement cost report in the form prescribed by FJMC 8.24.140 (D) which provides an accounting of the cost, including incidental expenses, incurred as a result of abating any public nuisance on each separate lot or parcel of land where the work is performed by the town.

E. The abatement cost report shall itemize all costs associated with the rehabilitation, demolition or repair of said property, buildings or structures, including any salvage value relating thereto and a total of all such costs. The abatement cost report shall also include the following information:

1. A description of the subject real property;
2. The names and addresses of the persons entitled to receive notice;
3. A description of the work completed;
4. A determination that the amount of the costs set forth in the abatement cost report are accurate and reasonable;
5. Notice of the opportunity to appeal the amount and the reasonableness of the abatement costs; and
6. Notice of the town's intention to make the final and approved abatement costs a special assessment against the property.

F. The filing and recordation of the abatement cost report shall be done by the issuing code enforcement officer or his/her authorized designee, who shall cause the abatement cost report to be filed in the office of the Siskiyou County clerk-recorder.

G. The fee for filing an abatement cost report with the office of the Siskiyou County clerk-recorder shall be established by resolution of the town council.

H. The abatement cost report and any amended or supplemental report shall be served upon the record owner and/or any agent having charge or control of the property. The failure of the code enforcement officer or other enforcement officer to serve any person required herein to be served shall not invalidate any proceedings hereunder as to any other person duly served or relieve any such person from any duty or obligation imposed by the provisions of this chapter.

I. Service of a copy of the abatement cost report shall be made upon all persons entitled thereto pursuant to FJMC 8.24.140 (F) either personally or by certified mail, postage prepaid, return receipt requested, at their address as it appears on the last equalized assessment roll of the county or as otherwise known to the issuing inspector or authorized agent. If an address of any such person does not appear on the last equalized assessment roll or is not otherwise known to the issuing code enforcement officer or other enforcement officer, then a copy of the abatement cost report shall be addressed to such person(s) and mailed to the address of the subject premises. The failure of any such person to receive a copy of the abatement cost report shall not affect the validity of any proceedings or actions taken under this chapter.

J. Proof of service of the abatement cost report shall be certified at the time of service by a written declaration under penalty of perjury executed by the persons effecting service, declaring the date and manner in which service was made. The declaration, together with any receipt card returned in acknowledgment of receipt by certified mail, shall be affixed to a copy of the abatement cost report and retained by the issuing inspector or authorized agent.

K. Service of an abatement cost report which is personally served shall be deemed completed at the time of such delivery. Service of an abatement cost report which is served by mail is deemed completed on the date said abatement cost report is deposited in the mail.

8.24.150 Abatement cost report – appeals process

A. Any party possessing a legal or equitable interest including but not limited to a leasehold interest in the property that is the subject of an abatement cost report may appeal from the abatement cost report to the Fort Jones town council. Such appeal shall be limited to the following issues:

1. The amount of the abatement costs; and
2. The reasonableness of the abatement performed.

B. All appeals from any abatement cost report shall be in writing and shall contain the following information:

1. Name(s) of each appellant;
2. A brief statement setting forth the legal or equitable interest of each appellant;
3. A brief statement in ordinary and concise language of the specific cost items protested, together with any material facts claimed to support the contentions of the appellant;
4. Brief statement in ordinary and concise language of the relief sought and the reasons why the abatement costs should be modified or otherwise set aside;
5. The signatures of all parties named as appellants and their official mailing addresses.

Any appeal filed that fails to provide all of the information required by this section shall be deemed incomplete as provided by FJMC 8.24.150 (E).

C. A complete and proper appeal of abatement cost report as described in FJMC 8.24.150 (B) shall be filed with the code enforcement officer or his/her authorized designee, at the Fort Jones Police Department, within 10 days from the date service of the abatement cost report is completed pursuant to FJMC 8.24.140 (I). Any appeal not timely filed shall be rejected.

D. Not later than five days from the date the appeal is filed, the code enforcement officer or his/her designee shall determine whether the appeal is complete. If the appeal is determined to be incomplete, the code enforcement officer or his/her designee shall immediately mail to the appellant a notice of incomplete filing which shall provide a written explanation of the reasons why the appeal has been determined to be incomplete. If service of the notice of incomplete filing is completed within five days from the date the appeal is filed, the 10-day time period within which to file a completed appeal of abatement cost report shall not be extended.

E. The code enforcement officer or his/her designee shall present any appeal filed pursuant to this chapter to the town administrator so that he/she can arrange for the appeal to be reviewed by the town council at a regular scheduled meeting or by setting a special meeting.

F. Enforcement of the abatement cost report shall be stayed during the pendency of an appeal therefrom which is properly and timely filed pursuant to this chapter.

G. Failure to timely and properly file an appeal from an abatement cost report shall constitute a waiver of all rights to an appeal of the abatement cost report or any portion thereof. The determination that the amount of the costs set forth in the abatement cost report is accurate and reasonable shall be deemed final on the day that service of the abatement cost report is deemed completed.

8.24.160 Abatement cost report – appeals hearing process

A. As soon as practicable after determining that a proper and complete appeal has been filed and presented to the town administrator by the determining code enforcement officer or his/her designee, the town administrator or his/her designee shall schedule an appeal hearing before the town council. Such date shall be not less than 10 days from the date the appeal was filed with the town administrator.

B. As soon as feasible after the abatement costs report appeal hearing has been scheduled, the code enforcement officer or his/her designee shall prepare a notice of appeals hearing (“hearing notice”) which shall be in substantially the same form as follows:

You are hereby notified that a hearing will be held before the Fort Jones Town Council at _____ on the ____ day of _____, _____, at the hour of _____, upon the Abatement Cost Report served upon you. You may be present at the hearing. You may be, but need not be, represented by an attorney. You may present any evidence at the hearing which pertains to the costs

of abatement and/or the reasonableness of the abatement performed.

C. The code enforcement officer or his/her designee shall, at least 10 days prior to the date scheduled for the appeal hearing, cause a copy of the hearing notice to be provided to each appellant either by causing a copy of said notice to be delivered to each appellant personally or by causing a copy of said notice to be delivered by certified mail, postage prepaid, return receipt requested, and addressed to each appellant at the address shown on the appeal.

D. The issuing code enforcement officer or his/her designee, shall prepare an abatement cost hearing packet for the Fort Jones town council to review prior to the hearing. The packet shall include a copy of the notice and order, a staff report and any evidence of the violation(s). The staff report should include a written case history, a summary of the different inspections, the status of pending permit applications, a record of conversations or correspondence with the property owner or person otherwise responsible for the violation(s), and recommended corrections and repairs.

E. The Fort Jones town council shall conduct an administrative appeal hearing pursuant to the appeal procedures set forth in this chapter. The town council shall review all evidence, documents, and written testimony submitted at or before the scheduled appeal hearing and shall hear all oral testimony offered at said hearing.

F. Each party appearing at the hearing shall have the following rights:

1. To call and examine witnesses;
2. To introduce documentary and physical evidence;
3. To cross-examine opposing witnesses;
4. To impeach any witness regardless of which party first called the witness to testify;
5. To rebut evidence; and
6. To be represented by anyone who is lawfully permitted to do so.

G. If an appellant fails to attend the scheduled abatement costs appeals hearing, the hearing will proceed without the appellant and he or she will be deemed to have waived his or her rights to be orally heard at the appeals hearing.

H. At the conclusion of the hearing, the administrative appeals officer shall render his/her decisions and findings, which may include a decision to ratify the abatement cost report in its entirety, and/or modify the amount of the abatement costs to be recovered, and/or modify the terms of payment of the abatement costs. If the appellant is present at the hearing, the decision(s) of the town council shall be final at the conclusion of the hearing. If the appellant is not present at the hearing, the code enforcement officer or his/her designee shall mail notice to the appellant of the town council's decision(s); and said decision(s) shall become final at the time said notice is deposited in the mail.

8.24.170 Abatement cost report – collection of costs

A. The owner of record of the subject property shall pay all costs of abatement no later than 30 days from the date the abatement cost report becomes final pursuant to FJMC 8.24.140 (I). The amount of

the abatement costs for which the owner of record shall be responsible shall be as set forth in the final abatement cost report.

B. If the abatement costs are not paid within 30 days from the date the abatement cost report becomes due pursuant to FJMC 8.24.140 (I), the abatement costs may become a special assessment against that parcel.

C. Notice of the imposition of a special assessment may be sent by certified mail, return receipt requested, to the property owner, if the property owner's identity can be determined from the records of the office of the Siskiyou County assessor or the office of the Siskiyou County clerk-recorder. The notice shall be given at the time of imposing the assessment and shall specify that the property may be sold after three years by the tax collector for unpaid delinquent assessments.

D. The notice of special assessment shall be filed and recorded in the office of the Siskiyou County clerk-recorder.

E. The fee for filing a notice of special assessment with the office of the Siskiyou County clerk-recorder shall be established by resolution of the town council.

E. Subject to the requirements applicable to the sale of property pursuant to Section 3691 of the Revenue and Taxation Code, the town may conduct a sale of vacant residential developed property for which the payment of an assessment is delinquent.

F. Upon entry of a second or subsequent civil or criminal judgment within a two-year period finding that an owner of property is responsible for a condition that may be abated pursuant to this chapter, excepting any conditions abated pursuant to Section 17980 of the California Health and Safety Code, the town is entitled to recover treble the costs of abatement from said owner.

G. The prevailing party in any proceeding conducted pursuant to this chapter and associated with the abatement of a public nuisance shall be entitled to recovery of attorneys' fees incurred in any such proceeding.

8.24.180 Other remedies

A. California Unfair Business Practices Act

The town may seek and obtain any remedies which may also be available to the town pursuant to the California Unfair Business Practices Act as set forth in Sections 17000 through 17208 of the California Business and Professions Code.

B. California Drug Abatement Act

The town may seek and obtain any remedies which may also be available to the town pursuant to the California Drug Abatement Act as set forth in Sections 11570 through 11587 of the California Health and Safety Code.

C. California housing law

The town may seek and obtain any remedies which may also be available to the town pursuant to the California housing law as set forth in Sections 17910 through 17995.5 of the California Health and Safety Code.

D. California Red Light Abatement Act

The town may seek and obtain any remedies which may also be available to the town pursuant to the California Red Light Abatement Act as set forth in Sections 11225 through 11235 of the California Penal Code.

E. Recovery of civil penalties

The code enforcement officer may seek such civil penalties and other relief as may be awarded under the provisions of the unfair competition laws commencing at Section 17200 of the Business and Professions Code.

F. Certificates of occupancy suspension and/or revocation

The building official may seek and order suspension and/or revocation, pursuant to the Uniform Building Code and/or any applicable statute, rule, code or regulation, of any certificate of occupancy for any property which is being maintained in violation of the Fort Jones Municipal Code, and/or any applicable statute, rule, code or regulation.

G. Fines – Assessments

1. If the fines imposed under this chapter are not paid within the time specified, such fines shall be assessed against the parcel of land pursuant to Section 38773.5 of the Government Code, and shall be transmitted to the tax collector for collection and shall be subject to the same penalties and the same procedures and sale in case of delinquency as provided for ad valorem taxes.
2. If, subsequent to service of the notice and order prior to transmittal of the notice of unpaid costs to the tax collector for collection as set forth in subsection (A) of this section, the property subject to the notice and order is sold, or title otherwise transferred to a bona fide purchaser, said costs shall be the responsibility of the owner of record as of the date said notice and order was placed in the United States Postal System or posted on the property.
3. In addition to assessing the unpaid costs as provided in subsection (A) of this section, the tax collector or his designated representative may pursue any remedy provided by law for collection of the unpaid costs.

H. Franchise Tax Board deduction denial

The code enforcement officer may seek a court order that the owner not claim any deduction with respect to state taxes for interest, taxes, expenses, depreciation or amortization paid in association with the cited dwelling in accordance with provisions of Section 17980.7(b) of the Health and Safety Code and Sections 17274 and 24436.5 of the Revenue and Taxation Code.

I. Injunctive relief

The town may seek and obtain injunctive relief to enjoin any violation or continuing violation of the Fort Jones Municipal Code and/or any applicable statute, rule, code or regulation.

J. Penalties for maintaining substandard housing

Penalties for violations of the state housing law, Section 17910 et seq. of the Health and Safety Code, are set forth in Sections 17995 through 17995.5 of the Health and Safety Code.

K. Performance bonds

As part of any court action, the town is authorized to require any person responsible for causing or maintaining conditions which constitute a public nuisance to post a performance bond to ensure compliance with the Fort Jones Municipal Code and/or any applicable statute, rule, code or regulation.

L. Private nuisance action

The town may initiate and maintain a private nuisance action against any person or entity responsible for causing or maintaining conditions which constitute a nuisance as against any property of the town.

M. Receivership

The town may seek and obtain any remedies for an appointment of a receiver which may also be available to the town pursuant to Sections 17980 through 17992 of the California Health and Safety Code.

N. Re-inspection fees

The fee for any re-inspection shall be established by resolution of the town council.

O. Treble costs

Pursuant to Section 38773.7 of the Government Code, upon entry of a second or subsequent civil or criminal judgment within a two-year period finding that an owner or person described in Section 38772(d)(3) of the Government Code is responsible for a condition that may be abated pursuant to Section 38773.7 of the Government Code, a court may order that person to pay treble the costs of abatement.

P. Stop work orders

The building official and any other authorized agent may seek and order stop work orders pursuant to the Uniform Building Code and/or any applicable statute, rule, code or regulation, whenever any work is being done contrary to the provisions of the Fort Jones Municipal Code and/or any applicable statute, rule, code or regulation.

Q. Warrants for abatement and inspection

Nothing in this chapter shall preclude the town from seeking abatement and/or an inspection warrant at any time and independent from any other remedy provided by the Fort Jones Municipal Code and/or any applicable statute, rule, code or regulation.

R. Cumulative remedies

The remedies set forth in this chapter shall be cumulative and in addition to any and all other remedies, civil, equitable or criminal, afforded to the town under the law.

Chapter 8.28

WEED AND RUBBISH CONTROL

Sections:

<u>8.28.010</u>	<u>Findings</u>
<u>8.28.020</u>	<u>Definitions</u>
<u>8.28.030</u>	<u>Concurrent authorities</u>
<u>8.28.040</u>	<u>Enforcement</u>
<u>8.28.050</u>	<u>Prohibited conduct</u>
<u>8.28.060</u>	<u>Firebreak required</u>
<u>8.28.070</u>	<u>Accumulation of tires</u>
<u>8.28.080</u>	<u>Penalty – Infraction</u>

8.28.010 Findings

The town council finds and declares that the uncontrolled growth and/or accumulation of grass, weeds or other materials or obstructions on sidewalks, streets, and on lands or lots is dangerous or injurious to neighboring property and the health or welfare of residents of the vicinity and is a public nuisance in that it creates a condition that reduces the value of private property, promotes blight and deterioration, invites plundering, creates fire hazards, constitutes an attractive nuisance creating a hazard to the health and safety of minors, creates a harbor for rodents and insects and is injurious to the health, safety and general welfare.

8.28.020 Definitions

As used in this chapter:

A. "Garbage" includes, but is not limited to, the following: waste resulting from the handling of edible foodstuffs or resulting from decay, and solid or semisolid putrescible waste, and all other mixed, nonrecyclable wastes which are generated in the day-to-day operation of any business, residential, governmental, public or private activity, and may include tin cans, bottles and paper or plastic, or other synthetic material, food or beverage containers.

B. "Refuse" includes rubbish and garbage, as defined herein.

C. "Rubbish" includes all the following, but is not restricted to non-putrescible wastes, such as paper, cardboard, grass clippings, tree or shrub trimmings, wood, bedding, crockery, rubber tires, construction waste and similar waste materials.

D. "Weeds," as used in this chapter, includes any of the following:

1. Weeds which bear seeds of a downy or wingy nature;
2. Sagebrush, chaparral, and any other brush or weeds which attain such hard growth as to become, when dry, a fire menace to adjacent improved property;
3. Weeds and grasses which are otherwise noxious;
4. Poison oak and poison ivy when the conditions of growth are such as to constitute a menace to the public health;
5. Dry grass, stubble, brush, litter, or other flammable material which endangers the public safety by creating a fire hazard.

E. "Weeds, accumulation of" includes, but is not limited to, permitting or allowing the growth of weeds.

F. "Tire" means a pneumatic tire or solid tire manufactured for use on any type of motor vehicle. As defined in California Public Resources Code Section 42806.

G. Waste Tire. Public Resources Code (PRC) Section 42807 defines a "waste tire" as a tire that is no longer mounted on a vehicle and is no longer suitable for use as a vehicle tire due to wear, damage, or deviation from the manufacturer's original specifications. A waste tire includes a repairable tire, scrap tire, and altered waste tire, but does not include a tire-derived product, crumb rubber, or a used tire that is organized for inspection and resale by size in a rack or a stack in accordance with California Public Resources Code Section 42806.5.

H. "Used tire" as defined in California Public Resources Code Section 42806.5 means a tire that meets all of the following requirements:

1. The tire is no longer mounted on a vehicle but is still suitable for use as a vehicle tire.
2. The tire meets the applicable requirements of the Vehicle Code and Title 13 of the California Code of Regulations.
3. The used tire is ready for resale, is stored by size in a rack or a stack not more than two rows wide, but not in a pile, and is stored in accordance with local fire and vector control requirements and with state minimum standards.
4. A used tire stored pursuant to this section shall be stored in a manner to allow the inspection of each individual tire.

8.28.030 Concurrent authorities

This chapter is not the exclusive regulation for weed and refuse abatement within the town. It shall supplement and be in addition to the other regulatory codes, statutes, and ordinances heretofore and hereafter enacted by the county, the state, or any other legal entity or agency having jurisdiction.

8.28.040 Enforcement

The division of authority for enforcement of this chapter shall be as follows:

A. The chief of the town of Fort Jones fire department shall have authority to enforce this chapter and issue citations, if he/she has obtained the PC 832 certificate, for violations in their respective districts, pursuant to California Penal Code Section 832.

B. The code enforcement officer, chief of police and/or designee for the town of Fort Jones shall have authority to enforce this chapter and issue citations for violations in their respective districts, pursuant to California Penal Code Section 832.

C. The county fire warden shall have authority to enforce this chapter in the town of Fort Jones upon request of the chief of the town of Fort Jones fire department.

8.28.050 Prohibited Conduct

A person shall not dump weeds or refuse, nor shall he permit the dumping of weeds or refuse, nor shall he permit the accumulation of weeds or refuse, on his property or on any other property in such a manner as to constitute a fire hazard.

8.28.060 Firebreak Required

All dry grass, brush, vines or other dry vegetation shall be cleared for an area of not less than 30 feet from all structures, combustible fences, vehicles and combustible storage. The chief of the town of Fort Jones fire department may require additional clearances when topographical or geographical conditions warrant said action.

8.28.070 Accumulation of tires

A. No person shall allow, permit or have an accumulation of used tires or waste tires on any property within the town of Fort Jones which tends to create a fire hazard.

B. Exception. When tires are stored for the course of a normal licensed retail business.

8.28.080 Penalty – Infraction

A. Violation of any of the provisions of this chapter, or failure to comply with any of the regulatory requirements of this chapter is an infraction.

B. Each person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of the ordinances of this code is committed, continued or permitted by any such person, and he shall be punishable accordingly.



ORDINANCE # 2022-2

**ORDINANCE OF THE TOWN OF FORT JONES OPTING IN TO THE SISKIYOU COUNTY
INTEGRATED SOLID WASTE MANAGEMENT REGIONAL AGENCY'S EDIBLE FOOD
RECOVERY ORDINANCE**

The Town Council of the Town of Fort Jones hereby ordains as follows:

Section 1. Purpose and Findings.

- (a) **Whereas**, the purpose of this Ordinance is to comply with certain state laws requiring cities, counties, and special districts providing solid waste collection services to adopt ordinances and take other measures to reduce the amount of organic materials deposited in landfills, more specifically the Short-Lived Climate Pollutants Organic Waste Reduction regulations adopted pursuant to Senate Bill 1383 (Statutes of 2016) set forth in the California Code of Regulations (the "SB 1383 Regulations"); and
- (b) **Whereas**, the Town of Fort Jones is a member of the Siskiyou County Integrated Solid Waste Management Regional Agency ("SCWMA"). The SCWMA is a joint powers agency comprised of all the Cities in Siskiyou County and the County; and
- (c) **Whereas**, the SB 1383 Regulations require cities, counties, and special districts providing solid waste collection services to adopt and enforce an ordinance or other enforceable mechanism requiring residents and businesses generating solid waste to participate in an organics collection program provided by the jurisdiction and requiring commercial edible food generators to participate in an edible food recovery program; and
- (d) **Whereas**, the Town of Fort Jones finds that as a rural community it needs an exemption from the organic collection and organic waste collection program requirements of SB 1383 which would be extremely difficult to implement in this rural community; and
- (e) **Whereas**, the Town of Fort Jones is authorizing the SCWMA to apply for a rural exemption, on its behalf, from the organic waste collection program requirements of SB 1383 until at least December 31, 2026; and
- (f) **Whereas**, all jurisdictions, however, must develop an edible food recovery program. In response to this mandate, the SCWMA is adopting an ordinance to establish a uniform and comprehensive countywide system to establish the local regulations required by the SB 1383 Regulations concerning regulation of commercial edible food generators, food recovery services and food recovery organizations, including enforcement mechanisms and administrative civil penalties for violations; and

- (g) **Whereas**, On January 6th, 2022 the Siskiyou County Integrated Solid Waste Management Agency adopted the Edible Food Recovery Ordinance ("EFRO"), Ordinance SWJPA-2022-01, attached hereto as Exhibit A. In order for the EFRO to apply in the Town of Fort Jones' name the Town of Fort Jones must adopt an ordinance declaring that it will apply within the Town of Fort Jones; and
- (h) **Whereas**, The Town of Fort Jones wishes the EFRO to apply in the Town of Fort Jones' name; and
- (i) **Whereas**, The EFRO provides jurisdictions with the option to grant enforcement authority over various of its provisions to agencies specified in the EFRO. The Town of Fort Jones is making designations by approving a modification to the JPA agreement giving the County of Siskiyou the authority to act as the Designated Enforcement Agency for the SCWMA member agencies for SB 1383 compliance and enforcement and AB 341 compliance reporting; and
- (j) **Whereas** the Town of Fort Jones understands that even though it is delegating SB 1383 enforcement to the County on behalf of the SCWMA member agencies, the City itself is the responsible entity for compliance and if CalRecycle enforces for jurisdictional non-compliance, they will enforce on the jurisdiction and not the County or the Agency operating on behalf of the jurisdiction. The exception to this is County specific requirements which the County, as its own jurisdiction, shall meet.

Section 2. Adoption.

Now, therefore, the Town of Fort Jones hereby declares that the Edible Food Recovery Ordinance as set forth in Exhibit A to be effective in the Town of Fort Jones beginning on January 1, 2022.

Section 3. Enforcement Agency Authorization.

- (a) The Siskiyou County Integrated Solid Waste Management Regional Agency and the County are authorized and designated to carry out the responsibilities specified in the Edible Food Recovery Ordinance effective January 1, 2022.
- (b) The authorization and designation above does not limit the City's authority to independently carry out some or all of the responsibilities designated above. The City retains full authority to implement and enforce the Edible Food Recovery Ordinance.
- (c) The City Council may authorize and designate other entities to carry out responsibilities under this ordinance and no amendment of this ordinance shall be required.

Section 4. Severance Clause.

The Town Council declares that each section, sub-section, paragraph, sub-paragraph, sentence, clause and phrase of this ordinance is severable and independent of every other section, sub-section, paragraph, sub-paragraph, sentence, clause and phrase of this ordinance. If any section, sub-section, paragraph, sub-paragraph, sentence, clause or phrase of this ordinance is held invalid, the [name of jurisdiction's governing body] declares that it would have adopted the remaining provisions of this ordinance irrespective of the portion held invalid, and further declares its express intent that the remaining portions of this ordinance should remain in effect after the invalid portion has been eliminated.

Section 5. California Environmental Quality Act

This Ordinance is adopted pursuant to CalRecycle's SB 1383 Regulations. The SB 1383 Regulations were the subject of a program environmental impact report (EIR) prepared by CalRecycle, and the activities to be carried out under this Ordinance are entirely within the scope of the SB 1383 Regulations and that EIR. No mitigation measures identified in the EIR are applicable to the Town of Fort Jones' enactment of this Ordinance. Moreover, none of the conditions requiring a subsequent or supplemental EIR, as described in Public Resources Code Section 21166 and California Environmental Quality Act (CEQA) Guidelines Sections 15162 and 15163, have occurred. The EIR therefore adequately analyzes any potential environmental effects of the Ordinance, and no additional environmental review is required.

Section 6. Publication.

A summary of this ordinance shall be posted in town and published in a newspaper of general circulation of the Town of Fort Jones within fifteen days after its adoption.

The foregoing ordinance was introduced at the regular meeting of the Town Council of the Town of Fort Jones held on January 10, 2022 and was adopted on February 15, 2022, by the following vote.

AYES: DeCausmaker, Banks, Beckwith, Garcia

NOES:

ABSENT: Gepford

ABSTAIN:

APPROVED: _____


Michelle DeCausmaker, Mayor

ATTEST: _____


Celeste McFall, City Clerk

