



**NOTE TIME AND DATE
CHANGE**

AGENDA

Regular Meeting

City Hall 11960 East St. Fort Jones

TUESDAY February 15, 2022 – 7:00 P.M.

The Fort Jones City Hall will be open to the public for this meeting and it will also be available to attendees via Zoom for those that want to participate remotely

VIRTUAL MEETING

Due to the COVID-19 Virus, and the State of Emergency issued by the State of California and Siskiyou County, with authorization from the Governor's Executive Order allowing local governments to hold meetings via teleconference and to make meetings accessible electronically, this meeting will be held remotely through the web platform [zoom.com](https://zoom.us). The Call-in number for anybody without access to a computer and internet is:

1-669-900-9128

Meeting ID: 819 1265 3076

Log on to [Zoom.com](https://zoom.us) in order to access the meeting via computer.

Meeting Name: Fort Jones Town Council Meeting

URL: <https://us02web.zoom.us/j/81912653076>

No Password Needed

Contact Karl Drexel at karl@kdmanagement.us (707) 318-7369 with any questions or problems.

CALL TO ORDER:

Fort Jones City Council Roll Call: Mayor: DeCausmaker _____ Members: Garcia _____ Banks _____
Beckwith _____ Vacant _____

PLEDGE OF ALLEGIANCE:

PUBLIC COMMENTS:

Discussion items only, no action to be taken. Any person may address the Council at this time upon any subject within the jurisdiction of the Town of Fort Jones; however, any matter that requires action may be referred to staff and/or Committee for a report and recommendation for possible action at a subsequent Council meeting. There is a five (5) minute limit per topic.

CITY COUNCIL VACANT SEAT APPLICATIONS – Vote for replacement

1. Alex LaRiviere
2. Leroy Nelson
3. Everett Hullquist
4. Mark Gepford

DISCUSSION / REPORTS / CORRESPONDENCE: NON-ACTION ITEMS:

- A. Police Department Monthly Report
- B. Fire Department Monthly Report
- C. Code Enforcement
- D. Public Works Monthly Report
- E. Administrator's Reports

CONSENT CALENDAR:

Items listed on the consent agenda are considered routine and may be enacted in one motion. Any item may be removed for discussion at the request of the Council or the Public.

- 1. a) Approval of Minutes: Regular Meeting January 10, 2022
- b) Ratification of Disbursements: January 1 through January 31, 2022
- c) Approve Payables for February 2022
- d) Receive and Review YTD P&L

PUBLIC HEARING: ORDINANCES AND RESOLUTIONS

- 2. Review and Approve Second Reading and adoption of Ordinance 2022-1 re FOG Program
- 3. Review and Approve Second Reading and adoption of Ordinance 2022-2 re Opting into the Siskiyou County Integrated Solid Waste Management Regional Agency's Edible Food Recovery Ordinance.
- 4. Review and Approve First Reading of Ordinance 2022-3 re Creating a Public Nuisance Ordinance
- 5. Review and approve Resolution 1101 Establishing Certain Fees for Nuisance violations
- 6. Review and Approve First Reading of Ordinance 2022-4 re Abandoned or Wrecked Vehicle Ordinance
- 7. Review and Approve Resolution 1102 Establishing Certain Fees for Vehicle violations
- 8. Review and Approve First Reading of Ordinance 2022-5 an Amendment to Chapter 8 Health and Safety Ordinance

DISCUSSION / REPORTS: ACTION ITEMS:

- 9. Discuss and approve using the Housing and Community Development's Permanent Local Housing Allocation (PLHA) for Youth Shelter
- 10. Abatement Process on Motel update
- 11. Lien Process on Gwin Property and Silva Property Update
- 12. Bev White Tournament Letter
- 13. Seasonal Firefighter
- 14. Kevin Hullquist Use Permit for Storage Units
- 15. Review and Approve Resolution 1103 Opposing the State Initiative Cal Cities is opposing.
- 16. Discussion regarding replacement of root bound sewer line next to Cal Fire

STAFF COMMENTS:COUNCIL MEMBER COMMENTS:

ADJOURNMENT: The next Fort Jones City Council Meeting is scheduled to be held on March 14, 2022, at 7:00 p.m.

From: [Celeste McFall](#)
To: [Karl Drexler](#)
Subject: FW: City Council Application
Date: Monday, January 24, 2022 2:32:53 PM

Celeste McFall
Office Manager
The Town of Fort Jones
"Gateway to the Marble Mountains"
11960 East St.
Fort Jones, CA 96032
(530) 468-2281
www.fortjonesca.org

From: Alexander LaRiviere <alex@bikexpert.com>
Sent: Monday, January 24, 2022 2:31 PM
To: Celeste McFall <celeste.mcfall@fortjonesca.com>
Subject: Re: City Council Application

1/24/2022

Dear Celeste McFall:

I received your email with my attached letter dated 1/23/2022 and the "full City Council Application".

Are you refusing to accept my City Council Application letter dated 1/23/2022? I believe my letter is more than sufficient for me to apply for the City Council Position. By refusing to accept my City Council Application "AS IS", it is my belief that you are violating my Constitutional Rights. Please respond to this email immediately, and please make your position clear. Sincerely, Alexander W. LaRiviere.

From: Celeste McFall <celeste.mcfall@fortjonesca.com>
Sent: Monday, January 24, 2022 10:32 AM
To: Alexander LaRiviere <alex@bikexpert.com>
Subject: RE: City Council Application

Good morning Alexander,
Thank you for your letter of interest in the vacant Fort Jones City Council seat. Please find attached the full City Council application. Please complete and return by 5 p.m. on January 28, 2022.
Thank you,

Celeste McFall
Office Manager

The Town of Fort Jones
"Gateway to the Marble Mountains"
11960 East St.
Fort Jones, CA 96032
(530) 468-2281
www.fortjonesca.org

From: Alexander LaRiviere <alex@bikexpert.com>
Sent: Sunday, January 23, 2022 12:30 PM
To: Celeste McFall <celeste.mcfall@fortjonesca.com>
Subject: City Council Application

Dear Celeste:

Attached please find my City Council Appointment Application. Best regards, Aleander W. LaRiviere.

Alexander W. LaRiviere
11842 Diggles Street
Fort Jones, CA 96032
(408) 2942412
alex@bikexpert.com

January 23, 2022

Town Council: Michelle DeCausmaker, Mayor, Mercedes Garcia, Mayor Pro Tem, Kathye Banks,
Council Member, Bill Beckwith, Council Member
Town Hall Office of Fort Jones, 11960 East Street
P.O. Box 40
Fort Jones, CA 96032
celeste.mcfall@fortjonesca.com

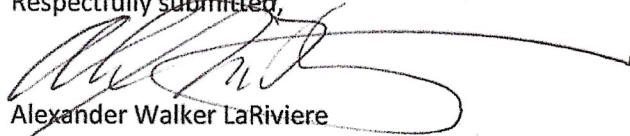
Regarding: City Council Application

Dear City Clerk at the City Hall Office of the Town of Fort Jones:

I am submitting my application for the appointment position of Town of Fort Jones Council Member. I am 63 years old, I have two children, all grown up. I am a registered voter in the Town of Fort Jones. I moved to Fort Jones as a new property owner in February 2013. My occupational background has been as a forensic consultant working nationwide as a bicycle expert for attorneys for the past 39 years. I have been qualified to testifying in both criminal and civil matters. I have testified in both federal and state courts. My clients include the Department of Justice, the Department of Interior, the State of California Department of Transportation, multiple counties and cities including the County of Sacramento, the County of Santa Clara, the City of San Jose, City of Los Angeles Department of Water and Power, multiple insurance companies and plaintiff law firms. I received a Commendation from the City of San Jose for my contribution to the development of the downtown area of San Jose. I served as the Bicycle Safety Coordinator for the National Safety Council/City of San Jose, where I developed and implemented bicycle safety programs at elementary school, junior high school, high school and college levels.

If appointed to serve as a City Councilmember, I am available to serve as a City Councilmember until December 31, 2022.

Respectfully submitted,



Alexander Walker LaRiviere

Leroy Nelson

P.O. Box 298, Fort Jones, CA 96032 (530) 468-5157

January 26, 2022

Mayor & Council Members

Fort Jones, CA 96032

Dear Mayor & Council Members :

This letter is to show my interest in the vacant seat on the Fort Jones City Council.

I am a 71-year-old registered voter and I live in the town of Fort Jones. My wonderful wife and I have raised two daughters in Scott Valley. We have lived in the town of Fort Jones for over thirty years. My background has been in logging, construction, and in the last few years in lawn mower repair.

I care a great deal about our town and its citizens. For this reason, I am submitting this letter of interest. There is a never-ending list of positive things that could happen in our town. If chosen I would be able to fill the position until it is terminated.

Sincerely,



Leroy Nelson

Thank you for your interest in applying for the appointment position of Town of Fort Jones Council Member. Please complete the form in full, including the corresponding supplemental questionnaire.

Applications are due by January 28, 2022

Please submit your complete application to the City Clerk at the City Hall office or via email:

DROP OFF: City Clerk, City Hall office, 11960 East Street Fort Jones, 96032

EMAIL: celeste.mcfall@fortjonesca.com

For questions about this application, please contact the City Clerk at (530) 468-2281 or email celeste.mcfall@fortjonesca.com

SECTION I: CRITERIA

Name: Everett Hullquist

Email Address: everethullquist23@yahoo.com Phone Number: 530 598 9417

Home Address: 113 Carlock St. Fort Jones CA 96032

Mailing Address: P.O. Box 874 Fort Jones, CA 96032

SECTION II: SUPPLEMENTAL INFORMATION

1. Please describe any community activities in which you are or have been engaged in Fort Jones. Include the organization, your role, a brief description of your activities and dates of participation.

I am employed through the Public Works department and oversee the daily water and sewer functions of The Town. I also take care of all the Parks and roads throughout Town. I been working for the Town for a little over a year now.

2. Please state why you would make a good representative for the Town of Fort Jones.

I want to see the Town grow to its full potential, with smart land use and an eye for aesthetics. I have the Town's best interest in mind. I own property in Town so I have a direct stake in what the Town does and doesn't do.

11960 East Street
P.O. Box 40
Fort Jones, CA 9603
(530) 468-2281



3. What is your vision for the future of the Town of Fort Jones? What would be your areas of priority if appointed to the City Council?

My vision for the Town would be to have more affordable housing and high end housing in and around Town. I would want to have our infrastructure upgraded by pursuing any and all grants available.

4. How would you approach constituent service for the Town of Fort Jones?

I would approach the service by trying to do what I think is in the Town's best interest at all times.

5. Please provide three references and their phone numbers:

Name: Darren Franklin Phone Number: 530 468 5505
Name: Michelle DeCausmaker Phone Number: 598 598 5083
Name: Kevin Hullquist Phone Number: 598-598-5082

SECTION III: EDUCATION AND EMPLOYMENT HISTORY INFORMATION

Please include a brief background on your education and employment history. Please attach a copy of your resume as additional information.

I graduated Etna High School in 2007. I went to C.O.S. but never graduated. I was employed by Basic Fencing in Yreka for 4 1/2 years. I then worked with Dick Aldrich for about 3/4 year. I then went and worked at the Timber Products Mill for 6 1/2 years. I've recently worked for The Town of Fort Jones for the past year and a quarter as a ³ Public Works Laborer.

ACKNOWLEDGEMENT:

I hereby acknowledge that this appointment opportunity is subject to the complete discretion of the City Council and, should I not be appointed, I further acknowledge that I shall not be entitled to an explanation or reason as to why I was not appointed.

AUTHORIZATION:

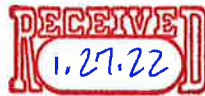
I hereby authorize the Mayor, each City Council Member and their designees to contact third parties for confidential background references pertaining to my employment history, civic participation, education background and general character, without having to disclose to me the information provided by any such third party nor the identity of the source of any such information.

I attest that the information provide on this application is true and complete to the best of my knowledge.

Signature: Everett Hallquist

Printed Name: Everett Hallquist Date: 1/27/2022

For City Clerk's Use Only

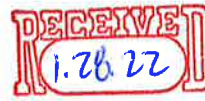


Application Received _____

Town of Fort Jones Residence Verified Celina J. McFall

Voter Registration status Verified ✓

11960 East Street
P.O. Box 40
Fort Jones, CA 9603
(530) 468-2281



City Council Appointment Application Form

ELIGIBILITY

City Council Members must be at least 18 years of age and a registered voter in the Town of Fort Jones.

APPLICATION FILING REQUIREMENTS

Completed applications will be accepted in the City Clerk's office until 5:00 PM on January 28, 2022. Please feel free to include additional information with your application. Your application must be signed and include your current registered voter information. Voter registration will be confirmed. Applications can be sent to the City Clerk via email at celeste.mcfall@fortjonesca.com or delivered in person to City Hall office at 11960 East Street, Fort Jones, CA 96032.

FINANCIAL INTERESTS

Council Members are required to complete and file a Form 700 Statement of Economic Interests disclosing various financial interests.

PUBLIC INFORMATION

Becoming a candidate for public office means that information about you will become a matter of public record immediately. This includes any and all documents submitted to the Town of Fort Jones during the course of the application period. As such, these documents must, by law, be available to the public for inspection and/or copying.

GENERAL INFORMATION REGARDING THE POSITION

Regular meetings of the City Council are held on the second Monday of each month at 7 p.m. Additional meetings may be called as necessary. In addition to regular Council business, the individual selected must be available to actively participate as a Council liaison to external agencies and organizations.

The Town of Fort Jones operates under a council-administrator form of government. The five City Council Members are elected to staggered four-year terms. The Mayor and Mayor Pro Tem are appointed every two years on a rotational basis by the City Council. The City Council is the legislative body responsible for the overall policies of the Town of Fort Jones. The Council makes all policy determinations through enactment of ordinances and resolutions and the City Administrator is responsible for the implementation of these policies. The Council approves the Town's budget. The City Council appoints a City Administrator to carry out the daily operation of the City, a City Attorney, and City Clerk, as well as members of the Town's various advisory boards and commissions.

As for this appointment, the selected candidate will serve through December 12 of 2022.

Thank you for your interest in applying for the appointment position of Town of Fort Jones Council Member. Please complete the form in full, including the corresponding supplemental questionnaire.

Applications are due by January 28, 2022

Please submit your complete application to the City Clerk at the City Hall office or via email:

DROP OFF: City Clerk, City Hall office, 11960 East Street Fort Jones, 96032

EMAIL: celeste.mcfall@fortjonesca.com

For questions about this application, please contact the City Clerk at (530) 468-2281 or email celeste.mcfall@fortjonesca.com

SECTION 1: CRITERIA

Name: MARK ALAN BEPFORD

Email Address: SHIPFETER88@GMAIL.COM Phone Number: 530-340-6830

Home Address: 12825 MARBLE VIEW DR. FORT JONES CA. 96032

Mailing Address: PO BOX 593 FORT JONES CA. 96032

SECTION II: SUPPLEMENTAL INFORMATION

1. Please describe any community activities in which you are or have been engaged in Fort Jones. Include the organization, your role, a brief description of your activities and dates of participation.

FORT JONES FIRE DEPT
FORT JONES LEADS CLUB - XMAS PARADE, WOOD DELIVERY
VETS ORG. YREKA - WE DELIVER WOOD TO VETS

2. Please state why you would make a good representative for the Town of Fort Jones.

I WAS BORN AND RAISED IN THE VALLEY MY FAMILY
HAD A BUSINESS HERE. I WANT TO SEE GREAT THINGS
HAPPEN HERE AND I WANT TO CARRY ON THE
GOOD NAME OF MY FAMILY.



3. What is your vision for the future of the Town of Fort Jones? What would be your areas of priority if appointed to the City Council?

MY VISION IS TO TRY AND BRING MORE ^{A NEW} BUSINESS TO THIS TOWN. GET US BACK ON THE MAP. TRY AND GET THE TOWN BACK THE WAY IT USED TO BE, GET RID OF THE EYE SORES. GET THE TOWN AS DONE AGAIN.

4. How would you approach constituent service for the Town of Fort Jones?

SEE TO THE NEEDS OF THE PEOPLE, IN REGARDS TO THERE WISHES. GET RID OF THE EYE SORES CLEAN UP THE TOWN.

5. Please provide three references and their phone numbers:

Name: BILL MATTHESSON Phone Number: 468-2325
Name: JAY BRAXTON Phone Number: 598-2416
Name: HARRIET RIVALLIER Phone Number: 468-5211

SECTION III: EDUCATION AND EMPLOYMENT HISTORY INFORMATION

Please include a brief background on your education and employment history. Please attach a copy of your resume as additional information.

ASSOCIATES DEGREE IN ENGINEERING
RETIRED MILITARY, RETIRED TRUCK DRIVER
CARPENTRY, PLUMBING, WELDING, EQUIPMENT

ACKNOWLEDGEMENT:

I hereby acknowledge that this appointment opportunity is subject to the complete discretion of the City Council and, should I not be appointed, I further acknowledge that I shall not be entitled to an explanation or reason as to why I was not appointed.

AUTHORIZATION:

I hereby authorize the Mayor, each City Council Member and their designees to contact third parties for confidential background references pertaining to my employment history, civic participation, education background and general character, without having to disclose to me the information provided by any such third party nor the identity of the source of any such information.

I attest that the information provide on this application is true and complete to the best of my knowledge.

Signature: Mark A. Gephord

Printed Name: MARK A. GEPFORD Date: 1-25-21

For City Clerk's Use Only

Application Received 1.28.2022

Town of Fort Jones Residence Verified ✓

Voter Registration status Verified ✓

REPORTS & CORRESPONDANCE



Fort Jones Fire Department

Agenda Item B

Chief Joseph Hess
Po Box 597
31 Newton Street
Fort Jones CA, 96032
Station Phone (530)468-2261
E-Mail- ftjfire@sisqtel.net

To City Council,

The Fire Department responded to 53 calls for service in the month of January. Members participated in 12 hours of scheduled training and numerous hours of online training. The Fire department has responded to 53 calls year to date.

January 2022 Calls

Call Type	City Limits	Out of City
MEDICAL AID	12	18
PUBLIC ASST.	9	3
VEG. FIRE	0	0
STU. FIRE	0	1
TRAFFIC ACCIDENT	0	4
FIRE ALARM	2	0
ANIMAL RESCUE	0	1
VEHICLE FIRE	1	0
FLU FIRE	0	1
CANCELLED	0	1
Total	24	29

Engine 1310 is back from Medford Shop. We're still waiting for some equipment to be delivered before it is officially placed into service.

Engine 1311 is currently in Medford Shop receiving its annual service.

We received payment from the state for the Dixie fire from last summer. Checks have been made out to all personnel that were on the incident.

Public Works Report

January 2022

The Towns static water level at the well was 21 feet on February 4th. During the month of January we have been trying to reduce the fire hazards around town by cleaning up flammable material and cutting down some of the branches that hang over the Towns roadways and sidewalks. We cleaned up some broken branches and leaves on Oakmill Street that broke during the storm and fell over the sidewalk. We cleaned up a pile of branches left on the side of Mathews street by an unknown person. We cleaned up all the leaves underneath the bleachers at the little league field. We removed all of the brush and overhanging limbs around the Towns water tanks on top of the hill. We cleaned up branches left over from the storm from the side of Marbleview road. We filled in some pot holes behind the Hardware store. We flushed the sewer between Cal fire and Allison way. We spoke to Cal Fire about removing the tree on Cal Fire property. We spoke to Dick Aldrich about redoing the sewer line in-between the Cal Fire manhole and the Allison Way manhole. We finished tearing off the rest of the old siding at the Paul Garrison Picnic Pavilion. We researched how the Town is going to provide water and sewer to the lot next to the post office. We removed all the old dirt from behind the Public Works shop. We attended some workshops on water loss and water auditing. We studied the wastewater book and answered questions pertaining to wastewater. We swept up the gutters in front of Cal Fire, the Elementary School and along portions of Newton Street. We responded to a water issue on Oakmill where the customer was complaining about a lack of water pressure. We replaced his water meter and proved that the Town was suppling adequate water pressure to the start of his property line. We took out the trash as needed. We burned up a pile of debris behind the City Barn. We read all of the water meters.

City Administrator Report

January 2022

- Contact Placeworks staff and HCD staff to see if they would assist with the new Housing Element, HE 6.
- We developed a new Request for Proposals to planning companies and sent them out for proposals to complete the new housing element. We are still reviewing the bids that are all in the \$60,000 range.
- Worked with Molly, Celeste, and Rachel to update all of the CDBG Loans and our Housing account loans for updated balances and payment records.
- Completed and submitted the Annual Streets and Roads Report to the State Controller's Office.
- Met with Julia Martinez, Engineer Paul Reuter and two people from the SWRCB Department of Financial Assistance (DFA) to review Scope of Work and updating the Drinking Water System Improvement Planning Grant.
- Met with Julia, Morgan Eastlick and the folks with DFA on updating the Construction Grant for new updated Smart Water meters.
- Worked with Anders Rasmussen of SHN and Roy O'Conner of State Water Board on design of new wastewater facility. Working with Dan LaFontaine from California Rural Water Association on finishing the planning grant and moving on to a construction grant for a new WWTP upgrades.
- Aaron Reimler with Rural Community Assistance Corporation, along with me and our staff continue to work with the Economic Development of Fort Jones, business Planning Committee and complete streets project with Cal Trans.
- Continue to work with Tamy Quigley with Cal Trans, along with Kelly Zolotoff, Natalie Kinney, Marci Gonzalez, and the DOT Crew for Complete Streets planning and funding. Kory Hayden and the SCEDC are also helping.
- Applied for a new Per Capita Grant for upgrades to Little League Park and Picnic Pavilion as well as upgrades to the Scout Hall.
- Developed and submitted Requests for Proposal for a three-year audit for SWRCB Grants. Submitted an amendment request with the state for additional funding to cover a new audit and completion of the sewer Planning Grant.
- Work with staff to set up and complete the annual drinking water report (EAR), water bill arrearages reimbursement, and wastewater arrearages programs.
- Met with Ben Ramsey, Margaret Long, and Kelly regarding the abatement process for the motel and other problem properties.

CONSENT CALENDAR

Fort Jones City Council
Regular Meeting
January 10, 2022

CERTIFICATION OF POSTING AGENDA

I, Celeste McFall, City Clerk for the Town of Fort Jones, hereby certify that the agenda for the January 10, 2022 meeting of the City Council was posted in City Hall, near the door of the City Council Chambers, Fort Jones Post Office, Ray's Food Place, Scott Valley Family Resource Center, Outside Frontier Hardware and on the City's website www.fortjonesca.org on January 6, 2022.

I declare under the penalty of perjury that the foregoing is true and correct.

Celeste McFall, City Clerk

The regular meeting of the Fort Jones City Council was called to order in person and via Zoom by Mayor Michelle DeCausmaker at 6:00 p.m. In addition to Mayor Michelle DeCausmaker council members present were Kathye Banks, Mercedes Garcia, and Bill Beckwith.

Also present: City Clerk Celeste McFall. City Administrator Karl Drexel and City Attorney Margaret Long (via Zoom).

Mayor Michelle DeCausmaker led the flag salute.

Public Comment on Closed Session:

No comments

Adjourn to Closed Session:

Mayor Michelle DeCausmaker called to adjourn to Closed Session at 6:02 p.m.

Return to Open Session:

Mayor Michelle DeCausmaker called to return to Open Session at 7:00 p.m.

Report on Closed Session:

Direction given to staff to authorize City Attorney to proceed with abatement procedures for the property located at 12425 Main Street Fort Jones CA 96032.

Public Comment: No Public Comment

Discussion/Reports: Non-Action Items:

A) Police Department Monthly Report- Police Chief Josh Short was not able to attend as he was on a call. Police Chief Josh Short provided a full report for the month of December in the council packet.

B) Fire Department Monthly Report

Fire Chief Joseph Hess provided a report and stats for the month of December in the council packet. He announced the new engine was done being serviced and was in Fort Jones. He noted that Breanna Buker and Brad Leiferman had been promoted to Captain and Samantha Hess had been promoted to Lieutenant. He noted that in 2021 the department had responded to 454 calls totaling over 700 volunteer hours.

C) Code Enforcement Report

Code Enforcement Officer Kelly York was not present. A full report for the month of December was provided in the council packet.

D) Public Works Monthly Report

Everett Hullquist provided a report in the council packet for the month of December and was present. He reported that the recent snowstorms had kept the department very busy clearing downed trees, snow removal and road clearing. He noted that he had also been studying wastewater classes.

E) City Administrators Report

City Administrator Karl Drexel provided a report for the month of December in the council packet.

1. Consent Calendar:

- a) Approval of Minutes: Regular Meeting December 13, 2021
- b) Ratification of Disbursements: December 1 through December 31, 2021
- c) Approve Payables for January 2022
- d) Receive and Review December P&L
- e) Receive and Review YTD P&L

Mercedes Garcia made a motion to approve the Consent Calendar and Bill Beckwith seconded the motion. The motion passed with DeCausmaker, Beckwith, Banks, and Garcia voting aye; one seat vacant.

Public Hearing: Ordinances and Resolutions:

2. Review and Approve Introduction of Ordinance 2022-1 re FOG Program

Kathye Banks made a motion to accept the Introduction of Ordinance 2022-1, Mercedes Garcia seconded the motion. The motion passed with DeCausmaker, Beckwith, Banks, and Garcia voting aye; one seat vacant.

3. Review and Approve Introduction of Ordinance 2022-2 re Opting into the Siskiyou County Integrated Solid Waste Management Regional Agency's Edible Food Recovery Ordinance.

Bill Beckwith made a motion to approve the introduction of Ordinance 2022-2 and Kathye Banks seconded the motion. The motion passed with DeCausmaker, Beckwith, Banks, and Garcia voting aye; one seat vacant.

Discussion/Reports: Action Items:

4. Form 700 reminder. Also, reminder of Ethics and Harassment courses.

5. Boundary Line Adjustment Douglas Street-Hullquist

Bill Beckwith made a motion to approve the Boundary Line Adjustment as presented with changing the working to Moffet Creek, Mercedes Garcia seconded the motion. The motion passed with DeCausmaker, Beckwith, Banks, and Garcia voting aye; one seat vacant.

COUNCIL MEMBER COMMENTS:

Kathye Banks addressed the correct wording for the Bev White ADA table at the Garrison Picnic Pavilion.

There was discussion regarding finishing the painting on the inside of City Hall. Those questioning were assured the painting would be finished.

Bill Beckwith notes the \$486,000 park grant recently awarded to Fort Jones: as well as the notification from Caltrans asking for the town's input on the upcoming road improvements. He also noted that the City Administrator was also working on other grants for the Little League Park and Picnic Pavilion and the Scout Hall.

Meeting adjourned 7:35 p.m.

Attest:

Celeste McFall, City Clerk

Approved:

Mayor Michelle DeCausmaker

Town of Fort Jones
January Disbursements
January 2022

Date	Name	Memo	Paid Amount
01/05/2022	QuickBooks Payroll Service	Payroll Expense	-152.58
01/07/2022	QuickBooks Payroll Service	Payroll Expenses	-3,359.80
01/07/2022	QuickBooks Payroll Service	Payroll Expenses	-1.75
01/21/2022	QuickBooks Payroll Service	Payroll Expenses	-3,323.60
01/31/2022	QuickBooks Payroll Service	Payroll Expenses	-252.50
01/05/2022	Buker*, Breanna	Calls & Meetings	-17.00
01/05/2022	Cox*, Jadon S.	Calls & Meetings	-10.00
01/05/2022	Hess*, Joseph	Calls & Meetings	-463.00
01/05/2022	Hess*, Samantha	Calls & Meetings	-147.50
01/05/2022	Leiferman*, Bradley	Calls & Meetings	-112.00
01/05/2022	Lomayaktewa*, Clifton	Calls & Meetings	-7.00
01/05/2022	Mason*, Julia	Calls & Meetings	-26.50
01/05/2022	Schott*, Dawn	Calls & Meetings	-219.50
01/05/2022	Tolle, Nathan *	Calls & Meetings	-195.50
01/05/2022	Varga*, Alex	Calls & Meetings	-17.00
01/05/2022	Wolfe*, Zachary	Calls & Meetings	-111.50
01/07/2022	Agron, Rachel	Admin Payroll	-1,069.13
01/07/2022	Aston, Molly J	Gen Adm & Program Delivery	-861.65
01/07/2022	DeCausmaker, Michelle*	Mayor Payroll	-83.11
01/07/2022	Hullquist*, Kevin	P/W Payroll	-400.69
01/07/2022	Hullquist, Everett	P/W Payroll	-1,068.15
01/07/2022	McFall, Celeste J	Admin Payroll	-1,821.71
01/07/2022	Nobles, Suzanne	Janitorial Payroll	-189.93
01/07/2022	Whitworth, Barbara A	Library Payroll	-69.26
01/07/2022	KD Management Services LLC	Consulting Fees	-10,290.00
01/12/2022	Basic Fencing	Fence Maintenance	-691.50
01/12/2022	Basic Laboratory	Water Testing	-253.20
01/12/2022	California Rural Water Assn.	Water Fees - Renewal	-572.00
01/12/2022	City of Medford Finance Department	Fleet Maintenance	-7,261.81
01/12/2022	Cross Petroleum	Fuel Oil	-859.41
01/12/2022	Duane's Drain Cleaning	Water Maintenance	-780.00
01/12/2022	Fort Jones Ace Hardware	misc Supplies	-172.89
01/12/2022	Fort Jones Lumber	Maintenance	-18.39
01/12/2022	Golden State Risk Management Authority	General Insurance Quarterly	-18,615.26
01/12/2022	Kevin Hullquist	Reimbursement	-46.32
01/12/2022	Mean Gene's Gas	Museum Monitor fuel	-505.88
01/12/2022	Michelle DeCausemaker	Reimbursement	-92.03
01/12/2022	Molly Aston	Ins Reimbursement	-1,194.96
01/12/2022	Pacific Power	Street Lights and misc power	-3,773.88
01/12/2022	Quad-B Systems	IT Services	-1,470.00
01/12/2022	Quadient	USPO	-53.63
01/12/2022	Quartz Valley Indian Reservation	Water Testing	-225.00
01/12/2022	S.C.O.R.E.	Previous Worker's Comp Ins	-13,785.56
01/12/2022	Scott Valley Auto Parts	Fleet Maintenance	-20.36

Town of Fort Jones
January Disbursements
January 2022

Date	Name	Memo	Paid Amount
01/12/2022	Scott Valley Disposal	Dumpster fees	-298.00
01/12/2022	SHN Consulting Engineers & Geologists	Sewer Report	1,101.25
01/12/2022	Siskiyou County Economic Council	Economic Development	-416.67
01/12/2022	Siskiyou Telephone	Misc Phones	-815.25
01/12/2022	State Water Resources Control Board	Water and Sewer State Fees	-28,087.36
01/12/2022	Suburban Propane	Propane	-2,987.00
01/12/2022	Thomas Dimitre	Legal Fees - Romaine	-10,000.00
01/12/2022	ULINE	Street Maint	-124.88
01/12/2022	Us Bank Corporate Payment Systems	Misc supplies & Maint	-1,618.61
01/12/2022	US Bank Equipment Finance	Equipment Finance	-373.88
01/12/2022	Valley Tire	Fire Dept Supplies & Maint	-1,086.54
01/12/2022	D&D Cookin'	LOLA Dinner	-108.00
01/18/2022	County of Siskiyou	Filing Costs	-50.00
01/21/2022	Agron, Rachel	Admin Payroll	-1,062.23
01/21/2022	Aston, Molly J	Gen Adm & Program Delivery	-861.66
01/21/2022	DeCausmaker, Michelle*	Mayor Payroll	-83.12
01/21/2022	Hess, Joseph E	Chief Stipend	-461.75
01/21/2022	Hullquist*, Kevin	P/W Payroll	-676.93
01/21/2022	Hullquist, Everett	P/W Payroll	-1,358.21
01/21/2022	McFall, Celeste J	Admin Payroll	-1,530.22
01/21/2022	Nobles, Suzanne	Janitorial Payroll	-183.01
01/21/2022	Whitworth, Barbara A	Library Payroll	-69.26
			-125,813.77

Town of Fort Jones
February Payables
February 2022

Type	Date	Name	Open Balance
Bill	02/01/2022	Fort Jones Lumber	82.49
Bill	02/01/2022	Siskiyou Fire Equipment	354.70
Bill	02/01/2022	Us Bank Corporate Payment Systems	2,580.70
Bill	02/01/2022	League of California Cities	440.00
Bill	02/01/2022	Quad-B Systems	895.52
Bill	02/01/2022	Fort Jones Ace Hardware	63.00
Bill	01/25/2022	Mean Gene's Gas	342.88
Bill	01/25/2022	Prentice Long	1,295.00
Bill	01/25/2022	C & K Market	93.20
Bill	01/25/2022	SHN Consulting Engineers & Geologists	1,597.22
Bill	01/25/2022	Duane's Drain Cleaning	292.50
Bill	01/25/2022	League of California Cities	100.00
Bill	01/25/2022	Cross Petroleum	777.56
Bill	01/25/2022	City of Medford Finance Department	4,661.82
Bill	01/25/2022	Suburban Propane	2,498.66
			16,075.25

Town of Fort Jones

Profit & Loss

July 2021 through January 2022

	Jul '21 - Jan 22
Income	
1I - General Government Income	
4099 - Property Taxes	
4100 - Secured Current	56,892.91
4101 - Unsecured Current	3,993.15
4102 - Unsecured Delinquent	14.56
4106- Supp Int	3.36
4108- Supp Del	25.85
4508 - VLF Net	32,773.55
4512 - Off Highway Vehicle Tax	2,284.20
4514- Unsec Interest	4.33
4516- Sup Current	331.77
4518 - CA Fish& Game PILT	81.16
Total 4099 - Property Taxes	96,404.84
4111 - Sales Tax	232,383.79
4215 - Parks Grants	5,000.00
4216 - Franchises	7,967.14
4218 - Business License	6,102.12
4301- Fees Booking	1.38
4302- Fees Collection Cost	-39.22
4303 - Vehicle Fees	115.79
4304-Fees Other	957.39
4400 - Rent	3,800.00
Total 1I - General Government Income	352,693.23
2I - Public Safety Income	
2a - Law Enforcement	
4111- Growth Alloc	1,571.20
4112 - COPS Allocation	106,997.44
4116 - Prop172	354.97
4117 - Tax Allocation - Law Enf	372.48
Animal Control	
4230 - Dog Licenses	45.00
Total Animal Control	45.00
Total 2a - Law Enforcement	109,341.09
2b - Fire Protection	
4740 - Fire Dept.	900.00
4741 - Tax Allocation - Fire	400.00
4750 - Strike Team Income	182,693.38
Total 2b - Fire Protection	183,993.38
2I - Public Safety Income - Other	595.92
Total 2I - Public Safety Income	293,930.39

Town of Fort Jones

Profit & Loss

July 2021 through January 2022

	Jul '21 - Jan 22
3I - Public Works Income	
3a - Streets Income	
4499 - Gas Tax 2103	3,245.39
4500 - Gas Tax 2106	3,986.85
4501 - Gas Tax 2107	2,209.58
4502 - Gas Tax 2107.5	1,000.00
4503 - Gas Tax 2105	2,062.48
4537 - STIP	39,309.68
4540 - Tax Allocation - Roads	12,196.08
SB1	1,283.07
Total 3a - Streets Income	65,293.13
3b - Sewer Income	
4212 - Sewer Revenue	34,995.28
3b - Sewer Income - Other	255.00
Total 3b - Sewer Income	35,250.28
3c - Water Income	
4810 - Water Revenue	75,089.60
4815 - Tax Allocation - Water	4,775.68
Total 3c - Water Income	79,865.28
Total 3I - Public Works Income	180,408.69
4900 - CBDG Interest	
89-92LF Interest	19.29
4900 - CBDG Interest - Other	112.66
Total 4900 - CBDG Interest	131.95
4902 - CBDG Reimbursement	25,841.43
4903 - Library Reimbursement	5,579.71
4905- Siskiyou Tel Reimbursment	10,483.90
4910- SAFER Grant	57,993.00
4911 Coronavirus Relief Fund	82,771.00
6000 - BPF	
6001 - Donations	175.00
6004 - Ball Park Rent	50.00
Total 6000 - BPF	225.00
Total Income	1,010,058.30
Gross Profit	1,010,058.30
Expense	
1E- General Government Expense	
2285 - IT Services	7,830.64
5100- Council/Election	1,908.67
5110- Mayor Payroll	1,440.00
5210- Clerk Payroll	1,200.00
5220- Supp\USPO\Petty	3,343.87

Town of Fort Jones

Profit & Loss

July 2021 through January 2022

	Jul '21 - Jan 22
5400 - Professional Fees	
5401 - Legal Fees	26,305.00
5402 - Accounting Fees	2,082.97
5403 - Consulting Fees	56,456.00
5405 - Reimbursed Expenses	400.00
5400 - Professional Fees - Other	1,138.90
Total 5400 - Professional Fees	86,382.87
5500- Planning	
5501 - Economic Development	4,416.69
Total 5500- Planning	4,416.69
5550- Library Payroll	4,615.00
5555 - Admin Payroll	34,861.06
5600- Misc.	260.62
5700- Publication	227.50
5705 - Dues and Subscriptions	155.00
6205- Health Insurance	6,077.07
6300- Insurance	
6204- Workers Compensation	8,654.75
6303- Liability Insurance	2,742.66
6304 -Property Insurance	1,437.72
6305 - Crime Insurance	99.75
6308- Pollution	0.00
6310 -Finance Charge	0.00
Total 6300- Insurance	12,934.88
6400- Property Tax	1,600.36
9150-City Hall Expenses	
1-012 - City Hall Power	2,555.90
133000- City Hall water	117.09
9151- City Hall Maintenance	2,662.79
9154 - Disposal 2 yd Bin	1,917.50
9155 - Equipment Finance	2,060.31
Janitorial Payroll	247.50
9150-City Hall Expenses - Other	370.67
Total 9150-City Hall Expenses	9,931.76
9152- Propane	6,664.03
1E- General Government Expense - Ot...	5,682.57
Total 1E- General Government Expense	189,532.59
2E- Public Safety Expense	
2EA- Law Enforcement Expense	
7125 - Law Enforcement Services	111,792.00
7135- Police Maintenance	6,000.00
7145- Dispatch	7,687.50
7181 - Law Enforcement Phones	1,917.74
Animal Control	
7930- Animal Control	362.37
Total Animal Control	362.37
Total 2EA- Law Enforcement Expense	127,759.61

Town of Fort Jones

Profit & Loss

July 2021 through January 2022

	Jul '21 - Jan 22
2EB- Fire Department Expense	
6310- Property Insurance	1,051.98
7505 - Liability Insurance	0.00
7506 - Work Comp Insurance	797.44
7507 - Auto Insurance	9,169.70
7510- Fire Dept Payroll	19,551.00
7513 - Calls & Meetings	6,272.50
7520- Fire Dept Supl & Mtnc	21,483.41
7525- Pub Safety Fuel & Oil	6,211.11
7540- Fire Dept. Utilities	
1-001- Fire Dept. Power Bill	1,794.38
2261- Fire Dept. Phone	1,009.32
2262 - Disposal	149.00
7541- Propane	738.01
Total 7540- Fire Dept. Utilities	3,690.71
2EB- Fire Department Expense - Ot...	1,284.50
Total 2EB- Fire Department Expense	69,512.35
2EC - Strike Team Expenses	
6311 - Property Insurance	140.28
7502 - Auto Insurance	4,166.70
7505b - Liability Insurance	4,113.99
7506b - Workers Comp Ins	14,241.37
7514 Fleet Maintenance - Strike	36,534.97
7515 - Strike Team Payroll	168,198.06
Total 2EC - Strike Team Expenses	227,395.37
2ED SAFER Grant	
7529 - SAFER Grant Payroll	8,077.44
7529.5 - Workers Comp	4,034.87
7529.6 - Safer Liability Ins	1,204.95
7530 - Uniforms and Safety Gear	22,114.50
7531 - Media Marketing	1,384.40
7532 - FF Training	725.00
7533 - Leadership Training	325.00
Total 2ED SAFER Grant	37,866.16
2E- Public Safety Expense - Other	52.56
Total 2E- Public Safety Expense	462,586.05
3E- Public Works Expense	
3EA- Streets	
1-000 - Street Lights	
02 HPSV Lights	321.87
02 HPSV Metal Lights	152.84
10 HPSV Wood Lights	2,092.19
11 HPSV Lights	840.52
72 HPSV Lights	6,866.17
Total 1-000 - Street Lights	10,273.59
6306- Property Insurance	280.53
8120- Street Mtnc/Utilities	
1-005 - Barn Power	680.81
1-007 - Phone Bill	958.97

Town of Fort Jones

Profit & Loss

July 2021 through January 2022

	Jul '21 - Jan 22
8121- Street Maintenance	
8126- LTC	71.66
8121- Street Maintenance - Ot...	254.24
Total 8121- Street Maintenance	325.90
Total 8120- Street Mtnce/Utilities	1,965.68
8130- Equipment Maintenance	
8131- Fuel & Oil	349.16
8132- Repairs	1,142.95
8133- Parts & Supplies	463.92
Total 8130- Equipment Maintenance	1,956.03
8136 -Auto Insurance	490.20
8137- Mobile Equip	0.00
8199- Road Payroll	5,539.00
8509 - Liability Insurance	571.38
8511 - Work Comp Insurance	1,434.20
Total 3EA- Streets	22,510.61
3E- Public Works Expense - Other	54.13
Total 3E- Public Works Expense	22,564.74
3EB- Sewer Expense	
6308-Property Insurance	490.92
8510- Sewer Payroll	2,264.50
8520- Sewer Expenses	
1-015 - Sewer Power bill	137.46
1-019 bbp sewer	107.93
8527 Fuel-Oil	129.68
8553- Auro Insurance	490.20
Total 8520- Sewer Expenses	865.27
8522 - Waste Water Monitoring	330.40
8530- Sewer Supplies	915.74
8540- State Fees	27,109.00
8549- Mobile Equip.	43.80
8550 - Liability Insurance	571.38
8551 - Work Comp Insurance	1,490.65
8552 - Training	4,373.00
Sewer Testing	5,602.69
Total 3EB- Sewer Expense	44,057.35
3EC- Water Expense	
6307-Property Insurance	1,984.74
8609- Water Training	428.33
8610- Water Parts & Supplies	28.94
8612- Water Office & Postage	2,406.00
8615- Water Payroll	6,193.90
8620- Water Repairs & Mtnce	3.51

Town of Fort Jones

Profit & Loss

July 2021 through January 2022

	Jul '21 - Jan 22
8623- Mobile Equip.	0.00
8624 - Auto Insurance	490.20
8625- Water Liability Ins	571.38
8626 - Work Comp	2,192.40
8627 - Fuel-Oil	1,245.97
8630- Water Fees & Testing	4,876.08
8640- Water Utilities	
1-000 - Water Power	
New Pump	9,418.22
Old pump	418.41
Total 1-000 - Water Power	9,836.63
1-001 - Water Phones	
468-2598	1,688.49
468-5864	652.75
530-917-6004	0.00
Total 1-001 - Water Phones	2,341.24
Total 8640- Water Utilities	12,177.87
8650- Water Eng./Legal	731.25
3EC- Water Expense - Other	4,032.50
Total 3EC- Water Expense	37,363.07
4E- Parks & Recreation Expense	
03 Parks & Recreation Grants	
2002 PerCapita	
Community Center Improvements	50.00
Total 2002 PerCapita	50.00
Total 03 Parks & Recreation Grants	50.00
6305- Property Ins Parks	
9104- Mobile Equip.	446.25
6305- Property Ins Parks - Other	1,627.08
Total 6305- Property Ins Parks	2,073.33
9105- Auto Insurance	0.00
9106 - Work Comp Parks	3,274.00
9107 - Liability Ins Parks	1,485.66
9109- Parks Payroll	2,643.50
9110 - Park Expense	1,718.39
9130- Ball Park Expenses	
1-002 - LLP Snack	250.69
1-013 - BBP lights	1,837.66
1-014 - LLP lights	132.13
1-017 - BBP pump	121.54
9131- Maintenance & Supplies	2,890.81
Total 9130- Ball Park Expenses	5,232.83
9140- Scout Hall Expenses	
1-006 - Scout Hall Power	221.17
Total 9140- Scout Hall Expenses	221.17

Town of Fort Jones

Profit & Loss

July 2021 through January 2022

	Jul '21 - Jan 22
9160- Museum Expenses	
1-004 - Museum Electricity	579.68
1-XXX - Museum Monitor Fuel	1,117.74
5568- Museum Phone	962.27
Total 9160- Museum Expenses	2,659.69
4E- Parks & Recreation Expense - Other	3,196.53
Total 4E- Parks & Recreation Expense	22,555.10
6500- Payroll Expenses	
6503- Retirement Company	372.72
Total 6500- Payroll Expenses	372.72
6504- Payroll Taxes	
6506- FICA	17,665.35
6508- Medicare	4,131.41
6512- SUI	5,466.69
6516 - ETT	0.00
6504- Payroll Taxes - Other	352.87
Total 6504- Payroll Taxes	27,616.32
6600- Medical Insurance	
6603- Medical Ins Reimb	3,522.64
Total 6600- Medical Insurance	3,522.64
9700- CBDG Const Housing	
Gen Adm & Program Delivery	10,529.10
Housing Loans	
Gomez	2,050.07
Total Housing Loans	2,050.07
Total 9700- CBDG Const Housing	12,579.17
Payroll Expenses	21,160.83
Total Expense	843,910.58
Net Income	166,147.72

PUBLIC HEARING

ORDINANCES & RESOLUTIONS



THE TOWN OF FORT JONES

TO: FORT JONES CITY COUNCIL

MEETING DATE: FEBRUARY 15, 2022

FROM: KARL DREXEL, CITY ADMINISTRATOR

**SUBJECT: INTRODUCTION OF ORDINANCE 2022-1 IMPLEMENTING A
FATS, OILS AND GREASE (FOG) PROGRAM**

BACKGROUND:

The Environmental Protection Agency (EPA) has promulgated General Pretreatment Regulations that require the establishment of State and local pretreatment programs to control pollutants which pass through or interfere with Publicly Owned Treatment Works (POTW) treatment processes or may contaminate POTW sewage sludge. Meeting these requirements may require elimination of interference caused by the discharge to POTW of Fats, Oils, and Grease (FOG) from Food Service Establishments (FSE). More specifically, the Pretreatment Program regulations at 40 CFR 403.5(b)(3) prohibit “solid or viscous pollutants in amounts which will cause obstruction” in the POTW and its collection system.

Council Member Banks contacted the California Rural Water Association for a generally accepted FOG program and is submitting it here for Council approval. I have reviewed and made some slight revisions, but it is ready for adoption as presented. In addition to the EPA, the Towns Sanitary Sewer Management Plan requires a FOG program that has never been formally approved.

RECOMMENDATION:

Staff recommends the Council review the Ordinance and approve the Second reading as introduced and adopt Resolution 2022-1.

ORDINANCE NO. 2022-1

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FORT JONES
IMPLEMENTING A FATS, OILS AND GREASE CONTROL PROGRAM

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 13.04.10 Fats, Oil and Grease Control Program

INTRODUCED at a regular meeting of the Town Council of the Town of Fort Jones, California, on the 10th day of January, 2022, and adopted at a regular meeting of the Town Council of the Town of Fort Jones, California, on the 15th day of February, 2022.

APPROVED: _____
Michelle Decausmaker, Mayor

ATTEST: _____
Celeste McFall, City Clerk

The foregoing Ordinance No. 2022-1 was adopted at a regular meeting of the Town Council of the Town of Fort Jones, held on the 15th day of February, 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Celeste mcFall, City Clerk

APPROVED AS TO FORM: _____
Margaret Long, City Attorney



Town of Fort Jones
Public Works Department

Fats, Oils, and Grease (FOG) Control Program

Town of Fort Jones
11960 East St.
Fort Jones, CA 96032
Ph: (530) 468-2281
Fax: (530) 468-2598



1.0 FOG CONTROL PROGRAM

1.1 PURPOSE

The purpose of the Town's fats, oils and grease (FOG) Control Program is to prevent FOG from entering the Town's sewer collection and treatment system through the establishment of regulations for the discharge of FOG and other insoluble waste from food service establishments (FSE). The purpose of this ordinance is to further implement procedures for recovering costs associated with FOG discharges and blockages, to establish administrative requirements for FSEs, and to establish enforcement procedures for these regulations.

1.2 DEFINITIONS

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

- a) **Best Management Practices (BMPs)**. Activities, prohibitions, maintenance procedures and other management practices to prevent or reduce the direct or indirect introduction of fats, oils and grease (FOG) into the public sewer.
- b) **Town**. The Town of Fort Jones, a municipal corporation, of the State of California.
- c) **Fats, Oils and Grease (FOG)** shall mean and include any waste containing quantities or concentrations of dispersed biodegradable fats, oils and greases.
- d) **Food Service Establishment (FSE)** shall mean any entity utilizing the Town's sewer collection system for operation in a permanently constructed structure, maintained and used or operated for the purpose of storing, preparing, serving, or manufacturing, packaging, or otherwise handling food for consumption by the public or for sale to other entities, its members, or employees.
- e) **Food Grinder** or garbage grinder or garbage disposal shall mean any device installed in the plumbing or sanitary sewage system for the purpose of grinding food waste or food preparation byproducts for the purpose of disposing into the City sewer system.
- f) **FOG Discharge Permit** shall mean the permit issued by the Town to a FSE for utilizing the Town sewer system in compliance with the terms, conditions, and criteria of the FOG Control Program set forth in this document.
- g) **Grease Control Device (GCD)** shall mean any Grease Interceptor, Grease Trap, or other mechanism, device, or process, which is attached to, or is applied to, wastewater plumbing fixtures and lines, the purpose of which is to trap or collect or treat FOG-laden wastewater prior to its discharge into the Town sewer system. "Grease Control Device" also includes any other Town approved method to reduce FOG. Grease control devices must be sized in accordance with the California Plumbing Code.
- h) **Grease Interceptor** shall mean a Town approved multi-compartment device that is required to be located, as according to the California Plumbing Code, between a FSE and the connection to the Town sewer system. These devices primarily use gravity to separate FOG from the wastewater as it moves from one compartment to the next. Grease



interceptors must be cleaned, maintained and have the FOG and solids removed and disposed of in accordance with the terms and conditions of the City's FOG Discharge Permit. Grease Interceptor includes a gravity grease interceptor.

- i) **Grease Trap** shall mean a Town approved grease control device that is used to serve individual fixtures. Grease traps must be cleaned, maintained, and have the FOG and solids removed and disposed. A Grease trap is also referred to as a hydro-mechanical grease interceptor.
- j) **Remodeling** shall mean a physical change or operational change that increases the amount of FOG discharged to the Town sewer system by the FSE in an amount that alone or collectively causes or creates a potential for blockages or sanitary sewer overflows (SSO) to occur.
- k) **Responsible Person.** A person who the Town determines is responsible for causing, permitting, or maintaining a public nuisance or a violation of the Municipal Code, Uniform Plumbing Code, applicable state codes, any National Pollutant Discharge Elimination System ("NPDES") permit or any wastewater discharge permit. The term "responsible person" includes, but is not limited to, a property owner, tenant, person with a legal interest in the property, person in possession of the property or person that exercises custody and control over the property.
- l) **Waste Hauler** shall mean any person or entity that collects the contents of a grease control device for the purpose of transporting it to a recycling or disposal facility. A Waste Hauler may also provide grease control device maintenance services.

1.3 PROHIBITIONS

1. General FOG Discharge Prohibitions.

No Food Service Establishment shall discharge or cause to be discharged into the sewer system FOG that may accumulate and/ or cause or contribute to blockages in the sewer system or at the sewer lateral which connects the Food Service Establishment to the sewer system.

2. Specific FOG Prohibitions.

The following specific prohibitions shall apply to all Food Service Establishments:

- a) Discharge of any FOG-containing wastewater that is not connected to a grease control device is prohibited, unless a waiver has been granted in accordance with Section 1.7.2 or 1.7.3 below.
- b) Non-grease laden sources such as, but not limited to, hand-wash sinks, toilets, urinals, and stormwater, shall not be connected to a grease control device.
- c) No dishwasher shall be connected to a grease trap or interceptor.
- d) Discharge of wastewater with temperatures in excess of 1400°F (600°C) into any grease control device is prohibited.



- e) Garbage disposals (food grinders) shall be prohibited at all New Food Service Establishments. Existing Food Service Establishments shall remove all garbage disposals when they remodel or within one hundred eighty (180) days from receiving a notice from the Town to remove its garbage disposal(s) based on the Town's finding that the FSE at any time caused or contributed to an SSO.
- f) Direct disposal of any waste cooking oil into any drain or cleanout that is connected to the sewer system is prohibited.
- g) Introduction of any additive into a grease control device or directly into the sewer system for the purpose of emulsifying FOG, biologically/ chemically treating FOG for grease remediation, or as a supplement to any grease control device maintenance is prohibited, unless specifically authorized in writing by the Town.
- h) Discharge of any waste which has been removed from a grease control device into the sewer system is prohibited.

1.4 FOG DISCHARGE PERMIT REQUIREMENT

1. Food Service Establishment (FSE)

No FSE shall discharge into the Town's sewer system without obtaining a FOG Discharge Permit from the Town. The FOG Discharge Permit is a legally-binding agreement issued to a FSE to utilize the Town sewer system setting forth the terms, conditions, and criteria of the FOG Control Program. The FOG Discharge Permit is prepared and maintained by the Town, and its provisions may be modified periodically as required to ensure each FSE's compliance with the terms and conditions of this chapter, as they may be amended from time to time. Failure to comply with the FOG Discharge Permit conditions will constitute a violation of this chapter. In addition to the FOG Discharge Permit, the Town may also issue specific permit conditions to any FSE. In the event that the Town issues specific permit conditions to an FSE, the basis for those specific permit conditions shall be disclosed to the FSE in writing and appended to the FOG Discharge Permit. Failure to comply with the individual permit conditions will constitute a violation of this document.

2. Responsible Persons

Responsible persons of commercial properties or their designee(s) identified on the FOG Discharge Permit shall be responsible for the installation and maintenance of a Grease Interceptor serving multiple FSE that are located on a single parcel. The responsible person of the parcel containing a common use Grease Interceptor shall submit an application for and be the Permittee under a FOG Discharge Permit.

3. FSE/Responsible Person Notification Regarding Planned Changes

Any existing FSE or Responsible Person which substantially changes its menu, operation, or remodels shall submit in writing a detailed description of the proposed changes. The applicability of an existing FOG Discharge Permit, waiver, stay or variance from the requirement to install, operate and maintain a Grease Control Device will be assessed by the Town based on the



information contained in the description and the Permit, waiver, stay or variance may be revoked and replaced or amended as the changed circumstances warrant.

4. Permit Application

- a) Each existing FSE/Responsible Person shall submit an FOG Discharge Permit Application to the Town within forty-five (45) days following the effective date of this document.
- b) All newly constructed FSEs and FSEs which change ownership, shall submit a FOG Discharge Permit Application at least sixty (60) days prior to startup. Any FSE which fails to submit the required FOG Discharge Permit application in a timely manner may be prohibited from discharging to the Town sewer system.

5. Permit Renewal

Annually, each FOG Discharge Permittee shall renew its FOG Discharge Permit by the expiration date indicated on the Permit.

6. Reporting Requirements

Each FOG Discharge Permittee shall report to the Town any spills of FOG and/or sewage and any unauthorized discharges into the Town sewer system within the time period following the occurrence of the event as specified in and according to the requirements set forth in the FOG Discharge Permit.

7. Right to Enter and Inspect

The Town shall have the right to enter and inspect each FSE premises or Responsible Person's common use Grease Interceptor for announced or unannounced inspections. The Town shall have access to all facilities and records necessary for determining compliance with this document. An inspection may include a review of all logs and documentation of the FOG Control Program, inspection of all kitchen facilities, and inspection of any and all Grease Control Devices and appurtenant plumbing on the premises.

1.5 BEST MANAGEMENT PRACTICES REQUIRED

All Food Service Establishments shall implement Best Management Practices (BMPs) to minimize the discharge of FOG to the sewer system, including, but not limited to, the following, as applicable:

1. Installation of Drain Screens. Drain screens shall be installed on all drainage pipes in food preparation areas.
2. Segregation and Collection of Waste Cooking Oil. All waste cooking oil shall be collected and stored properly in recycling receptacles such as barrels or drums. Such recycling receptacles shall be maintained properly to ensure that they do not leak. Licensed waste haulers or an approved recycling facility must be used to dispose of waste cooking oil.
3. Disposal of Food Waste. All food waste should be disposed of directly into the trash or garbage and not into sinks and shall be disposed of in a manner that will ensure against leakage in the trash container or anywhere else.



4. Employee Training. Employees of the Food Service Establishment shall be trained by ownership/ management periodically as specified in the FOG wastewater discharge permit on the following subjects:
 - a) Dry-wiping pots, pans, dish ware and work areas before washing to remove grease.
 - b) Properly disposing food waste and solids in plastic bags prior to disposal in trash bins or containers to prevent leaking and odors.
 - c) The location and use of absorption products to clean under fryer baskets and other locations where grease may be spilled or dripped.
 - d) Properly disposing grease or oils from cooking equipment into a proper grease receptacle without spilling.
5. Maintenance of Mechanical Exhaust Ventilation Filters. Filters shall be cleaned as frequently as necessary to be maintained in good operating condition. The wastewater generated from cleaning exhaust filters shall be disposed of properly.
6. Kitchen Signage. Best management and waste minimization practices shall be posted conspicuously in the food preparation and dishwashing areas at all times.

1.6 FOOD GRINDERS

The use of a Food Grinder, which discharges food wastes from an FSE into the Town sewer system, is prohibited.

1.7 PRETREATMENT REQUIREMENTS

1. Pretreatment Required

All FSEs are required to install, operate and properly maintain approved types and adequately sized Grease Control Devices. Grease Control Devices shall separate and remove FOG contained in wastewater discharges from FSEs prior to discharge of the wastewater to the Town sewer system. All fixtures, equipment and drain lines located in the food preparation and clean up areas of the FSE that are potential sources of FOG discharge shall be connected to a Grease Control Device. Detailed requirements for device maintenance shall be specified in the FOG Discharge Permit.

- a) Existing FSE - All existing FSEs are required to have and to properly operate and maintain a Grease Control Device according to the requirements set forth in the FOG Discharge Permit, unless the FSE has obtained a waiver as described in Section 1.7.2 and 1.7.3 below, and shall be required to follow all requirements of the FOG control program of this document.
- b) New FSE, FSE Which Change Ownership, and FSE Which Undergo Remodeling - As of the effective date of this document, all newly constructed FSEs, FSEs which change ownership, and FSEs which undergo remodeling shall be required to install a Grease Control Device, according to requirements of the FOG Discharge Permit, unless a waiver



is granted under Section 1.7 and 1.7.3 below, and shall be required to follow all requirements of the grease control program of this document.

2. Waiver for Alternative Pretreatment

A waiver from the FOG pretreatment requirements to allow alternative pretreatment technology that is at least equally effective in controlling the FOG discharge, in lieu of installing and operating a Grease Control Device, may be granted to a FSE demonstrating that it is impossible or impracticable to install, operate or maintain a Grease Control Device. The applicant shall bear the burden of demonstrating that the alternative method is at least equally effective. The Town's determination to grant a waiver will be based upon, but not limited to, evaluation of the following conditions:

- a) Town determination there is no adequate location for installation and/or maintenance of a Grease Control Device.
- b) Town determination there is no adequate slope for gravity flow between kitchen plumbing fixtures and the Grease Control Device and/or between the Grease Control Device and the private collection lines or the Town sewer system.
- c) Town determination that alternative pretreatment technology is equivalent to or better than a Grease Control Device in controlling its FOG discharge. In addition, the FSE must be able to demonstrate, after installation of the proposed alternative pretreatment, its effectiveness to control FOG discharge through downstream visual monitoring of the sewer system at its own expense.

3. Waiver from Pretreatment Requirements

A waiver from installation of a Grease Control Device may be granted to a FSE that has been determined to have negligible FOG discharge and insignificant impact to the Town sewer system. The Town's determination to grant or revoke a waiver shall be based upon, but not limited to, evaluation of the following conditions:

- a) Town determination that quantity of FOG discharge as measured or as indicated by the size of the FSE based on seating capacity, number of meals served, menu, water usage, amount of on-site consumption of prepared food and other conditions that show contribution to FOG discharges;
- b) Town determination that adequacy of implementation of BMPs and compliance history are sufficient;
- c) Town determination that sewer size, slope, condition based on visual information, FOG deposition in the sewer by the FSE, and history of maintenance and sewage spills in the receiving sewer system;
- d) Town determines that the changes in operations that significantly impact FOG discharge;
- e) Any other condition the Town deems reasonably related to the generation of FOG Discharges.



4. Operations and Maintenance Requirements

All Grease Control Device shall be maintained in efficient operation at all times by the FOG Discharge Permittee at the Permittee's expense. Details of required maintenance shall be specified in the FOG Discharge Permit.

1.8 FEES

1. Each FOG Discharge Permit requires an application fee of \$100.00. Following a change of ownership, a substantial change in operation, remodeling, or an increase in flow or waste generation of FOG, a revised application must be submitted with payment of an application fee of \$100.00. The application fee must be paid when the FOG Discharge Permit application is submitted to the Town. The initial permit has a one-year term and is renewable annually.
2. Each FOG Discharge Permit requires an annual renewal fee of \$50.00, which shall be submitted with the annual permit renewal application.
3. The Town Council will set the application fee and annual renewal fee in accordance with applicable law and may amend these fees from time to time as permitted by law.

1.9 ENFORCEMENT

Failure to comply with the Town's FOG Control Program as provided in this document, all generally applicable provisions of the Town's municipal code, and the FOG Discharge Permit or any individual permit conditions will result in enforcement action against the FSE. All fines are defined in this Section and may be amended from time to time.

1. The first violation of the FOG Control Program will result in a warning issued by the Town. For each warning, the Town will make one attempt to contact the FSE's responsible party (permittee) as listed on the permit and follow-up any such verbal warning with written confirmation of the violation. If such attempt at direct contact is unsuccessful, the Town will mail written notice of the violation to the permittee. The permittee will have seven (7) days from the date of the notice to respond and correct the violation. If the permittee does not correct the violation within this time, a second violation will be issued.
2. Upon the occurrence of two or more violations, the Town will notify the permittee in writing by mail of the violation and a fine of \$100.00 will be assessed and collected on the next service bill. The permittee will have seven (7) days from the date of the notice to respond and correct the violation. If the permittee does not respond and correct the violation within the seven (7) days, a per day fine of \$50.00, up to a maximum of 12 days and \$600.00 will be imposed and charged on permittee's next service bill. The fee, up to its maximum, will be assessed until the violation is corrected or the Town declares the permittee to be non-compliant and discontinues sewer service to the permittee.
3. When three or more violations of the FOG program have been committed and remain uncorrected, the Town may disconnect sewer service to the non-compliant permittee.



**APPLICATION FOR FATS, OILS, AND GREASE (FOG)
WASTEWATER DISCHARGE PERMIT
FOR FOOD SERVICE ESTABLISHMENTS**

Instructions: For the Town of Fort Jones Public Works Department (Town) to properly evaluate, process, and issue a Fats, Oils, and Grease (FOG) Wastewater Discharge Permit, the applicant must provide a complete permit application.

- ✓ The Permit Application Form must be filled out completely. Your application will be returned to you if there is any missing information. Please write N/A if the information being requested does not apply.
- ✓ The Permit Application must be signed by an official company representative. The Town will return your permit application if it is not signed by the proper company official.
- ✓ The permit application fee is due at the time the permit application is submitted. An application received without remittance will be returned. All required drawings and information described in the information brochure must be submitted with this application. Complete the checklist provided to ensure that all requirements are satisfied.

The Town will not process incomplete Permit Applications. Clearly print or type the information requested.

Section 1- General Information

A. Applicant _____
Corporation or Food Service Establishment Name

B. Doing Business as _____
Food Service Establishment Name used at Sewer Service Address Listed Below

C. Sewer Service Address _____
Street City State Zip Code

D. Phone Number (____) ____-____ Fax Number (____) ____-____ E-mail _____

E. Responsible Party/Emergency Contact (Required) _____

F. Emergency Contact Phone Number (Required) _____
(24 hour contact number; this should NOT be the phone number to the restaurant)

G. Is your establishment a ☐ Sole proprietorship? ☐ Partnership? ☐ Corporation?

H. Name of Owner, a General Partner, or Chief Executive Officer

Name		Title	
_____		_____	
Street	City	State	Zip Code
_____	_____	_____	_____
Phone Number		Fax Number	
_____		_____	

Section 2 - Facility Operational Characteristics

Please check descriptions that represent your facility.

I.

Type of Food Service Establishment (FSE)	
☐ Fast food	☐ Ice cream shop
☐ Full service	☐ Cocktail/bar
☐ Buffet	☐ Catering
☐ Take-out only	☐ Food Packager
☐ Coffee shop	☐ Meat Processer
☐ Bakery	
☐ Cafeteria	☐ Other

J. Do you have a grease removal device? ☐ Yes ☐ No

(If yes, indicate type) ☐ Grease trap (indoor) ☐ Grease interceptor (outdoor)

Section 3 – Certification

I have personally examined and am familiar with the information submitted in the attached document, and I hereby certify under penalty of law that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

I certify that upon issuance of the permit, this firm's operation and its resultant wastewater discharge will achieve consistent compliance with Town's FOG Control Program and applicable regulations, the company will modify its operations, install wastewater pretreatment equipment, or do whatever is necessary to meet discharge requirements.

Certification of Owner, a General Partner, or Chief Executive Officer of FSE (restaurant)

Name

Title

Signature

Date



Town of Fort Jones

Fats, Oil and Grease (FOG)

Wastewater Discharge Permit

This Permit applies to Food Service Establishments (FSEs) that discharge or have the potential to discharge FOG to the City's sewer collection system.

Compliance with this permit does not relieve a permittee of its obligation to comply with any or all applicable pretreatment regulations, standards or requirements under local, state and federal laws, including but not limited to applicable provisions of the Siskiyou County Codes and permits.

Part I – Definitions

- a) **Best Management Practices (BMPs).** Activities, prohibitions, maintenance procedures and other management practices to prevent or reduce the direct or indirect introduction of fats, oils and grease (FOG) into the public sewer.
- b) **Town.** The Town of Fort Jones, a municipal corporation, of the State of California.
- c) **Fats, Oils and Grease (FOG)** shall mean and include any waste containing quantities or concentrations of dispersed biodegradable fats, oils and greases.
- d) **Food Service Establishment (FSE)** shall mean any entity utilizing the Town's sewer collection system for operation in a permanently constructed structure, maintained and used or operated for the purpose of storing, preparing, serving, or manufacturing, packaging, or otherwise handling food for consumption by the public or for sale to other entities, its members, or employees.
- e) **Food Grinder** or garbage grinder or garbage disposal shall mean any device installed in the plumbing or sanitary sewage system for the purpose of grinding food waste or food preparation byproducts for the purpose of disposing into the Town sewer system.
- f) **FOG Discharge Permit** shall mean the permit issued by the Town to a FSE for utilizing the Town sewer system in compliance with the terms, conditions, and criteria of the FOG Control Program set forth in this document.
- g) **Grease Control Device (GCD)** shall mean any Grease Interceptor, Grease Trap, or other mechanism, device, or process, which is attached to, or is applied to, wastewater plumbing fixtures and lines, the purpose of which is to trap or collect or treat FOG-laden wastewater prior to its discharge into the Town sewer system. "Grease Control Device" also includes any other Town approved method to reduce FOG. Grease control devices must be sized in accordance with the California Plumbing Code.
- h) **Grease Interceptor** shall mean a Town approved multi-compartment device that is required to be located, as according to the California Plumbing Code, between a FSE and the connection to the Town sewer system. These devices primarily use gravity to separate FOG from the wastewater as it moves from one compartment to the next. Grease interceptors must be cleaned, maintained and have the FOG and solids removed and disposed of in accordance with the terms and conditions of the Town's FOG Discharge Permit. Grease Interceptor includes a gravity grease interceptor.
- i) **Grease Trap** shall mean a Town approved grease control device that is used to serve individual fixtures. Grease traps must be cleaned, maintained, and have the FOG and solids removed and disposed. A Grease trap is also referred to as a hydro-mechanical grease interceptor.
- j) **Remodeling** shall mean a physical change or operational change that increases the amount of FOG discharged to the Town sewer system by the FSE in an amount that alone or collectively causes or creates a potential for blockages or sanitary sewer overflows (SSO) to occur.



Town of Fort Jones

Fats, Oil and Grease (FOG)

Wastewater Discharge Permit

- k) **Responsible Person.** A person who the Town determines is responsible for causing, permitting, or maintaining a public nuisance or a violation of the Town's Municipal Code, Uniform Plumbing Code, applicable state codes, any National Pollutant Discharge Elimination System ("NPDES") permit or any wastewater discharge permit. The term "responsible person" includes, but is not limited to, a property owner, tenant, person with a legal interest in the property, person in possession of the property or person that exercises custody and control over the property.
- l) **Waste Hauler** shall mean any person or entity that collects the contents of a grease control device for the purpose of transporting it to a recycling or disposal facility. A Waste Hauler may also provide grease control device maintenance services.

Part II – Applicability

All FSEs are considered potential sources of FOG and are required to obtain a FOG Discharge Permit from the Town.

Part III - Grease Control Device Installation Requirement

All FSEs are required to install, operate and properly maintain approved types and adequately sized Grease Control Devices. Grease Control Devices shall separate and remove FOG contained in wastewater discharges from FSEs prior to discharge of the wastewater to the Town sewer system. All fixtures, equipment and drain lines located in the food preparation and clean up areas of the FSE that are potential sources of FOG discharge shall be connected to a Grease Control Device.

- a) Existing FSE - All existing FSEs are required to have and to properly operate and maintain a Grease Control Device according to the requirements set forth in this FOG Discharge Permit.
- b) New FSE, FSE Which Change Ownership, and FSE Which Undergo Remodeling - As of the effective date of this document, all newly constructed FSEs, FSEs which change ownership, and FSEs which undergo remodeling shall be required to install a Grease Control Device, according to requirements of this FOG Discharge Permit.

Part IV – Best Management Practices (BMPs)

All Food Service Establishments shall implement Best Management Practices (BMPs) to minimize the discharge of FOG to the sewer system, including, but not limited to, the following, as applicable:

1. Installation of Drain Screens. Drain screens shall be installed on all drainage pipes in food preparation areas.
2. Segregation and Collection of Waste Cooking Oil. All waste cooking oil shall be collected and stored properly in recycling receptacles such as barrels or drums. Such recycling receptacles shall be maintained properly to ensure that they do not leak. Licensed waste haulers or an approved recycling facility must be used to dispose of waste cooking oil.
3. Disposal of Food Waste. All food waste should be disposed of directly into the trash or garbage and not into sinks and shall be disposed of in a manner that will ensure against leakage in the trash container or anywhere else.



Town of Fort Jones

Fats, Oil and Grease (FOG)

Wastewater Discharge Permit

4. Employee Training. Employees of the Food Service Establishment shall be trained by ownership/management periodically as specified in the FOG wastewater discharge permit on the following subjects:
 - a) Dry-wiping pots, pans, dish ware and work areas before washing to remove grease.
 - b) Properly disposing food waste and solids in plastic bags prior to disposal in trash bins or containers to prevent leaking and odors.
 - c) The location and use of absorption products to clean under fryer baskets and other locations where grease may be spilled or dripped.
 - d) Properly disposing grease or oils from cooking equipment into a proper grease receptacle without spilling.
5. Maintenance of Mechanical Exhaust Ventilation Filters. Filters shall be cleaned as frequently as necessary to be maintained in good operating condition. The wastewater generated from cleaning exhaust filters shall be disposed of properly.
6. Kitchen Signage. Best management and waste minimization practices shall be posted conspicuously in the food preparation and dishwashing areas at all times.

Part V – New Construction, Changes in Ownership, and Remodeling

The Responsible Person shall notify the Town at least sixty (60) days prior to any changes in operation which include a change in ownership. The Responsible Person shall notify the Town in writing of the proposed expansion or remodeling and shall submit any information requested by the Town for evaluation of the effect of such expansion or remodeling on the Responsible Person's FOG discharge to the Collection System.

Part VI – Wastewater Discharge Limitations and Prohibitions

1. General FOG Discharge Prohibitions.

No Food Service Establishment shall discharge or cause to be discharged into the sewer system FOG that may accumulate and/ or cause or contribute to blockages in the sewer system or at the sewer lateral which connects the Food Service Establishment to the sewer system.

2. Specific FOG Prohibitions.

The following specific prohibitions shall apply to all Food Service Establishments:

- a) Discharge of any FOG-containing wastewater that is not connected to a grease control device is prohibited.
- b) Non-grease laden sources such as, but not limited to, hand-wash sinks, toilets, urinals, and stormwater, shall not be connected to a grease control device.
- c) No dishwasher shall be connected to a grease trap or interceptor.
- d) Discharge of wastewater with temperatures in excess of 1400°F (600°C) into any grease control device is prohibited.



Town of Fort Jones

Fats, Oil and Grease (FOG)

Wastewater Discharge Permit

- e) Garbage disposals (food grinders) shall be prohibited at all New Food Service Establishments. Existing Food Service Establishments shall remove all garbage disposals when they remodel or within one hundred eighty (180) days from receiving a notice from the Town to remove its garbage disposal(s) based on the Town's finding that the FSE at any time caused or contributed to an SSO.
- f) Direct disposal of any waste cooking oil into any drain or cleanout that is connected to the sewer system is prohibited.
- g) Introduction of any additive into a grease control device or directly into the sewer system for the purpose of emulsifying FOG, biologically/ chemically treating FOG for grease remediation, or as a supplement to any grease control device maintenance is prohibited, unless specifically authorized in writing by the Town.
- h) Discharge of any waste which has been removed from a grease control device into the sewer system is prohibited.

Part VII – Grease Control Device Compliance Requirements

Any FSE that is required to provide FOG pretreatment shall install operate and maintain an approved type and properly sized grease control device necessary to maintain compliance with the purpose of the FOG Control Program.

- 1. Approved grease control device sizing and installation shall conform to the latest approved edition of the California Uniform Plumbing Code.
- 2. Grease control devices shall be constructed in accordance with the design approved by the Town and shall have a minimum of two compartments with fittings designed for grease retention.
- 3. Grease control devices shall be installed at a location where it shall be at all times easily accessible for inspection, cleaning and removal of accumulated grease.
- 4. Access manholes with a minimum diameter of twenty-four (24) inches, shall be provided over each grease interceptor chamber and sanitary tee. The access manholes shall also have readily removable covers to facilitate inspection, grease removal and wastewater sampling activities.
- 5. The original design of the grease control device shall not be modified unless the manufacturer recommends the modification in writing.

Part VIII – Grease Control Device Maintenance Requirements

Grease control devices shall be maintained in efficient operating condition by periodic complete removal of all contents of the devices including wastewater, accumulated FOG, floating materials, sludge and solids.

Grease Interceptor Requirements

- 1. No FOG that has accumulated in a grease control device shall be allowed to pass into any sewer lateral, sewer system, storm drain, or public right of way during maintenance activities.
- 2. The maintenance frequency for all Food Service Establishments with a grease interceptor shall be determined in one of the following methods:



Town of Fort Jones

Fats, Oil and Grease (FOG)

Wastewater Discharge Permit

- a) Grease interceptors shall be fully pumped out and cleaned at a frequency such that the combined FOG and solids accumulation does not cause or have the potential to cause a sanitary sewer overflow (SSO). Regardless, the interval between cleaning shall not exceed six (6) months.
 - b) The Responsible Person of a Food Service Establishment may submit a request to the Town asking for a change in the maintenance frequency at any time. The Food Service Establishment has the burden of responsibility to prove that the change reflects actual operating conditions based on the average FOG accumulation over time. The Food Service Establishment must also show that it is in full compliance with the conditions of its FOG Wastewater Discharge Permit and this section. Upon approval by the Town, the FOG Wastewater Discharge Permit will be modified accordingly to reflect the change in maintenance frequency.
 - c) If the grease interceptor contains, at any time, FOG and solids accumulation that causes an SSO, the Food Service Establishment shall be required to have the grease interceptor serviced immediately so that all FOG, sludge and other materials are completely removed from the interceptor. If necessary, the Food Service Establishment may be required to increase the maintenance frequency of the grease interceptor from its current frequency.
3. Wastewater, accumulated FOG, floating materials, sludge, solids, and other materials removed from the grease interceptor shall be disposed offsite properly by licensed waste haulers in accordance with federal, state, and/ or local regulations.

Grease Trap Requirements

1. Grease traps shall be installed in waste lines leading from drains, sinks and other fixtures or equipment where grease may be introduced into the sewer system in quantities that can cause blockage.
2. Grease traps shall be properly sized and installed in accordance with the latest approved edition of the California Uniform Plumbing Code.
3. The original design of the grease trap shall not be modified unless the manufacturer recommends the modification in writing
4. Grease traps shall be maintained in efficient operating conditions by removing accumulated grease. The interval between cleaning will be established by the City. Baffles shall be removed and cleaned during the maintenance process, when applicable.
5. Grease trap shall be kept free of all food residues and any FOG waste removed during the cleaning and scraping process.
6. Grease traps be inspected periodically to check for leaking seams and pipes and for effective operation of the baffles and flow regulating devices.
7. Grease traps and their baffles shall be maintained free of all caked-on or accumulated FOG and waste.
8. Dishwashers and food waste disposal units shall not be connected to or discharged into any grease trap.
9. The temperature of any water entering a grease trap shall not exceed 1400°F (600°C).



Town of Fort Jones

Fats, Oil and Grease (FOG)

Wastewater Discharge Permit

Part IX – Inspection Authority and Reporting Requirements

Record Keeping Requirements

The Responsible Person shall be required to keep on the premises and readily available, copies of all bills of lading, receipts and invoices of all cleaning, maintenance, and grease removal from the Grease Control Device, disposal carrier and disposal site location for no less than three (3) years. The Responsible Person shall, upon request, make the bills of lading, receipts and invoices available to the Town, any inspector and/or any Enforcement Officer. These records may include:

1. An on-site logbook of Grease Interceptor or Grease Control Device cleaning and maintenance practices.
2. A record of BMPs being implemented, including employee training.
3. Copies of records and bills of lading of waste hauling interceptor contents.
4. Records of sampling data and sludge height monitoring for FOG and solids accumulation in the Grease Interceptors.
5. Records of any spills and/or cleaning of the private sewer lateral or collection system.
6. Any other information deemed appropriate by the Town to ensure compliance with this chapter.

Notification of Spills

1. In the event the discharger is unable to comply with any of the permit conditions due to a breakdown of equipment, accidents caused by human error or act of God, or the discharge will exceed the provision of this chapter, the discharger shall notify the Town immediately once the discharger has knowledge of the incident.
2. The discharger shall confirm this notification in writing as soon as possible, but no later than five (5) working days from the notification. The written notification shall state the date of the incident, the reasons for the discharge or spill, what steps were taken to correct the problem, and what steps are being taken to prevent the problem from recurring.

Part X – Non-compliance and Enforcement

Failure to comply with the Town's FOG Control Program, the provisions in this FOG Discharge Permit or any individual permit conditions will result in enforcement action against the FSE. All fines are defined in this Section and published in the Town's Master Fee Schedule, as both may be amended from time to time.

1. The first violation of the FOG Control Program will result in a warning issued by the Town. For each warning, the Town will make one attempt to contact the FSE's responsible party (permittee) as listed on the permit and follow-up any such verbal warning with written confirmation of the violation. If such attempt at direct contact is unsuccessful, the Town will mail written notice of the violation to the permittee. The permittee will have seven (7) days from the date of the notice to respond and correct the violation. If the permittee does not correct the violation within this time, a second violation will be issued.
2. Upon the occurrence of two or more violations, the Town will notify the permittee in writing by mail of the violation and a fine of \$100.00 will be assessed and collected on the next service bill. The permittee will have seven (7) days from the date of the notice to respond and correct the violation. If



Town of Fort Jones Fats, Oil and Grease (FOG) Wastewater Discharge Permit

the permittee does not respond and correct the violation within the seven (7) days, a per day fine of \$50.00, up to a maximum of 12 days and \$600.00 will be imposed and charged on permittee's next service bill. The fee, up to its maximum, will be assessed until the violation is corrected or the Town declares the permittee to be non-compliant and discontinues sewer service to the permittee.

When three or more violations of the FOG program have been committed and remain uncorrected, the Town may disconnect sewer service to the non-compliant permittee.

Managing FATS, OILS, and GREASE

DON'T...



1
DO NOT pour cooking residue directly into the drain.



2
DO NOT dispose of food waste into the garbage disposal.



3
DO NOT pour waste oil directly into the drain.



4
DO NOT wash floor mats where water will run off directly into the storm drain.

DO...



1
Wipe pots, pans, and work areas prior to washing.



2
Dispose of food waste directly into the trash.



3
Collect waste oil and store for recycling.



4
Clean mats inside over a utility sink.



THE TOWN OF FORT JONES

TO: FORT JONES CITY COUNCIL

MEETING DATE: FEBRUARY 15, 2021

FROM: KARL DREXEL, CITY ADMINISTRATOR

**SUBJECT: INTRODUCTION OF ORDINANCE 2022-2 OPTING IN TO THE
SISKIYOU COUNTY INTEGRATED SOLID WASTE
MANAGEMENT REGIONAL AGENCY'S EDIBLE FOOD
RECOVERY ORDINANCE**

BACKGROUND:

The State Legislature passed into law Senate Bill 1383 (Statutes of 2016) set forth in the California Code of Regulations (the "SB 1383 Regulations" creating a regulation that all cities and Counties collect edible food wastes within their jurisdictions. Several rural Counties and cities are ill equipped to enforce such a restrictive law and are requesting an exemption to the law for these rural communities. As a member of the Siskiyou County Integrated Solid Waste Management Agency, we are asked to join in the Opting out Ordinance the Agency passed yesterday. This Ordinance 2022-2 provides for that.

RECOMMENDATION:

Staff recommends the Council review the Ordinance and approve the Second reading as introduced and adopt Ordinance 2022-2 Opting in to County Edible Food Recovery Ordinance.



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:

NOES:

ABSENT:

ABSTAIN:

APPROVED: _____
Michelle DeCausmaker, Mayor

ATTEST: _____
Celeste McFall, City Clerk

ORDINANCE SWJPA-2022-01: EDIBLE FOOD RECOVERY ORDINANCE

The Board of the Siskiyou County Integrated Waste Management Regional Agency ("SCWMA") hereby ordains as follows:

SECTION 1. PURPOSE AND FINDINGS

- (a) The purpose of this Ordinance is to comply with SB 1383 requirements related to rural jurisdictions and reduce the amount of edible food going to landfill.
- (b) The Agency has the power to enact this Ordinance pursuant to the Joint Exercise of Powers Agreement for Waste Management ("JPA"). The JPA agreement, modified on January 6th 2022 grants the SCWMA the power to adopt ordinances necessary to carry out the purposes of the JPA including compliance with SB 1383 regulations.
- (c) State recycling law, Assembly Bill 939 of 1989, the California Integrated Waste Management Act of 1989 (approved by the Governor of the State of California on September 29, 1989, which among other things, added Division 30 (Section 40000, et seq.) to the Public Resources Code, as amended, supplemented, superseded, and replaced from time to time), requires cities and counties to reduce, reuse, and recycle (including composting) Solid Waste generated in their jurisdictions to the maximum extent feasible before any incineration or landfill disposal of waste, to conserve water, energy, and other natural resources, and to protect the environment.
- (d) State recycling law, Assembly Bill 341 of 2011 (approved by the Governor of the State of California on October 5, 2011, which amended Sections 41730, 41731, 41734, 41735, 41736, 41800, 42926, 44004, and 50001 of, and added Sections 40004, 41734.5, and 41780.01 and Chapter 12.8 (commencing with Section 42649) to Part 3 of Division 30 of, and added and repealed Section 41780.02 of, the Public Resources Code, as amended, supplemented, superseded and replaced from time to time), places requirements on businesses and multi-family property owners that generate a specified threshold amount of Solid Waste to arrange for recycling service and requires jurisdictions to implement a Mandatory Commercial Recycling program.
- (e) State organics recycling law, Assembly Bill 1826 of 2014 (approved by the Governor of the State of California on September 28, 2014, which added Chapter 12.9 (commencing with Section 42649.8) to Part 3 of Division 30 of the Public Resources Code, relating to Solid Waste, as amended, supplemented, superseded, and replaced from time to time), requires businesses and multi-family

property owners that generate a specified threshold amount of Solid Waste, recycling, and Organic Waste per week to arrange for recycling service for those materials, requires counties and cities to implement a recycling program to divert Organic Waste from businesses subject to the law, and to implement a Mandatory Commercial Organics Recycling program. The SCWMA members have a rural exemption from this until 2026.

- (f) State organics recycling law, Senate Bill 1383 of 2016, the Short-lived Climate Pollutant Reduction Act of 2016 (approved by the Governor of the State of California on September 19, 2016), took effect on January 1, 2017 and sets Statewide Organic Waste disposal reduction targets of 50 percent by 2020 and 75 percent by 2025, and requires CalRecycle to develop regulations to reduce organics in landfills as a source of methane. The SB 1383 Regulations place requirements on multiple entities, including counties, cities, residential households, Commercial Businesses (including Multi-Family Residential Dwellings), Commercial Edible Food Generators, haulers, Self-Haulers, Food Recovery Organizations, and Food Recovery Services to support achievement of statewide Organic Waste disposal reduction targets with compliance required beginning January 1, 2022.
- (g) The SCWMA and its member agencies are eligible for, have applied for and expect to receive, a rural waiver from CalRecycle for the organic waste collection requirements and the organic waste product procurement requirements. The member agencies will still be responsible for meeting the Edible Food Recovery Program requirements as specified in 14 CCR, Section 18991.1.
- (h) By January 1, 2022, the SB 1383 Regulations require jurisdictions to adopt and enforce an ordinance or other enforceable mechanism to implement relevant provisions of SB 1383.
- (i) It is in the public interest for participants in the SCWMA to work together to advance the goals in the state legislation noted above.
- (j) This Edible Food Recovery 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 SCWMA's member agencies' enactment of this Ordinance. The EIR therefore adequately analyzes any potential environmental effects of the Ordinance and no additional environmental review is required. On a separate and independent basis, the Ordinance is exempt from CEQA pursuant to Section 15308, Class 8 of the CEQA Guidelines as an action that will not have a significant impact on the environment and as an action taken by a regulatory agency for the protection of the environment, specifically, for the protection of the climate. There are no unusual circumstances that would cause this Ordinance to have a significant effect on the environment.

SECTION 2. TITLE OF ORDINANCE

This Ordinance is titled "Edible Food Recovery Ordinance".

SECTION 3. DEFINITIONS

The following definitions govern the use of terms in this Ordinance:

"CalRecycle" means California's Department of Resources Recycling and Recovery, which is the state agency designated with responsibility for developing, implementing, and enforcing the SB 1383 Regulations.

"California Code of Regulations" or "CCR" means the State of California Code of Regulations. CCR references in this Ordinance are preceded with a number that refers to the relevant Title of the CCR (e.g., "14 CCR" refers to Title 14 of CCR).

"Commercial Edible Food Generator" includes a Tier One or a Tier Two Commercial Edible Food Generator as defined herein or as otherwise defined in 14 CCR Section 18982(a)(73) and (a)(74). For the purposes of this definition, Food Recovery Organizations and Food Recovery Services are not Commercial Edible Food Generators pursuant to 14 CCR Section 18982(a)(7).

"Compliance Review" means a review of records by the Enforcement Agency to evaluate compliance with this Ordinance.

"Designee" means an entity that the SCWMA or a Member Agency contracts with or otherwise arranges to carry out or assist with any of the SCWMA's or Member Agency's responsibilities for compliance with the SB 1383 Regulations or administration or enforcement of this Ordinance. A Designee may be a government entity, a private entity, or a combination of those entities.

"Edible Food" means food intended for human consumption, or as otherwise defined in 14 CCR Section 18982(a)(18). For the purposes of this Ordinance or as otherwise defined in 14 CCR Section 18982(a)(18), "Edible Food" is not Solid Waste if it is recovered and not discarded. Nothing in this Ordinance or in 14 CCR, Division 7, Chapter 12 requires or authorizes the Recovery of Edible Food that does not meet the food safety requirements of the California Retail Food Code, as codified in the Health and Safety Code Section 113700, et seq.

"Enforcement Action" means an action of the relevant Enforcement Agency to address non-compliance with this Ordinance including, but not limited to, issuing administrative citations, fines, penalties, or using other remedies.

"Enforcement Agency" means an entity with the authority to enforce part or all of this Ordinance as specified herein. Employees and agents of an Enforcement Agency may carry out inspections and enforcement activities pursuant to this Ordinance. Nothing in this Ordinance authorizing an entity to enforce its terms shall require that entity to

undertake such enforcement except as agreed to by that entity. The County of Siskiyou, and the SCWMA are Enforcement Agencies for all Sections of this Ordinance for those member agencies that opt-into this Ordinance. The SCWMA member agencies that opt-into this Ordinance are also Enforcement Agencies for all Sections of this Ordinance.

“Food Distributor” means a company that distributes food to entities including, but not limited to, Supermarkets and Grocery Stores, or as otherwise defined in 14 CCR Section 18982(a)(22).

“Food Facility” has the same meaning as in Section 113789 of the Health and Safety Code.

“Food Recovery” means actions to collect and distribute food for human consumption that otherwise would be disposed, or as otherwise defined in 14 CCR Section 18982(a)(24).

“Food Recovery Organization” means an entity that engages in the collection or receipt of Edible Food from Commercial Edible Food Generators and distributes that Edible Food to the public for Food Recovery either directly or through other entities or as otherwise defined in 14 CCR Section 18982(a)(25), including, but not limited to:

- (1) A food bank as defined in Section 113783 of the Health and Safety Code;
- (2) A nonprofit charitable organization as defined in Section 113841 of the Health and Safety code; and,
- (3) A nonprofit charitable temporary food facility as defined in Section 113842 of the Health and Safety Code.

A Food Recovery Organization is not a Commercial Edible Food Generator for the purposes of this Ordinance and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7). If the definition in 14 CCR Section 18982(a)(25) for Food Recovery Organization differs from this definition, the definition in 14 CCR Section 18982(a)(25) shall apply to this Ordinance.

“Food Recovery Service” means a person or entity that collects and transports Edible Food from a Commercial Edible Food Generator to a Food Recovery Organization or other entities for Food Recovery, or as otherwise defined in 14 CCR Section 18982(a)(26). A Food Recovery Service is not a Commercial Edible Food Generator for the purposes of this Ordinance and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7).

“Food Scraps” means all edible or inedible food such as, but not limited to, fruits, vegetables, meat, poultry, seafood, shellfish, bones, rice, beans, pasta, bread, cheese, coffee grounds, and eggshells. Food Scraps excludes fats, oils, and grease when such materials are Source Separated from other Food Scraps.

“Food Service Provider” means an entity primarily engaged in providing food services to institutional, governmental, Commercial, or industrial locations of others based on

contractual arrangements with these types of organizations, or as otherwise defined in 14 CCR Section 18982(a)(27).

“Grocery Store” means a store primarily engaged in the retail sale of canned food; dry goods; fresh fruits and vegetables; fresh meats, fish, and poultry; and any area that is not separately owned within the store where the food is prepared and served, including a bakery, deli, and meat and seafood departments, or as otherwise defined in 14 CCR Section 18982(a)(30).

“Health Facility” has the same meaning as in Section 1250 of the Health and Safety Code.

“Hotel” has the same meaning as in Section 17210 of the Business and Professions Code.

“Inspection” means an Enforcement Agency’s electronic or on-site review of records, containers, and an entity’s collection, handling, recycling, or landfill disposal of Organic Waste or Edible Food handling to determine if the entity is complying with requirements set forth in this Ordinance, or as otherwise defined in 14 CCR Section 18982(a)(35).

“Large Event” means an event, including, but not limited to, a sporting event or a flea market, that charges an admission price, or is operated by a local agency, and serves an average of more than 2,000 individuals per day of operation of the event, at a location that includes, but is not limited to, a public, nonprofit, or privately owned park, parking lot, golf course, street system, or other open space when being used for an event. If the definition in 14 CCR Section 18982(a)(38) differs from this definition, the definition in 14 CCR Section 18982(a)(38) shall apply to this Ordinance. For the purposes of this definition of Large Event, “local agency” means all public agencies except those that are not subject to the regulatory authority of the Member Agency.

“Large Venue” means a permanent venue facility that annually seats or serves an average of more than 2,000 individuals within the grounds of the facility per day of operation. For purposes of this Ordinance and implementation of 14 CCR, Division 7, Chapter 12, a venue facility includes, but is not limited to, a public, nonprofit, or privately owned or operated stadium, amphitheater, arena, hall, amusement park, conference or civic center, zoo, aquarium, airport, racetrack, horse track, performing arts center, fairground, museum, theater, or other public attraction facility. For purposes of this Ordinance and implementation of 14 CCR, Division 7, Chapter 12, a site under common ownership or control that includes more than one Large Venue that is contiguous with other Large Venues in the site, is a single Large Venue. If the definition in 14 CCR Section 18982(a)(39) differs from this definition, the definition in 14 CCR Section 18982(a)(39) shall apply to this Ordinance.

“Member Agency” means a party to the SCWMA. Current member agencies are the County of Siskiyou, the Cities of Dunsmuir, Mt. Shasta, Weed, Yreka, Montague, Fort Jones Etna, Dorris and Tulelake. A reference to a Member Agency means the Member Agency within whose boundaries the regulated Organic Waste Generator, Self-Hauler,

Regulated Hauler, Commercial Edible Food Generator, Food Recovery Organization, Food Recovery Service, or other entity resides or operates.

“Notice of Violation” means a notice that a violation has occurred that includes a compliance date to avoid an action to seek penalties, or as otherwise defined in 14 CCR Section 18982(a)(45) or further explained in 14 CCR Section 18995.4.

“Restaurant” means an establishment primarily engaged in the retail sale of food and drinks for on-premises or immediate consumption, or as otherwise defined in 14 CCR Section 18982(a)(64).

“SB 1383” means Senate Bill 1383 of 2016, the Short-lived Climate Pollutant Reduction Act of 2016.

“SB 1383 Regulations” means or refers to, for the purposes of this Ordinance, the Short-Lived Climate Pollutants: Organic Waste Reduction regulations developed by CalRecycle and adopted in 2020 that created 14 CCR, Division 7, Chapter 12 and amended portions of regulations of 14 CCR and 27 CCR.

“Supermarket” means a full-line, self-service retail store with gross annual sales of two million dollars (\$2,000,000), or more, and which sells a line of dry grocery, canned goods, or nonfood items and some perishable items, or as otherwise defined in 14 CCR Section 18982(a)(71).

“Tier One Commercial Edible Food Generator” means a Commercial Edible Food Generator that is one of the following:

- (1) Supermarket.
- (2) Grocery Store with a total facility size equal to or greater than 10,000 square feet.
- (3) Food Service Provider.
- (4) Food Distributor.
- (5) Wholesale Food Vendor.

If the definition in 14 CCR Section 18982(a)(73) of Tier One Commercial Edible Food Generator differs from this definition, the definition in 14 CCR Section 18982(a)(73) shall apply to this Ordinance.

“Tier Two Commercial Edible Food Generator” means a Commercial Edible Food Generator that is one of the following:

- (1) Restaurant with 250 or more seats, or a total facility size equal to or greater than 5,000 square feet.

- (2) Hotel with an on-site Food Facility and 200 or more rooms.
- (3) Health facility with an on-site Food Facility and 100 or more beds.
- (4) Large Venue.
- (5) Large Event.

If the definition in 14 CCR Section 18982(a)(74) of Tier Two Commercial Edible Food Generator differs from this definition as to entities subject to the regulatory authority of a Member Agency, the definition in 14 CCR Section 18982(a)(74) shall apply to this Ordinance.

“Wholesale Food Vendor” means a business or establishment engaged in the merchant wholesale distribution of food, where food (including fruits and vegetables) is received, shipped, stored, prepared for distribution to a retailer, warehouse, distributor, or other destination, or as otherwise defined in 14 CCR Section 189852(a)(76).

“Agency” means the Siskiyou County Integrated Waste Management Regional Agency.

SECTION 4. REQUIREMENTS FOR COMMERCIAL EDIBLE FOOD GENERATORS

- (a) Tier One Commercial Edible Food Generators must comply with the requirements of this Section commencing January 1, 2022, and Tier Two Commercial Edible Food Generators must comply commencing January 1, 2024, pursuant to 14 CCR Section 18991.3 or such later deadline established by State law or regulations.
- (b) Large Venue or Large Event operators not providing food services, but allowing for food to be provided by others, shall require Food Facilities operating at the Large Venue or Large Event to comply with the requirements of this Section, commencing January 1, 2024 or such later deadline established by State law or regulations.
- (c) Commercial Edible Food Generators shall comply with the following requirements:
 - (1) Arrange to safely recover for human consumption the maximum amount of Edible Food that would otherwise be disposed.
 - (2) Enter into a contract or other written agreement with Food Recovery Organizations or Food Recovery Services for: (i) the collection for Food Recovery of Edible Food that would otherwise be disposed; or, (ii) acceptance of Edible Food that would otherwise be disposed that the Commercial Edible Food Generator self-hauls to the Food Recovery Organization for Food Recovery.

- (3) Use best efforts to abide by all contractual or written agreement requirements specified by the Food Recovery Organization or Food Recovery Service on how Edible Food should be prepared, packaged, labeled, handled, stored, distributed or transported to the Food Recovery Organization or Service.
- (4) Not intentionally donate food that has not been prepared, packaged, handled, stored and/or transported in accordance with the safety requirements of the California Retail Food Code.
- (5) Not intentionally spoil Edible Food that is capable of being recovered by a Food Recovery Organization or a Food Recovery Service.
- (6) Allow the Enforcement Agency to review records upon request, including by providing electronic copies or allowing access to the premises, pursuant to 14 CCR Section 18991.4.
- (7) Keep records that include the following information, or as otherwise specified in 14 CCR Section 18991.4:
 - (A) A list of each Food Recovery Service or Food Recovery Organization that collects or receives its Edible Food pursuant to a contract or written agreement established under 14 CCR Section 18991.3(b).
 - (B) A copy of all contracts and written agreements established under 14 CCR Section 18991.3(b) and/or this Ordinance.
 - (C) A record of the following information for each of those Food Recovery Services or Food Recovery Organizations:
 - (i) The name, address and contact information of the Food Recovery Service or Food Recovery Organization.
 - (ii) The types of food that will be collected by or self-hauled to the Food Recovery Service or Food Recovery Organization.
 - (iii) The established frequency that food will be collected or self-hauled.
 - (iv) The quantity of food, measured in pounds recovered per month, collected or self-hauled to a Food Recovery Service or Food Recovery Organization for Food Recovery.
 - (D) If it has not entered into a contract or written agreement with Food Recovery Organizations or Food Recovery Services pursuant to Section 4(c)(2), a record that describes (i) its direct donation of Edible Food to end recipients (including employees) and/or (ii) its food

waste prevention practices that result in it generating no surplus Edible Food that it can donate.

- (8) Tier One Commercial Edible Food Generators and Tier Two Commercial Edible Food Generators shall provide, upon request, a Food Recovery report to the Enforcement Agency that includes the information in Section 2(c)(7). Entities shall provide the requested information within 60 days of the request.
- (d) Nothing in this Ordinance shall be construed to limit or conflict with (1) the protections provided by the California Good Samaritan Food Donation Act of 2017, the Federal Good Samaritan Act, or share table and school food donation guidance pursuant to Senate Bill 557 of 2017 (approved by the Governor of the State of California on September 25, 2017, which added Article 13 commencing with Section 49580 to Chapter 9 of Part 27 of Division 4 of Title 2 of the Education Code, and to amend Section 114079 of the Health and Safety Code, relating to food safety, as amended, supplemented, superseded and replaced from time to time); or (2) otherwise applicable food safety and handling laws and regulations.
- (e) Nothing in this Ordinance prohibits a Commercial Edible Food Generator from donating Edible Food directly to end recipients for consumption, pursuant to Health and Safety Code Section 114432(a).

SECTION 5. REQUIREMENTS FOR FOOD RECOVERY ORGANIZATIONS AND SERVICES

Nothing in this Ordinance prohibits a Food Recovery Service or Food Recovery Organization from refusing to accept edible food from a Commercial Edible Food Generator, in accordance with 14 CCR Section 18990.2(d).

- (a) Food Recovery Services collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR Section 18991.5(a)(1):
 - (1) The name, address, and contact information for each Commercial Edible Food Generator from which the service collects Edible Food.
 - (2) The quantity in pounds of Edible Food collected from each Commercial Edible Food Generator per month. This may also include the total quantity in pounds of food collected that was spoiled when received from a Commercial Edible Food Generator or otherwise not able to be used to feed people.
 - (3) The quantity in pounds of Edible Food transported to each Food Recovery Organization per month.

- (4) The name, address, and contact information for each Food Recovery Organization that the Food Recovery Service transports Edible Food to for Food Recovery.
- (b) Food Recovery Organizations collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR Section 18991.5(a)(2):
 - (1) The name, address, and contact information for each Commercial Edible Food Generator from which the organization receives Edible Food.
 - (2) The quantity in pounds of Edible Food received from each Commercial Edible Food Generator per month. This may also include the total quantity in pounds of food collected that was spoiled when received from a Commercial Edible Food Generator or otherwise not able to be used to feed people.
 - (3) The name, address, and contact information for each Food Recovery Service that the organization receives Edible Food from for Food Recovery.
- (c) Food Recovery Organizations and Food Recovery Services that have their primary address physically located in any part of Siskiyou County and contract with or have written agreements with one or more Commercial Edible Food Generators pursuant to 14 CCR Section 18991.3(b) shall report to the County on behalf of the SCWMA member agencies, the total pounds of Edible Food recovered from the Tier One and Tier Two Commercial Edible Food Generators they have established a contract or written agreement with pursuant to 14 CCR Section 18991.3(b) according to the following schedule: (i) no later than August 15, 2022, submit an initial report covering the period of January 1, 2022 to June 30, 2022; and (ii) no later than March 31, 2023, and no later than every March 31 thereafter, submit a report covering the period of January 1 to December 31 of the previous calendar year.
- (d) In order to support Edible Food Recovery capacity planning assessments and similar studies, Food Recovery Services and Food Recovery Organizations operating in Siskiyou County shall provide, upon request, information and consultation to the Enforcement Agency regarding existing, or proposed new or expanded, Food Recovery capacity in a form that can be provided to or that can be accessed by the SCWMA, Member Agencies, and Commercial Edible Food Generators in Siskiyou County. A Food Recovery Service or Food Recovery Organization contacted by the Enforcement Agency shall respond to such request for information within 60 days, unless a shorter timeframe is otherwise specified by the Enforcement Agency.
- (e) The Enforcement Agency for the provisions of this Section is the County of Siskiyou acting as the Enforcement Agency for the SCWMA and its member

agencies, and the Member Agency and any other Designee of the Member Agency.

SECTION 6. INSPECTIONS AND INVESTIGATIONS

- (a) The Enforcement Agency for the provisions of this Ordinance is the SCWMA and the County of Siskiyou acting as the Enforcement Agency for the SCWMA's member agencies, the Member Agencies and any other Designee of the Member Agency.
- (b) The Enforcement Agency is authorized to conduct Inspections and investigations, at random or otherwise, to confirm compliance with the provisions of this Ordinance for which it has enforcement authority by Commercial Edible Food Generators, Food Recovery Services, and Food Recovery Organizations, subject to applicable laws.
- (c) A Person subject to the requirements of this Ordinance shall provide or arrange for access during all Inspections (and shall cooperate with the Enforcement Agency during such Inspections and investigations). Such Inspections and investigations may include inspection of Edible Food Recovery activities, review of required records, or other verification or Inspection to confirm compliance with any other requirement of this Ordinance. Failure to provide or arrange for: (i) access to the premises; or (ii) access to records for any Inspection or investigation is a violation of this Ordinance and may result in penalties described in Section 8.
- (d) The Enforcement Agency is authorized to conduct any Inspections or other investigations as reasonably necessary to further the goals of this Ordinance, subject to applicable laws.

SECTION 7. ENFORCEMENT

- (a) Violation of any provision of this Ordinance shall constitute grounds for issuance of a Notice of Violation and assessment of a fine by the Enforcement Agency. Enforcement Actions under this Ordinance are issuance of an administrative citation and assessment of a fine. The Enforcement Agency's procedures on imposition of administrative citations and fines as contained within their municipal code shall govern the imposition, enforcement, collection, and review of administrative citations and fines issued to enforce this Ordinance and any rule or regulation adopted pursuant to this Ordinance, except as otherwise indicated in this Ordinance.

The Enforcement Agency may issue a Notice of Violation requiring compliance within 60 days of issuance of the notice.

Absent compliance by the respondent within the deadline set forth in the Notice of Violation, the Enforcement Agency shall commence an action to impose penalties,

via an administrative citation and fine, pursuant to the Enforcement Agency's standard procedures.

(d) **Penalty Amounts for Violations**

The penalty levels are as follows:

- (1) For a first violation, the amount of the penalty shall be \$100 per violation or such higher amount as may be established by the Enforcement Agency.
- (2) For a second violation, the amount of the penalty shall be \$200 per violation or such higher amount as may be established by the Enforcement Agency.
- (3) For a third or subsequent violation, the amount of the penalty shall be \$500 per violation or such higher amount as may be established by the Enforcement Agency.

The Enforcement Agency for the provisions of this ordinance is the County for the SCWMA member agencies, and may also be the Member Agency and any Designee authorized by the Member Agency to enforce one or more sections of this Ordinance.

SECTION 8. LOCAL REGULATION AND OPT-IN PROVISIONS

- (a) Nothing in this Ordinance shall be construed to prohibit any SCWMA Member Agency from enacting and enforcing ordinances and regulations regarding the collection, transport, storage, processing, and deposit in landfill(s) of Solid Waste within its jurisdiction, including more stringent requirements than those in this Ordinance.
- (b) This Ordinance shall apply only within the boundaries of Member Agencies that have adopted an ordinance declaring that the Member Agency is opting in to this Ordinance and that it shall apply within their jurisdiction. For any Member Agency that opts in, this Ordinance shall apply as to that Member Agency from the date specified in the ordinance adopted by the Member Agency. A Member Agency that has adopted such an ordinance may declare that this Ordinance no longer applies within its boundaries by adopting a subsequent ordinance setting forth the date upon which this Ordinance shall no longer apply.

SECTION 9. SEVERABILITY

If any provision of this Ordinance or the application thereof is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such invalidity shall not affect the remaining provisions or application of the remaining provisions of this Ordinance, which can be given effect without the invalid provisions or application.

SECTION 10. EFFECTIVE DATE

This Ordinance shall be posted at the SCWMA Office after its adoption by the Board for at least thirty (30) days and shall take effect commencing on January 1, 2022.

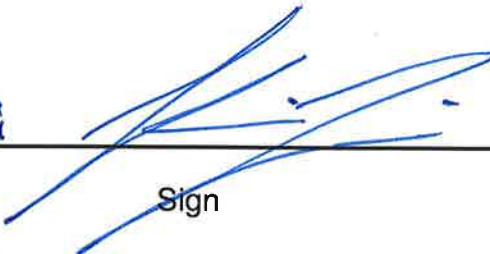
AYES: Siskiyou County, Nancy Ogren; Yreka, Paul Meloy; Dorris, Melissa High; Tulelake, Hank Ehinger
Mt. Shasta, Muriel Terrell; Ft Jones, Kathy Banks; Etha, Jamie Tarne; Weed, Craig Sharp; Dunsmuir, Juliana Lucchesi

NOES: NONE

ABSENT: City of Montague

ABSTAIN: NONE

Juliana Lucchesi



1/6/2022

Print

Sign

Date

Chair of the Siskiyou County Integrated Solid Waste Management Board

Jason Ledbetter



1/6/2022

Print

Sign

Date

Secretary of the Siskiyou County Integrated Solid Waste Management Board

Exhibit B
Enforcement Agency Authorization – Siskiyou County Integrated Waste
Management Regional Agency Authority

The Town of Fort Jones designates the Siskiyou County Integrated Solid Waste Management Regional Agency and the County as an Enforcement Agency for all Sections of the Edible Food Recovery Ordinance. Without limiting the generality of the foregoing, the authority provided by this designation includes the authority to request information or conduct inspections to verify compliance with any of the above sections to support the Agency's or County's enforcement activities.

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:
NOES:
ABSENT:
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.



RESOLUTION NO. 1101

A RESOLUTION OF THE COUNCIL OF THE TOWN OF FORT JONES ESTABLISHING CERTAIN FEES FOR NUISANCE ABATEMENT

WHEREAS, the Council of the Town of Fort Jones has determined that in order to continue providing effective services for the public welfare, the Town must establish and increase fees for certain municipal services in order to accurately reflect the Town's true cost in providing such services; and

WHEREAS, the Council desires fees for following purposes:

A. A specific Town benefit conferred or privilege granted (California Constitution, Article XIII C, §1 (e)(1));

B. A Town service or product (California Constitution, Article XIII C, §1 (e)(2));

C. A charge imposed for Town's issuing licenses and permits, performing investigations, inspections, and audits, and administrative enforcement - and adjudication (California Constitution, Article XIII C, § I (e)(3)); or

D. A monetary charge imposed by the Town as a result of a violation of law (California Constitution, Article XIII C, § 1 (e)(5)); and

WHEREAS, the Town has incurred costs as part of citing and abating nuisances and building violations on private property.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF FORT JONES:

SECTION 1. The following Fees will be levied against the property/property owner:

1. Filing Fee to Siskiyou County Clerk-Recorder: Actual Cost
2. Mailing Fee: Actual cost, set by the United States Postal Service, plus \$10 processing fee
3. Re-Inspection Fee: \$200 per property/parcel
4. Travel Costs: IRS Reimbursement Rate
5. Staff Time: \$50/hour

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

SECTION 2. There is a reasonable relationship between the fees to be collected for the provision of various Town services and the Town's costs in providing those services, as identified in the data made available.

SECTION 3. That the cost of nuisance and building abatement services shall constitute an assessment against the parcel and shall be a lien on such parcel of land in accordance with provisions of the Government Code of the State of California, Health and Safety Code of the State of California.

The foregoing resolution was adopted at a regular meeting of the Town Council of the Town of Fort Jones, held on the 15th day of February, 2022 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED: _____
Michelle DeCausmaker, Mayor

ATTEST: _____
Celeste McFall, City Clerk

APPROVED AS TO FORM and LEGAL CONTENT: _____
Margaret Long, City Attorney

ORDINANCE NO. 2022-4

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FORT JONES
AMENDING THE ABANDONED VEHICLES 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: 10.08 Abandon, Wrecked or Dismantled Vehicles

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, 2021.

APPROVED: _____
Michelle DeCausmaker, Mayor

ATTEST: _____
Celeste McFall, City Clerk

The foregoing Ordinance No. 2022-4 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:

NOES:

ABSENT:

ABSTAIN:

Celeste McFall, City Clerk

APPROVED AS TO FORM and LEGAL CONTENT: _____
Margaret Long, City Attorney

Exhibit A

Chapter 10.08

ABANDONED, WRECKED OR DISMANTLED VEHICLES

Sections:

<u>10.08.010</u>	<u>General purpose</u>
<u>10.08.020</u>	<u>Definitions</u>
<u>10.08.030</u>	<u>Unlawful to abandon</u>
<u>10.08.040</u>	<u>Chapter application</u>
<u>10.08.050</u>	<u>Chapter application – Exclusions</u>
<u>10.08.060</u>	<u>Chapter application – Not to exclude other provisions.</u>
<u>10.08.070</u>	<u>Enforcement – Responsibility and right of entry</u>
<u>10.08.080</u>	<u>Public nuisance – Determination and right to abate</u>
<u>10.08.090</u>	<u>Abatement and removal – Notice</u>
<u>10.08.100</u>	<u>Abatement and removal – Notice requirements</u>
<u>10.08.110</u>	<u>Abatement and removal – Exceptions</u>
<u>10.08.120</u>	<u>Abatement and removal - Appeals</u>
<u>10.08.130</u>	<u>Vehicle disposition</u>
<u>10.08.140</u>	<u>Vehicle disposition – Notice to DMV</u>
<u>10.08.150</u>	<u>Vehicle disposition – Low-valued vehicle</u>
<u>10.08.160</u>	<u>Assessment of cost against real property</u>
<u>10.08.170</u>	<u>Assessment of cost against real property – Recordation of abatement lien</u>
<u>10.08.180</u>	<u>Assessment of cost against real property – Release of abatement lien</u>
<u>10.08.190</u>	<u>Recovery of costs – Abandoned vehicles</u>

10.08.010 General purpose

A. This chapter is enacted under the authority granted by the state of California under Sections 22660 and 22710 of the Vehicle Code, for the purpose of establishing procedures for the abatement and removal, as public nuisances, of abandoned, wrecked, dismantled or inoperative vehicles, or parts thereof, from private or public property in the town of Fort Jones, including highways, and for the recovery of the cost of such removal and administration of this chapter.

B. The existence, accumulation, and storage of abandoned, wrecked, dismantled, or inoperative vehicles, or parts thereof, on private or public property, creates conditions likely to reduce the value of real property in the vicinity, promote blight and deterioration, and invite plundering,

create fire hazards and harborage for rodents and insects, and is injurious to the public peace, health, safety, and general welfare. The presence of abandoned, wrecked, dismantled, or inoperative vehicles, or parts thereof, within the town constitutes a public nuisance, which the town of Fort Jones is empowered to abate and remove in accordance with the provisions of this chapter.

10.08.020 Definitions

The meanings ascribed to the terms set forth in this section shall govern the interpretation of this chapter:

A. "Abandoned" shall mean 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.

B. "Dismantled" shall mean the condition of a vehicle which has been taken apart, or to pieces, and/or stripped, or otherwise deprived of any of its integral parts or equipment.

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

D. "Inoperative" shall mean the condition of a vehicle which is physically incapable of working, functioning, or otherwise operating to produce its designed effect.

E. "Motor vehicle" shall mean a vehicle which is self-propelled.

F. "Property owner" shall mean the owner of the land where a vehicle or part thereof subject to regulation pursuant to this chapter is situated, as shown on the last equalized assessment roll of the town.

G. "Public Property" does not include "highway".

H. "Street" shall mean a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. "Street" includes "highway".

I. "Vehicle" shall mean a device by which any person or property may be propelled, moved, or drawn upon a highway, excepting a device moved exclusively by human power or used exclusively upon stationary rails or tracks. "Vehicle" includes any "motor vehicle".

J. "Vehicle owner" shall mean both the last registered owner, within the meaning of Section 505 of the Vehicle Code, and the last legal owner, within the meaning of Section 370 of the

Vehicle Code, a vehicle or part thereof subject to regulation pursuant to this chapter, as shown in the records of the Department of Motor Vehicles.

K. "Wrecked" shall mean the condition of a vehicle which consists of disordered or broken remains, or which has been brought to a physically impaired or unsound condition or other ruinous state by reason of collision, crash, or other forceful impact.

10.08.030 Unlawful to abandon.

It shall be unlawful for any person owning a vehicle or vehicle part to allow the vehicle or part to be abandoned, wrecked, inoperative or dismantled on any property, public or private, in the town of Fort Jones, except as authorized by the Fort Jones Municipal Code.

10.08.040 Chapter Application

Except as otherwise expressly provided by FJMC 10.08.050 and the procedures adopted pursuant to the latter section, this chapter shall apply to abandoned, wrecked, dismantled, or inoperative vehicles, or any part thereof, situated upon any private or public property, including highways, within the Town of Fort Jones.

10.08.050 Chapter application – Exclusions

This chapter shall not apply to any vehicle or part thereof which is either:

- A. Completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property.
- B. Stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer, or a junkyard; or
- C. Stored upon private property in the manner authorized by the zoning code.
- D. Located behind a solid fence six feet in height or which is not plainly visible from a highway.
- E. The exceptions provided by this section shall not be construed to authorize the maintenance of a public or private nuisance, as such nuisance may be defined under any provisions of law other than Chapter 10 (commencing with Section 22650) of Division 11 of the Vehicle Code.

10.08.060 Chapter application – Not to exclude other provisions.

This chapter shall not be construed as excluding any other lawful remedies available to the town of Fort Jones for regulation, abatement, and/or removal of abandoned, wrecked, dismantled, or inoperative vehicles situated within the town. The procedures provided by this chapter shall be in addition to any other applicable regulations, statutes, or ordinances heretofore or hereinafter enacted by the state of California, this town, or any other entity having jurisdiction in the matter.

10.08.070 Enforcement – Responsibility and right of entry

A. The chief of police, code enforcement officer, or designated representative is charged with the responsibility of administering this chapter and exercising the authority conferred thereby and may enter upon private property for purposes of administering and enforcing this chapter, to examine a vehicle or parts thereof, to obtain information as to the identity of the vehicle and to remove or cause to be removed a vehicle or part thereof declared to be a nuisance pursuant to this chapter.

B. Any person, firm or corporation authorized by the town to remove vehicles from property for purposes of enforcement of this chapter may enter upon private property to perform such removal of vehicle or parts thereof declared to be a nuisance pursuant to this chapter.

C. If entry to private property is denied, the chief of police, code enforcement officer, or designated representative, shall obtain any warrant necessary, except in the case of emergency in which case no warrant is required.

10.08.080 Public nuisance – Determination and right to abate.

If the chief of police, code enforcement, or designated representative, finds that reasonable grounds exist to believe that a vehicle or part thereof is abandoned, wrecked, dismantled or inoperative at any location to which this chapter applies pursuant to FJMC 10.08.040, the determining officer or designated representative, shall declare such vehicle or part to be a public nuisance and thereupon proceed to abate such nuisance in the manner prescribed by this chapter.

10.08.090 Abatement and removal – Notice

Except as otherwise provided by FJMC 10.08.110, the chief of police, code enforcement, or designated representative, shall issue, not less than 10 days in advance, a written notice of intention to abate and remove any vehicle or part thereof which has determined to be a public nuisance pursuant to FJMC 10.08.080. The determining officer or designated representative

shall mail such notice by first class certified mail, return receipt requested, to the property owner and to the vehicle owner, unless the vehicle is in such condition that identification numbers are not available to determine vehicle ownership. The determining officer or designated representative shall post a copy of the notice upon or at the site of such vehicle or part.

10.08.100 Abatement and removal – Notice requirements

A. The notice required by FJMC 10.08.090 of intention to abate and remove vehicle shall contain a statement of the hearing rights of the property owner and of the vehicle owner, in accordance with FJMC 10.08.120. Such statement shall include notice to the property owner that he or she may either appear in person at a hearing or submit a sworn written statement denying responsibility for the presence of the vehicle or part thereof on his or her land, with the reasons for such denial, in lieu of appearing.

B. The notice shall specify the address of the real property where such vehicle or part is situated, a description identifying such vehicle or part, and the condition thereof found by the determining officer or designated representative, to constitute a public nuisance, the section(s) of this chapter found by the determining officer or designated representative to have been violated, and state that either voluntary abatement thereof or request for a hearing must be made by the property owner or vehicle owner, in the manner prescribed by FJMC 10.08.120, within 10 days from the date of such notice, and that the failure to so request such a hearing shall constitute waiver of the right thereof. Such notice shall specify that if the abatement is made by the town costs may be assessed against the property owner in accordance with Section 25845 of the Government Code, or, in the case of an abandoned vehicle, against the last registered owner of record, in accordance with Section 22524 of the Vehicle Code.

10.08.110 Abatement and removal – Exceptions

The chief of police, code enforcement, or designated representative, shall not be required to issue notice pursuant to FJMC 10.08.090 if:

A. The property owner and vehicle owner have each signed a release authorizing removal and waiving further interest in the vehicle or part thereof; or

B. The vehicle or part is:

1. Inoperable due to the absence of a motor, transmission, or wheels; and
2. Is incapable of being towed; and

3. Is valued at less than \$200.00 by a person specified in Section 22855 of the Vehicle Code; and
4. Is determined by the chief of police, code enforcement, or designated representative to be a public nuisance presenting an immediate threat to public health or safety; and
5. Is located on a parcel that is either zoned for agricultural use or not improved with a residential structure containing one or more dwelling units; and
6. The property owner has signed a release authorizing removal and waiving further interest in the vehicle or part.

10.08.120 Abatement and removal - Appeals

A. Either within 10 days after the date of the notice of intention prescribed by FJMC 10.08.090 is mailed, or at the time of signing a release pursuant to FJMC 10.008.110(A) or (B)(6), the property owner and/or the vehicle owner may appeal the determination that a vehicle or part be abated.

B. If the property owner submits a sworn written statement pursuant to FJMC 10.08.100 denying responsibility for the presence of the vehicle or part on his or her land within the 10-day period prescribed by this section, such statement shall be construed a request for hearing which does not require the presence of the property owner. If no request for hearing is received by the chief of police, code enforcement, or designated representative within the time prescribed by this section, the determining officer or designated representative shall cause the vehicle or part to be removed and disposed of in the manner authorized by this chapter.

10.08.130 Vehicle disposition

A. The chief of police, code enforcement, or designated representative may dispose of a vehicle or part thereof under this chapter by removal thereof to a licensed scrapyard, automobile dismantler's yard, or other site authorized by Section 22662 of the Vehicle Code.

B. After a vehicle has been removed pursuant to this chapter, such vehicle shall not be reconstructed or made operable unless it is a vehicle which qualifies for either horseless carriage license plates or historical vehicle license plates, pursuant to Section 5004 of the Vehicle Code.

10.08.140 Vehicle disposition – Notice to DMV

Within five days following the date of removal of a vehicle or part thereof under this chapter, the determining officer or designated representative shall give notice of such removal to the Department of Motor Vehicles, identifying the vehicle or part, together with any evidence of registration obtained by the determining officer or designated representative, including, without limitation, the registration card, certificate of ownership, or license plate.

10.08.150 Vehicle disposition – Low-valued vehicle

Prior to final disposition of a vehicle described by FJMC 10.08.110(B) for which evidence of registration was recovered, the determining officer or designated representative shall provide the vehicle owner with written notice of intent to dispose of the vehicle or part from a site authorized by Section 22662 of the Vehicle Code. Such notice shall state that if the vehicle or part is not claimed and removed within 12 days following the date such notice is mailed, final disposition shall proceed.

10.08.160 Assessment of cost against real property

A. If the property owner fails to pay, upon demand, the cost of abatement incurred by the town in the enforcement and administration of this chapter, such costs may be especially assessed against the real property involved, pursuant to Sections 38773 through 38773.5 of the Government Code. Such assessment shall be collected at the same time and in the same manner as are town ad valorem property taxes.

B. Cost of enforcement and administration of this chapter shall include, but not be limited to, charges for each vehicle cited under this chapter, a towing fee for each vehicle towed pursuant to this chapter and a fee to cover the cost of staff time involved in any action, administrative proceeding, or special proceeding required by this chapter, inspection of vehicles and other property, publication, mailing and posting of notices, conducting hearings, processing appeals and pursuing any judicial action. Such charges shall be established from time to time by resolution of the town council and shall not exceed the actual cost to the town of enforcement and administration of this chapter.

10.08.170 Assessment of cost against real property – Recordation of abatement lien

In the case of any special assessment made pursuant to FJMC 10.08.160, Assessment of cost against real property, the determining officer or designated representative shall cause a notice of abatement lien to be recorded in the office of the Sacramento County clerk-recorder. Such notice shall identify the property owner, or possessor of the property, his or her last known address of record, the date upon which abatement was ordered, the date that the abatement

was completed, a description of the real property subject to the lien, and the amount of the abatement costs.

10.08.180 Assessment of cost against real property – Release of abatement lien

The chief of police, code enforcement, or designated representative may release or subordinate an abatement lien imposed under this chapter in the same manner as provided by law for release or subordination of a judgment lien on real property.

10.08.190 Recovery of costs – Abandoned vehicles

Pursuant to Section 22524 of the Vehicle Code, the chief of police, code enforcement, or designated representative shall be authorized to seek recovery of costs incurred by the town for the removal and disposition of an abandoned vehicle from the last registered owner thereof.



RESOLUTION NO. 1102

A RESOLUTION OF THE COUNCIL OF THE TOWN OF FORT JONES ESTABLISHING CERTAIN FEES FOR WRECKED VEHICLE ABATEMENT

WHEREAS, the Council of the Town of Fort Jones has determined that in order to continue providing effective services for the public welfare, the Town must establish and increase fees for certain municipal services in order to accurately reflect the Town's true cost in providing such services; and

WHEREAS, the Council desires to fees for following purposes:

- A. A specific Town benefit conferred or privilege granted (California Constitution, Article XIII C, § 1 (e)(1));
- B. A Town service or product (California Constitution, Article XIII C, § 1 (e)(2));
- C. A charge imposed for Town's issuing licenses and permits, performing investigations, inspections, and audits, and administrative enforcement - and adjudication (California Constitution, Article XIII C, § 1 (e)(3)); or
- D. A monetary charge imposed by the Town as a result of a violation of law (California Constitution, Article XIII C, § 1 (e)(5)); and

WHEREAS, the Town has incurred costs as part of citing and abating wrecked and abandoned vehicles.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF FORT JONES:

SECTION 1. The following Fees will be levied against the property/property owner:

- 1. DMV Costs: Actual Cost
- 2. Mailing Fee: Actual cost, set by the United States Postal Service, plus \$10 processing fee
- 3. Travel Costs: IRS Reimbursement Rate
- 4. Towing Costs: Actual Cost
- 5. Staff Time: \$50/hour

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

SECTION 2. There is a reasonable relationship between the fees to be collected for the provision of various Town services and the Town's costs in providing those services, as identified in the data made available.

SECTION 3. That the cost of Wrecked and/or Abandoned Vehicle abatement services shall constitute an assessment against the owner and shall be a lien on such property in accordance with provisions of the Government Code of the State of California, Health and Safety Code of the State of California.

The foregoing resolution was adopted at a regular meeting of the Town Council of the Town of Fort Jones, held on the 15th day of February, 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED: _____
Michelle DeCausmaker, Mayor

ATTEST: _____
Celeste McFall, City Clerk

APPROVED AS TO FORM and LEGAL CONTENT: _____
Margaret Long, City Attorney

ORDINANCE NO. 2022-5

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FORT JONES
AMENDING TITLE 8 HEALTH AND SAFETY

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

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

8.04 Residential Burning

8.12 Public Consumption of Marijuana/Cannabis

Section 18.52 Prohibiting the Operation of Cannabis Dispensaries within the City Limits
(Removed from Zoning)

8.20 Fire Code (originally Chapter 15.04 Fire Code of Buildings and Construction)

8.28 Weed and Rubbish Control

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. 2022-5 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:

NOES:

ABSENT:

ABSTAIN:

Celeste McFall, City Clerk

APPROVED AS TO FORM and LEGAL CONTENT: _____
Margaret Long, City Attorney

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--)

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.

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.

DISCUSSION / REPORTS

ACTION ITEMS



THE TOWN OF FORT JONES

TO: FORT JONES CITY COUNCIL

MEETING DATE: FEBRUARY 15, 2022

FROM: KARL DREXEL, CITY ADMINISTRATOR

**SUBJECT: PRESENTATION BY YOUTH EMPOWERMENT SISKIYOU
EXECUTIVE DIRECTOR RE: POOLING FUNDS FOR YOUTH
SHELTER**

BACKGROUND:

Sarah Springfield, Executive Director of Youth Empowerment Siskiyou has requested to discuss with the Council a proposal to join other cities in Siskiyou County to pool the Housing and Community Development's Permanent Local Housing Allocation (PLHA) to fund a youth shelter. The PLHA funds are a per capita grant from HCD for projects that benefit the homeless. Since our local homelessness is not an issue, we have not committed to any programs that would be eligible for funding. However, if the Town does not claim a program for funding, the funds go back to the State General Fund.

RECOMMENDATION:

Staff recommends the Council hear the presentation and discuss the project and the specifics of the application. If the project seems worthwhile for homeless youth in Siskiyou County and the Youth Empowerment Siskiyou can process and submit all applications and supporting documents, then I would recommend we allow them to use our allocation for the PLHA.

From: [Michelle DeCausmaker](#)
To: [Karl Drexel](#)
Subject: Fwd: Homeless Youth Services in Siskiyou County
Date: Thursday, October 28, 2021 10:52:34 AM

Hi Karl,
Wanted to share this with you, I won't be able to meet with her one on one.
But thought Council meeting would be good.
Hope that's Ok with you.
Michelle

----- Forwarded message -----

From: **Michelle DeCausmaker** <mdecausmaker@gmail.com>
Date: Thu, Oct 28, 2021 at 10:49 AM
Subject: Re: Homeless Youth Services in Siskiyou County
To: Sarah Springfield <sarah@yesiskiyou.org>

Hi Sarah,
Would you be willing to talk about your mission at our City Council meeting next month ?
That is a great way to get information out to our Citizens.

Will you be living in Town ? And welcome to Scott Valley.

Michelle

On Thu, Oct 28, 2021 at 10:39 AM Sarah Springfield <sarah@yesiskiyou.org> wrote:

Hi Michelle,

I don't think that we've yet had the opportunity to meet in person, so I wanted to reach out and introduce myself: I'm Sarah, the executive director of Youth Empowerment Siskiyou, a non-profit headquartered in Yreka that serves foster kiddos and other trauma-exposed youth throughout the county. You might be familiar with some of our agency's programs, including CASA of Siskiyou County and Camp YES (formerly Camp HOPE Siskiyou). Rooted in our work in the foster care system, we've recently launched programs supporting youth experiencing homelessness as well and are rapidly trying to expand our service offerings to meet the growing need. We're aiming to open a youth shelter, likely located in Yreka but serving youth from anywhere in the county, and are trying to pull together the community support and resources necessary to do so. Do you have any time in the coming weeks for a meeting to discuss those needs and opportunities? I'm working to build a partnership between a few cities to pool PLHA funds to address homelessness locally -- but if we don't apply before Dec. 31, the funds will be returned to the state.

On a personal note, after eight years on the Klamath River, I'm moving to Ft. Jones in just a few days! Looking forward to working with you as a constituent as well.

Thanks,

Sarah

--

Sarah Springfield

Executive Director

Youth Empowerment Siskiyou

530-841-0844

From: [Celeste McFall](#)
To: [Karl Drexler](#)
Subject: FW: Agenda item for 2/14 council meeting
Date: Tuesday, February 1, 2022 2:07:00 PM

From: Sarah Springfield <sarah@yesiskiyou.org>
Sent: Tuesday, February 1, 2022 2:05 PM
To: Celeste McFall <celeste.mcfall@fortjonesca.com>
Subject: Re: Agenda item for 2/14 council meeting

"Partnering with City of Yreka" is best! Eventually YES will apply for the funds from Yreka. If the council wants to ensure that the funds are directed to youth services and a youth shelter, as they have indicated at past meetings, that will need to be explicitly clear also, as Yreka is looking at possibly funding other projects with these monies (as well as youth services).

On Tue, Feb 1, 2022 at 1:44 PM Celeste McFall <celeste.mcfall@fortjonesca.com> wrote:

Karl is asking if the wording for the agenda should say "partnering with City of Yreka" or "partnering with Y.E.S"-?

Celeste McFall
Office Manager
The Town of Fort Jones
"Gateway to the Marble Mountains"
11960 East St.
Fort Jones, CA 96032
(530) 468-2281
www.fortjonesca.org

From: Sarah Springfield <sarah@yesiskiyou.org>
Sent: Tuesday, February 1, 2022 10:39 AM
To: Celeste McFall <celeste.mcfall@fortjonesca.com>
Subject: Agenda item for 2/14 council meeting

Hi Celeste,

I would love to be back on the agenda for the 2/14 council meeting regarding the PLHA funds and our pitch to direct them to youth services, including a shelter in Yreka. I won't have a resolution for the council to adopt yet to pool the funds with Yreka but I would like to give an update based on Yreka's movement on the application this year under their new city manager. We'll be discussing the application again at the Yreka meeting tonight so I anticipate more details to share by the 14th! Let me know if you need more info for the agenda.

Thanks!

-Sarah

--

Sarah Springfield
Executive Director

Youth Empowerment Siskiyou

530-841-0844



From: [Trin Davis](#)
To: Mdecausmaker@hotmail.com; Karl@kdmanagement.us
Subject: Bev White Tournament
Date: Tuesday, February 1, 2022 1:25:02 PM

To the City of Fort Jones

RE: Bev White Memorial Tournament and the Fort Jones Little League Field

To whom it may concern.

This past year (August 2021) was the first year that the annual Bev White Tournament was asked to pay a daily fee to use the Fort Jones Little League Field. While we understand the objective it is our thought that this was an unfortunate choice by the city that we have donated so much to.

Through the 40 years that the Bev White Tournament has continued we have not only donated to the community, but directly to the little league field. The scoreboard as well as the snack shack were funded by the monies raised by the Bev White Tournament. All proceeds from our memorial tournament are donated directly into our community.

Before being asked to pay \$450 to rent the field, we had planned on donating picnic tables to improve the field. However, we will not be able to pay a rental fee as well as donate back to the little league field.

We also have recommendations because we feel that the condition of the field, tables and bathrooms do not warrant the fee of \$150 per day. We as a community came out many days prior to our tournament to pull weeds, drag the field, pick up trash and broken glass to get ready for our tournament. One dugout was filled with standing water and mud and had to be roped off so children and dogs would not be in danger. On the Friday that our rental agreement started we called the city to have the bathrooms maintained. The only remedy was to leave the bathrooms without hot water for the entirety of our event.

We do acknowledge and appreciate the council members who came on Friday and Saturday to clean the bathrooms and pick up trash during our event.

The condition of the field itself does not warrant the steep price tag. The dugouts are close to being an actual danger. The field itself is full of holes, the infield is infested with weeds, the lip around the infield leads to twisted ankles and bad hops of hard-hit balls. There is a tree hanging into the field that interferes with the game. The fence has many holes, and the list goes on.

It is our recommendation that if you want to charge for the field that you should improve its condition. Our little community has always supported this field, donated time, money, and labor to its improvement. We have always done this so that our community has a field that it can come use free of charge.

It has also come to our attention that you plan to charge the little league and ponytail league to use the field. We strongly oppose this and urge the city to come up with alternate plans including a possible donation from the Bev White tournament. If funds are needed to improve the field or pay for its upkeep, we as a community would like to help come up with a plan and assist! Asking parents (many who can hardly afford the costs of uniforms and league fees) to come up with more money is something that we as a community oppose.

The Bev White Tournament and affiliates are dedicated to our community and this little field that we have used and loved for over 40 years! We would like to be included in discussions about the future of this treasured place in our community.

With kind regards and hope for the future,

The Bev White Memorial Tournament
Trinity Davis Jones, Tournament Director
Community Members & Affiliates



FORT JONES FIRE DEPARTMENT

Agenda Item 13

CHIEF JOSEPH HESS
PO BOX 597
31 NEWTON STREET
FORT JONES CA, 96032
STATION PHONE (530)468-2261
E-MAIL- FTJFIRE@SISQTEL.NET

TO: FORT JONES CITY COUNCIL & CITY ADMINISTRATOR

FROM: FORT JONES FIRE DEPARTMENT

SUBJECT: SEASONAL FIREFIGHTER PROPOSAL 2022

DATE: February 1, 2022

The Fort Jones Fire Department is seeking authorization to hire two seasonal firefighters to fill a position to provide 24-hour station coverage during the 2022 fire season. This request has traditionally been financed and approved by the Town of Fort Jones through combined funds of Fire Department Tax Allocations and Strike Team Revenue.

Even though we received ample precipitation during the month of December, January was an exceptionally dry month and we are still dealing with the long term effects of drought conditions and a high probability of another catastrophic fire season in our region. We will lose a significant number of our volunteers to paid positions at Cal Fire leaving us extremely vulnerable due to low staffing levels. The two seasonal firefighter positions requested are essential to ensure that the citizens of the Town of Fort Jones and the surrounding communities will have sufficient coverage 24/7 for emergencies including: wildland fires, structural fires, medical emergencies, traffic collisions, rescues, and hazards.

These two positions would be offered a stipend of \$150 per 24-hour shift and they receive no overtime or benefits. The dates of employment would run mid-May through November 1st, with the option to extend the positions as needed based on fire conditions and assignments. The approximate cost for the fire season would be \$25,200 based on 168 days.

Fort Jones Fire Department members worked a number of Strike Team, Crash Rescue Standby, and other state fire assignments during the 2021 fire season. These assignments along with the Fire Department Tax Allocations should more than cover the stipend money requested and help to maintain the outstanding level of service that we strive to provide.

Approved
City Administrator

kwd



THE TOWN OF FORT JONES

TO: FORT JONES CITY COUNCIL

MEETING DATE: FEBRUARY 15, 2022

FROM: KARL DREXEL, CITY ADMINISTRATOR

**SUBJECT: REVIEW AND APPROVE CONDITIONAL USE PERMIT FOR
STORAGE UNITS AT 26 DOUGLAS ST.**

BACKGROUND

The Council approve a Boundary Line Adjustment on the parcels on Douglas St last month. The Owner has applied now for a conditional Use Permit to build storage units on the new larger parcel on the western most parcel on Douglas St. The proposal is for two buildings as shown on the attached Plot Plan with a total of 62 units. There will be no water or sewer hook ups and the drainage ditch will have a new culvert pipe laid down and the ditch backfilled so people can drive over it. The property is zoned commercial and although our zoning ordinances do not indicate storage units, they are currently built on R-3 and M zones, so commercial should be fine. The buildings would be new construction under 10,000 square feet total in two building in a C-1 zone which makes it Categorically Exempt from CEQA under Section 15303.

RECOMMENDATION

Staff recommends the Council approve the Conforming Use Permit for the construction of 62 units of storage units at 26 Douglas Street.



Town of Fort Jones

Application for a Conforming Use Permit for Commercial Use

To the Planning Commission of the Town of Fort Jones

The undersigned hereby apply for a Conforming Use Permit for Commercial Use as to the property and for the purpose set forth below. Hereto are attached plans and elevations necessary to show the detail of the proposed use of the land or building.

1. Description of the property:

- a. Assessor's Parcel Number: D55-191-120, 130 B/LA to be 1 parcel
- b. Owners name if different from applicant: UK Union Farm Store, LLC
- c. Location: 26 Douglas St. Fort Jones, CA 96032

2. Purpose: Erect mini storage 2 buildings 1) 15' x 200'
2) 30' x 160'

3. Zoning: Commercial

Fees accompanying this application:

Use Permit Fee: \$ _____

Impact Fees (\$1.20/sf) \$ _____

Date: 2/9/22

Kevin M. Hullgent
Signature of Applicant(s)

Additional Applicant(s)

Date: _____ Approved subject to the following conditions:

From: [Morgan Eastlick](#)
To: [Karl Drexel](#)
Subject: Ukonom Mini Storage - 26 Douglas Street
Date: Wednesday, February 2, 2022 8:25:40 AM
Attachments: [Hullquist Draft Layout.pdf](#)
[Plot Plan.pdf](#)

Hi Karl,

Can you take a look at the attached documents and see if you see any issues with permitting this?

The questions that I have are as follows:

- 1) What is the parcel zoning (can you send me a copy of the zoning requirements for the zoning that it is?)
- 2) The flooding depth is AO 1 & 2 foot depth. What does your flood ordinance say about the height of the finish floor? Is it higher than the 100 year event or is it 1' higher than the 100 year event?
- 3) This is obviously an existing State and City storm drainage ditch. It has no easement associated with it. The city should likely make the drainage easement a condition of the BLA so that it is cleaned up. We would propose to connect the existing storm drain pipes with like sizes and bury them so that the site is drivable in that area.

Thank you,

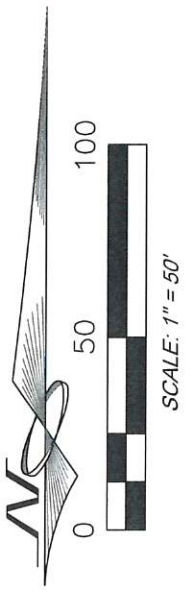
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Morgan D. Eastlick, PE



E & S Engineers & Surveyors, Inc.
329 West Miner Street
Yreka CA
Phone (530) 842-6813

In God We Trust



DAN & LYN HAYDEN
DOC.# 2018-0001332

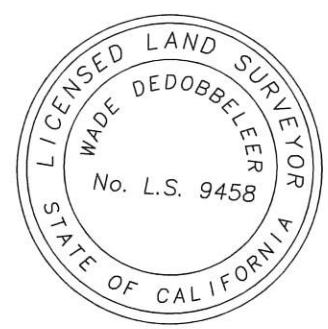
APN	EXISTING ACREAGE	ADJUSTMENT	NEW ACREAGE
055-191-120	0.47	+0.23	= 0.70
055-191-130	0.23	-0.23	= 0.00
055-191-140	0.23	0.00	= 0.23

SISKIYOU
LAND SURVEYING
SISKIYOUSURVEYING@GMAIL.COM

Waide DeDobbeleer
WAIDE DEDOBDELEER L.S. 9458

SCALE: 1" = 50'
FILE: 01521
DATE: JAN. 2022

PARCEL "B" AND PARCEL "C" OF PMB 9 PG 107 TO BE
MERGED INTO A SINGLE DISTINCT PARCEL BY
ELIMINATION OF THE COMMON LINE BETWEEN THEM

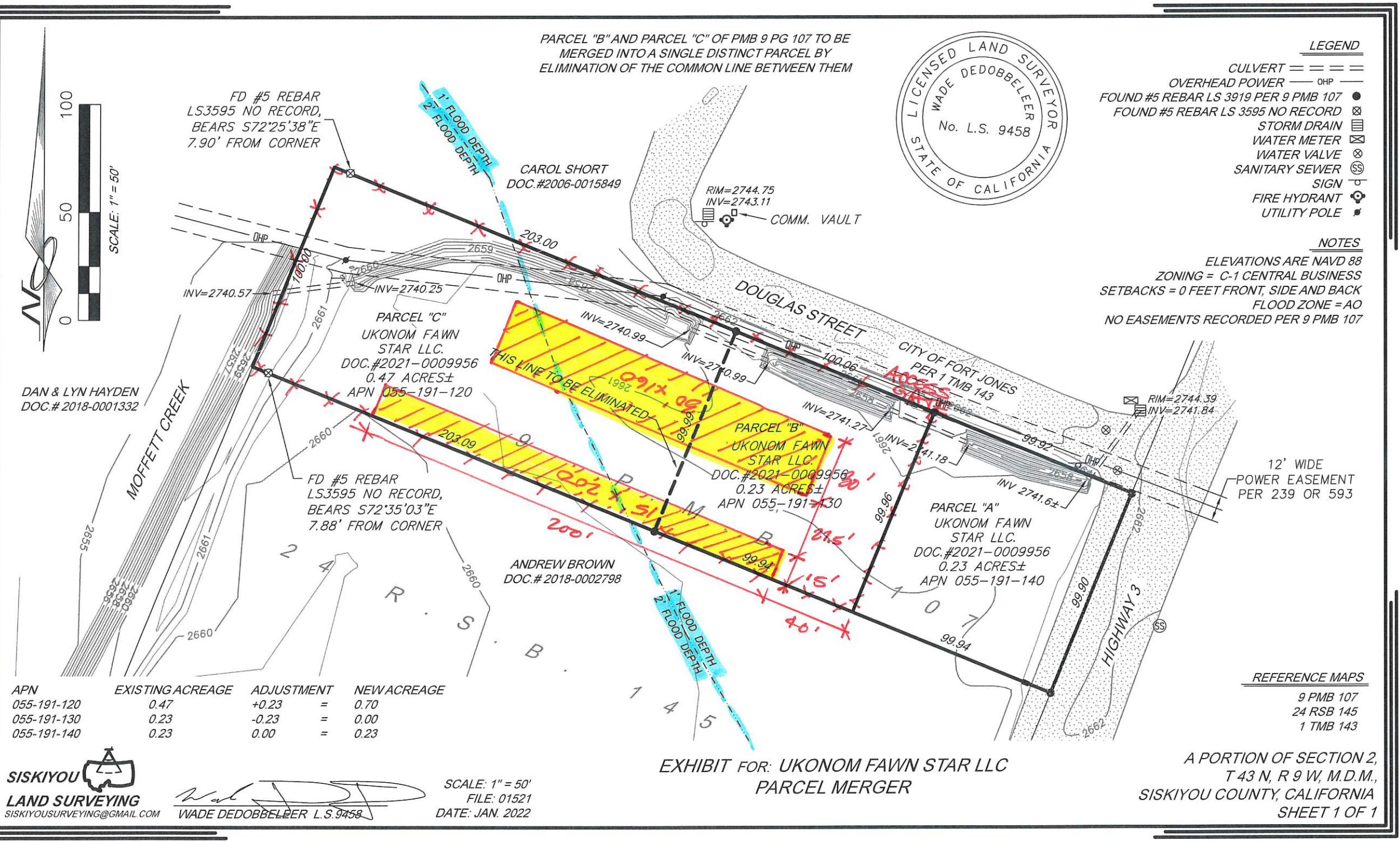


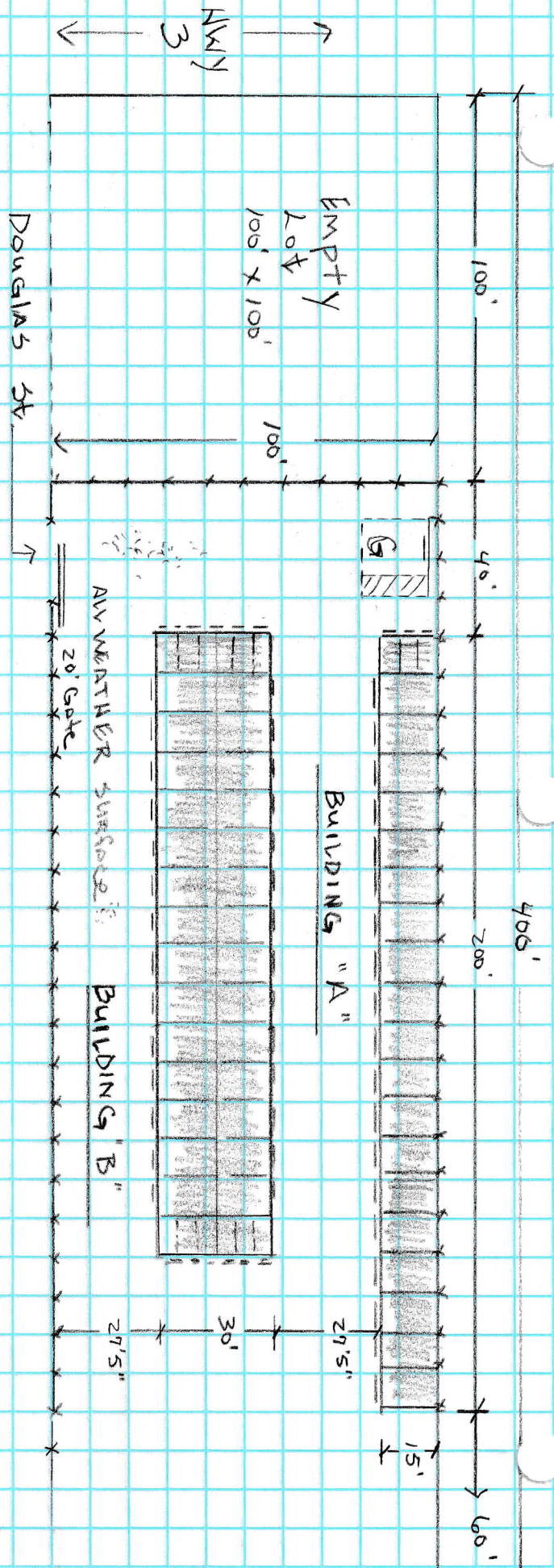
- LEGEND**
- CULVERT = = = =
 - OVERHEAD POWER = OHP =
 - FOUND #5 REBAR LS 3919 PER 9 PMB 107 ●
 - FOUND #5 REBAR LS 3595 NO RECORD ⊠
 - STORM DRAIN [hatched box]
 - WATER METER [circle with cross]
 - WATER VALVE [circle with X]
 - SANITARY SEWER [circle with S]
 - SIGN [square with T]
 - FIRE HYDRANT [circle with cross]
 - UTILITY POLE [square with cross]
- NOTES**
- ELEVATIONS ARE NAVD 88
 - ZONING = C-1 CENTRAL BUSINESS
 - SETBACKS = 0 FEET FRONT, SIDE AND BACK
 - FLOOD ZONE = AO
 - NO EASEMENTS RECORDED PER 9 PMB 107

- REFERENCE MAPS**
- 9 PMB 107
 - 24 RSB 145
 - 1 TMB 143

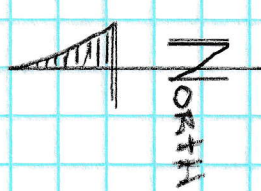
EXHIBIT FOR: UKONOM FAWN STAR LLC
PARCEL MERGER

A PORTION OF SECTION 2,
T 43 N, R 9 W, M.D.M.,
SISKIYOU COUNTY, CALIFORNIA
SHEET 1 OF 1





* BUILDING "A"	19 - 10 x 15 UNITS
	3 - 5 x 10 UNITS
* BUILDING "B"	28 - 10 x 15 UNITS
	12 - 5 x 10 UNITS
<u>Total</u>	<u>62 UNITS</u>



Plot Plan

UKONOM MINI STORAGE

OWNER:

KENIN M. HULLQUIST
26 DOUGLAS ST.
FORT JONES CA.

AP: 055-191-020



RESOLUTION NO. 1103
RESOLUTION TO OPPOSE INITIATIVE 21-0042A1

WHEREAS, an association representing California's wealthiest corporations is behind a deceptive proposition aimed for the November 2022 statewide ballot; and

WHEREAS, the measure creates new constitutional loopholes that allow corporations to pay far less than their fair share for the impacts they have on our communities, including local infrastructure, our environment, water quality, air quality, and natural resources; and

WHEREAS, the measure includes undemocratic provisions that would make it more difficult for local voters to pass measures needed to fund local services and infrastructure, and would limit voter input by prohibiting local advisory measures where voters provide direction on how they want their local tax dollars spent; and

WHEREAS, the measure makes it much more difficult for state and local regulators to issue fines and levies on corporations that violate laws intended to protect our environment, public health and safety, and our neighborhoods; and

WHEREAS, the measure puts billions of dollars currently dedicated to state and local services at risk, and could force cuts to public schools, fire and emergency response, law enforcement, public health, parks, libraries, affordable housing, services to support homeless residents, mental health services, and more; and

WHEREAS, the measure would also reduce funding for critical infrastructure like streets and roads, public transportation, drinking water, new schools, sanitation, and utilities.

THEREFORE, BE IT RESOLVED that the Town of Fort Jones opposes Initiative 21-0042A1.

THEREFORE, BE IT FURTHER RESOLVED, that the Town of Fort Jones will join the NO on Initiative 21-0042A1 coalition, a growing coalition of public safety, labor, local government, infrastructure advocates, and other organizations throughout the state.

We direct staff to email a copy of this adopted resolution to the League of California Cities at BallotMeasures@calcities.org.

PASSED, APPROVED, AND ADOPTED this day 15th of February, 2022.

The foregoing resolution was adopted at a regular meeting of the Town Council of the Town of Fort Jones, held on the 15th day of February, 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED: _____
Michelle DeCausmaker, Mayor

ATTEST: _____
Celeste McFall, City Clerk

ACTION ALERT

State Ballot Measure Restricting Voters' Input and Local Taxing Authority

***** CITY RESOLUTIONS NEEDED *****

ACTION:

Cal Cities requests cities **adopt a city resolution to demonstrate how harmful this measure would be to your community and the people of California.**

Send adopted city resolutions to BallotMeasures@calcities.org as soon as possible. *A sample city resolution is attached.*

BACKGROUND

In 2018, the "Tax Fairness, Transparency and Accountability Act" or ([AG# 17-0050 Amdt. #1](#)), was being circulated to qualify for the November 2018 ballot. This initiative would have drastically limited local revenue authority.

Through the successful work and advocacy of the League of California Cities and its coalition, the measure's proponents withdrew the initiative from the ballot in June 2018.

On Jan. 4, 2022, the California Business Roundtable filed the Taxpayer Protection and Government Accountability Act or [AG# 21-0042A1](#). This measure is far more detrimental to cities than the measure filed in 2018, because it would decimate vital local and state services to the benefit of wealthy corporations.

Cal Cities, along with a broad coalition of local governments, labor and public safety leaders, infrastructure advocates, and businesses, strongly oppose this initiative.

SUMMARY

The Taxpayer Protection and Government Accountability Act limits voters' authority, adopts new and stricter rules for raising taxes and fees, and makes it more difficult to hold violators of state and local laws accountable.

WHAT WOULD THIS MEASURE SPECIFICALLY DO?

1) Limit voter authority and accountability

- Limits voter input. Prohibits local voters from providing direction on how local tax dollars should be spent by prohibiting local advisory measures.
- Invalidates the Upland decision that allows a majority of local voters to pass special taxes. Taxes proposed by the Initiative are subject to the same rules as taxes placed on the ballot by a city council. All measures passed between January 2022 and November 2022 would be invalidated unless reenacted within 12 months.

2) Restrict local fee authority to provide local services

- Impacts franchise fees. Sets new standard for fees and charges paid for the use of local and state government property. The standard may significantly restrict the amount oil companies, utilities, gas companies, railroads, garbage companies, cable companies, and other corporations pay for the use of local public property. Rental and sale of local government property must be "reasonable" which must be proved by "clear and convincing evidence."
- Except for licensing and other regulatory fees, fees and charges may not exceed the "actual cost" of providing the product or service for which the fee is charged. "Actual cost" is the "minimum amount necessary." The burden to prove the fee or charge does not exceed "actual cost" is changed to "clear and convincing" evidence.

3) Restrict authority of state and local governments to issue fines and penalties for violations of law

- Requires voter approval of fines, penalties, and levies for corporations and property owners that violate state and local laws unless a new, undefined adjudicatory process is used to impose the fines and penalties.

4) Restrict local tax authority to provide local services

- Requires voter approval to expand existing taxes (e.g., UUT, use tax, TOT) to new territory (e.g., annexation) or expanding the base (e.g., new utility service).
- City charters may not be amended to include a tax or fee.
- New taxes can be imposed only for a specific time period.
- Taxes adopted after Jan. 1, 2022, that do not comply with the new rules, are void unless reenacted.
- All state taxes require majority voter approval.
- Prohibits any surcharge on property tax rate and allocation of property tax to state.

5) Other changes

- No fee or charge or exaction regulating vehicle miles traveled can be imposed as a condition of property development or occupancy.

TALKING POINTS

1) Gives wealthy corporations a major loophole to avoid paying their fair share — forcing local residents and taxpayers to pay more

- The measure creates new constitutional loopholes that allow corporations to pay far less than their fair share for the impacts they have on our communities, including local infrastructure, our environment, water quality, air quality, and natural resources — shifting the burden and making individual taxpayers pay more.

2) Allows corporations to dodge enforcement when they violate environmental, health, public safety, and other laws

- The deceptive scheme creates new loopholes that makes it much more difficult for state and local regulators to issue fines and levies on corporations that violate laws intended to protect our environment, public health and safety, and our neighborhoods.

3) Jeopardizes vital local and state services

- This far-reaching measure puts at risk billions of dollars currently dedicated to critical state and local services.
- It could force cuts to public schools, fire and emergency response, law enforcement, public health, parks, libraries, affordable housing, services to support homeless residents, mental health services, and more.
- It would also reduce funding for critical infrastructure like streets and roads, public transportation, drinking water, new schools, sanitation, and utilities.

4) Opens the door for frivolous lawsuits, bureaucracy, and red tape that will cost taxpayers and hurt our communities

- The measure will encourage frivolous lawsuits, bureaucracy, and red tape that will cost local taxpayers millions — while significantly delaying and stopping investments in infrastructure and vital services.

5) Undermines voter rights, transparency, and accountability

- This misleading measure changes our constitution to make it more difficult for local voters to pass measures needed to fund local services and local infrastructure.
- It also includes a hidden provision that would retroactively cancel measures that were passed by local voters — effectively undermining the rights of voters to decide for themselves what their communities need.
- It would limit voter input by prohibiting local advisory measures, where voters provide direction to politicians on how they want their local tax dollars spent.

Fiscal and Program Effects of Initiative 21-0042A1 on Local Governments

If Initiative 21-0042A1 is placed on the ballot and passed by voters, it will result in:

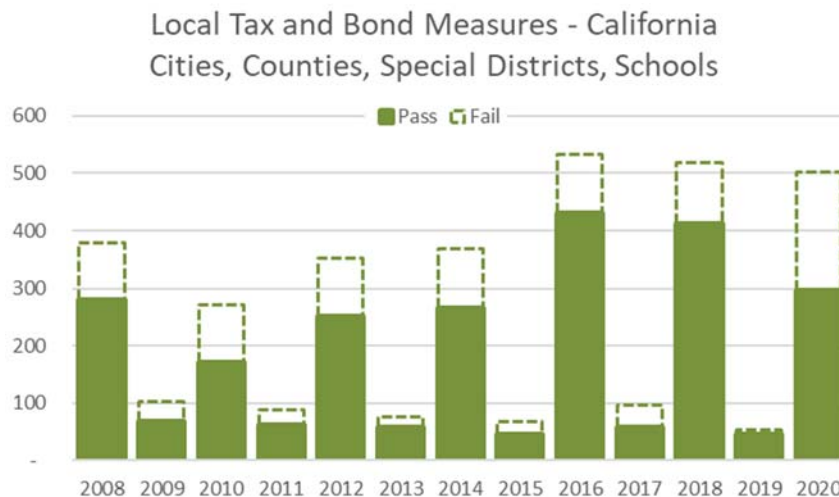
- Billions of local government fee and charge revenues placed at heightened legal peril. Related public service reductions across virtually every aspect of city, county, special district, and school services especially for transportation, and public facility use.
- Hundreds of millions of dollars of annual revenues from dozens of tax and bond measures approved by voters between January 1, 2022 and November 9, 2022 subject to additional voter approval if not in compliance with the initiative.
- Indeterminable legal and administrative burdens and costs on local government from new and more empowered legal challenges, and bureaucratic cost tracking requirements.
- The delay and deterrence of municipal annexations and associated impacts on housing and commercial development.
- Service and infrastructure impacts including in fire and emergency response, law enforcement, public health, drinking water, sewer sanitation, parks, libraries, public schools, affordable housing, homelessness prevention and mental health services.

1. Local Government Taxes and Services Threatened

With regard to taxes, Initiative 21-0042A1:

- Prohibits advisory, non-binding measures as to use of tax proceeds on the same ballot.
 - Voters may be less informed and more likely to vote against measures.
- Eliminates the ability of special tax measures proposed by citizen initiative to be enacted by majority voter approval (*Upland*).
 - Because the case law regarding citizen initiative special taxes approved by majority vote (*Upland*) is so recent, it is unknown how common these sorts of measures might be in the future. This initiative would prohibit such measures after the effective date of the initiative. Any such measures adopted after January 1, 2022 through November 8, 2022 would be void after November 9, 2023.
- Requires that tax measures include a specific duration of time that the tax will be imposed. This seems to require that all tax increases or extensions contain a sunset (end date).
 - This would require additional tax measures to extend previously approved taxes at additional cost to taxpayers.
- Requires that a tax or bond measure adopted after January 1, 2022 and before the effective date of the initiative (November 9, 2022) that was not adopted in accordance with the measure be readopted in compliance with the measure or will be void twelve months after the effective date of the initiative (November 9, 2023).
 - If past election patterns are an indication, dozens of tax and bond measures approving hundreds of millions of annual revenues may not be in compliance and would be subject to reenactment. Most will be taxes without a specific end date. Because there is no regularly scheduled election within the 12 months following the effective date of the initiative, measures not in compliance would need to be placed on a special election ballot for approval before November 9, 2023 or the tax will be void after that date. General tax measures would require declaration of emergency and unanimous vote of the governing board.

- Requires voter approval to expand an existing tax to new territory (annexations). This would require additional tax measures and would deter annexations and land development in cities.
 - o If a tax is "extended" to an annexed area without a vote after January 1, 2022, it will be void 12 months later until brought into compliance. Because there is no regularly scheduled election within the 12 months following the effective date of the initiative, such extensions for general taxes would, under current law, each require unanimous vote of the agency board to be placed on a special election ballot or would be void after November 9, 2023.



1.a. Number of Measures and Value of Local Taxes at Risk¹

In 2020, voters in California approved 293 local tax and bond measures for cities, counties, special districts and schools (95 in March and 198 in November). The approved measures enacted \$3.85 billion in new annual taxes including \$1.3 billion for cities, \$302 million for counties, \$208 million for special districts (fire, wastewater, open space and transit districts), and \$2.037 billion for schools (including for school bonds).

Most tax measures go to the ballot during a presidential or gubernatorial primary or general election in an even year. However, some tax measures are decided at other times. During 2019, there were 45 approved tax and bond measures (24 city, 14 special district, 7 school) adopting \$154.0 million in new annual taxes (\$124.0 million city, \$10.5 million special district and \$19.2 million school).

Most tax and bond measures comply with the new rules in Initiative 21-0042Amdt#1 except:

- Dozens of taxes would require end dates. This would require additional measures in future years to extend the taxes further. Very few extensions of existing local taxes fail.
- Majority vote general tax measures could not be accompanied on the same ballot with an advisory, non-binding measure as to use of tax proceeds.
- Special taxes placed on the ballot via citizen initiative would require two-thirds voter approval.

Bond measures have fixed terms. Historically, about 20 percent of other tax measures have included specific durations (i.e. sunsets). Advisory measures as to use of revenues are uncommon. I do not expect the provisions of 21-0042A1 to have any substantial effect on passage rates. However, some 2022 approved measures would likely have to put back on the ballot.

Based on history, a reasonable estimate of the annualized tax revenues estimated to be approved by

¹ Source: Compilation and summary of data from County elections offices.

voters in 2022 and placed at risk by this initiative is at least **\$1.5 billion, including \$1.0 billion from cities and \$500 million from counties and special districts.**²

1.b. Additional Costs and Public Service Effects of the Tax Provisions

In addition to service delays and disruption due to new tax revenues placed at greater legal risk, there will be substantial additional costs for legal defense. The deterrence of taxes for annexations will delay and deter municipal annexations.

2. “Exempt Charges” (fees and charges that are not taxes) and Services Threatened

With regard to fees and charges adopted after January 1, 2022, Initiative 21-0042A1:

- Subjects new fees and charges for a product or service to a new "actual cost" test defined as "(i) the minimum amount necessary to reimburse the government for the cost of providing the service to the payor, and (ii) where the amount charged is not used by the government for any purpose other than reimbursing that cost. In addition, subjects these same charges to a new, undefined, "reasonable" standard.
- Subjects fees and charges for entrance to local government property; and rental and sale of local government property to a new, undefined, "reasonable" test.
- Subjects a challenged fee or charge to new, higher burdens of proof if legally challenged.
- Prohibits a levy, charge or exaction regulating or related to vehicle miles traveled, imposed as a condition of property development or occupancy.

2.a. Value on New Local Government Fees and Charges at Risk³

Virtually every city, county, and special district must regularly (e.g., annually) adopt increases to fee rates and charges and revise rate schedules to accommodate new users and activities. Most of these would be subject to new standards and limitations under threat of legal challenge. Based on the current volume of fees and charges imposed by local agencies and increases in those fees simply to accommodate inflation, the amount of local government fee and charge revenue placed at risk is about **\$1 billion per year including those adopted since January 1, 2022. Of this \$1 billion, about \$570 million is for special districts, \$450 million is cities, and \$260 million is counties.**⁴

Major examples of affected fees and charges are:

1. Nuisance abatement charges - such as for weed, rubbish and general nuisance abatement to fund community safety, code enforcement, and neighborhood cleanup programs.
2. Commercial franchise fees.
3. Emergency response fees - such as in connection with DUI.
4. Advanced Life Support (ALS) transport charges.
5. Document processing and duplication fees.
6. Transit fees, tolls, parking fees, public airport and harbor use fees.
7. Facility use charges, fees for parks and recreation services, garbage disposal tipping fees.

In addition to fees and charges, the measure puts fines and penalties assessed for the violation of state and

² This does not include citizen initiative special tax approved by majority but not two-thirds. Because this approach is new, the number of these measures and amount of revenue involved cannot be estimated.

³ Source: California State Controller Annual Reports of Financial Transactions concerning cities, counties and special districts, summarized with an assumed growth due to fee rate increases (not population) of 2 percent annually.

⁴ School fees are also affected but the amount is negligible by comparison.

local law at risk, making them taxes subject to voter approval under certain circumstances.

2.b. Additional Costs and Public Service Effects of the Fee/Charge Provisions

In addition to service delays and disruptions due to fee and charge revenues placed at greater legal risk, there would be substantial additional costs for legal defense. The risk to fees and charges will make infrastructure financing more difficult and will deter new residential and commercial development.

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Stop the Corporate Loopholes Scheme

Deceptive Proposition Allows Major Corporations to Avoid Paying their Fair Share and Evade Enforcement when they Violate Environmental, Health & Safety Laws

An association representing California's wealthiest corporations — including oil, insurance, banks and drug companies — is behind a deceptive proposition aimed for the November 2022 statewide ballot. Their measure would create major new loopholes that allow corporations to avoid paying their fair share for the impacts they have on our communities; while also allowing corporations to evade enforcement when they violate environmental, health, safety and other state and local laws. Here's why a broad coalition of local governments, labor and public safety leaders, infrastructure advocates, and businesses **oppose** the Corporate Loophole Scheme:

Gives Wealthy Corporations a Major Loophole to Avoid Paying their Fair Share - Forcing Local Residents and Taxpayers to Pay More

- The measure creates new constitutional loopholes that **allow corporations to pay far less than their fair share for the impacts they have on our communities**, including local infrastructure, our environment, water quality, air quality, and natural resources – shifting the burden and making individual taxpayers pay more.

Allows Corporations to Dodge Enforcement When They Violate Environmental, Health, Public Safety and Other Laws

- The deceptive scheme creates new loopholes that makes it much more difficult for state and local regulators to issue fines and levies on corporations that violate laws intended to protect our environment, public health and safety, and our neighborhoods.

Jeopardizes Vital Local and State Services

- This far-reaching measure **puts at risk billions of dollars currently dedicated to critical state and local services**.
- It could **force cuts** to public schools, fire and emergency response, law enforcement, public health, parks, libraries, affordable housing, services to support homeless residents, mental health services and more.
- It would also **reduce funding for critical infrastructure** like streets and roads, public transportation, drinking water, new schools, sanitation, utilities and more.

Opens the Door for Frivolous Lawsuits, Bureaucracy and Red Tape that Will Cost Taxpayers and Hurt Our Communities

- The measure will encourage **frivolous lawsuits, bureaucracy and red tape that will cost local taxpayers millions** — while significantly **delaying and stopping investments in infrastructure and vital services**.

Undermines Voter Rights, Transparency, and Accountability

- This misleading measure changes our constitution to make it more difficult for local voters to pass measures needed to fund local services and local infrastructure.
- It also includes a hidden provision that **would retroactively cancel measures that were passed by local voters** — effectively undermining the rights of voters to decide for themselves what their communities need.
- It would **limit voter input** by prohibiting local advisory measures, where voters provide direction to politicians on how they want their local tax dollars spent.