

Title 8

HEALTH AND SAFETY

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Chapter 8.04

LOUD NOISES

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| 8.04.010 Loud noises within prohibited. | twenty-five feet |
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8.04.010 Loud noises within twenty-five feet prohibited. No outdoor loud-speaker, record player, amplifier, receiver, horn, radio, jukebox, musical instrument or similar device may be played or operated within the city limits in such a manner that it can be heard at a place twenty-five feet distant. (Ord. 70-64 §1, 1970)

8.04.020 Physically annoying noises prohibited. No person shall make any unnecessary noises or sounds which are physically annoying to persons of ordinary sensitiveness or which are so harsh or prolonged or unnatural or unusual in their use, time or place as to occasion physical discomfort. (Ord. 70-64 §2, 1970)

8.04.030 Violation--Penalty. Each violation of this chapter is an infraction punishable as provided in Section 1.16.020. (Ord. 86-7 Art. 3 §1.2 (part), 1986; Ord. 70-64 §3, 1970)

Chapter 8.08

FIREWORKS

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8.08.010 Prohibited.

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8.08.010 Prohibited. The council finds that any sale, display, explosion, use or lighting of safe and sane fireworks with its attendant high fire hazard, constitutes a nuisance and shall be unlawful. (Ord. 86-7 Art. 2 §2.0, 1986; Ord. 77-84 §1, 1977)

8.08.020 Violation--Penalty. Any person possessing safe and sane fireworks with the intent to sell or discharge, selling, displaying, exploding, using or lighting safe and sane fireworks, or participating in any such activity within the city shall be guilty of a misdemeanor.

Upon conviction of violating this chapter, each person shall be punished by a fine not exceeding five hundred dollars or by imprisonment not exceeding six months, or by both such fine and imprisonment. (Ord. 77-84 §2, 1977)

Chapter 8.12

HAZARDOUS MATERIALS

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8.12.010 Purpose--Findings.

A. 1. The purpose of this chapter is to provide a continuing source of current information concerning hazardous substances and chemicals being utilized in the city to protect the general health and safety of the public and to enable emergency personnel to respond safely and speedily to emergency situations which may arise.

2. The city council declares that it is in the public interest to establish a continuing program for the purpose of preventing contamination from, and improper storage of, hazardous substances stored underground. It is the intent of the city council, in enacting this chapter to establish orderly procedures that will ensure that newly constructed underground storage tanks meet appropriate standards and that existing tanks be properly maintained, inspected, and tested so that the health, property and resources of the people of the city will be protected.

B. 1. Essential information on the location, type, quantity and the health risks of hazardous materials used, stored, or disposed of in the city is not now available to firefighters, health officials, health care providers, law enforcement agencies and emergency communications officers.

2. Hazardous substance and chemical information disclosure is necessary so that the city and other affected public agencies may respond effectively to fire or other emergencies involving materials that exhibit hazardous characteristics and may pose hazards to the community.

3. Substances hazardous to public health and safety, and to the environment, are stored prior to use or disposal in thousands of underground locations in the state.

4. Underground tanks used for the storage of hazardous substances and wastes are potential sources of contamination of the ground and underlying aquifers, and may pose other dangers to public health and the environment.

5. It is not the intent of this chapter to regulate the handling, use, processing or disposal of hazardous substances and chemicals.

6. It is the intent of the city council that this chapter establish an orderly system by which establishments that contain materials which may be hazardous are identified and information regarding these materials is made available to firefighters, health officials, health care providers, law enforcement agencies and emergency communications officers in such a way that the statutory privilege of trade secrecy

is not abridged. (Ord. 85-1 (part), 1985; Ord. 84-9 (part), 1984)

8.12.020 Definitions. For the purposes of this chapter, the following definitions apply:

A. "Abandoned tank" means a tank that is not in use and not monitored and/or safeguarded in compliance with regulations promulgated by the department of health pursuant to this chapter.

B. "Business" means an employer, self-employed individual, trust, firm, joint stock company, corporation, partnership, association, city, county, district and the state, or any department or agency thereof. For purposes of this chapter, a business shall include both profit and nonprofit business.

C. "CAS number" means the unique identification number assigned by the Chemical Abstracts Service to specific chemical substances.

D. "Chemical name" means the scientific designation of a substance in accordance with the system developed by the Chemical Abstracts Service.

E. "Common name" means any designation or identification such as code name, code number, trade name, or brand name used to identify a substance other than by its chemical name.

F. "Establishment" means the physical premises of a business.

G. "Handle" or "handling" means to use, store, treat or generate a hazardous material in any fashion.

H. "Hazardous material" means any material or substance in "The Director's List of Hazardous Substances" developed by the director of the Department of Industrial Relations pursuant to the provisions of the Hazardous Substances Information and Training Act (SB 1874) or cited in Article 9, Division 4, Title 22 of the California Administrative Code or is classified by the National Fire Protection Association as either a flammable liquid, a Class II combustible liquid or a Class III A combustible liquid.

I. "Hazardous materials registration form" means the form required to be filed with the Monterey County Health Department by every person who owns or operates an establishment which uses hazardous materials.

J. Hazardous Substance. See hazardous material.

- K. Hazardous Waste. See Hazardous material.
- L. "Health officer" means the health officer of Monterey County or his authorized representative.
- M. "Laboratory" means a place equipped for testing, analyses or experimental study in a science, and utilizing hazardous materials.
- N. "Person" means an individual, trust, firm, joint stock company, corporation, partnership, association, city, county, state or district.
- O. "Primary containment" means the first level of containment, such as the portion of a tank which comes into immediate contact on its surface with the hazardous substance being contained.
- P. "Product-tight" means impervious to the substance which is contained, or is to be contained, so as to prevent the seepage of the substance which it contains over the useful life of the tank.
- Q. "Secondary containment" means the level of containment external to and separate from the primary containment.
- R. "SIC code" means the identification code to specific types of businesses.
- S. "Single-walled" means construction with walls made of only one thickness of material. For the purpose of this chapter, laminated, coated, or clad materials shall be considered single-walled.
- T. "Storage" or "store" means the containment, handling or treatment of hazardous substances, either on a temporary basis or for a period of years. "Storage" or "store" does not mean the storage of hazardous wastes in an underground storage tank if the person operating the tank has been issued a hazardous waste facilities permit by the California Department of Health Services.
- U. "Substantial modification" means any change to an underground storage tank facility which includes but is not limited to, one or more of the following: replacement of a tank, repairing a tank, installation of new pipeline and installation or replacement of monitoring devices.
- V. "Unauthorized release" means any release or emission of any hazardous substance which does not conform to the provisions of this chapter, unless such release is authorized by the State Water Resources Control Board pursuant to Division 7 of the California Water Code.

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

1. Tanks which are located on a farm and store motor vehicle fuel which is used only to propel vehicles used primarily for agricultural purposes;
2. Tanks used for aviation or motor vehicle fuel located within one mile of a farm and the tank is used by a licensed pest control operator, as defined in Section 11705 of the Food and Agricultural Code, who is primarily involved in agricultural pest control activities.

X. "Use" includes the handling, processing or storage of hazardous materials.

Y. "User" means any person who uses or handles a hazardous material. (Ord. 85-1 (part), 1985; Ord. 84-9 (part), 1984)

8.12.030 Underground storage tank construction standards.

A. Every underground storage tank installed after January 1, 1984, shall meet the following requirements:

1. No person, firm or corporation shall construct or install any new underground storage tank or facility until a permit has been issued pursuant to this chapter;
2. Be designed and constructed to provide primary and secondary levels of containment of the hazardous substances stored in them in accordance with the following standards:
 - a. Primary containment shall be product-tight,
 - b. Secondary containment shall be constructed to prevent structural weakening as a result of contact with any released hazardous substances, and also shall be capable of storing, for the maximum anticipated period of time necessary for the recovery of any released hazardous substance,
 - c. In the case of an installation with one primary container, the secondary containment shall be large enough to contain at least one hundred percent of the volume of the primary tank,
 - d. In the case of multiple primary tanks, the secondary container shall be large enough to contain one hundred fifty percent of the volume of the largest primary tank

placed in it, or ten percent of the aggregate internal volume of all primary tanks, whichever is greater,

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

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

g. The design and construction of underground storage tanks for motor vehicle fuels storage need not meet the requirements of paragraphs a through f, inclusive, if the primary containment construction is of glass fiber reinforced plastic, any such alternative primary containment is installed in conjunction with a system that will intercept and direct a leak from any part of the tank to a monitoring well to detect any release of motor vehicle fuels stored in the tank and which is designed to provide early leak detection response, and to protect groundwater from releases, and if the monitoring is in accordance with the alternative method identified in subsection C.3 of this section. Pressurized piping systems connection to underground storage tanks used for the storage of motor vehicle fuels and monitored in accordance with subsection C.3 of this section, shall also be deemed to meet the requirements of this subdivision;

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

4. When required by the Monterey County Department of Health, a means of overflow protection for any primary tank, including an overflow prevention device or an attention getting higher level alarm, or both. Primary tank filling operations of underground storage tanks containing motor vehicle fuels which are visually monitored and controlled by a facility operator satisfy the requirements of this paragraph;

5. Different substances that in combination may cause a fire or explosion, or the production of flammable, toxic, or poisonous gas, or the deterioration of a primary and secondary container, shall be separated in both the primary and secondary containment, so as to avoid potential intermixing;

6. If water could enter into the secondary containment by precipitation or infiltration, the facility shall contain a means of removing the water by the owner or

operator. This removal system shall also provide for a means of analyzing the removed water for hazardous substance contamination and a means of disposing of the water, if so contaminated, at an authorized disposal facility.

B. For every underground storage tank installed on or before January 1, 1984, and used for the storage of hazardous substances the following actions shall be taken:

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

2. Provide a means for visual inspection of the tank, wherever practical, for the purpose of the monitoring required by subsection A of this section. Alternative methods of monitoring the tank on a monthly, or more frequent basis, may be required by the local agency, consistent with the regulations of the Monterey County Department of Health.

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

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

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

3. For monitoring tanks containing motor vehicle fuels, daily gauging and inventory reconciliation by the operator, if inventory records are kept on file for one year and are reviewed quarterly, the tank is tested for tightness hydrostatically or, when appropriate, with pressure between three and five pounds, inclusive, per square inch at time intervals specified by the Monterey County Department of Health and whenever any pressurized system has a leak detection device to monitor for leaks in the piping. The tank shall also be tested for tightness hydrostatically or, where appropriate, with pressure between three and five pounds, inclusive, per square inch, whenever there is a shortage greater than the amount which the Monterey County Department of Health shall specify by regulation.

D. Abandonment, Closure, or Temporary Closure of Underground Storage Tanks.

1. No tank shall be abandoned unless properly monitored and safeguarded in accordance with regulations promulgated by the department of health.
2. Tanks which are temporarily out of service and are intended to be returned to use must continue to be monitored and inspected.
3. Any tank which is not being monitored and inspected in accordance with this section must be closed or removed in accordance with regulations promulgated by the department of health.
4. Whenever an abandoned tank is located, a plan for the closing or removing or the upgrading and permitting of such tank and permit application therefor shall be filed within ninety days of its discovery.

E. Maintenance, Repair or Replacement.

1. Permittee will carry out regular maintenance and upkeep in a careful and safe manner.
2. Any substantial modification or repair of a facility other than minor, maintenance or emergency repairs shall be in accordance with plans to be submitted to the department of health and a permit to repair shall first be obtained prior to commencement of any such substantial modification or repair.
3. Permittee may make emergency repairs to a facility in advance of seeking an additional permit approval whenever an immediate repair is required to prevent or contain an unauthorized discharge or to protect the integrity of the containment. However, within five working days after such emergency repairs have been started, permittee shall seek approval pursuant to this chapter by submitting drawings or other information adequate to describe the repairs to the department of health.

F. Unauthorized Discharge of Hazardous Materials.

1. Any unauthorized release from the primary containment which the operator is able to clean up within eight hours and which does not escape from the secondary containment, nor cause any deterioration of the secondary containment of the underground storage tank, shall be recorded on the operator's monitoring reports.
2. Any unauthorized release which escapes from the secondary containment, increases the hazard of fire or explosion, or causes any deterioration of the secondary containment of the underground tank shall be reported by the operator to the

department of health within twenty-four hours after the release has been detected or should have been detected. A full written report shall be transmitted by the owner or operator of the underground storage tanks within five working days of the occurrence of the release.

The department of health shall review the operating permit whenever there has been an unauthorized release or when it determines that the underground storage tank is unsafe. The department may terminate a permit for a facility when it has been determined that the operation of the facility would pose a threat to public health. (Ord. 85-1 (part), 1985; Ord. 84-9 (part), 1984)

8.12.040 Underground storage tank permit.

A. Permit Required. Any person, firm or corporation which stores any hazardous material in an underground storage tank shall obtain and keep current, an underground storage tank permit issued pursuant to this chapter. One such permit shall be issued for a single facility. Additional approvals shall be obtained for any underground storage tank thereafter connected, installed, constructed, substantially modified, replaced, closed or removed.

B Prohibited Storage Practices. No person, firm or corporation shall cause, suffer or permit the storage of hazardous materials in underground tanks:

1. In a manner which violates a provision of this chapter or any other local, federal, or state statute, code or regulation relating to hazardous materials; or
2. In a manner which causes an unauthorized discharge of hazardous materials or poses a significant risk of such unauthorized discharge.

C. Application for Permit. Application for new, amended or renewed permit or any additional approval shall be made to the Monterey County Health Department on the form provided by the county.

D. Approval of Permit. A permit shall not be approved until the Monterey County Department of Health is satisfied that the storage adequately conforms to the provisions of this chapter.

E. Provisional Permit. If the Monterey County Department of health finds that the proposal does not completely conform to the provisions of this chapter, it may approve a provisional permit, subject to conditions to be imposed by the Monterey County Department of Health when such a provisional permit is feasible and does not appear to be detrimental to the public interest. The applicant must be informed in writing of the reasons why a full-term permit was not issued.

F. Temporary Permits. A temporary permit for storage may be issued where storage does not exceed thirty days and occurs no more frequently than every six months.

G. Issuance of Permits.

1. Upon the approval of a provisional, or full-term permit by the Monterey County Department of Health and upon the payment of any applicable fee, the department shall issue and deliver the permit to the applicant. Such permit shall contain the following information:

- a. The name and address of the permittee for purposes of notice and service of process,
- b. The address of the facility for which the permit is issued,
- c. Authorization of the storage facility(s) approved under the permit, the permit quantity limit(s) and the approved hazard class or classes for the storage facility(s),
- d. The date the permit is effective,
- e. The date of expiration,
- f. When applicable, a designation that the permit is provisional,
- g. Any special conditions of the permit.

2. The Monterey County Department of Health shall keep a record of all permits issued and all conditions attached thereto.

H. Terms. A permit may be issued for a term of three years, excepting provisional permits and construction and abandonment permits which may be issued for any period of time up to six months and temporary permits which may be issued for no longer than thirty days.

I. Fees.

1. Operating Permits.

- a. Base fee per facility (1-5 tank(s)): \$125/year;
- b. Fee for each additional tank over 5: \$40/year

This fee covers the permit to operate the tank and the registration of the hazardous

materials in the tank.

2. Permit to Construct or Modify.

- a. Base plan check fee (includes 1 tank): \$125,
- b. Fee for each additional tank: \$40

3. Permit to Abandon.

- a. Base fee for 1 tank: \$100,
- b. Each additional tank: \$30.

J. Civil and Criminal Penalties.

1. Any operator of an underground storage tank shall be liable for a civil penalty of not less than five hundred dollars or more than five thousand dollars per day for any of the following:

- a. Operates an underground storage tank which has not been issued a permit,
- b. Fails to monitor the underground storage tank, as required by the permit,
- c. Fails to maintain records,
- d. Fails to report an unauthorized release,
- e. Fails to abandon an underground storage tank in accordance with this chapter.

2. Any owner of an underground storage tank shall be liable for a civil penalty of not less than five hundred dollars or more than five thousand dollars per day for any of the following:

- a. Failure to obtain a permit as specified by this chapter,
- b. Failure to repair an underground storage tank in accordance with the provisions of this chapter,
- c. Failure to construct an underground storage tank in accordance with the provisions of this chapter,
- d. Abandonment or improper closure of any underground tank subject to the

provisions of this chapter,

e. Failure to outfit a facility with a monitoring system capable of detecting an unauthorized release of any hazardous substance stored in the facility as required by the department of health,

f. Knowing failure to take reasonable and necessary steps to assure compliance with this chapter by the operator of an underground tank.

3. Any person who falsifies any monitoring records required by this chapter, or knowingly fails to report an unauthorized release, shall, upon conviction, be punished by a fine of not less than five thousand dollars or more than ten thousand dollars, or by imprisonment in the county jail for not to exceed one year, or by both that fine and imprisonment.

4. In determining both the civil and criminal penalties imposed pursuant to this section, the court shall consider all relevant circumstances, including, but not limited to, the extent of harm or potential harm caused by the violation, the nature of the violation and the period of time over which it occurred, the frequency of past violations, and the corrective action, if any, taken by the person who holds the permit.

5. Penalties under this section are in addition to, and do not supersede or limit, any and all other legal remedies and penalties, civil or criminal, which may be applicable under other laws. (Ord. 85-1 (part), 1985; Ord. 84-9 (part), 1984)

8.12.050 Hazardous material registration form.

A. Any person who owns or operates an establishment that contains at any one time during the year, hazardous materials as defined, shall file a completed hazardous material registration form with the Monterey County Department of Health within ninety days of the effective date of this chapter.

B. Any person commencing operations in an establishment subject to this chapter shall file a completed registration form with the Monterey County Department of Health within thirty days of the commencement of such activity.

C. Any business which has a laboratory or laboratories containing any hazardous materials is not required to list individual materials but must be listed as a laboratory on the registration form and its location in the establishment must be identified.

D. Any person who uses or handles a hazardous material must annually submit a completed registration form to the Monterey County health officer by July 1st of each year.

E. Any person required to file a registration form pursuant to this chapter shall file an amended registration form within thirty days of the following:

1. Change of business address;
2. Change of business ownership;
3. Change of business name;
4. Change of materials handled which would materially change the list of materials on file with the Monterey County Department of Health.

F. The registration form shall be approved and signed by a responsible employee of each business under penalty of perjury.

G. The Monterey County Department of Health shall record and maintain a file of all registration forms received. The registration information shall be made available only to appropriate agencies.

H. The Monterey County Department of Health will be notified in case of change in emergency response personnel as reported on the registration form.

I. When necessary, the Monterey County health officer may request additional information on how and where hazardous materials are stored, for the purpose of distribution to fire departments and other emergency response teams that may be called upon to provide emergency services in connection with the handling and use of hazardous materials. (Ord. 85-1 (part), 1985; Ord. 84-9 (part), 1984)

8.12.060 Contents of registration form.

A. Hazardous material registration forms shall be prepared by the Monterey County Department of Health and made available to persons who use hazardous materials.

B. The hazardous materials registration form shall include requests for the following information:

1. Identification information including but not limited to name, address, phone number and assessor's parcel number;
2. The name and phone numbers of at least two people representing the business able to assist agency personnel in the event of an emergency during nonbusiness hours;

3. The SIC code of the business if applicable;
4. A list of the hazardous materials at the establishment designated by CAS number, chemical name and common name as well as the form in which the material is stored and the maximum amount present during a thirty-day period;
5. Each business shall designate in the appropriate box if there is a laboratory at its establishment;
6. A sketch showing the location of any laboratory at the establishment;
7. For businesses consisting of more than one building, a sketch showing where the hazardous material is stored. (Ord. 85-1 (part), 1985; Ord. 84-9 (part), 1984)

8.12.070 Exemptions from disclosure. The following shall be exempt from the disclosure requirements of this chapter:

- A. Any person who handles radioactive materials that are exempt under Sections 30180 and 30345 of Title 17 of the California Administrative Code or licensed with the State Department of Health Service;
- B. Hazardous substances contained only in consumer products packaged for distribution to, and use by, the general public;
- C. Any person using, handling, or storing less than five hundred pounds or fifty-five gallons a month, whichever is lesser, of a hazardous material. The exemption of this subsection C shall not apply to the use, handling or storage of known carcinogens except to the extent that such carcinogens are used or intended to be used for medical or therapeutic purposes;
- D. Any person, while engaged in the transportation of hazardous materials, including storage directly incident to transportation; provided, that such materials are accompanied by shipping papers prepared in accordance with the provisions of the Federal Hazardous Materials Regulations (40 C.F.R., Subchapter C). (Ord. 85-1 (part), 1985; Ord. 84-9 (part), 1984)

8.12.080 Trade secrets.

- A. If a person believes that a request for information made by the disclosure form involves the release of a trade secret or proprietary information, the person shall submit to the Monterey County health officer, adequate information and substantiation of the claim of trade secrecy.

B. The Monterey County health officer and the proper public agencies shall protect from disclosure any and all trade secrets and proprietary information coming into his or her possession, as defined in Subsection (d) of Section 6254.7 of the California Government Code and Section 1060 of the California Evidence Code, when requested in writing by the user.

C. Any trade secret or proprietary information reported to or otherwise obtained by the Monterey County health officer shall not be disclosed to anyone except an officer or employee of the city, county, the state or the federal government who demonstrates a need to know the information in connection with their official duties.

D. The Monterey County health officer, with city council, upon receipt of a request for his designation of information submitted as a trade secret by a user, shall determine whether any or all of the information so submitted is properly designated traded secret or proprietary information. No pro- prietary information shall be disclosed until a final determination of trade secret is made.

E. If the Monterey County health officer and city council determine that the submitted information should be designated as a trade secret or proprietary information, then the materials involved will be identified only by the properties and returned to the appropriate agencies.

F. If the Monterey County health officer and city council determine that the information is not a trade secret:

1. The city council shall notify the person by certified mail;
2. The person shall have thirty days after receipt of notification to request reconsideration of the city council's determination and to provide the city council with any further data supporting the claim of trade secrecy privilege;
3. The city council shall determine whether such information is protected as a trade secret or proprietary information within fifteen days after receipt of the additional data supporting the claim of trade secrecy or, if no additional data is submitted, within thirty days of the original notice. The city council shall notify the person and any party who has requested the information that it is not protected as a trade secret. The final notice shall also specify a date, not sooner than fifteen days after the date of mailing of the final notice, when the information may be made available to the appropriate public agencies;
4. Prior to the date specified in the final notice, the person may institute an action in the Superior Court for a declaratory judgment as to whether such information is subject to protection under subsection A of this section.

G. The provisions of this section shall not permit a person to refuse to file a disclosure information form to the city council except under the conditions set forth in Section 8.12.070. (Ord. 85-1 (part), 1985; Ord. 84-9 (part), 1984)

8.12.090 Enforcement.

A. The Monterey County health officer is authorized and empowered to enforce the provisions of this chapter. The enforcement shall include the inspection of facilities and other activities directly related to the enforcement of this chapter. No person shall obstruct or interfere with the Monterey County health officer in the performance of these duties.

B. Any person who violates any provisions of the following sections of this chapter shall be deemed guilty of a misdemeanor: Sections 8.12.050 through 8.12.090. (Ord. 85-1 (part), 1985; Ord. 84-9 (part), 1984)

8.12.100 Maintenance of files.

A. The Monterey County health officer shall maintain active files of all registration forms received for a period of three years. Registration forms which are more than three years old shall be placed in inactive files and retained for a period of thirty years.

B. The Monterey County health officer shall index registration forms by street addresses and parcel numbers and shall cross-reference them by business name and by the SIC code numbers and the CAS numbers listed on the registration forms. (Ord. 85-1 (part), 1985; Ord. 84-9 (part), 1984)

8.12.110 Fees. Each initial registration and annual renewal filing of a hazardous material disclosure form shall be accompanied by the filing fee of seventy-five dollars and thereafter an annual renewal filing fee of thirty-five dollars per year. (Ord. 85-1 (part), 1985; Ord. 84-9 (part), 1984)

8.12.120 Clean-up Responsibility. A "responsible party" shall be defined as any person, firm, or corporation responsible for the storage or transportation of hazardous material, or any such person, firm or corporation which, by their own acts of negligence or such acts of their agents, heirs, assigns or employees, whether such acts be intentional or unintentional, causes or allows the unauthorized discharge, spill, or release of any hazardous substance. Such responsible party or parties shall institute and complete all actions necessary to remedy the effects of any substance that may endanger public safety or create a public nuisance, whether such discharge, spill or release is sudden or gradual. The Monterey Fire Department shall take appropriate abatement action to remedy the effects of any such discharge, spill or release. The

Monterey Fire Department will mitigate, or authorize mitigation, of all incidents endangering the public safety of the citizens of Monterey or creating a public nuisance.

The responsible party shall be liable to the city of Sand City for reimbursement of all costs incurred by the city in remedying the effects of such unauthorized discharge, spill, or release of hazardous substance, including the costs of fighting fires to the extent allowed by law.

This responsibility is not conditioned upon willfulness or negligence of the party causing or allowing such unauthorized discharge, spill, or release of any hazardous substance. Any responsible party who undertakes action to remedy the effects of an unauthorized discharge, spill, or release of any hazardous substance shall not be barred by this Ordinance from seeking to recover appropriate costs and expenditures for other responsible parties except as provided in Section 8.12.130. (Ord. 93-03 §1, 1993)

8.12.130 Indemnification. The responsible party shall indemnify, hold harmless and defend the City of Sand City against any claim, cause of action, disability, loss, liability, damage, cost or expense however arising which occurs by reason of an unauthorized discharge, spill, or release of any substance endangering public safety or causing a public nuisance. (Ord. 93-03 §1, 1993)

Chapter 8.16

HEALTH PERMITS

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- 8.16.020 Permit--Application.**
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8.16.110 Violation--Penalty.

8.16.010 Permit--Required.

A. No person, whether principal or agent, shall engage in the processing, manufacture, packaging, preparing or selling, whether at wholesale or retail, including the vending of machines, any food or beverage for human consumption without first obtaining a health permit.

B. No person, whether principal or agent, shall engage in the business of a public laundry, barbershop, laundromat, beauty shop, bathhouse or tattoo parlor without first obtaining a health permit. (Ord. 73-72 §2, 1973)

8.16.020 Permit--Application. Applications for such permits shall be made in writing to the health officer, giving such information as he may require to carry out the purposes of this chapter. If, after investigation, the health officer finds that the applicant and his place of business conform to all of the relevant sanitation and health laws and regulations of the state and city, he shall issue such permit for the specific place where such business is to be carried on. (Ord. 73-72 §3, 1973)

8.16.030 Permit--Revocation--Suspension. Upon proof to his satisfaction of the violation by the permittee of any of said laws or regulations, the health officer may temporarily suspend or may revoke such permit. No person whose permit has been suspended or revoked shall continue to engage in or carry on the business for which the permit was granted, unless and until, in the case of suspension, such permit has been reinstated by the health officer. (Ord. 73-72 §4, 1973)

8.16.040 Permit--Display.

A. All permits issued pursuant to this chapter shall be kept posted by the permittee in a conspicuous place in the permittee's place of business.

B. If any such permit is suspended or revoked, it shall be surrendered to the health officer upon his demand. (Ord. 73-72 §5, 1973)

8.16.050 Health officer designated. For the purpose of Sections 8.16.010 through 8.16.040, the term "health officer" means the duly appointed representative of the Monterey County Department of Public Health. (Ord. 73-72 §6, 1973)

8.16.060 Transfer. No permit issued under this chapter shall be transferable from person to person, nor shall it be valid for any other location than that for which it was issued. (Ord. 73-72 §7, 1973)

8.16.070 Appeals.

A. Any person whose application for a permit has been denied or whose permit has been suspended or revoked may appeal said determination to the city council.

B. The appeal must be submitted to the city clerk not later than thirty days after notification of said denial, suspension or revocation. If no appeal is filed within thirty days, the determination shall be final.

C. Upon receipt of an appeal, the clerk shall set the matter on the agenda of the next regular or adjourned meeting of the city council, provided said meeting shall be at least ten calendar days after receipt of said appeal. At least five calendar days prior to the hearing, the clerk shall mail notice of said hearing to the person filing the appeal and to the health officer making said determination.

D. When an appeal is made from the action of the health officer suspending or revoking a permit, the filing of the written appeal shall operate to stay the suspension or revocation until final disposition of the appeal by the city council. (Ord. 73-72 §8, 1973)

8.16.080 State health licenses. Whenever the state requires a permit which, in the opinion of the health officer, substantially meets the requirements for permits to be issued under this section, said permit shall be deemed to comply with this chapter. The determination by the health officer that said permit does not meet the requirements of this section shall be appealable in the same manner as set forth in Section 8.16.070. (Ord. 73-72 §9, 1973)

8.16.090 Fees. Any fees required by the county for the issuance, renewal, inspection or other activities of the health officer in connection with the issuance and maintenance of health permits shall be applicable to the permits granted pursuant to this chapter. Any said fees collected shall be the property of the county to defray the cost of administration of this chapter. (Ord. 73-72 §10, 1973)

8.16.100 Enforcement. The provisions of this chapter shall be enforced by any duly authorized employee or agent of the city and by the duly appointed representative of the Monterey County Department of Public Health. (Ord. 73-72 §1, 1973)

8.16.110 Violation--Penalty. Any person who violates the provisions of this chapter shall be guilty of a misdemeanor. Such penalties are nonexclusive and shall prohibit or prevent the city from concurrently or separately pursuing any other remedy at law. (Ord. 73-72 §11, 1973)

Chapter 8.20

OPEN STORAGE

Sections:

- 8.20.010 Storage on unimproved property--Permit required.**
- 8.20.020 Storage on setback areas--Use permit required.**
- 8.20.030 Nuisance abatement--Notice--Cleanup lien against property.**
- 8.20.040 Violation--Penalty.**

8.20.010 Storage on unimproved property--Permit required. No person shall store any object or material on any unimproved property situated in the city without first obtaining an annual open storage use permit. As a condition for the issuance of such a permit the applicant shall be required to install fencing or some other suitable planting or material which will screen the article stored from the vision of adjoining residents. In addition, the council shall have the authority to prohibit or to regulate the storage of any material that might pose a danger to adjacent properties or persons or which might create a public health hazard. (Ord. 78-93 §1, 1978)

8.20.020 Storage on setback areas--Use permit required. No person shall store any object or material on front setback or side setback areas without first obtaining a use permit. The issuance of a permit shall be subject to reasonable conditions designed to protect adjoining properties from unsightly and unsanitary storage conditions. (Ord. 78-93 §2, 1978)

8.20.030 Nuisance abatement--Notice--Cleanup lien against property. The city council finds that open storage of objects and materials in the city has created a breeding area for vermin and such condition constitutes a health hazard. The city clerk is directed to mail abatement notices to all property owners on whose property such a condition exists ordering the cleanup of said property within a thirty-day period from the date of the mailing of the notice to the property owner at the address listed in the records of the Monterey County assessor's office. If said cleanup is not accomplished within said period the city shall have the right to contract for the cleanup of the property and the cost of such cleanup shall become a lien against the property. (Ord. 78-93 §3, 1978)

8.20.040 Violation--Penalty. Violation of this chapter shall constitute a misdemeanor and shall be punishable by a fine not to exceed the sum of five hundred dollars. (Ord. 78-93 §4, 1978)

Chapter 8.22

SECURITY ALARM SYSTEMS

Sections:

- 8.22.010 Findings and purpose.
- 8.22.020 Definitions.
- 8.22.030 Security alarm system requirements.
- 8.22.040 Investigation.
- 8.22.050 Notice to subscriber.
- 8.22.060 Notice of assessment.
- 8.22.070 Payment.
- 8.22.080 Appeals.
- 8.22.090 Telephone emergency messages.
- 8.22.100 False alarm service charge.
- 8.22.110 Exemptions.
- 8.22.120 False alarm civil penalty assessment.
- 8.22.130 Collection.
- 8.22.140 Penalty for violations.
- 8.22.150 Public Nuisance.

8.22.010 Findings and purpose. The council finds that: The public is making increasing use of security alarm systems, and the police are called to respond to such alarms with greater frequency. The majority of the alarms activated and responded to turn out to be false. False alarms impose a financial burden on the city and, by demanding fast police response, cause substantial risk both to police personnel and the public. It is therefor necessary to regulate the use of security alarm systems in the city and to establish service charges to be assessed in the event of false alarms. (Ord. 94-05 §1, 1994)

8.22.020 Definitions. The following definitions shall govern the construction of this chapter, unless the context otherwise requires.

A. "Audible alarm" means an alarm system which, when activated, generates an audible sound on the premise.

B. "Silent alarm" means an alarm system which, when activated, transmits a signal to a monitor at a predesignated place other than the location where the alarm has been installed.

C. "False alarm" means an alarm signal, either silent or audible, prompting a response to made by the police or fire department, when an emergency situation for which the alarm system was intended does not exist.

D. "Security alarm system" means any mechanical or electrical device which is designated or used for the detection of an unauthorized entry into a building, structure or facility, or for alerting other of the commission of an unlawful act within a building, structure or facility, and which is designed or used so as to transmit, when activated, a sound, signal or message which is audible, visible or perceptible outside of the protected building, structure or facility. "Security alarm system" includes a system installed on residential as well as on commercial property. "Security alarm system" shall also include alarm systems which are designed or used for the detection of fire, smoke, gas, failure of fire suppression equipment or other fire-related hazards. The following devices are not included within the definition of "security alarm system:"

1. Auxiliary devices installed by the telephone company to protect telephone company systems which might be damaged or disrupted by the use of an alarm system;
2. Audible alarms affixed to motor vehicles.

E. "Subscriber" means a person who owns or leases property or premises on which a security alarm system has been installed or is proposed to be installed or who contracts or proposes to contract with an alarm business for the leasing, servicing or maintaining of a security alarm system, and who has or will have authority to cause the security alarm system to be serviced, repaired or removed after the system is installed.

F. "Person" means and includes, but is not limited to, a natural person, firm, partnership, association, corporation or other business.

G. "Written Notice" means a written notice, given by personal service or by the United States mail, postage prepaid, addressed to the person to be notified at his or her last known address. Service of such notice shall be effective upon the completion of the personal service, or upon the placing of the notice into the custody of the United States Postal Service. (Ord. 94-05 §2, 1994)

8.22.030 Security alarm system requirements.

A. False Alarms. All security alarm systems shall be designed, manufactured, installed, operated and maintained so as to sufficiently minimize the occurrence of false alarms.

B. Notices Required to be Posted. Every person maintaining a security alarm system shall post a notice containing the names and telephone numbers of the persons to be notified to render repairs and service or secure the premises during any hour of the day or night in the event the alarm is activated. Such notice shall be posted near the alarm in such a position as to be legible from the ground level adjacent to the building where the alarm system is located. The wording "Security Alarm--Call Sand City Police Department" shall be placed on the gong covers immediately below such alarm system.

C. Siren Sounds Prohibited. It shall be unlawful to install or use a security alarm system which emits a sound similar to sirens in use on public emergency vehicles or public disaster warning purposes.

D. Timing Devices. All local exterior bells, gongs or noise making devices shall have a timing device that will silence or turn off such devices within ten minutes following activation. Those audible alarms installed prior to the effective date of the ordinance codified in this section will have ninety days to comply with the requirements of this chapter.

E. Alarm System Standards. All alarm systems and appurtenant equipment installed on any premise shall meet or exceed those standards which may hereafter be established by resolution of the city council. The city reserves the right to inspect all security systems subject to all applicable laws.

F. Maintenance Notification. The subscriber shall notify the police department prior to any service test, repair, maintenance, alteration or installation of a security alarm system which might produce a false alarm. Any alarm activated where such prior notice has been given shall not constitute a false alarm. Testing shall be held to a minimum required to ensure proper operation.

G. Power Supply. Any alarm system which is subject to activation upon failure or interruption of normal electricity shall be equipped with an uninterruptible standby power supply which is capable of at least four hours of operation. (Ord. 94-05 §3, 1994)

8.22.040 Investigation. One of the law enforcement officers responding to each alarm as defined in this chapter shall attempt to ascertain by investigation whether such alarm was a false alarm as defined in Section 8.22.020 of this chapter. If the investigation indicates to the investigating officer that the alarm was a false alarm, such officer shall forward a report of the investigation to the chief of police or his designee setting forth his findings. (Ord. 94-05 §4, 1994)

8.22.05 Notice to subscriber. Upon receipt of the report described above, the chief

of police or his designee shall cause a written notice to be served upon the subscriber of the security alarm system. The notice shall indicate that a false alarm was made from such premises, and that steps should be taken by the subscriber to prevent future false alarms. The notice shall also state that if more than one false alarm occurs on the premises, a service charge of twenty-five dollars shall be assessed against the subscriber for each subsequent false alarm which occurs. (Ord. 94-05 §5, 1994)

8.22.060 Notice of Assessment. In any case where a service charge is required by this chapter, the chief of police or his designee shall send the subscriber a notice of assessment of such charge containing as least the following:

- A. The amount of the assessed fee;
- B. The dates, times and names of the police personnel who responded to each alarm;
- C. The fact that the assessment must be paid within thirty days of the issuance of the notice of assessment as set forth in section 8.22.070 of this chapter; and
- D. The right of appeal to the council under Section 8.22.080 of this chapter. (Ord. 94-05 §6, 1994)

8.22.070 Payment. Within thirty days of the service of the notice of assessment described in Section 8.22.060 of this chapter, the subscriber of the security alarm system shall remit to the city cashier the full amount of the service charge. (Ord. 94-05 §7, 1994)

8.22.080 Appeals. Any person who has been assessed a false alarm service charge has the right to appeal to the city council by filing a notice of appeal with the city administrator within fifteen days after service of the notice of assessment. Filing a notice of appeal shall stay an assessment until the appeal has been heard by the council. The appeal shall be set for hearing within thirty days from the filing of the notice of appeal. The city council may overrule, affirm or modify the decision of the chief of police. (Ord. 94-05 §8, 1994)

8.22.090 Telephone emergency messages. It is unlawful for any person to use or cause to be used any electrical, mechanical, electronic attachments or other devices on any telephone or communication instrument that automatically reproduces any taped or otherwise recorded message to report a police or fire emergency to the police or fire department, without the prior written consent of the chief of that department. (Ord. 94-05 §9, 1994)

8.22.100 False alarm service charge.

A. There is imposed a service charge upon every subscriber who reports or causes to be reported more than one false alarm from a security or fire alarm system within a one-year period. A separate charge shall be imposed for each subsequent false alarm which occurs within the one-year period. Service charges shall be determined by resolution of the city council and shall be included in the annual schedule of fees and charges.

B. Alarms caused by storm activity, power outages or other factors beyond the control of the subscriber, as determined by the police or fire department, shall not be counted for the purpose of this section. (Ord. 94-05 §10, 1994)

8.22.110 Exemptions. The following alarm systems shall be exempt from this chapter:

A. New installations, for thirty days after completion of installation; and

B. Alarm systems installed in public schools or public buildings. (Ord. 94-05 §11, 1994)

8.22.120 False alarm civil penalty assessment. Upon a showing that a subscriber has failed to meet the requirements of this chapter, the city manager is authorized to demand that the subscriber disconnect the security alarm system until such time as it complies with the requirements. (Ord. 94-05 §12, 1994)

8.22.130 Collection. If any person fails to pay the charges assessed pursuant to the provisions of this chapter, the city may institute an action in any court of competent jurisdiction to collect any charges which may be due and payable in the same manner as any other debts owing to the city. (Ord. 94-05 §13, 1994)