

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



339

FROM: Community Health Agency/Environmental Health

SUBMITTAL DATE:

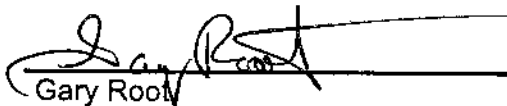
SUBJECT: Amendment to Ordinance No. 580.3, "Mobile Food Preparation Units"

RECOMMENDED MOTION:

1. That the Board introduce and set for Public Hearing the adoption of Ordinance No. 580.4, amending Ordinance No. 580.3 which restricts Mobile Food Facility Operations within the County of Riverside;
2. That the Board authorize the Clerk to place an advertisement for the Public Hearing in the appropriate local publications;
3. That, upon the close of the Public Hearing, the Board adopt Ordinance 580.4.

BACKGROUND: The California Uniform Retail Food Facilities Law (CURFFL), excerpted from the California Health and Safety Code, has been the primary authority for the regulation of all retail food facilities in the State of California since the late 1980's. However, effective July 1, 2007, CURFFL is being replaced with the new California Food Code (CalCode).

GR:SVS:gf
(continued)


Gary Root

Director, Department of Environmental Health

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	No
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	No
	Annual Net County Cost:	\$ 0	For Fiscal Year:	07/08

SOURCE OF FUNDS: NA	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>


C.E.O. RECOMMENDATION: APPROVE

County Executive Office Signature 

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Wilson, seconded by Supervisor Ashley and duly carried by unanimous vote, IT WAS ORDERED that the above ordinance is approved as introduced with waiver of the reading and is set for hearing on May 15, 2007, at 9:30 a.m.

Ayes: Buster, Tavaglione, Stone, Wilson and Ashley
 Nays: None
 Absent: None
 Date: April 24, 2007
 xc: CHA/E.H., COB(2)

Nancy Romero
Clerk of the Board
By: 
Deputy

Prev. Agn. Ref.:

District:

Agenda Number:

9.1

FORM APPROVED
COUNTY COUNSEL

APR 18 2007

Departmental Concurrence

Policy

Consent

Dep't Recomm.:

Policy

Consent

Per Exec. Ofc.:

SUBJECT: Amendments to Ordinance No. 580.3, "Mobile Food Preparation Units"

BACKGROUND continued:

Both the current State Law and the new CalCode differentiate between "potentially hazardous foods" and "non-potentially hazardous foods". Potentially hazardous foods are those foods which are capable of supporting the rapid and progressive growth of infectious or toxigenic microorganisms. Under existing State Law a Mobile Food Preparation Unit, commonly referred to as a "Hot Truck", is exclusively allowed to prepare potentially hazardous foods. These "Units" are virtually kitchens on wheels that perform tasks such as cooking, frying, grilling, and barbecuing.

Other types of mobile food operations currently include "catering trucks", "hotdog carts", "ice cream trucks", "churro carts", vans, trailers, etc. These operations are limited to non-potentially hazardous foods that must be totally prepackaged (refrigerated or frozen); and/or involve very limited preparation such as steam heating.

Under the new CalCode, cooking, frying, grilling, and barbecuing of potentially hazardous food will not only be allowed on Hot Trucks, but also on any type of cart, truck, van, trailer or other conveyance basically equipped with mechanical refrigeration, a hand sink and cooking apparatus. In addition CalCode will allow many of these units to remain at one location indefinitely. The Department strongly believes that this will greatly increase the risk to the public for contracting a food borne illness, as well as create a proliferation of both legal and illegal carts, trucks, vans, trailers, etc., selling food from private property, next to existing businesses, parking lots and other properly zoned locations. This issue, in turn, will further exacerbate the County's efforts to limit these types of activities.

In 1980 the County Board of Supervisors approved Ordinance No. 580, which prohibited the operation of Mobile Food Preparation Units ("Hot Trucks") except at "community events" where they remain stationary. This same prohibition against "Hot Trucks" also exists in San Bernardino County. Typical problems associated with Hot Trucks include unsanitary operating conditions, illegal food sources, improper sales from adjacent tables/tents, improper disposal of trash, garbage and wastewater.

The public health risks associated with Hot Trucks and the other mobile operations which will be allowed to operate under the new CalCode are as follows: 1) The mobile nature of these operations makes them very difficult to regulate: 2) It is almost impossible to verify whether the food has been obtained from an approved source and properly prepared: 3) By law these units must be stored and serviced at a licensed commissary, but there are insufficient commissaries to service them: 4) The food is often prepared and stored

SUBJECT: Amendments to Ordinance No. 580.3, "Mobile Food Preparation Units"

BACKGROUND continued:

elsewhere under unapproved and unsanitary conditions: 5) Most carts/vehicles are stored at unapproved locations such as homes, backyards or garages where they are kept in unprotected areas. Their cleanliness and sanitation is a concern.

A strikeout version (Attachment 1) and a final version (Attachment 2) of the Ordinance changes are attached for your review. With this proposed revision of Ordinance No. 580, the County retains the restriction on "Hot Trucks", but also retains the current limitations on mobile food operations. The type of legal mobile food operations currently seen in the County would continue to be allowed, ("catering trucks", "hotdog carts", "ice cream carts", "ice cream trucks", "churro carts"). Vehicles, vans, trailers, and carts that cook and prepare potentially hazardous foods such as hamburgers, pizzas, lobsters, fish, tacos, burritos, BBQ pork and beef, smoothies, milk shakes, etc., would be prohibited.

This amendment to Ordinance No. 580 will also add language referencing Riverside County Ordinance No. 725, which establishes procedures and penalties for violations of Riverside County Ordinances and provides for recovery of reasonable costs related to enforcement.

This Ordinance has been approved as to form by County Counsel and the Planning Department issued a Notice of Exemption for California Environmental Quality Act compliance (Attachment 3).

1 ORDINANCE NO. 580.34

2 AN ORDINANCE OF THE COUNTY OF RIVERSIDE, STATE OF
3 CALIFORNIA, RELATING

4 TO MOBILE FOOD PREPARATION UNITS FACILITIES

5 (Incorporating Riverside County Ordinance No. 725)

6
7
8 The Board of Supervisors of the County of Riverside, State of California, do ordain as follows:

9 Section 1. - PURPOSE AND INTENT.

10 The Board of Supervisors finds and declares that personal injuries and property damages have
11 resulted from the operation of mobile food ~~preparation units facilities.~~ ~~within the State of California.~~
12 Additionally, operation of certain types of mobile food facilities presents significant health and sanitation
13 risks. It is the purpose and intent of this ordinance to prohibit the operation of certain types of mobile
14 food ~~preparation units facilities~~ except under specified conditions, in order to safeguard life, limb, property
15 and the general welfare of the public.

16 Section 2. - DEFINITIONS.-

17 Whenever in this ~~ordinance~~ Ordinance the following terms are used, they shall have the meanings
18 respectfully ascribed to them in this section.

19 “Approved Source”: means a food source allowed under California Health and Safety Code
20 (Article 3 commencing with Section 114021 of Chapter 4), or a producer, manufacturer, distributor,
21 transporter that meets the requirements of Section 113982, or food facility that is acceptable to the
22 Enforcement Agency based on a determination of conformity with applicable laws, or in the absence of
23 applicable laws, with current public health principles and practices, and generally recognized industry
24 standards that protect public health.

25 “Cooking Process”: means a method by which the physical form of food is changed by applying
26 heat.

27 “Community Event”: means an event that is of civic, political, public or educational in nature,
including state and county fairs, city festivals, circuses and other public gatherings events approved by

1 the local enforcement agency, and which occurs 25 days or less in a 90-day period.

2 “County”: means the County of Riverside.

3 “Enforcement Agency”: means the County’s Department of Environmental Health.

4 “Enforcement Officer”: means the Director of the County’s Department of Environmental
5 Health Services or his/her designated representative.

6 “Heating”: means warming food by applying heat or microwaving, without otherwise changing
7 its physical form.

8 “Mobile Food Facility”: means any vehicle, used in conjunction with the service of a
9 commissary or other approved facility upon which prepackaged or approved non-prepackaged food is
10 sold, offered for sale or otherwise distributed at retail.

11 “Mobile Support Unit”: means a vehicle used in conjunction with a Commissary that travels to,
12 and services, mobile food facilities as needed to replenish supplies, including food and potable water,
13 clean the interior of the unit, or dispose of liquid or solid wastes.

14 “Person”: means any person, firm, partnership, corporation, association, club or organization.

15 “Potentially Hazardous Food”: means a food that is natural or synthetic that requires
16 temperature control because it is in a form capable of supporting the rapid and progressive growth of
17 infectious or toxigenic microorganisms, the growth and toxin production of Clostridium botulinum, or, in
18 raw shell eggs, the growth of Salmonella enteritidis and as further defined in California Health and Safety
19 Code.

20 “Prepackaged Food”: means any properly labeled and processed food, prepackaged to prevent
21 any direct human contact with the food product upon distribution from the manufacturer, and prepared at
22 an approved source.

23 “Non-prepackaged”: means any food which is removed from its original packaging material for
24 the purpose of preparation or service to the customer.

25
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27 a. ~~“Health Officer” shall mean the Health Officer of the County of Riverside, or~~
his designated representative.

1 b. ~~"Mobile Food Preparation Unit" shall mean any vehicle or portable food service~~
2 ~~unit upon which food is prepared for service, sale, or distribution at retail. Mobile food~~
3 ~~preparation unit shall not include vehicles from which prepackaged food or approved~~
4 ~~unpackaged food is sold or offered for sale as prescribed by Section 114.50 et seq. of the~~
5 ~~California Health and Safety Code.~~

6
7 e. ~~"Person" means any person, firm, partnership, corporation, association, club or~~
8 ~~organization.~~

9
10 d. ~~"Stationary Mobile Food Preparation Unit" shall mean a mobile food~~
11 ~~preparation unit which operates at a state, county, district, or citrus fair or any approved~~
12 ~~occasional event and which remains in a fixed position during food preparation and its~~
13 ~~hours of operation.~~

14
15 ~~**Section 3. OPERATION OF MOBILE FOOD PREPARATION UNITS/FACILITIES**~~
16 ~~**PROHIBITED FACILITIES.**~~

17 ~~A person may operate a mobile food facility if such person has a valid permit issued by the Enforcement~~
18 ~~agency. Application for a permit shall be made to the enforcement officer on a form prescribed by the~~
19 ~~enforcement officer and shall be accompanied by a fee(s) as required by Ordinance No. 640. A permit~~
20 ~~may be issued by the enforcement officer if the proposed mobile food facility meets the requirements of~~
21 ~~the laws of the State of California and this Ordinance.~~

22 ~~Except as provided in ///~~

23 ~~///~~

24 ~~**Section 4** of this ordinance, it shall be unlawful for any person to operate a mobile food~~
25 ~~preparation unit in the County of Riverside.~~

26 ~~**Section 4. MOBILE FOOD FACILITY RESTRICTIONS.**~~

27 A. ~~Mobile food facilities upon which non-prepackaged food is sold are limited and~~
~~restricted to the sale of the following foods:~~

- 1 1. Hot dogs-heated by steam;
- 2 2. Popcorn;
- 3 3. Snow cones or shaved ice;
- 4 4. Coffee/cocoa-based drinks – and may contain milk, cream or similar dairy
5 products;
- 6 5. Non-potentially hazardous bakery items-churros, pretzels, etc.
- 7 6. Heating or roasting nuts;
- 8 7. Other non-prepackaged, non-potentially hazardous food prepared from non-
9 potentially hazardous ingredients requiring no further preparation other than heating, portioning,
10 assembling, blending, dispensing, popping, or as approved by the enforcement officer;

11 B. Except as specifically permitted by Section 4A, a mobile food facility shall not prepare,
12 cook, roast, grill, fry, bake, heat, portion, assemble or boil food. Cooking processes including but not
13 limited to, barbecuing, broiling, frying, and grilling are not permitted on a mobile food facility.

14 C. Non-prepackaged foods may not be sold from any motor vehicle, water craft, air craft,
15 bicycle, golf cart etc., except when parked to conduct business as a permitted vendor at an approved
16 community event; or as approved by the enforcement officer.

17 D. Mobile food facilities selling any approved non-prepackaged food products, as listed in
18 4A, may not drive from place to place to conduct vending; Exemptions may apply for certain types of
19 operations if it is determined by the enforcement agency that there is minimal risk involved. Mobile food
20 facilities must operate within all zoning regulations of the county or incorporated city.

21 E. Mobile food facilities may not have utility hook ups, (sewer and water), except at approved
22 community events. Electrical hook up may be by a power supply cord as long as there is no permanent
23 wiring. They must utilized the approved water and waste tanks only on the vehicle and be fully self-
24 contained; servicing of these tanks shall take place at the commissary or by an approved mobile support
25 unit, as specified and on record as approved with this Department.

26 **OPERATION OF MOBILE FOOD PREPARATION UNITS – EXCEPTION.** A person may operate
27 a stationary mobile food preparation unit if such a person has a valid permit issued by the Health
Officer. Application for a permit shall be made to the Health Officer on a form prescribed by him and

1 shall be accompanied by a fee as required by Ordinance No. 640. Section 5. PERMIT

2 APPLICATION/REQUIREMENTS.

3 A. _____ A permit may be issued by the Health Officer if the stationary mobile food preparation unit
4 meets the requirements of the laws of the State of California and this Ordinance.

5 ~~Section 5. VIOLATION~~ PERMIT APPLICATION/REQUIREMENTS It shall be unlawful for any
6 person to violate any provision of this ordinance, or to violate the provisions of any permit granted
7 pursuant to this ordinance. Any person violating any provision of this ordinance or the provisions of any
8 permit granted pursuant to this ordinance shall be deemed guilty of an infraction or misdemeanor as
9 hereinafter specified. Such person shall be deemed guilty of a separate offense for each and every day or
10 portion thereof during which any violation of any of the provisions of this ordinance or the provisions of
11 any permit granted pursuant to this ordinance, is committed, continued or permitted.

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14 Any person so convicted shall be: (1) guilty of an infraction offense and punished by a fine not exceeding
15 one hundred dollars (\$100.00) for a first violation; (2) guilty of an infraction offense and punished by a
16 fine not exceeding two hundred dollars (\$200.00) for a second violation on the same site and perpetrated
17 by the same person. The third and any additional violations on the same site and perpetrated by the same
18 person shall constitute a misdemeanor offense and shall be punishable by a fine not exceeding one
19 thousand dollars (\$1,000.00) or six (6) months in jail, or both. Notwithstanding the above, a first offense
20 may be charged and prosecuted as a misdemeanor. Payment of any penalty herein shall not relieve a
21 person from the responsibility for correcting the violation.

22
23
24 _____ No person shall operate a mobile food facility without a permit issued pursuant to the provisions
25 of this ordinance.

26 _____ B. _____ An application for a mobile food facility permit shall be made in person by the applicant,
27 upon a Department approved form.

_____ C. _____ Nothing in this Ordinance shall prevent the County from denying any permit

1 application for any mobile food facility or any food item, if in the opinion of the Enforcement Agency,
2 such operation poses a real or potential risk to the health and welfare of the public.

3 **Section 6.- CRIMINAL PENALTIES.**

4 A. Any person violating any provision of this Ordinance shall be guilty of an infraction or
5 misdemeanor as hereinafter specified. Such individual shall be deemed guilty of a separate offense for
6 each day during which any violation of this chapter is committed or allowed to exist.

7 B. Any individual convicted of a violation of this chapter shall be:

8 1. Guilty of an infraction and punished by a fine of not less than fifty dollars (\$50.00),
9 but not exceeding one hundred dollars (\$100.00) for the first offense.

10 2. Guilty of an infraction and punished by a fine of not less than one hundred dollars
11 (\$100.00), but not exceeding two hundred dollars (\$200.00) for the second offense;

12 3. The third and subsequent offenses shall constitute misdemeanor and shall be
13 punishable by a fine of not less than five hundred dollars (\$500.00) but not to exceed one thousand dollars
14 (\$1,000.00) and/or up to six months in the county jail or both.

15 C. Notwithstanding section A & B above, the first or second offense may be charged and
16 prosecuted as misdemeanor.

17 D. Payment of any penalty herein shall not relieve any individual from the responsibility of
18 correcting the violations as found by the enforcement officer.

19 E. Any person found not in compliance with state law and/or this ordinance is subject to
20 citation, permit suspension/revocation, lien, or other legal action as deemed necessary by the enforcement
21 officer.

22 ///

23 **Section 7.- PUBLIC NUISANCE DECLARATION.**

24 Any violation of this chapter is hereby declared to be unlawful and a public health nuisance and
25 may be abated by the enforcement officer, irrespective of any other remedy provided in this chapter.

26 **Section 8.- RIGHT OF INSPECTION.**

27 Pursuant to California Health and Safety Code, (Cal Code) the enforcement officer shall have
the right to inspect any food facility or establishment, or any facility suspected of being a food

1 establishment or facility, at any reasonable time. Unless the enforcement officer fails to provide proper
2 identification, refusing an inspection may result in the permit being suspended or revoked, and/or the
3 owner or operator shall be guilty of an infraction or misdemeanor offense.

4 **Section 9.- ENFORCEMENT.**

5 The additional remedies, penalties, and procedures for violations of this ordinance and for
6 recovery of costs related to enforcement provided for in Ordinance No. 725 are incorporated into this
7 section by this reference.

8 ~~ADOPTED: 7-15-80 (Eff.: 8-14-80)~~

9 ~~AMENDED: 580.1 (Eff.: 3-30-84)~~

10
11 ~~580.2 (Eff.: 7-28-88)~~

12
13 ~~580.3 (Eff.: 7-30-89)~~

14 ~~798 (Eff.: 11/25/99) (Sec. 2b Amded)~~

15
16 **Section 10. EFFECTIVE DATE.**

17 This Ordinance shall become effective 30 days after its adoption.

18 _____
19 BOARD OF SUPERVISORS OF THE COUNTY
OF RIVERSIDE, STATE OF CALIFORNIA

20 By: _____

Chairman

21 ATTEST: _____

22 CLERK OF THE BOARD:

23 By: _____

24 Deputy

25
26 (SEAL)

1 **ORDINANCE NO. 580.4**

2 **AN ORDINANCE OF THE COUNTY OF RIVERSIDE, STATE OF**
3 **CALIFORNIA, RELATING TO MOBILE FOOD FACILITIES**

4 **(Incorporating Riverside County Ordinance No. 725)**

5
6 The Board of Supervisors of the County of Riverside, State of California, do ordain as follows:

7 **Section 1. PURPOSE AND INTENT.**

8 The Board of Supervisors finds and declares that personal injuries and property damages have
9 resulted from the operation of mobile food facilities. Additionally, operation of certain types of mobile
10 food facilities presents significant health and sanitation risks. It is the purpose and intent of this ordinance
11 to prohibit the operation of certain types of mobile food facilities except under specified conditions, in
12 order to safeguard life, limb, property and the general welfare of the public.

13 **Section 2. DEFINITIONS.**

14 Whenever in this Ordinance the following terms are used, they shall have the meanings
15 respectfully ascribed to them in this section.

16 **“Approved Source”** means a food source allowed under California Health and Safety Code
17 (Article 3 commencing with Section 114021 of Chapter 4), or a producer, manufacturer, distributor,
18 transporter that meets the requirements of Section 113982, or food facility that is acceptable to the
19 Enforcement Agency based on a determination of conformity with applicable laws, or in the absence of
20 applicable laws, with current public health principles and practices, and generally recognized industry
21 standards that protect public health.

22 **“Cooking Process”** means a method by which the physical form of food is changed by applying
23 heat.

24 **“Community Event”** means an event that is of civic, political, public or educational in nature,
25 including state and county fairs, city festivals, circuses and other public gatherings events approved by the
26 local enforcement agency, and which occurs 25 days or less in a 90-day period.

27 **“County”** means the County of Riverside.

28 **“Enforcement Agency”** means the County’s Department of Environmental Health.

1 **“Enforcement Officer”** means the Director of the County’s Department of Environmental Health
2 Services or his/her designated representative.

3 **“Heating”** means warming food by applying heat or microwaving, without otherwise changing its
4 physical form.

5 **“Mobile Food Facility”** means any vehicle, used in conjunction with the service of a commissary
6 or other approved facility upon which prepackaged or approved non-prepackaged food is sold, offered for
7 sale or otherwise distributed at retail.

8 **“Mobile Support Unit”** means a vehicle used in conjunction with a Commissary that travels to,
9 and services, mobile food facilities as needed to replenish supplies, including food and potable water,
10 clean the interior of the unit, or dispose of liquid or solid wastes.

11 **“Person”** means any person, firm, partnership, corporation, association, club or organization.

12 **“Potentially Hazardous Food”** means a food that is natural or synthetic that requires temperature
13 control because it is in a form capable of supporting the rapid and progressive growth of infectious or
14 toxigenic microorganisms, the growth and toxin production of Clostridium botulinum, or, in raw shell
15 eggs, the growth of Salmonella enteritidis and as further defined in California Health and Safety Code.

16 **“Prepackaged Food”** means any properly labeled and processed food, prepackaged to prevent
17 any direct human contact with the food product upon distribution from the manufacturer, and prepared at
18 an approved source.

19 **“Non-prepackaged”** means any food which is removed from its original packaging material for
20 the purpose of preparation or service to the customer.

21 **Section 3. OPERATION OF MOBILE FOOD FACILITIES.**

22 A person may operate a mobile food facility if such person has a valid permit issued by the Enforcement
23 agency. Application for a permit shall be made to the enforcement officer on a form prescribed by the
24 enforcement officer and shall be accompanied by a fee(s) as required by Ordinance No. 640. A permit
25 may be issued by the enforcement officer if the proposed mobile food facility meets the requirements of
26 the laws of the State of California and this Ordinance.

27 ///

28 ///

1 **Section 4. MOBILE FOOD FACILITY RESTRICTIONS.**

2 A. Mobile food facilities upon which non-prepackaged food is sold are limited and restricted
3 to the sale of the following foods:

- 4 1. Hot dogs-heated by steam;
- 5 2. Popcorn;
- 6 3. Snow cones or shaved ice;
- 7 4. Coffee/cocoa-based drinks – and may contain milk, cream or similar dairy
8 products;
- 9 5. Non-potentially hazardous bakery items-churros, pretzels, etc.
- 10 6. Heating or roasting nuts;
- 11 7. Other non-prepackaged, non-potentially hazardous food prepared from non-
12 potentially hazardous ingredients requiring no further preparation other than heating, portioning,
13 assembling, blending, dispensing, popping, or as approved by the enforcement officer;

14 B. Except as specifically permitted by Section 4A, a mobile food facility shall not prepare,
15 cook, roast, grill, fry, bake, heat, portion, assemble or boil food. Cooking processes including but not
16 limited to, barbecuing, broiling, frying, and grilling are not permitted on a mobile food facility.

17 C. Non-prepackaged foods may not be sold from any motor vehicle, water craft, air craft,
18 bicycle, golf cart etc., except when parked to conduct business as a permitted vendor at an approved
19 community event; or as approved by the enforcement officer.

20 D. Mobile food facilities selling any approved non-prepackaged food products, as listed in
21 4A, may not drive from place to place to conduct vending; Exemptions may apply for certain types of
22 operations if it is determined by the enforcement agency that there is minimal risk involved. Mobile food
23 facilities must operate within all zoning regulations of the county or incorporated city.

24 E. Mobile food facilities may not have utility hook ups, (sewer and water), except at approved
25 community events. Electrical hook up may be by a power supply cord as long as there is no permanent
26 wiring. They must utilized the approved water and waste tanks only on the vehicle and be fully self-
27 contained; servicing of these tanks shall take place at the commissary or by an approved mobile support
28 unit, as specified and on record as approved with this Department.

1 **Section 5. PERMIT APPLICATION/REQUIREMENTS.**

2 A. No person shall operate a mobile food facility without a permit issued pursuant to the
3 provisions of this ordinance.

4 B. An application for a mobile food facility permit shall be made in person by the applicant,
5 upon a Department approved form.

6 C. Nothing in this Ordinance shall prevent the County from denying any permit application
7 for any mobile food facility or any food item, if in the opinion of the Enforcement Agency, such operation
8 poses a real or potential risk to the health and welfare of the public.

9 **Section 6. CRIMINAL PENALTIES.**

10 A. Any person violating any provision of this Ordinance shall be guilty of an infraction or
11 misdemeanor as hereinafter specified. Such individual shall be deemed guilty of a separate offense for
12 each day during which any violation of this chapter is committed or allowed to exist.

13 B. Any individual convicted of a violation of this chapter shall be:

14 1. Guilty of an infraction and punished by a fine of not less than fifty dollars (\$50.00),
15 but not exceeding one hundred dollars (\$100.00) for the first offense.

16 2. Guilty of an infraction and punished by a fine of not less than one hundred dollars
17 (\$100.00), but not exceeding two hundred dollars (\$200.00) for the second offense;

18 3. The third and subsequent offenses shall constitute misdemeanor and shall be
19 punishable by a fine of not less than five hundred dollars (\$500.00) but not to exceed one thousand dollars
20 (\$1,000.00) and/or up to six months in the county jail or both.

21 C. Notwithstanding section A & B above, the first or second offense may be charged and
22 prosecuted as misdemeanor.

23 D. Payment of any penalty herein shall not relieve any individual from the responsibility of
24 correcting the violations as found by the enforcement officer.

25 E. Any person found not in compliance with state law and/or this ordinance is subject to
26 citation, permit suspension/revocation, lien, or other legal action as deemed necessary by the enforcement
27 officer.

28 ///

