

**ORDINANCE NO. 527
(AS AMENDED THROUGH 527.3)
AN ORDINANCE OF THE COUNTY OF RIVERSIDE AMENDING ORDINANCE NO.
527 RELATING TO THE CONTROL OF FLIES AND FLY ABATEMENT COMMITTEE
AND INCORPORATING BY REFERENCE ORDINANCE NO. 725**

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

Section 1. FLY BREEDING HAZARD DEFINED. "Fly Breeding Hazard" as used in this ordinance shall mean the accumulation, existence or maintenance of any substance, matter, material, or condition resulting in the breeding of flies in an amount or manner such as to endanger public health or safety, or to create unreasonable interference with the comfortable enjoyment and use of life and property by others.

Section 2. FLY ABATEMENT COMMITTEE DEFINED. "Fly Abatement Committee" as used in this ordinance is a committee composed of five (5) members appointed by the Board of Supervisors. The membership shall be composed of two (2) poultrymen, one (1) member from an agricultural industry other than the poultry industry, one (1) member chosen from that portion of the academic community which has technical expertise in fly control procedures, and one (1) member chosen from the public at large. The term of office for each member shall be for two (2) years and no member may serve more than two (2) consecutive full terms. Vacancies shall be filled for the unexpired term of the prior incumbent. A vacancy shall be deemed to exist upon the resignation, death or loss of residency requirements of an incumbent. For the purpose of appointment, a vacancy shall be deemed to exist upon the expiration of a term. A quorum shall consist of a majority of the members not counting vacant positions, and no action of the Committee shall be valid or binding unless a majority of the members present concur therein. The Committee shall elect a chairman, a vice chairman and a secretary from its membership.

Section 3. PUBLIC NUISANCE DEFINED. Any fly breeding hazard in the unincorporated territory of Riverside County is hereby declared to constitute a public nuisance.

Section 3.1 HEALTH OFFICER DEFINED. "Health Officer" as used in this ordinance shall mean the Health Officer of the County of Riverside, or his designated representative.

Section 4. INSPECTION BY HEALTH OFFICER. It shall be the duty of the Health Officer, upon routine inspection, or whenever he is informed or has reasonable cause to believe that any land, building, or collection of plant or animal waste or any substance or existing condition on any lot, farm or other land or on any other premises is a fly breeding hazard to enter upon such premises and to determine whether or not there is an existing fly breeding hazard, and in making such entry shall take reasonable precaution to minimize the spread of disease from any premises.

Section 5. ABATEMENT PROCEEDINGS--NOTICES. Whenever there exists in any place within the unincorporated territory of the County of Riverside a fly breeding hazard, the Health Officer shall serve upon the record owner or person having control or possession of such place or premises, or upon the agent of either, a written notice to abate such nuisance and take corrective measures to prevent its continuance. The notice to abate shall specify what is claimed to be causing the fly breeding hazard. Abatement shall be commenced immediately and shall be completed within such reasonable time as the Health Officer shall specify in the written notice.

If the fly breeding hazard has not been abated within the time specified in the written notice, the Health Officer may extend the date for the completion of the abatement, or he shall serve upon both the record owner and the person having control or possession of the place or premises, or upon the agent of either, a written notice to appear at a hearing before the Fly Abatement Committee. The written notice to appear shall specify the place, time and date of hearing, said date of hearing to be not less than 5 days after service of the notice to appear. Additionally, the written notice to appear shall advise the record owner and the person having control or possession of the place or premises that if the Fly Abatement Committee determines that a fly breeding hazard still exists at the time of the hearing, the Health Officer will proceed to abate such nuisance, unless the condition is abated on or before a date to be specified by the committee, and the at the owner of such place or premises and the person having control or possession thereof, jointly and severally, shall be liable to the County for the total cost of such work and such costs shall constitute a charge and lien upon the place or premises.

All notices shall be serviced by personal delivery thereof, or by certified mail.

Section 6. ABATEMENT PROCEEDINGS--HEARING. At the time fixed for the hearing by the Fly Abatement Committee, such Committee shall hear and consider all relevant evidence offered by the owner of record or person having control or possession of the place or premises upon which the fly breeding hazard allegedly exists, by the Health Officer or his agents, and by any other interested person. Upon the conclusion of the hearing, the committee shall make the following findings:

1. Whether or not a fly breeding hazard exists.
2. Specifically what is causing the hazard.
3. What should be done by the owner or operator to abate the immediate hazard.
4. Whether the owner or operator is a repeated violator (i.e., has received 3 or more notices to abate within the previous 12 months period.)
5. If it is determined that the owner or operator is a repeated violator, what action should be taken to prevent recurrence of the hazard.
6. Whether the owner or operator should comply with any specific regulations of the Health Officer. If the committee determines that a fly breeding hazard exists, the Health Officer shall proceed to abate it, without further notice, unless the condition is abated and such work performed by the record owner or the person having possession or control of the place or premises on or before a date

to be specified by the committee. Additionally, if the committee determines that action should be taken to prevent the recurrence of a fly breeding hazard, the Health Officer shall cause such action to be taken without further notice, unless such action is taken by the record owner or person having control or possession of the place or premises on or before a date to be specified by the committee.

Section 7. FLY CONTROL STANDARDS. The Fly Abatement Committee shall utilize those fly control standards recommended by recognized sources and approved by the Board of Supervisors as guidelines in the abatement proceedings described in Section 6. Said standards shall be printed and made available to all concerned persons by the Health Officer.

Section 8. HEARING FOR REPEATED VIOLATORS. If the Health Officer has served upon the record owner or person having control or possession of the place or premises upon which a fly breeding hazard exists, or upon the agent of either, 3 or more written notices to abate a fly breeding hazard within the previous 12 months period, he also may serve upon both the record owner and the person having control or possession of the place or premises, at the time of service of the 3rd notice to abate, a notice to appear at a hearing before the Fly Abatement Committee. The written notice to appear shall specify the place, time and date of hearing, said date of hearing to be not less than 5 days after service of the notice to appear. Additionally, the written notice to appear shall advise the record owner and the person having control or possession of such place or premises that the Fly Abatement Committee will hear evidence and make findings as set forth in Section 6, and that the record owner of such place or premises and the person having control or possession thereof, jointly and severally, shall be liable for costs of abatement, including costs of performing work to prevent the hazard's recurrence, as provided in Section 9 herein.

At the time fixed for hearing the committee shall hear and consider evidence and make findings as required by Section 6 of this ordinance.

Section 9. COSTS SHALL BECOME A SPECIAL ASSESSMENT. All costs of abatement, including the costs of performing work to prevent the fly breeding hazard's recurrence, shall constitute a charge and special assessment upon such parcel of land. If such costs are not paid within one month after written demand for payment is given to the record owner, and to the person having control or possession of the place or premises, the Health Officer shall report the amount and circumstances to the Board of Supervisors which may then declare a special assessment of that amount against that parcel as provided in Government Code Section 25845. Such special assessment shall be collected at the same time and in the same manner as ordinary County taxes are collected and shall be subject to the same penalties and the same procedures and sale in case of delinquency as provided for ordinary County taxes. The County shall retain the additional and independent right to recover said costs by way of civil action against the owner or person in possession or control, jointly or severally.

Section 10. OTHER REMEDIES NOT EXCLUDED. The provisions of this ordinance are to be construed as an added remedy of abatement of the nuisance hereby declared and not in conflict with or derogation of any other actions or proceedings or remedies otherwise provided by law.

The procedures, remedies and penalties for violation of this ordinance and for recovery of costs related to enforcement are provided for in Ordinance No. 725, which is incorporated herein by this reference.

Adopted: 527 10/26/1970 (Eff: 11/25/1970)
Amended: 527.1 Item 3.4 of 06/04/1985 (Eff: 07/04/1985)
527.2 Item 3.5 of 04/08/1986 (Eff: 05/08/1986)
527.3 Item 15.8 of 05/22/2007 (Eff: 06/21/2007)