

ATTACHMENT J

City of Fresno Municipal Code

Chapter 10 - Article 6

**MUNICIPAL CODE AND CHARTER
of
FRESNO, CALIFORNIA**

**Codified through
Ordinance No. 2009-6, enacted March 13, 2009.
(Supplement No. 1)**

Preliminaries

**MUNICIPAL CODE
and
CHARTER
of the
CITY OF FRESNO
CALIFORNIA**

GRAPHIC LINK:[Seal](#)

MUNICIPAL CODE ADOPTED NOVEMBER 17, 1955
EFFECTIVE JANUARY 1, 1956
REPUBLICATION EFFECTIVE SEPTEMBER 4, 2007

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FOREWORD

Some time ago the City Commission decided it was of the utmost importance to have all the city's ordinances studied, revised, compiled and codified in order that every citizen, in theory bound to know the law, could readily discover for himself what is required of him. The need for this was great. The ordinances of the City of Fresno, accumulated for more than half a century, were more than four thousand in number. Many contained ambiguities, inconsistencies and duplications and the existence of some of them obviously had been forgotten.

The concept of a municipal code was not a new idea, yet few cities had taken the initiative in making available for their communities the many advantages of such a work. The City Commission, with commendable foresight, investigated the possibility of producing a municipal code for Fresno.

The office of the City Attorney was too busy to absorb such a monumental project. Consequently, after exploring similar situations which confronted other cities, the City Commission appointed and empowered Mr. Chalmers E. Lones, a Fresno practicing attorney with previous compilation experience, to produce a draft of the proposed municipal code. The efficient manner in which he has carried out and completed his assignment is manifest. This volume is a credit to him and an invaluable contribution to the working tools of the city.

Considerable time was devoted to revising, streamlining and compiling the subject matter for the code. Successive drafts of each proposed chapter were submitted to and approved by the departments

to which the subject matter pertained. The departments were particularly helpful in recommending the elimination of obsolete provisions and the addition of much needed regulations.

Every effort will be made to keep the Fresno Municipal Code up to date, and the citizens of our city, present and future, will be the beneficiaries.

GORDON G. DUNN,

Mayor

November 10, 1955

BILL NO. B-51

ORDINANCE NO. 2007-54

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA, TO REORGANIZE THE FRESNO MUNICIPAL CODE THROUGH THE ADOPTION OF A CODE REORGANIZATION ORDINANCE RELATING TO A COMPREHENSIVE REORGANIZATION OF CHAPTERS, ARTICLES, AND SECTIONS, AND THE RENUMBERING, AMENDMENT, AND REPEAL OF CERTAIN PROVISIONS OF THE CODE.

THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. The Council finds that it is in the best interest of the City of Fresno that this Code Reorganization Ordinance be adopted. The Council makes further findings and declarations of intent as follows:

- A. The current organization and structure of the Fresno Municipal Code ("Code") is overly burdensome, duplicative, and outdated.
- B. There is a need to reorganize the Code in a comprehensive manner to make it easier for members of the public and City officials to utilize and to access the Code.
- C. A comprehensive reorganization of the Code necessitates detailed renumbering of chapters, articles and sections of the Code.
- D. It is the Council's intent that in amending this Code by this Code Reorganization Ordinance, whether the amendment be by express amendment, by repeal and re-enactment, by new titling or by renumbering of a provision, if the amendment is substantially the same as any Code provision previously adopted and relating to the same subject matter, the amendment shall be construed as a restatement and continuation of the previous provision, and not as a new enactment.
- E. It is the Council's intent that staff reports submitted to the Council as part of the background for adoption of this Code Reorganization Ordinance and a transcript of the Council meetings wherein this ordinance is introduced and adopted shall be deemed part of the legislative history regarding this ordinance. The legislative history shall be filed and maintained by the City Clerk in the same manner that maintenance of the Code is required.
- F. It is the Council's intent that the City Attorney work closely with the Code Publisher and City Clerk to ensure that Code provisions are not inadvertently repealed as part of this Code Reorganization Ordinance. In that event, it is understood the City Attorney and City Clerk may make "alterations necessary to correct a typographical or clerical error or omission" as authorized by Charter Section 600(f).
- G. This Code Reorganization Ordinance constitutes the new framework for the Code. Detailed review, analysis, rewriting, renumbering, amendment, and repeal of the

Reorganized Code will be conducted in Phase 4 of the Code Streamlining Project.

H. The complexity of this ordinance requires a longer effective date period of 90 days rather than the standard 30 day period.

SECTION 2. The chapters of the Fresno Municipal Code are amended, reorganized, and renumbered to read:

FRESNO MUNICIPAL CODE
Table of Contents

- Chapter 1. General Provisions.
- Chapter 2. City Government.
- Chapter 3. City Personnel.
- Chapter 4. City Purchasing, Contracts, and Sales.
- Chapter 5. City Facilities.
- Chapter 6. Municipal Services and Utilities.
- Chapter 7. City Finances, Revenue, and Taxation.
- Chapter 8. Assessment Districts and Bond Procedures.
- Chapter 9. Regulations Regarding Businesses and Personal Conduct.
- Chapter 10. Regulations Regarding Public Nuisances and Real Property Conduct and Use.
- Chapter 11. Building Permits and Regulations.
- Chapter 12. Land Use Planning and Zoning.
- Chapter 13. Sidewalks, Streets, Parkways, and Underground Utility Districts.
- Chapter 14. Vehicles and Traffic.

SECTION 3. The Fresno Municipal Code is amended by reorganizing and renumbering the chapters and articles of the Code to read as follows below. After the effective date of this Ordinance, the organization of the Chapters and Articles of the Code shall be as provided below. The current content of the Code shall be relocated into the new organizational format as indicated by the text in the brackets.

TABLE INSET:

	Chapter 1 General Provisions
Art. 1	General Provisions [Ch. 1, Art. 1. General Provisions.]
Art. 2	Definitions and Rules of Construction [Ch. 1, Art. 2. Rules of Construction; Ch. 1, Art. 3. Definitions and Interpretation.]
Art. 3	Code Enforcement; Judicial and Administrative Remedies and Procedure [Ch. 1, Art. 4. Code Enforcement; Judicial and Administrative Remedies and Procedures.]
Art. 4	General Administrative Hearing Procedure [Ch.1, Art. 5. General Administrative Hearing Procedure.]
Art. 5	Cost and Penalty Recovery [Ch.1, Art. 6. Cost and Penalty Recovery.]

**CHAPTER 10 REGULATIONS REGARDING PUBLIC NUISANCES AND REAL PROPERTY
CONDUCT AND USE**

- Art. 1. Noise Regulations.
- Art. 2. Animals.
- Art. 3. Animal Shelter.
- Art. 4. Solid Waste and Recycling Facilities Ordinance.
- Art. 5. Fire Prevention.
- Art. 6. Public Nuisance Abatement.
- Art. 7. Management of Real Property Ordinance.
- Art. 8. Public Safety Alarm Systems.
- Art. 9. Canals and Ponding Basins.
- Art. 10. Public Swimming Pools.
- Art. 11. Smoking Pollution Control Ordinance.
- Art. 12. Vehicle Sales.
- Art. 13. Healthy Air and Smog Prevention
- Art. 14. Hazardous Spills Expense Recovery

ARTICLE 6 PUBLIC NUISANCE ABATEMENT

- Sec. 10-601. Title.
- Sec. 10-602. Purpose.
- Sec. 10-603. Definitions.
- Sec. 10-604. Responsibility for Enforcement.
- Sec. 10-605. Public Nuisance.
- Sec. 10-606. Proceedings For Enforcement.
- Sec. 10-607. Notice of Violation.
- Sec. 10-608. Notice and Order.
- Sec. 10-609. Summary Abatement.
- Sec. 10-610. Administrative Citation.
- Sec. 10-611. Unlawful Dumping.
- Sec. 10-612. Appeal.
- Sec. 10-613. Inoperative, Wrecked, Dismantled or Abandoned Vehicles.
- Sec. 10-614. Extension of Time to Perform Work.
- Sec. 10-615. Failure to Comply With Final Order.
- Sec. 10-616. Administrative Abatement.
- Sec. 10-617. Blighted Buildings; Vacant Building Plan.
- Sec. 10-618. Remedies of Private Parties.
- Sec. 10-619. Severability.
- Sec. 10-620. Registration of Vacant Foreclosed Properties.

SEC. 10-601. TITLE.

This article shall be known as the City of Fresno Public Nuisance Abatement Ordinance. (Added Ord. 97-77, § 2, eff. 1-29-98).

SEC. 10-602. PURPOSE.

The City Council of the City of Fresno finds and determines as follows:

(a) That the city has a history and reputation for well kept properties and that the property values and the general welfare of the community are founded, in part, upon the appearance and maintenance of private properties;

(b) That there is a need for further emphasis on property maintenance and sanitation in that certain conditions, as described in this article, have been found from place to place throughout the city;

(c) That the existence of such conditions as described in this article, is injurious and inimical to the public health, safety and welfare of the residents of the city and contributes substantially and increasingly to the deterioration of neighborhoods;

(d) That unless correct measures are undertaken to alleviate such existing conditions, and assure the avoidance of future problems in this regard, the public health, safety and general welfare and specifically the social and economic standards of the community will be depreciated;

(e) That the abatement of such conditions will improve the general welfare and image of the city; and

(f) That the abatement procedures set forth in this article are reasonable and afford due process to all affected persons.

(g) The purposes of this article are to safeguard, remedy and prevent the decay and deterioration of our community by elimination of public nuisances. The procedures established in this article are cumulative and in addition to any other remedy established by law. (Added Ord. 97-77, § 2, eff. 1-29-98).

SEC. 10-603. DEFINITIONS.

(a) "Abandoned Vehicle" means a vehicle which is left on a highway, public or private property in such inoperable or neglected condition that the owner's intention to relinquish all further rights or interests in it may be reasonably concluded.

(1) In reaching a reasonable conclusion, one must consider the amount of time the vehicle has been there without being moved, its condition, statements from the owner and witnesses, etc.

(2) In reference to highway or public rights-of-way, "abandonment" is presumed to have occurred if a vehicle is parked, resting, or otherwise immobilized on any highway or public-right-of-way; and lacks an engine, transmission, wheels, tires, doors, windshield, or other part of equipment necessary to operate safely on the highway in this city. Such vehicles are presumed to be a hazard to public health, safety, welfare and considered an attractive nuisance and may be removed immediately upon discovery.

(b) "Attractive Nuisance" shall mean any condition, instrumentality or machine which is or may be unsafe or dangerous to children by reason of their inability to appreciate the peril therein, and which may reasonably be expected to attract children to the premises and risk injury by playing with, in, or on it, whether in a building or on the premises.

(c) "Blighted Building" means a vacant residential, commercial or industrial building and all yards surrounding the building that reduces the aesthetic appearance of its neighborhood, area or district, is offensive to the senses, or is detrimental to nearby property or property values. A blighted building includes a vacant building and the yards surrounding the building that are not being actively maintained, or actively monitored, or actively secured. To actively maintain, monitor, and secure a vacant building, the owner or his or her agent must comply with all sections of this article and do all of the following:

(i) Maintain all yards in compliance with any applicable development permits. If there are no applicable development permits, maintain all interior yards (those that are not visible to the general public) in a safe condition, including keeping all plant materials controlled to avoid overgrowth; maintain all exterior yards (those that are visible to the general public), including park strips, with landscaping, as defined in this section, installed and maintained in a trimmed, live and healthy condition;

(ii) Maintain the exterior of the building, including, but not limited to, paint and finishes, in good condition;

(iii) Remove all trash and debris within seventy-two (72) hours of their placement or abandonment on the property;

(iv) Maintain the building in continuing compliance with all applicable state and local codes and regulations and any applicable city issued permits; and

(v) Take all reasonable steps necessary to prevent criminal activity on the premises, including, but not limited to, the use and sale of controlled substances, prostitution and criminal street gang activity; and

(vi) Secure the property, both structure and grounds, against trespassers, including maintaining all windows and doors with locks, replacing all broken doors or windows, and securing any other openings into the structure which are readily accessible to trespassers by boarding or such other means as shall be accepted by the Director. For purposes of securing the building, boarding-up windows and doors shall be a disfavored technique and may only be used when it is determined by the Director that no other reasonable alternative exists. When a building is boarded, the owner shall comply with

the requirements of Section 13-100.1500*, unless the Director requires alternative standards.

(vii) Remove all graffiti on the property within forty-eight (48) hours of placement on the property.

(d) "Decorative Landscaping" means decorative non-live materials used to cover dirt in a garden or yard, such as rocks, gravel, or bark and does not include pavement with asphalt, cement or any other impervious surface.

(e) "Director" shall include any person authorized to issue citations pursuant to Fresno Municipal Code Section 1-308(k).

(f) "Dismantled Vehicle" means any vehicle that is partially or wholly dismantled.

(g) "Inoperative Vehicle" means any motor vehicle that cannot be moved under its own power.

(h) "Landscaping" means that at least fifty percent (50%) of the non-paved portions of the exterior yards (those that are visible to the general public) shall be covered with live trees, shrubs, lawns, or other live plant materials and the remaining portion of the non-paved portions of the exterior yards shall be covered with live trees, shrubs, lawns, or other live plant materials or shall have decorative landscaping installed, so long as weed block is used where decorative landscaping is installed. Notwithstanding the above, all unpaved areas of a park strip may be landscaped with decorative landscaping, so long as weed block is used.

(i) "Overgrown" means grass or lawn blades that are over six (6) inches long or any plant material that extends over six (6) inches onto a public right-of-way.

(j) "Park Strip" shall mean that portion of a street right-of-way which lies between the property line and the outside edge of a gutter or gutter lip, including a driveway approach. Where no curb exists, "park strip" shall mean the area of property from the property line to the edge of the pavement.

(k) "Property" shall mean any lot or parcel of land. For purposes of this definition, "lot or parcel of land" shall include any alley, sidewalk, park strip or unimproved public easement abutting such lot or parcel of land. Further, for the purpose of this definition, "unimproved public easement" shall not include and exposed irrigation canal.

(l) "Record Owner" shall mean the person to whom land is assessed as shown on the last equalized assessment roll of the county.

(m) "Structure" means anything constructed or built, any edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, which requires location on the ground or is attached to something having a location on the ground.

(n) "Vacant building" means real property with one or more structures, whether residential, commercial, or industrial, that is/are unoccupied or occupied by unauthorized persons. In the case of a multi-unit structure or complex, vacant shall mean when any one unit is unoccupied or occupied by unauthorized persons.

(o) "Vehicle" means a device by which any person or property may be propelled, moved, or drawn upon a highway, excepting a device moved by human power or used exclusively upon stationary rails or tracks.

(p) "Weed Block" means material that is installed over a dirt surface in order to prevent the growth of weeds and that does not prevent the infiltration or passage of water into the dirt surface.

(q) "Wrecked Vehicle" means any vehicle that is damaged to such an extent that it cannot be operated upon the highway.

(Added Ord. 97-77, § 2, eff. 1-29-98; Am. Ord. 2001-40, § 1, eff. 5-28-01; Am. Ord. 2003-17, § 1, eff. 4-22-03; Am. Ord. 2006-9, § 1, 3-13-06; Am. Ord. 2008-37, § 2, eff. 7-25-08).

SEC. 10-604. RESPONSIBILITY FOR ENFORCEMENT.

(a) Authority: The Director shall be responsible for the administration and enforcement of this article. For such purposes, the Director shall have the powers of a law enforcement officer. For purposes of declaring and abating fire hazards pursuant to the provisions of this article, the Director is also authorized to perform the duties imposed on the Fire Chief and Fire Marshal pursuant to the provisions of Chapter 10, Article 5 of this Code. The Director shall have the power to render interpretations of this article and to adopt and enforce rules and supplemental regulations in order to clarify the application of its provisions. Such interpretations, rules and regulations shall be in conformity with the intent and purpose of this article.

(b) Right of Entry: Whenever necessary to make an inspection to enforce any provision of this article, or whenever the director has reasonable cause to believe that there exists in any building or upon any premises, any condition which makes such building or premises a public nuisance as defined in Section 10-605 of this article, the director may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the director by this article, including the abatement of any public nuisance, provided all inspections, entries, and abatements shall be done in a reasonable manner and with the consent of owner, agent or occupant. If an owner, occupant or agent refuses permission to enter, or inspect, or abate, the director may seek an administrative warrant pursuant to the procedures provided for in Code of Civil Procedure Sections 1822.50 through 1822.59, as amended, to perform the duties imposed upon the director.

(c) Responsibilities Defined: Owners remain liable for violations of duties imposed by this article even though an obligation is also imposed on the occupants of the building. Buildings, structures, premises and parts thereof shall be maintained in a nuisance free condition. The owner or the owner's designated agent shall be responsible for such maintenance. To determine compliance with this subsection, the building or premises may be reinspected. (Added Ord. 97-77, § 2, eff. 1-29-98).

SEC. 10-605. PUBLIC NUISANCE.

It is unlawful for any person, corporation or other entity owning, leasing, occupying, directly controlling or having charge of any property in this city to keep, maintain or deposit on said property any public nuisances.

The City Council, by adoption of this ordinance declares, the keeping, maintaining or depositing of any of the following to be a public nuisance:

(a) Rubbish or junk, including but not limited to refuse, garbage, scrap metal or lumber, concrete, asphalt, tin cans, tires and piles of earth.

(b) Any violation of the Uniform Fire Code, and such amendments as adopted by the State of California, as adopted by the city pursuant to Article 5 of Chapter 10 of this Code.

(c) The presence of an abandoned, wrecked, dismantled or inoperative vehicle, or parts thereof, on private or public property, except as expressly hereinafter permitted. Except as expressly permitted by law, it shall be unlawful, and an infraction, for any person to keep, store, or maintain upon any premises under his control any abandoned, wrecked, dismantled or inoperative vehicle, or parts thereof. Criminal prosecution pursuant to this section shall not preclude, nor be precluded by, abatement of such vehicles or parts thereof pursuant to the provisions of this chapter.

(d) The following weeds:

- (1) Weeds which bear seeds of a downy or wingy nature.
 - (2) Sagebrush, chaparral, and any other brush or weeds which attain such large growth as to become, when dry, a menace to adjacent property.
 - (3) Weeds which are otherwise noxious or dangerous.
 - (4) Puncture vines and tumbleweed.
 - (5) Poison oak and poison ivy when the conditions of growth are such as to constitute a menace to the public health.
 - (6) Dry grass and grass likely to become dry, stubble, brush, litter or other flammable material which endangers the public safety creating a fire hazard, as defined in the Uniform Fire Code as adopted by the city pursuant to Article 5 of Chapter 10 of this Code.
- (e) Dead, decayed or hazardous trees, residue from a fire or demolition such as concrete or brick foundations and flatwork, and which constitute an unsightly appearance, a fire hazard, or are dangerous to public health and welfare.
- (f) Any attractive nuisance.
- (g) Except as expressly permitted or required by law, exhibition, storage or repair of merchandise, signs (temporary, portable, or permanent or other forms of advertisement), bicycle racks, vending machines, or other obstructions upon any public sidewalk, median island, street, alley or public easement;
- (h) Except as expressly authorized by law, park or store any vehicle upon an unpaved surface. It shall be presumed that the owner of the property and/or the person or entity occupying the property authorized the parking of the vehicle. It shall also be presumed that the registered owner of the vehicle parked the vehicle on the unpaved surface. The property owner, occupant and registered owner of the vehicle may all be held responsible for a violation of this subsection.
- (i) Yard landscaping that has become so overgrown or uncontrolled as to create a fire hazard, obstruction to traffic or otherwise a blight to the neighborhood.
- (j) Violation of zoning ordinance.
- (k) Any pay telephone installed and maintained outside of a building (building does not include a phone booth) constitutes a public nuisance if:
- (1) It is repeatedly tagged with graffiti and not cleaned within 48 hours of notice to the owner of the pay telephone; or,
 - (2) It is neglected or damaged to such an extent as to present a visual blight; or,
 - (3) It is habitually used by known gang members as designated by the Fresno Police Department's MAGEC Unit and in the reasonable opinion of the MAGEC Unit is used in or facilitates gang activity; or,
 - (4) The pay telephone has been abandoned or has otherwise remained inoperative for a period of thirty (30) days as of the effective date of this article; or
 - (5) The Director determines the pay telephone otherwise constitutes a public nuisance consistent with California Civil Code Sections 3479 and 3480.

The city shall not remove or cause to be removed a pay telephone when that telephone constitutes a public nuisance under this article, unless the Director has issued a notice and order (pursuant to Section 10-607) ordering the telephone owner to do, within at least thirty (30) days, one or more of the following to eliminate the public nuisance or otherwise voluntarily remove the pay telephone:

- (1) Block incoming calls;
- (2) Remove the ringer on the phone;
- (3) Shut off the key pad after the initial number is dialed to eliminate "beeper" use;
- (4) Make the telephone inoperative for designated time periods;
- (5) Add lighting;
- (6) Change the type of enclosure of the telephone;
- (7) Limit calls to emergency 911 calls;
- (8) Contract with a service that provides weekly maintenance of the pay telephone;
- (9) Any other means the Director determines appropriate for the elimination of the nuisance.

This provision does not preclude City from taking any other legal action including instituting legal action or issuing administrative citations to abate the nuisance.

(l) Any violation of the Fresno Municipal Code wherein said violation has been declared a public nuisance.

(m) Blighted building.

(n) Any public nuisance known at common law or in equity jurisprudence or as defined pursuant to Part 3 (Commencing with Section 3479) of Division 4 of the California Civil Code. (Added Ord. 97-77, § 2, eff. 1-29-98; Am. Ord. 99-8, § 1, eff. 3-19-99; Am. Ord. 2001-12, § 1, eff. 3-18-01; Am. Ord. 2001-40, § 2, 5-28-01; Am. Ord. 2003-102, § 1, eff. 1-18-04; Am. Ord. 2004-134, § 1, 1-18-05).

SEC. 10-606. PROCEEDINGS FOR ENFORCEMENT.

Notwithstanding any other remedies available by law and except as otherwise provided in Section 10-613 relating to the removal of inoperative, wrecked, dismantled or abandoned vehicles, whenever the Director has inspected or caused to be inspected any property and has determined that there exists a public nuisance upon said property, the Director may commence any of the following proceedings, to cause the abatement of the public nuisance:

- (1) Issue a notice of violation; and/or,
- (2) Issue a notice and order; and/or,
- (3) Summarily abate; and/or,
- (4) Issue an administrative citation; and/or,
- (5) Request the City Attorney to institute legal action. (Added Ord. 97-77, § 2, eff. 1-29-98; Am. Ord. 2001-40, § 3, 5-28-01).

SEC. 10-607. NOTICE OF VIOLATION.

(a) The Director, in his or her discretion, may issue a notice of violation to the record owner and/or occupant of the property upon which a public nuisance exists. This issuance of a notice of violation is not a prerequisite to any other action, including issuance of a notice and order or administrative citation. The notice of violation is a nonappealable warning with direction to correct the

violation. The notice of violation shall include all of the following:

- (1) Name of the property's record owner;
- (2) Street address of the property in violation;
- (3) The code sections in violation;
- (4) A description of the property's condition which violates the applicable codes;
- (5) A deadline or specific date to correct the violations listed in the notice of violation;

(6) Reference to the potential consequences should the property remain in violation after the expiration of the compliance deadline, including but not limited to: administrative remedies; criminal prosecution; civil action; administrative abatement; civil penalties; revocation of permits; recordation of notice of violation.

(b) Service of a notice of violation may be served upon the record owner by regular first class mail or personal service. Service is effective on the date of mailing, or personal service. (Added Ord. 97-77, § 2, eff. 1-29-98).

SEC. 10-608. NOTICE AND ORDER.

(a) Issuance: Whenever the Director has inspected or caused to be inspected any property and has found and determined that conditions constituting a public nuisance exists thereon, the Director may serve a notice and order. The notice and order shall contain:

(1) The street address and/or assessor's parcel number, sufficient for identification of such property.

(2) Reference to all code sections violated together with a brief description of the condition which constitutes the public nuisance.

(3) Establish a reasonable time to secure any required permits, commence and complete required work to permanently eliminate the public nuisance identified in the notice and order.

(4) A statement that materials involved in public nuisances shall be disposed of in a legal manner.

(5) A statement that if the abatement is not commenced and completed within the time specified, the Director will proceed with further action, including administrative abatement at the expense of the responsible party, and/or administrative citation, and/or legal action.

(6) A statement that any person having any interest in the property or in the materials located thereon may appeal from the notice and order provided the appeal is made in accordance with the provisions of Chapter 1, Article 4.

(7) That a "notice of pending administrative action" may be immediately filed against the property in the Office of the County Recorder of the County of Fresno. If the notice and order becomes final, as described in this article, the notice and order may be recorded against the property in the Office of the County Recorder.

(b) Service:

(1) The notice and order, or any amended notice and order, shall be served upon the following parties:

(i) The record owner of the property; and,

(ii) Any person, entity or corporation occupying or in apparent control of the property.

(2) Service shall be completed in the following manner:

- (i) Personal service; or
- (ii) Posting the notice conspicuously on or in front of the property; or,
- (iii) By regular mail.

(3) Proof of service of the notice and order shall be documented at the time of service by a declaration under penalty of perjury executed by the person effecting service, declaring the time and manner in which the service was made.

(c) Recording: At the time the notice and order is served, the Director may file in the Office of the County Recorder, a notice of pending administrative action. If the notice and order becomes final pursuant to Section 10-615, the Director shall file in the Office of the County Recorder a certificate legally describing the property and certifying that a public nuisance exists on the property and the owner has been so notified. Whenever the corrections ordered shall have been completed so that there no longer exists a public nuisance and the property described in the certificate; or the notice and order is rescinded by the hearing officer upon appeal; or whenever the city abates the nuisance and the abatement costs have been paid, the Director shall file a new certificate with the County Recorder that the nuisance has been abated. (Added Ord. 97-77, § 2, eff. 1-29-98; Am. Ord. 2005-14, § 41, eff. 4-9-05).

SEC. 10-609. SUMMARY ABATEMENT.

(a) Whenever the Director determines that a public nuisance is imminently dangerous to life, health, safety or adjacent property such that it requires immediate correction or elimination, the Director may remove or otherwise abate the public nuisance without prior notice to the responsible person. The Director shall pursue only the minimum level of correction or abatement as necessary to eliminate the immediacy of the nuisance, including but not limited to:

(1) Suspend any special permit issued by the City, including but not limited to development entitlements; and/or

(2) Remove tall weeds and grass or other material creating the imminent threat to life, health, safety or adjacent property; and/or

(3) Physically remove or eliminate a condition or conditions creating the imminent threat to life, health, safety or adjacent property; and/or

(4) Suspend a particular use of property creating the imminent threat to life, health, safety or adjacent property; and/or

(5) Post the premises as unsafe or dangerous with an order against occupancy and/or use; and/or

(6) Take any other action appropriate under the circumstances.

(b) Upon completion of the summary abatement, the Director shall notify the record owner of the property and the occupant if any, of the following:

(1) The property location;

(2) The condition of the property;

(3) The violation;

(4) Any action by the Director taken to summarily abate the immediate threat to life, health, safety or adjacent property and the costs incurred therein;

(5) The right to appeal the action taken by the Director, in accordance with the provisions

of Chapter 1, Article 4 of this Code. If no appeal is filed within the time prescribed, the action of the Director shall be final.

(c) The costs incurred by the city summarily abating the violation may be recovered by the city pursuant to Chapter 1, Article 5 of this Code. (Added Ord. 97-77, § 2, eff. 1-29-98; Am. Ord. 2002-51, § 14, eff. 10-31-02; Am. Ord. 2003-102, § 2, 1-18-04).

SEC. 10-610. ADMINISTRATIVE CITATION.

The Director may issue an administrative citation pursuant to Sections 1-308, et seq. of the code. Appeal of an administrative citation may be made pursuant to Sections 1-308 et seq. (Added Ord. 97-77, § 2, eff. 1-29-98; Am. Ord. 2001-40, § 4, 5-28-01).

SEC. 10-611. UNLAWFUL DUMPING.

Unauthorized dumping, under Section 6-210, is unlawful and a public nuisance and may be abated under Sections 10-609 or 10-616. The Director may collect all of the city's costs against violators under Article 5 of Chapter 1. The Director may issue a Notice and Order, consistent with the procedures found in Section 10-608, to any violator, to order an abatement of the violation, except that a violator may be required to clean up the violation within three days of personal service or six days from service by mail. Violators may be issued administrative citations for penalties in the following amounts:

(a) for the first violation, five hundred dollars (\$500.00) plus one times the city's costs to abate the violation if the city is required to abate the public nuisance;

(b) for the second violation, one thousand dollars (\$1,000.00) plus two times the city's costs to abate the violation if the city is required to abate the public nuisance; and

(c) for the third violation and all others thereafter, three thousand dollars (\$3,000.00) plus three times the city's costs to abate the violation if the city is required to abate the violation.

Citations may be issued without any prior notice. Penalties may be issued in two citations in cases where the city is required to abate, with the second citation issued after the city determines its costs. For purposes of the additional penalty assessments, the city will be "required to abate" when a violator fails to properly comply with a Notice and Order or when summary abatement is necessary because the location or condition of the nuisance poses a imminent threat to the public's health, safety or welfare or to nearby property, such as it being located in a public right of way. Citations issued under this section shall be issued under the procedures found in Section 1-308, except to the extent that any provision in this section conflicts with those found in Section 1-308, this section controls. Citations or Notice and Orders issued under this section may be appealed under Article 4 of Chapter 1, except that the order shall not be automatically stayed upon an appeal being filed. Citations issued under this section may be collected under Article 5 of Chapter 1. Nothing in this section is intended to affect the responsibilities, liability, or rights of any person or entity, including the city, under any Federal or State law or regulation related to hazardous waste cleanup. The actions and remedies provided under this section are cumulative to any others provided by law. (Added Ord. 2001-40, § 5, 5-28-01; Am. Ord. 2003-40, §§ 1, 2, eff. 6-17-03; Am. Ord. 2005-14, § 42, eff. 4-9-05).

SEC. 10-612. APPEAL.

Any person entitled to service under subsection (b) of Section 10-607 may appeal from any notice and order of the Director pursuant to Chapter 1, Article 4 of this code. If no appeal is filed within the time prescribed, the action of the Director shall be final. (Added Ord. 97-77, § 2, eff. 1-29-98; Am. Ord. 98-79, § 1, eff. 12-3-98)

SEC. 10-613. INOPERATIVE, WRECKED, DISMANTLED OR ABANDONED VEHICLES.

The following provisions shall apply only to the removal of inoperative, wrecked, dismantled or abandoned vehicles, or any part thereof.

(a) If, after inspection, it is determined that there exists an inoperative, wrecked, dismantled or abandoned vehicle in violation of this article, the Director may issue a notice and order to remove the vehicle or part as a public nuisance. The notice and order shall contain the following:

(1) Identification of the property upon which the vehicle(s) is/are located, along with a description of the vehicle(s) or part thereof.

(2) A statement advising the property owner and the registered and legal owner of the vehicle of the right to request a hearing within fifteen (15) days of the mailing of the notice and order. If a request for hearing is not made within the time provided, the city shall have authority to remove the vehicle(s) or part. The property owner may appear in person or submit a sworn statement denying responsibility for the presence of the violation or part, and explain the reasons for such denial. If the property owner submits that statement within fifteen (15) days of the mailing of the notice and order, the statement shall be construed as an appeal which does not require the presence of such property owner.

(3) Service of the notice and order shall be mailed registered or certified mail to the owner of the land as shown on the last equalized assessment rule and to the last registered and legal owner of record unless the vehicle is in such condition that identification numbers are not available to determine ownership.

(4) A notice and order need not be served if both the owner of the property and the owner of the vehicle or part sign a release authorizing the removal of the vehicle or part and waiving further interest in the vehicle or part.

(b) Once a vehicle is removed, it shall not be reconstructed or made operable unless it is a vehicle that qualifies either for horseless carriage license plates or historical vehicle license plates, pursuant to Vehicle Code Section 5004 in which case the vehicle may be reconstructed or made operable.

(c) If a hearing is held and it is determined that the vehicle was placed on the land without the consent of the landowner and that he or she has not subsequently acquiesced to its presence, then the city shall not assess costs of administration or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect those costs from the owner.

(d) Administration of this ordinance shall be by regularly salaried full-time employees of the city, except that the removal of vehicles or parts thereof from the property may be by any other duly authorized person.

(e) Any person authorized by this article to enforce this article may enter upon private property in accordance with Section 10-604(b), for the purposes specified in this article to examine a vehicle or part thereof, obtain information as to the identity of a vehicle, and remove or cause the removal of a vehicle or part thereof declared to be a public nuisance pursuant to this article. The city or its authorized representatives shall not be liable for damage caused to a vehicle or part thereof by removal pursuant to this article.

(f) Within five (5) days of the removal of such inoperative or abandoned vehicle or part, the city shall notify the Department of Motor Vehicles of the State of California identifying the vehicle or part thereof and any evidence of registration available, including, but not limited to,

ATTACHMENT K

Sacramento Municipal AQMD

Draft CEQA Guide – Section 7

7 ODORS

7.1 INTRODUCTION

While offensive odors rarely cause physical harm, they can be unpleasant, leading to considerable annoyance and distress among the public and can generate citizen complaints to local governments and air districts. Any project with the potential to create objectionable odors affecting a substantial number of people would be considered to have a significant impact under CEQA Checklist G. In addition, the District's Rule 402 (Nuisance) also prohibits any person or source from emitting air contaminants that cause detriment, nuisance, or annoyance to a considerable number of persons or the public. The adverse effects of odors on residential areas and other sensitive receptors, such as hospitals, day-care centers, and schools warrant the closest scrutiny; but consideration should also be given to other land use types where people congregate, such as recreational facilities, worksites, and commercial areas. Although the receptor(s) in question ultimately determine if a project has significant odor impacts, a number of operational and environmental factors influence the extent to which those receptors are affected by odors.

The nature of operational activities and the types of odiferous compounds they produce (e.g., odor emissions from a wastewater treatment process, rendering plant, or coffee roaster) can affect the number of complaints differently depending on the type of odor produced. For example, odiferous compounds generated by a wastewater treatment plant or landfill are more likely to be perceived more offensive to receptors than those generated by a coffee roaster or bakery.

Meteorological conditions affect the dispersion of odor emissions, which determines the exposure concentration of odiferous compounds at receptors. The predominant wind direction in an area influences which receptors are exposed to the odiferous compounds generated by a nearby source. Receptors located upwind from a large odor source may not be affected due the produced odiferous compounds being dispersed away from the receptors. Wind speed also influences the degree to which odor emissions are dispersed away from any area.

In the context of land use planning, one of the most important factors influencing the potential for an odor impact to occur is the distance between the odor source and receptors, also referred to as a buffer zone or setback. The District considers prudent land-use planning as the key mechanism that lead agencies can employ to avoid creating odor impacts. The greater the distance between an odor source and receptor, the less concentrated the odor emission would be when it reaches the receptor.

Odiferous compounds can be generated from a variety of source types including both construction and operational activities. Although less common, construction activities that include the operation of a substantial number of diesel-fueled construction equipment and heavy-duty trucks can generate odorous diesel

particulate matter (diesel PM) exhaust emissions that adversely affect nearby receptors. (The health risk associated with diesel PM is discussed in Chapter 5, Toxic Air Contaminants.) A project's operations, depending on the project type, can generate a large range of odiferous compounds that can be considered offensive to receptors. It should be noted that odor impacts associated with operational activities can be prevented with proper land use planning.

Examples of common land use types that typically generate significant odor impacts include, but are not limited to:

- Wastewater treatment plants,
- Sanitary landfills,
- Composting/green waste facilities
- Recycling facilities,
- Petroleum refineries,
- Chemical manufacturing plants,
- Painting/Coating operations,
- Rendering plants, and
- Food packaging plants.

This chapter discusses the District's recommendations for analyzing potential odor impacts associated with land use development.

7.2 ANALYSIS EXPECTATIONS

Due to the subjective nature of odor impacts, the number of variables that can influence the potential for an odor impact, and the variety of odor sources there are no quantitative or formulaic methodologies to determine the presence of a significant odor impact. Rather, the District recommends that odor analyses strive to fully disclose all pertinent information. The District suggests that lead agencies disclose the information discussed in Section 7.3 Methodologies to provide transparency to an odor analyses. Lead agencies that anticipate potential odor impacts should provide further details about the odor sources, including but not limited to information about the specific operational processes and any project design odor control features.

7.3 METHODOLOGIES

The evaluation of potential odor impacts pertains directly to the following questions regarding air quality from the [Environmental Checklist Form \(Appendix G\) of the State CEQA Guidelines](#):

III.e. Would the project create objectionable odors affecting a substantial number of people?

Lead Agencies should consider all available pertinent information to qualitatively determine if a significant odor impact could potentially occur. A potential odor impact can occur from two different situations: 1) the proposed project would locate receptors in a location where they would be affected by an existing odor source, or 2) the proposed project would generate odors that could adversely affect a substantial number of persons. In either situation, lead agencies should present all the odor parameters described below. The District considers this to be the minimum level of information necessary for Lead Agencies to make an informed and accurate odor significance determination.

7.3.1 ODOR EXPOSURE PARAMETERS

The potential for an odor impact is dependent on a number of variables including the nature of the odor source, distance between the receptor and odor source, and local meteorological conditions. Generally, the District recommends that lead agencies consider all of these parameters when making a significance determination regarding the potential for odor impacts. Each of these parameters is discussed separately below.

NATURE OF THE ODOR SOURCE

The nature of an odor relates to the type of facility producing the odor (e.g., wastewater treatment plant, landfill, or bakery), intensity of the odor source, and the frequency at which odors are generated. Individuals are typically more sensitive to certain types of odors such as those from wastewater treatment plants, landfills, or rendering plants. Odors generated by these types of sources are considered objectionable and offensive to most individuals.

The intensity of an odor source's operations or the level of odor emissions it produces also influences its potential to adversely affect area receptors. Sources that release high levels of odor emissions are more likely to adversely affect off-site receptors. The time of day when odors are generated by a source can also influence its potential to adversely affect receptors. Sources that only generate odor emissions during the nighttime, when most people are indoors, would have a decreased probability of affecting the surrounding community. While odor sources that generate odors during daytime hours would have an increased probability of adversely affecting receptors. For some sources, such as a manufacturing facility, the time of day when odors are generated is a function of when production activity occurs. For other sources, such as settling pond at a wastewater treatment plant, odor emissions may peak during the warmest summer afternoons with anaerobic activity.

BUFFER ZONE

The District considers the inclusion of a sufficient buffer zone, which results from appropriate land use planning, to be one of the most effective methods to ensure land use compatibility with respect to odors. Distance alone can allow odor emissions to disperse to lower, undetectable concentrations before reaching receptors.

The District's [Recommended Odor Screening Distances table](#) lists suggested buffer distances for a variety of odor-generating facilities. A project that would site receptors at a location closer than the applicable odor screening distance would be considered to have a greater potential to adversely affect nearby receptors. Conversely, if a project would site a new odor source, the screening distances should be used to evaluate whether the odor source would be too close to existing or future planned receptors. Without consideration of other odor parameters a project that complies with the applicable odor screening distance would not be considered to adversely affect off-site receptors. However, as discussed above, the potential for a significant odor impact is dependent on a variety of factors. Therefore, the recommended screening distances should not be used as absolute thresholds to determine the significance of an odor impact.

A buffer zone that includes dense vegetative cover from trees or shrubs could further reduce the potential for a significant odor impact by acting as a filter and enabling more vertical or mechanical mixing to occur.

All odor impact discussions should provide the buffer distance and a description of the land features and topography in the buffer zone that separates nearby receptors and the odor source.

METEOROLOGY

The meteorological conditions in an area affect the dispersion of odor emissions. The analysis should determine the predominant wind direction and the frequency of temperature inversions in the project area and evaluate whether receptors would be located upwind or downwind of the subject odor source. Receptors located downwind of odor sources are more likely to experience an adverse effect. The average wind speed and the frequency of inversions in an area can also influence the potential for an odor impact. Generally, odor emissions are highly dispersive, especially in areas with higher average wind speeds. However, odors disperse less quickly during inversions or during calm conditions, which hamper vertical mixing and dispersion.

ODOR COMPLAINT HISTORY

The odor complaint history documented for an area can be useful in the analysis of projects that would locate new receptors near an existing odor source as well as projects that would locate new odors sources near existing or future planned

receptors. The use of odor complaint records for these two types of situations is discussed separately below.

Siting Receptors near a Potential Odor Source

When locating new sensitive receptors near an existing odor source the District recommends that lead agencies survey the number of confirmed and unconfirmed complaints that have been received by the District for that particular odor source. Lead agencies should [contact the District](#) to obtain a 3-year history of odor complaints for the subject odor source. The analysis should then calculate the annual average number of confirmed and unconfirmed odor complaints filed during the past 3 years. The District generally considers odor sources to have a substantial number of odor complaints if they have had one confirmed complaint per year averaged over a 3-year period or three unconfirmed complaints per year averaged over a 3-year period. In reviewing the complaint history lead agencies should also consider the distance at which receptors were affected by the existing odor source. The analysis should describe the buffer distance there would be between the new receptors and the odor source and compare it to the distances between the source and the receptors documented in the odor complaint history. Lead agencies can also describe the existing odor conditions by contacting institutions in the area (e.g., schools, hospitals) to see if they have been adversely affected by nearby odor sources. In general, if a substantial number of odor complaints for an existing odor source is documented then locating additional receptors near that source would be considered to be a potentially significant odor impact. However, consideration of other odor parameters such as timing, and the nature of the odor source may alter this determination.

Siting an Odor Source near Receptors

When locating a new odor source in an area, lead agencies should attempt to identify comparable odor-generating facilities in the region and examine whether they have generated confirmed or unconfirmed odor complaints by nearby receptors. Similar to the guidance described above, the analysis should provide a calculation of the number of annual average confirmed and unconfirmed odor complaints for any existing comparable odor sources in the past 3 years. The annual average odor complaints may serve as a baseline for odor conditions in the project area.

7.4 SIGNIFICANCE DETERMINATION

The District recommends that significance determinations be made on a case-by-case basis and consider all the parameters discussed in Section 7.3.1 above. Typically, it is necessary for lead agencies to consider more than one parameter when making a significance determination. For instance, if a project would result in a receptor and odor source being located closer than the District's [Recommended Odor Screening Distances](#) but the receptor would be upwind from the source, the likelihood of the receptor being exposed to objectionable odors would be lower than if it was downwind from the odor source. Also, an odor complaint history may support the determination that receptors would be exposed

to objectionable odors from a specific source even if the buffer distance exceeds the applicable value in the District's [Recommended Odor Screening Distances table](#). This might be the case because the source generates more intense levels of odor emissions than similar sources, or because of meteorological conditions unique to the area or season. Therefore, a lead agency should clearly present the reasoning used to support the significance determination.

7.5 MITIGATION MEASURES

If a lead agency determines that a project would result in a significant impact by exposing a substantial number of people to objectionable odors then it shall require the implementation of all feasible mitigation measures to reduce impacts. Mitigation measures to reduce or prevent potential odor impacts should be developed on a project-by-project basis, as there is no formulaic approach to implementing odor mitigation measures to reduce odor impacts. The District offers separate discussion of planning-based measures and technology- and design-based measures below.

7.5.1 PLANNING-BASED MEASURES

The District considers appropriate land use planning as the most effective method to avoid and minimize odor impacts. Planning-based measures typically relate to those parameters that influence the potential for odor exposure and are discussed in Section 7.3.1 above. For instance, the potential for odor impacts is often minimized by ensuring a sufficient buffer distance between the odor source and nearby receptors, or by locating receptors upwind of odor sources (or odor sources downwind of receptors). In some cases, it might be feasible to require facilities to cease odor-generating activities during atypical times when the predominant wind direction shifts such that receptors are located downwind. In other cases, such as locating an office building near an odor source, it may be practical and effective to require the building's air intake to be located on the side of the building that is more distant from the odor source and/or require a level of air filtration that exceeds Title 24 standards or the local building code.

Implementing planning-based measures often avoids the need to implement more costly odor control technologies, which are discussed in Section 7.5.2 below.

DISCLOSURES

In some instances it may be appropriate for lead agencies to require the execution and recordation of deed notices on properties to provide initial and subsequent prospective buyers, lessees, and renters of those properties, particularly residential buyers, with information that their respective properties would potentially be subject to objectionable odors from a known nearby odor source. While deed notices would notify people with above-average sensitivity to particular odor sources that they are choosing to locate where such odors may be considered objectionable, recorded deed notices would not reduce the odors or reduce the impact to a less-than-significant level. This strategy simply involves

making prospective buyers, lessees, and tenants more aware of the above-average likelihood that they would experience objectionable odors before they decide to locate in the subject area. This also applies to projects that would locate receptors near agricultural land uses, which are often considered an odor source but are protected by the “right-to-farm” ordinance, Section 14.05.050, in the [Sacramento County Code](#).

7.5.2 TECHNOLOGY- AND DESIGN-BASED MEASURES

Odors impacts can also be minimized, contained, or prevented by implementing engineering technologies and design measures at the source. Mitigation that is both effective and feasible shall be selected on a case-by-case basis.

Implementing engineering- and design-based measures is generally appropriate for proposed projects that would locate a new odor source near existing receptors and funding for these measures should be provided by the applicant introducing the new odor source. However, in some cases, when a project proposes to locate new sensitive receptors in close proximity to existing odor sources the mitigation measure should require that funding be provided by the applicant and/or lead agency even if they involve implementing odor control technologies at the source. This is particularly the case when the lead agency is making a change to the land use designation on the proposed project site to allow for the introduction of the new receptors near a pre-existing odor source.

The District’s list of [Technology- and Design-Based Odor Control Measures](#) provides a variety of applicable odor reduction measures that can be implemented at a range of odor source types. It also provides sources of additional detailed information. The District recognizes that there is a vast range of both odor source types and applicable odor reduction technologies and, therefore, does not consider this list to be comprehensive and encourages lead agencies to develop other engineering and design measures.

SMAQMD's Recommended Odor Screening Distances

Land Use/Type of Operation	Project Screening Distance
Wastewater Treatment Plant	2 miles
Wastewater Pumping Facilities	1 mile
Sanitary Landfill	1 mile
Transfer Station	1 mile
Composting Facility	2 miles
Petroleum Refinery	2 miles
Asphalt Batch Plant	2 miles
Chemical Manufacturing	1 mile
Fiberglass Manufacturing	1 mile
Painting/Coating Operations	1 mile
Rendering Plant	4 miles
Coffee Roaster	1 mile
Food Processing Facility	1 mile
Feed Lot/Dairy	1 mile
Green Waste and Recycling Operations	2 miles
Metal Smelting Plants	1 mile

Note: Odor screening distances should not be used as absolute thresholds of significance for an odor significance determination. Refer to Section 7.3 Methodologies and Section 7.4 Significant Determination for further guidance about the significance determination for odor impacts.

TECHNOLOGY- AND DESIGN-BASED ODOR REDUCTION MEASURES

The District encourages lead agencies to evaluate the specific needs and circumstances of a project to assure the proper application of odor reduction technology. This list provides a range of applicable odor reduction technologies or practices that can be implemented for different types of odor sources. It also provides sources of additional information about controlling odors from specific source types. The District recognizes that there is a vast range of odor-reducing technologies and does not consider this list to be comprehensive. The District also encourages lead agencies to develop other feasible engineering and design measures as needed.

WASTEWATER TREATMENT PLANTS

The following list provides current, in-practice mitigation measures to reduce odor emissions from wastewater treatment plants.

- Install activated carbon filters/carbon adsorption in primary clarifiers, headworks building, aeration basin influent channel, and/or all waste gas exhaust systems;
- Install biofiltration/bio trickling filters for all waste gas exhaust systems;
- Install fine bubble aerators to wastewater treatment tanks or ponds to increase treatment efficiency and dissolved oxygen to prevent odor-generating anaerobic activity;
- Install hooded enclosures on grit dumpsters and belt filter presses, primary clarifier weir covers, and/or channel seals;
- Install wet and dry scrubbers on waste gas exhaust systems from treatment tanks;
- Install caustic and hypochlorite chemical scrubbers on waste gas exhaust systems from treatment tanks;
- Install ammonia scrubber on waste gas exhaust from treatment tanks;
- Install energy-efficient blower system to increase treatment efficiency and dissolved oxygen levels;
- Install thermal oxidizer to oxidize all waste gas exhaust;
- Cap or cover storage basins and anaerobic ponds to avoid release of odorous compounds;
- Install mixed flow exhaust system to dilute waste gas exhaust; and
- Install SolarBee or similar technologies on storage basins and lagoons and anaerobic ponds to avoid fugitive release of odorous compounds.

Sources

[Bleth, J. 2009 \(January\). Odor Barrier Goes the Distance. *Water & Wastes Digest* 49\(1\).](#)

[Bleth, J., and Knud-Hansen, C. F. 2007 \(April 3\). The Potential of Solar-Powered Water Circulators to Help Solve Serious Water and Energy Problems in the U.S.](#)

[Gans, C. 2004 \(March\). Exhausting Odors. *Water & Wastewater News*.](#)

[Harshman, V. 2006 \(July\). Nowhere to Hide. *Water & Wastewater News*.](#)

[Hoover, M. 2008 \(January\). Scrubbing Out Odor. *Water & Wastes Digest* \(48\)1.](#)

[IDS-Environment: The Information Resource for Environment Industry. Air Pollution Control Equipment Solutions: Thermal Oxidizers and Catalytic Oxidizers.](#)

[Integra Engineering. Odor Control.](#)

[Tetley, P. A. 2001 \(September\). Managing Wastewater Treatment Odors: Mitigating Odors through Exhaust Dilution. *Chemical Processing*.](#)

[U.S. Environmental Protection Agency. 1999 \(September\). *Wastewater Technology Fact Sheet: Fine Bubble Aeration*. Washington, D.C.](#)

[Water Environment Research Foundation. 2003. *Identifying and Controlling Municipal Wastewater Odor: Phase I. Literature Search and Review*. Water Environment Federation, IWA Publishing, London, UK.](#)

[Zabrocki, J., and Larson, P. L. Green Wastewater Treatment Plant combats excessive blower energy usage. *Green Water Systems*.](#)

LANDFILL/RECYCLING/COMPOSTING FACILITIES

The following list provides current, in-practice mitigation measures and management practices for landfills, recycling facilities, and composting facilities.

- Install a passive gas collection system within the facility;
- Install an active gas collection system within the facility;
- Install a flare for treatment of methane gas prior to release;
- Install vegetation growth on landfill to cover intermediate and final portions of a landfill;
- Install a cover/cap on the landfill/recycling/compost facility that can be used to cover landfill/recycling/compost piles daily after operations cease;
- Apply an odor neutralizing spray to landfill or compost pile each day after operations cease;
- Install a negative and/or positive aeration system for compost facilities to control moisture and temperature and provide oxygen for microbial decomposition; and

- Determine the appropriate frequency of turning and mixing of compost piles, which may be a function of ambient temperature.

Sources

[Agency for Toxic Substances and Disease Registry. 2001. *Landfill Gas Primer – An Overview for Environmental Health Professionals*. Chapter 5, Landfill Gas Control Measures. Atlanta, GA.](#)

[California Integrated Waste Management Board. 2008. *Climate Change and Solid Waste Management: Landfill Methane Capture Strategy*.](#)

PETROLEUM REFINERIES

The following list provides current, in-practice mitigation measures for petroleum refinery facilities.

- Install water injection system to hydrocracking process;
- Install a vapor recovery system in loading and unloading areas and for influent treatment areas;
- Inject masking odorants into process streams;
- Install flare meters and controls for process gas exhaust; and
- Install SolarBee for aerated ponds.

Sources

[Industrial WaterWorld. 2005 \(November\). *Wastewater Circulators Solve Noxious Odors at Shell Oil Martinez Refinery*.](#)

CHEMICAL PLANTS

The following list provides current, in-practice mitigation measures for chemical plants.

- Install wet scrubbers to treat process gas exhaust;
- Install catalytic oxidation to treat process gas exhaust;
- Install thermal oxidation to treat process gas exhaust; and
- Install carbon adsorption to treat process gas exhaust.

Sources

National Academy of Sciences. 1979. *Odors from Stationary and Mobile Sources*. Assembly of Sciences National Research Council. Washington, D.C.

FOOD SERVICE FACILITIES

Typical odor emissions associated with food service providers include char broilers, deep-fryers, and ovens. However, food waste associated with food service providers can putrefy if not managed properly. Lead Agencies should evaluate the specific needs and circumstances of a project to assure the proper level and type of odor mitigation measures are implemented.

- Install integral grease filtration system or grease removal system in kitchen exhaust system;
- Install baffle grease filters in kitchen exhaust system to remove grease particles;
- Install electrostatic precipitator to kitchen exhaust system to remove odorous particulates from kitchen gas exhaust;
- To treat exhaust stack effluent from the building install disposable pleated or bag filters, activated carbon filters, oxidizing pellet beds, an incineration system to treat exhaust stack effluent; a catalytic conversion system to treat exhaust stack effluent; and
- Maintain proper packaging and frequency of food waste disposal to avoid generation of odiferous compounds.

Sources

[D'Antonio, P. C. 2008. Grease Removal and Kitchen Exhaust Systems. Heating/Piping/Air Conditioning Engineering. HPAC Engineering.](#)

AGRICULTURE AND LIVESTOCK OPERATIONS

The following list provides current, in-practice mitigation measures and management practices for agricultural land uses and livestock operations.

- Use geomembrane covers for manure storage;
- Use biocovers for manure storage;
- Install mechanical or gravity solid separation for lagoons;
- Install fine bubble aerator for lagoons;
- Install biofilters for ventilation of manure management buildings;
- Develop a diet manipulation program to minimize generation of odorous compounds from livestock manure;
- Install activated sludge treatment in lagoons and manure storage;
- Install wet scrubbers on livestock building exhaust; and
- Install air dilution system on livestock building exhaust.

Sources

[Peterson, T., and J. Lorimor. 1998. Try a Biocover to Reduce Odor. *Odor and Nutrient Management*.](#)

[Nebraska Department of Environmental Quality. 2005. Best Management Practices for Odor Control.](#)

RENDERING PLANTS

Odiferous compounds generated by rendering plants tend to be highly offensive to the public. The main sources of odors from rendering plants include exhaust gas from within the facility and process wastewater. The following list provides current, in-practice mitigation measures to reduce the release of odors from rendering plants.

- Install a multi-stage wet scrubber on facility process exhaust;
- Install biofilters on facility process exhaust;
- Install venturi scrubbers or similar technology to remove particulate matter from facility process exhaust prior to treatment by scrubbers and biofilters;
- Install boiler incinerators to treat facility process exhaust;
- Install direct flame incineration or catalytic incineration to treat facility process exhaust;
- Maintain negative pressure within the rendering facility to minimize the release of fugitive odor emissions.
- Use chemical coagulation and dissolved air flotation (DAF) to remove proteins, fats, and oils from facility wastewater.
- Use activated sludge treatment to remove dissolved fraction of waterborne pollutants.

Sources

[Hesler, J.C.. 1972. Smoke, Grease Aerosol and Odor Control in Meat Processing Plants.](#)

[Hydro Solutions, Inc.. 2009. Rendering Division.](#)

[U.S. Environmental Protection Agency. 1995 \(September\). AP 42 Fifth Edition Compilation of Emission Factors, Volume 1: Stationary Point and Area Sources, Chapter 9.5.3 Meat Rendering Plants.](#)

[Woodard & Curran. 2006. Industrial Waste Treatment Handbook Second Edition.](#)