ORDINANCE NO. 427
(AS AMENDED THROUGH 427.3)
AN ORDINANCE OF THE COUNTY OF RIVERSIDE AMENDING ORDINANCE NO. 427 REGULATING THE LAND APPLICATION OF MANURE

Section 1. Purpose and Intent.

It is the purpose and intent of this Ordinance to regulate the transportation and application of manure in designated areas of the County.

Section 2. Definitions:

A. **"Agronomic Rates"** shall mean manure applications that do not exceed nitrogen fertilizer rates for the crop to be grown as accepted by the Commissioner.

B. **"Commissioner"** shall mean the Agricultural Commissioner for the County of Riverside or his designated representative.

C. **"Department**" shall mean the Department of Environmental Health for the County of Riverside.

D. **"Director"** shall mean the Director of the Department of Environmental Health or his designated representative.

E. **"Land Owner"** shall mean any person, firm, company, business, city, county, district, special district including a water district, sole proprietorship, partnership, joint venture, trust, association, limited liability corporation or corporation whether for profit or non profit that owns, leases, occupies, is authorized by the property owner to conduct farming activities or otherwise controls real property within the unincorporated areas of Riverside County.

F. **"Manure"** shall mean any bulk, unbagged substances composed primarily of animal excrement (excluding human excrement).

G. **"Manure Generator"** shall mean any person that owns the agricultural livestock that produce manure.

H. **"Manure Transporter"** shall mean any person that transports, in a vehicle with a capacity in excess of one (1) ton, manure from the generation site to the application site.

I. **"Quality Manure"** shall mean manure that is not tainted by the incorporation of foreign material. Quality manure shall not contain solid, hazardous or medical wastes.

Section 3. Prohibitions:

A. No manure transporter shall deliver manure to a site for the purposes of disposal, land application or storage within the unincorporated portions of the area generally subject to regulation by the Santa Ana and San Diego Regional Water

Quality Control Boards and specifically defined and enclosed by the Riverside County Line from its intersection at Highway 91, proceeding northward and then easterly along the Riverside County/San Bernardino County line to a point due north of the intersection of Bluff Street and San Gorgonio Avenue in Banning, proceeding then south to the intersection of Bluff Street and San Gorgonio Avenue in Banning and following San Gorgonio Avenue and continuing on Hwy 243 onto Hwy 74 to the intersection of Hwy 74 and Hwy 371 in Garner Valley. At this point a line drawn directly south to the southern boundary of the County, proceeding westerly and northerly along the county line back to the point of origin, and more particularly described on Exhibit "A" which is attached hereto and incorporated herein by this reference unless the Landowner of the site has a current and valid exemption as issued by the Commissioner.

B. No manure transporter shall deliver manure to a site within the area noted in this Ordinance without having in the possession of the driver of each of the following: 1) a copy of a valid exemption for the site issued by the Commissioner, 2) the written permission from the landowner if not a part of the exemption and 3) a copy of the delivery contract between the transporter and the Land Owner or occupant.

C. No Land Owner shall accept manure or knowingly allow manure to be deposited on land owned or controlled by him or her in areas prohibited under this ordinance.

D. No manure transporter, manure applier or Land Owner, including tenant or occupant shall transport, apply or allow the application of manure in a manner that may violate any conditions established through an exemption issued by the Commissioner, the standards established through this ordinance, or other laws or regulations.

Section 4. Exemptions

The following sites shall be exempted from the prohibitions:

A. Agricultural sites operated in conjunction with a public school with a recognized agricultural training program or curriculum.

B. Agricultural sites contiguous to and owned by the operator of, a facility operating as an Animal Feeding Operation under Waste Discharge Requirement issued by the local regional water quality control board.

C. A tree or vine farming operation considered active by the Commissioner.

D. Operating farms within the prohibition area shall be exempted from Prohibition "A" if all of the following conditions are met:

1) The site or sites have been registered with the Agricultural Commissioner for the County of Riverside, using criteria including, but not limited to that below. An application for approval to apply manure pursuant to these

Exemptions shall be filed with the Agricultural Commissioner on forms provided by his/her office.

2) The site has a minimum of 5 acres of tillable soil or as otherwise accepted by the Commissioner.

3) There is a distance not less than ¼ mile from all public schools in session during the time in which manure is to be applied and incorporated.

4) The manure application is conducted by or for the operating farm, at agronomic rates, using only quality manure. The rate of application, expressed in tons per acre and average depth inches shall be as approved by the Commissioner.

5) The time frame for planting crops following the application of manure, and type of crops to be planted, shall be as approved by the Commissioner.

6) No application for exemption shall be applied for, nor manure applied or deposited, without the expressed written permission of the Land Owner of the property. Permission shall be dated and shall specify a time period to apply the manure.

7) The Land Owner has demonstrated conformity with the "Standards for Manure Use At Approved Sites" in prior manure applications under this ordinance.

8) The Commissioner shall review applications received considering all applicable conditions of this ordinance. Prior violations of this ordinance shall be considered justification for denial of said application. A decision to approve or deny the exemption shall be made within 10 working days of receipt of a complete application. Upon approval, an exemption shall be valid for up to one year from the date of approval.

9) Exemptions issued by the Commissioner prior to the effective date of this ordinance shall become null and void on the date this ordinance becomes effective.

E. A list of approved exempt sites shall be maintained by the Commissioner, and shall be available for public inspection upon request. The list shall include approval date, site location, date(s) of manure application and expiration date for each exemption. Any additions or deletions to the list shall be forwarded to the Department within 1 working day of said change.

Section 5. Standards for Manure Use At Approved Sites:

A. Manure shall not be transported or applied to sites located less than ¼ mile from a public school on days when that school is in session.

B. Manure shall not be applied within 100 feet of any well.

C. Manure shall be spread evenly across the entire site, at rates no greater than those approved in the registration with the Commissioner.

D. Upon application, manure shall be promptly incorporated into the soil by discing or other suitable tillage within the timelines set out below. Incorporation shall be continuous until completed. Manure incorporation shall be thorough to a depth of no less than 6 inches unless otherwise approved by the Commissioner, including residues in staging areas and shall be the responsibility of the Land Owner. Manure shall be incorporated when applied:

1) Within ¼ mile of school before school is back in session.

2) At all other sites of less than 20 acres within 48 hours of delivery.

3) For sites of 20 acres or more, manure incorporation shall commence no less than seven (7) days after the first delivery of manure and shall be completed within seven (7) days of the final delivery to the site unless otherwise authorized by the Commissioner.

E. Manure shall not be applied in windy or wet conditions, or other conditions which would inhibit effective incorporation into the soil.

F. Manure is to be applied and crops shall be planted in accordance with the schedules included in the Exemption application to the Commissioner.

G. A notice of intent to apply shall be submitted to both the Commissioner and the Department no less than 48 hours prior to the first delivery of manure. This notice may be via fax or other delivery on a form approved by the Commissioner or via telephone.

Section 6. Transporter Standards:
Vehicles used by the transporter shall be required to meet the following requirements of this section at any time manure is being transported within the areas covered by this Ordinance.

A. Vehicles used for manure transportation shall be designed, constructed and maintained to eliminate the potential for spillage and shall have suitable load covers.

B. The name (or D.B.A.) and address or phone number of the person to whom the permit is issued shall be printed on both sides of the vehicle. The letters shall be a minimum of three inches (3”) in height and fully visible and legible at all times.

C. Vehicle shall have a current vehicle registration by the State of California and liability coverage as required by State Law.

Section 7. Violations:
A. Violations by any person, firm, partnership, association, or corporation of any of the provisions of this ordinance constitute an infraction or misdemeanor as

hereinafter specified. Each day of violation shall be considered a separate offense. Upon conviction thereof, the person or entity shall be subject to a fine of $100.00 for the first offense; $200.00 for the second violation within a one (1) year period, and $500.00 for each additional violation within the same one (1) year period, or fines as otherwise established by State Law. Fourth and additional violation within a one (1) year period, or fines as otherwise established by State Law. Fourth and additional violations within a one-year period shall each constitute a misdemeanor and shall be punishable by a fine not to exceed one thousand dollars ($1,000.00), or six (6) months in jail, or both.

B. Notwithstanding the above, a first or subsequent offense may be charged and prosecuted as a misdemeanor. Payment of any penalty provided herein shall not relieve a person, as defined, of the responsibility of correcting the conditions considered as a separate and distinctive offense.

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

Section 8. Public Nuisance Declaration

In addition, any violation of this ordinance is hereby deemed to be a public nuisance and may be abated or enjoined by the Director or his designee, irrespective of any other remedy herein provided.

Section 9. Severability

If any clause, provision, sentence, or paragraph of this ordinance, or the application thereof, is deemed to be invalid as to any person, entity, establishment, or circumstance, such invalidity shall not effect the other provisions of this ordinance which shall still remain in effect, and to this end, it is hereby declared that the provisions of this ordinance are severable.

Section 10. Effective Date

This ordinance shall take effect thirty (30) days after the date of adoption.

Adopted: 427 05/21/1956 (Eff: 06/20/1956)
Amended: 427.1 Item 3.4 of 07/05/1994 (Eff: 08/04/1994)
427.2 Item 7.1 of 06/11/1996 (Eff: 07/11/1996)
427.3 Item 3.24 of 04/03/2001 (Eff: 05/03/2001)