

**ORDINANCE NO. 431
(AS AMENDED THROUGH 431.3)
AN ORDINANCE OF THE COUNTY OF RIVERSIDE AMENDING ORDINANCE NO.
431 REGULATING AND CONTROLLING THE LOCATION AND OPERATION OF
HOG RANCHES**

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

Section 1. For the purposes of this ordinance, the following words and phrases are defined and shall be construed as having the following meanings:

- A. Garbage.** The word garbage shall mean all animal or vegetable refuse or residue from kitchens, canneries, bakeries, restaurants, lunch stands, distilleries, wineries, meat, fish, fruit or vegetable markets and other similar food handling places, and all household waste or residue that shall result from the preparation or care for, or treatment of, food stuffs intended to be used as food, or shall have resulted from the preparation or handling of food for human consumption, or any decayed or unsound meat, fish, fruit or vegetables.
- B. Commercial Garbage.** The phrase commercial garbage shall mean any and all garbage other than garbage produced incidentally upon the premises covered by permit.
- C. Commercial Hog Ranch.** The term "commercial hog ranch" for the purposes of this ordinance shall mean any premises where not less than two hogs and not more than 3,000 hogs are maintained, raised, fed or fattened on commercial garbage.

Section 2. When computing the number of hogs for the purposes of this ordinance, or any permit issued hereunder, all hogs shall be counted except unweaned pigs.

Section 3. It shall constitute a public nuisance and be unlawful for any person, firm or corporation to engage in, conduct, manage or carry on a commercial hog ranch, or use any property in the County of Riverside for the maintaining, feeding, fattening or raising of more than one (1) hog fed on commercial garbage, unless such an activity is operated in strict compliance with the terms of this ordinance and the conditions of a permit procured from the Board of Supervisors of the County of Riverside, as herein provided.

The County Health Officer is hereby charged with the responsibility of enforcing this section and of making such inspections and taking such actions as are necessary to insure compliance with the terms of this ordinance and all conditions of commercial hog ranch permits issued by the County of Riverside. Any infraction of said ordinance or permits shall be reported in writing to the Board of Supervisors who shall revoke the violator's permit or take such other action as it deems necessary. This penalty is in addition to those provided in Section 12 hereof.

Section 4. Any person, firm or corporation desiring or proposing to engage in the commercial hog ranch business shall make written application to the Planning Commission of Riverside County for a permit to do so. Such application shall be accompanied by the application fee required in Section 9 hereof; provided, however, that no permit shall be granted for a commercial hog ranch having more than 3,000 hogs. Each application shall be accompanied by an affidavit of the owner or his authorized agent, stating the following:

- a. The name and address of the owner of the property;
- b. The acreage of the property;
- c. The legal description of the property;
- d. The name and address of the proposed operator or operators of the commercial hog ranch, and, if a corporation, the names and addresses of the directors and officers thereof;
- e. An affidavit of the proposed operator of the commercial hog ranch which affidavit shall set forth:
 - 1 The maximum number of hogs which the applicant proposes to maintain, raise, feed or fatten on said ranch;
 - 2. The type of feed to be used; if commercial garbage or garbage and whether or not the same will be cooked in accordance with rules and regulations of the Department of Agriculture, State of California;
 - 3 The source or sources and estimated quantity of garbage and offal to be fed daily;
 - 4. A plot plan showing the premises described in the application, said plan to designate clearly the specific portions of the premises which will be used for the operation of the commercial hog ranch, the proposed location of all buildings, structures, pens, food containers, feeding devices, fences and drainage installations;
 - 5. A statement of the method of waste disposal that will be employed and information concerning the character of the soil;
 - 6. A statement that the premises described in the application which are to be used for the operation of the commercial hog ranch, are not within two miles of any public school, public park, the boundaries of any municipality in Riverside County, or any then existing residential subdivision under private deed restrictions; or within one mile of any occupied dwelling house not on said premises; or within 2,000 feet of any county or state highway; or within two miles of any duly permitted or existing commercial hog ranch, provided, however, that facts inconsistent with the foregoing may be set out if accompanied with affiant's statement of the circumstances which he believes justifies the issuance of the permit notwithstanding the inconsistency;
 - 7. A statement to the effect that the premises on which the commercial hog ranch is to be operated are so zoned under the Zoning Ordinance of Riverside County, Ordinance No. 348, as then amended, as to permit the type of desired operation.

Section 5. Upon receipt of an application for the maintenance and operation of a commercial hog ranch and the two affidavits required by this ordinance, the Planning Commission shall cause the statements as presented to be forthwith investigated and if the statements are verified as presented, the Planning Commission shall set a date for public hearing thereon, which date shall be not less than 15 nor more than 45 days from the receipt of the application. Not less than 10 days prior to the date of said hearing, the Planning Commission shall cause notice of said hearing to be given in the community or district in which the commercial hog ranch is proposed by causing to be published, once, in

a newspaper of general circulation in the county, a notice setting forth the fact that a commercial hog ranch is proposed to be located on property which is to be generally described in the notice, together with a statement of the time and place of the Public Hearing and a statement that the legal description of the proposed premises is on file in the Planning Commission Office, Court House, Riverside, California. Further notice of the public hearing shall be given by posting not less than ten days prior to the date of public hearing, at least two signs headed by the words "Proposed Commercial Hog Ranch" in letters not less than two inches in height, along or upon and visible from the state or county highway nearest the premises to which the application refers, specifying the general location of the proposed commercial hog ranch and the time and place of the public hearing upon the application. Also, cause a post card notice to be mailed to the owners of all property within a distance of 500 feet from the exterior boundaries of the premises involved in the application, and to the owners of such other property as in the judgment of the Commission might be affected by the establishment of the use requested. The Owners shall be determined by reference to the latest assessment roll of the County for the purpose of sending notices.

Section 6. Within not more than seven days after the filing of the application, notice of the filing thereof shall be given to the Riverside County Health Officer and Riverside County Livestock Inspector each of whom shall make such investigations as he feels necessary and each shall report to the Planning Commission in writing on or before the date of the public hearing, whether in his opinion the commercial hog ranch will or will not be detrimental to the public health, safety and general welfare and may set forth in such report such additional information as he feels will be of value in determining the question of granting or denying the permit and the placing of conditions thereon.

Section 7. Within 40 days after the conclusion of the public hearing, the Planning Commission shall file with the Board of Supervisors of Riverside County, all exhibits, summaries of testimony, copy of applications and such other materials as may have been filed with it during the public hearing or filed as required by law and if the Planning Commission determines that the maintenance of a commercial hog ranch as proposed in the application would not be a detriment to the public health, safety and general welfare, the Planning Commission in such case shall recommend to the Board of Supervisors that a permit to conduct a commercial hog ranch be issued. Such permit must state the maximum number of hogs, not to exceed 3,000, to be permitted upon such ranch at any one time and shall be subject to such further conditions as the commission may determine are necessary and proper under the circumstances. If said commission determines that the maintenance of a commercial hog ranch would be detrimental to the public health, safety and general welfare it shall recommend to the Board of Supervisors that the application be denied.

Section 8. Within 40 days after receiving the recommendation and materials from the Planning Commission as required in Section 7 hereof, the Board of Supervisors of the County of Riverside shall determine whether the proposed use requested in the application for permit together with such conditions as may have been recommended by the Commission, will or will not endanger the public health, safety or general welfare, and shall grant such permit as applied for subject to such conditions and restrictions as it shall find to be necessary or shall deny the permit accordingly.

The Board of Supervisors at its option either upon its own motion or upon the request of the applicant, may hear and consider evidence in addition to the report and supporting material from the Planning Commission before granting, denying, revoking, modifying or refusing to revoke any permit, but shall not consider any additional statement, argument or evidence of any kind or nature whatsoever except at a public hearing, notice of the time and place of which shall be given in the same manner as was employed by the Planning Commission in calling the original public hearing on the application.

Section 9. FEES.

- a. New Permit Application Fee. The fees as set forth in Ordinance No. 671 shall be paid upon the filing of an application for a new commercial hog ranch permit.
- b. **Inspection Fee-** The annual inspection fee shall be as set forth in Ordinance No. 671 per 100 hogs or fraction thereof allowed under terms of permit regardless of whether a lesser number of hogs are actually on the premises, provided however, that if the number of hogs allowable has been reduced pursuant to Section 10(a) of this ordinance, such reduced number shall control the amount of the inspection fee. This fee shall be payable in advance on or before July 1st of each year, except in cases of new permits issued after July 1st of any fiscal year, in which cases the inspection fee shall be prorated for the remaining portion of the year and payable before the new permit shall become effective. Increases in allowable numbers of hogs by amendment procedures are subject to payment of inspection fees without prorating, the same as though such numbers existed as of July 1st next preceding the granting of the amendment.

A late fee as set forth in Ordinance No. 671 shall be added to any inspection fee not paid prior to July 15th of the fiscal year for which the fee is charged. Any commercial hog ranch permit for which an inspection fee is not paid prior to September 1st of the fiscal year for which the inspection fee is charged, shall be automatically revoked.

- c. All fees shall be paid to the Riverside County Planning Department.

Section 10. AMENDMENT OF PERMITS.

- a. At Option of Permittee. The permittee has the option of changing the number of hogs to be permitted upon his commercial hog ranch at any time providing such number is not in excess of the maximum number of hogs allowable as set in his permit as issued by the Board of Supervisors or as amended by it. A change under this subsection shall be effected, without hearing, by the filing of a written application and the deposit of the requisite fee as set forth in Ordinance No. 671 with the Riverside County Planning Department. No such change may have a retroactive effect.
- b. Upon action of the Board of Supervisors. An increase in maximum number of hogs allowable can be effected only upon the payment of the requisite fee and compliance with procedures set out herein for a new permit, except that the application may incorporate by reference any and all materials filed by the permittee as a part of his original application, or any of his subsequent applications, providing the materials to be incorporated appear in the files of the Planning Department or Board of Supervisors.

Section 10.1 REVOCATION OF PERMIT FOR NON-USE. Notwithstanding the payment for any prior year of the annual inspection fee set forth in Section 9 hereof, any permit granted pursuant to this ordinance shall be automatically revoked if the premises subject to the permit or any amendment thereto are not used for the operation of a commercial hog ranch for any three consecutive fiscal years.

Section 11. Any and all commercial hog ranches existing and operating within the County of Riverside under and pursuant to the provisions of Ordinance 347, as amended, shall be subject to the terms of this ordinance, and permits under which they are operating shall be interpreted and deemed issued under the terms hereof except that they shall be exempt from paying the inspection fee required in Section 9, until the 1st day of July, 1957.

Any and all fees, license fees and charges due and unpaid on any unrevoked commercial hog ranch permit granted in the County of Riverside as of the effective date of this section, whether such fee, license fee or charge comes under the provisions of this ordinance or Ordinance No. 347 of the County of Riverside, shall be paid not later than July 15, 1957, or such commercial hog ranch permit shall be automatically revoked.

Section 12.

- A.** Any person violating any of the provisions or failing to comply with any of the mandatory requirements of the ordinances of the county shall be guilty of an infraction unless the violation is made a misdemeanor by ordinance.
- B.** Except in cases where a different punishment is prescribed by any ordinance of the county, any person convicted of a misdemeanor for violation of an ordinance of the county is punishable by a fine of not more than one thousand dollars (\$1,000) or by imprisonment not to exceed six months, or both such fine and imprisonment.
- C.** Any person convicted of an infraction for violation of an ordinance of the county is punishable by a penalty of not more than two hundred fifty dollars (\$250.00).
- D.** Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of the ordinances of the county is committed. Continued or permitted by any such person, and such person shall be punishable accordingly.

Section 13. Ordinance No. 347 of the County of Riverside and all ordinances of the County of Riverside in conflict herewith are hereby repealed.

Section 14. If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more of the sections, subsections, sentences, clauses or phrases thereof be declared unconstitutional or invalid.

Adopted: 431 06/18/1956 (Eff: 06/27/1957)

Amended: 431.a 05/27/1957 (Eff: 06/26/1957)

431.b 02/20/1967 (Eff: 03/22/1967)

431.c 07/05/1978 (Eff: 08/04/1978)

431.d 08/26/1980 (Eff: 09/25/1980)

431.e 06/02/1981 (Eff: 07/02/1981)

431.1 Item 9.3 of 05/05/1987 (Eff: 07/04/1987)

431.2 Item 3.1 of 05/03/1988 (Eff: 07/01/1988)

431.3 Item 3.11 of 03/28/1989 (Eff: 04/27/1989)

Amended by Ord. 802 Item 3.10 of 03/14/2000 (Eff.: 04/13/2000)