

**MARK-UP VERSION OF**  
**AMENDMENT TO SANTA BARBARA COUNTY CODE**  
**CHAPTER 18 – Article V. - Infectious Waste Generator Ordinance**

**~~Sec. 18-36. - Scope, intent, definitions.~~**

~~See sections 18-36.1 through 18-36.3.~~

~~(Ord. No. 3504, § 1)~~

**~~Sec. 18-36.1. - Scope.~~**

~~This article applies to all facilities which produce infectious waste.~~

~~(Ord. No. 3504, § 1)~~

**~~Sec. 18-36.2. - Intent.~~**

~~It is the intent of this article to insure that infectious waste producers are in compliance with the State Statutes and the Minimum Standards and Regulations.~~

~~(Ord. No. 3504, § 1)~~

**~~Sec. 18-36.3. - Definitions.~~**

~~The following terms wherever used in this chapter shall have the meanings hereafter set forth unless context requires a different meaning:~~

~~"Director" means the director of Santa Barbara County health care services.~~

~~"Facility" means any licensed health care facility which produces more than one hundred kilograms per month of infectious waste or is a primary care clinic, surgical clinic, chronic dialysis clinic, general acute care hospital, acute psychiatric hospital, skilled nursing facility, intermediate care facility, or intermediate care facility for the developmentally disabled, owned and operated by any person, firm or corporation.~~

~~"Health officer" means the health officer of the County of Santa Barbara or his duly authorized representative.~~

~~"Infectious waste" means:~~

~~(a) Laboratory waste, including cultures of etiologic agents, which pose a substantial threat to health due to their volume and virulence; (b) Pathologic specimens, including human or animal tissues, blood~~

~~elements, excreta, and secretions which contain etiologic agents, and attendant disposable fomites; (c) Surgical specimens, including human or animal parts and tissues removed surgically or at autopsy which contain etiologic agents, and attendant disposable fomites; (d) Equipment, instruments, utensils, and other disposable materials, which are reasonably believed to transmit etiologic agents from the rooms of human, or the enclosures of animals, which have been isolated because of suspected or diagnosed communicable disease; (e) Human dialysis waste materials including arterial lines and dialyzable membranes; (f) Carcasses of animals infected with etiologic agents which may present a substantial hazard to public health if improperly managed; (g) Any other material which in the determination of the facility infection control staff presents a significant danger of infection because it is contaminated with or may reasonably be expected to be contaminated with, etiologic agents.~~

~~"Etiologic agent" means a type of micro-organism, helminth, or virus which causes, or significantly contributes to the cause of, increased morbidity or mortality of human beings.~~

~~"Minimum Standards and Regulations" means the provisions of title 22, division 4, chapter 30 of the California Administrative Code.~~

~~"Person" means an individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, or association. "Person" also includes any city, county, city and county, district, the state or any department or agency thereof to the extent that such persons may lawfully be regulated under this article.~~

~~"Producer" means any facility that produces or generates an infectious waste.~~

~~"State Statutes" means the provisions of the California Health and Safety Code, division 20, chapter 6.5 (section 25100 et seq.).~~

~~(Ord. No. 3504, § 1)~~

## **~~Sec. 18-37. - Permit to generate infectious waste.~~**

~~See sections 18-37.1 through 18-37.5.~~

~~(Ord. No. 3504, § 1)~~

### **~~Sec. 18-37.1. - Permit.~~**

~~Every facility which produces or intends to produce infectious waste shall possess an "infectious waste generator permit" issued by the health officer.~~

~~(Ord. No. 3504, § 1)~~

**~~Sec. 18-37.2. - Same—Applications.~~**

~~Every facility which generates infectious waste shall make a written application to, and upon forms furnished by, the health officer. Such application shall be made under penalty of perjury and state the name and address of the applicant, the address at which such business is proposed to be carried on, a description of the types and quantities of infectious waste produced including, physical states, the volume or amounts generated, and the method or proposed method of handling, transporting, storing, treating and disposal of the waste or wastes.~~

~~All existing facilities engaging in practices covered by the requirements of this article shall submit an application within ninety days of the effective date of this article. If said application is not received within ninety days the facility is in violation of section 18-37.1 and enforcement action pursuant to section 18-38.1 et seq. may be initiated by the health officer.~~

~~All facilities engaging in a practice covered by the requirement of this article which will commence operations on or after the effective date of this article, shall submit an application thirty days prior to commencing operations.~~

~~(Ord. No. 3504, § 1)~~

**~~Sec. 18-37.3. - Same—Issuance of permit.~~**

~~The health officer shall make or cause to be made an investigation of said applicant and the proposed place of business, and the manner in which the infectious waste or wastes are produced, handled, transported, stored, treated and disposed of. If the health officer finds that all provisions of this article, and of federal and the State Statutes and Regulations and of the Minimum Standards and Regulations have been and will be complied with, he shall issue such permit; otherwise the health officer shall order the applicant to bring the operation into compliance with all requirements within a period of time established by the health officer. Upon failure to comply, the application shall be denied.~~

~~Such permits shall be good for one year from date of issuance, and shall be annually renewed in the same manner as that provided for the securing of a new permit; provided, however, that no application fee shall be charged for a renewal of any permit. Such permits shall be nontransferable and nonassignable. Every facility covered by the requirements of this article existing prior to the effective date of this article shall apply for a infectious waste generator permit in the manner required by section 18-37.2. It shall not be necessary for the health officer to investigate said applicant prior to issuance of the permit. Said existing facilities are required to comply with the provisions of this article and the provisions of the State Statutes, and of the Minimum Standards and Regulations.~~

~~(Ord. No. 3504, § 1)~~

**~~Sec. 18-37.4. - Same - Revocation of permit - Hearing.~~**

~~Whenever the health officer shall determine from his investigation, examination or inspection of any business covered by the requirements of this article, that the holder of any permit issued under the provisions of this article has violated any of the provisions of this article, or any provisions of the State Statutes, or any provisions of the Minimum Standards and Regulations regarding the production, handling, transportation, storage, treatment or disposal of infectious wastes, and has not complied with the orders of the health officer to provide corrections, he may serve a written notice upon such permittee to appear before the director to show cause why such permit shall not be revoked. Such notice shall contain a brief statement of the alleged violation, and the time and place of the hearing, which shall be held within ten days after the receipt of the notice. The permittee may appear in person or with counsel and present such evidence as he may desire regarding the alleged violation and show cause why the permit shall not be revoked. The director shall receive such information, evidence and testimony as may concern the circumstances of the alleged violation, and the formal rules of evidence shall not apply. If the director shall determine that any of the provisions of this chapter, or any of the provisions of the State Statutes, or any of the provisions of the Minimum Standards and Regulations have been or are being violated, he may revoke or temporarily suspend such permit, until such time as the act, default or omission has been remedied.~~

~~(Ord. No. 3504, § 1)~~

**~~Sec. 18-37.5. - Same - Summary suspension.~~**

~~Any permit issued pursuant to this article may be summarily suspended by the director for cause. Cause shall be any violation of this chapter, or any violation of the provisions of the State Statutes or of the Minimum Standards and Regulations which, in the opinion of the director, poses an imminent hazard to, or threatens the public health and safety, or the environment. Reinstatement of said permit shall not be effected unless the act, default or omission which was the grounds for summary suspension shall have been remedied prior to the time of reinstatement.~~

~~The holder of any permit so summarily suspended pursuant to this section shall have the right to file a written request to the director requesting a hearing to be held within ten days after the effective date of such suspension. The hearing shall be held as set forth in section 18-37.4 and the director shall determine whether or not cause exists, for such suspension. If he should so determine that cause exists for such suspension he may suspend such permit until such time as the act, default or omission has been remedied.~~

~~(Ord. No. 3504, § 1)~~

**~~Sec. 18-38. - Enforcement and penalties.~~**

~~See sections 18-38.1 through 18-38.3.~~

~~(Ord. No. 3503, § 1)~~

**~~Sec. 18-38.1. -- Enforcement by health officer.~~**

~~The health officer is hereby authorized and directed to enter, at any reasonable time, any place of business covered by or reasonably believed to be covered by this article, to verify compliance with the provisions of this article. The health officer shall have the duty of enforcing the provisions of this article. The health officer may ask the county counsel or the district attorney of the county to seek injunctive relief to enjoin violations of the ordinance codified in this article or any permit or order issued hereunder or any rule, regulation, or requirement promulgated hereunder. Civil penalties of up to five hundred dollars per day of violation may be imposed. All enforcement actions hereunder are cumulative to one another and to any other applicable penalties.~~

~~(Ord. No. 3504, § 1)~~

**~~Sec. 18-38.2. -- Penalties.~~**

~~Any person who violates any provision of this article is guilty of a misdemeanor pursuant to section 1-7 of this Code. 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 this article is committed, continued, or permitted by such person and shall be punishable accordingly. Any person convicted of a misdemeanor under the provisions of this article shall be punishable accordingly. Any person convicted of a misdemeanor will be subject to a mandatory fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail for a period not exceeding six months, or by both such fine and imprisonment.~~

~~(Ord. No. 3504, § 1)~~

**~~Sec. 18-38.3 -- Distribution of fines.~~**

~~All penalties or fines collected by any court or judge for any violation of any provisions of this article shall be paid into the county general fund with fifty percent earmarked for the department of health care services, environmental health services division, for the purposes of purchasing supplies, equipment and reference materials to be used in the enforcement of the State Statutes, and the Minimum Standards and Regulations.~~

~~(Ord. No. 3504, § 1)~~

~~Sec. 18-39. -- Permit and application fees.~~

~~See sections 18-39.1 through 18-39.3.~~

~~(Ord. No. 3504, § 1)~~

**~~Sec. 18-39.1. - Application fee.~~**

~~Each facility applying for a infectious waste generator permit pursuant to section 18-37.1 shall, at the time of filing the application form therefor, pay to the health officer a nonrefundable application fee, as set forth by the board of supervisors resolution, for each place of business said permit is required.~~

~~(Ord. No. 3504, § 1)~~

**~~Sec. 18-39.2. - Infectious waste generator permit fee.~~**

~~Each facility which is required to have an infectious waste generator permit issued pursuant to section 18-36.1, shall pay a nonrefundable annual permit fee as set forth by the board of supervisors resolution for each place of business said permit is required.~~

~~(Ord. No. 3504, § 1)~~

**~~Sec. 18-39.3. - Fees—Collection by suit.~~**

~~In the event of the nonpayment of any fee required by this article the health officer shall proceed to collect such fee from any such facility so liable by appropriate action in a court of competent jurisdiction.~~

~~(Ord. No. 3504, § 1)~~

~~Sec. 18-40. - Other provisions.~~

~~See sections 18-40.1 and 18-40.2.~~

~~(Ord. No. 3504, § 1)~~

**~~Sec. 18-40.1. - Hearing panel.~~**

~~For the purposes of any public hearings required to be conducted pursuant to the State Statutes or the Minimum Standards and Regulations, the board of supervisors or a committee thereof, shall act as hearing panel.~~

~~(Ord. No. 3504, § 1)~~

**~~Sec. 18-40.2. - Health officer—Promulgation of rules, regulations and requirements.~~**

~~The health officer shall prescribe rules, regulations and requirements not in conflict with the general law, for the implementation and enforcement of this chapter.~~

~~(Ord. No. 3504, § 1)~~