


Orders & Citations



Lesson No. 8

ENV H 471
Environmental Health Regulation
February 17, 2004

Assignment for Today


- ❖ Grad: Chapter 9 - Abatement of Nuisances and Dangerous Conditions, pp. 167-177.
- ❖ Statutes & Regulations:
 - 246 WAC 215 - Food Service Sanitation §§200-210.
 - 173 WAC 304 - Minimum Functional Standards for Solid Waste Handling
 - King Co. Food Code, Parts 92 & 96.
 - King Co. Solid Waste Regulations, Part III, §§5 & 6.
 - 29 USC 658 - Occupational Safety and Health Act §9.
 - Michigan Code - §§2451- 2455.

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Assignment for Today *continued*

- ❖ Required Readings:
 - Reading #23 - PHS Food Service Sanitation Manual, Chapter 10.
 - Reading #25 - *Marshall v. B.W. Harrison Lumber*, 6 OSHC 1446 [Group C]


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Orders & Citations

- ❖ Purpose
- ❖ Authority
- ❖ Content
- ❖ Service


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Lesson Objectives


- ❖ Understand the difference between and order and a citation;
- ❖ Understand the purpose and use of an administrative order; and
- ❖ Be able to write a lawful order, consistent with the requirements of the applicable statute, ordinance or rule and regulation.

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Orders

- ❖ Notice of Violation
 - Notice of unsafe condition
 - Code or statutory obligation
 - Requirement to abate



CITY OF CARSON
DEPARTMENT OF PUBLIC SAFETY
CODE ENFORCEMENT DIVISION
NOTICE OF CODE VIOLATION

Address: 2010 Millerton Avenue, Carson, CA 90745
 Notice Date: _____ Date Recd: _____
 THIS NOTICE IS TO INFORM YOU THAT YOU ARE IN VIOLATION OF THE FOLLOWING SECTION(S) OF THE CARSON MUNICIPAL CODE:

ACTION REQUIRED: Your code violation must be corrected. You must advise the city promptly in writing of any abatement.

With the receipt of notice of the corrective abatement.


Failure to take "Action Required" within _____ days will result in the filing of the matter for legal action.

For more information, please call (916) 552-7000, ext. 1700.
 ENFORCEMENT OFFICER: _____ DATE: _____
 DEPARTMENT SUPERVISOR: _____ DATE: _____
 OFFICIAL NO.: _____ DATE: _____
 NOTICE RECEIVED BY: _____ TITLE: _____
 DATE: _____ TIME: _____

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Orders

- ❖ Citations
 - Notice of violation
 - Law or Ordinance
 - Imposition of penalty



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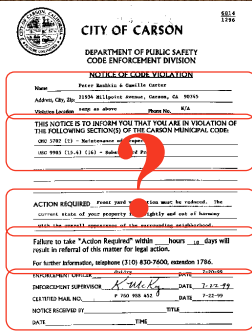
Authority

- ❖ 1. Statutory Delegation
 - Authority delegated to agency by statute or ordinance
- ❖ 2. Limits
 - Whatever the statute says
 - Constitutional protections


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Contents of an Order





- ❖ Legal authority
- ❖ Description of location
- ❖ Description of problem
- ❖ Requirement to abate
- ❖ Time limit(s)
- ❖ Authorized signature & Date
- ❖ Right to appeal




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 **Service of an Order**


- ❖ In person
- ❖ By mail
- ❖ Posting
- ❖ Publication


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 **Marshall v. Harrison Lumber**

- ❖ Facts & Arguments
 - Who's suing whom, for what?
- ❖ Court History
- ❖ Legal Issues
 - Why?
- ❖ Decision
- ❖ Concurrence and/or Dissent
- ❖ Application




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 **Next Lesson**


**Embargoes, Seizures
and Condemnations**

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 **Assignment for Lesson 9**

- ❖ **Grad:** Chapter 8 - Embargo, Seizure, Condemnation and Destruction of Articles Endangering Public Health, pp.146-161.
- ❖ **Statutes & Regulations:**
 - 21 USC - Federal Food, Drug and Cosmetic Act, §334.
 - 246 WAC 215 - Food Service Sanitation §240)
- ❖ **Required Readings:**
 - Reading #23 - USPHS Food Service Sanitation Manual, Chapter 10.

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 **Assignment** *Continued*

- ❖ **Cases:**
 - **Reading #26** - *Adams v. Milwaukee*, 228 US 572 (1913). [Group A]
 - **Reading #27** - *North American Cold Storage Co. v. City of Chicago*, 211 US 306 (1908). [Group B]
 - **Reading #28** - *Provimi v. United States*, 680 F.2d. 111 (1982). [Group C]
- ❖ **Due:** **February 19, 2004**

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