

VENTURA COUNTY AIR POLLUTION CONTROL DISTRICT

RULE 9 - ARREST AUTHORITY

(Adopted 2/26/74, Revised 3/9/76, Renumbered and Revised 11/21/78, Revised 3/12/96)

Pursuant to the authority vested in the Air Pollution Control Board of the Ventura County Air Pollution Control District by California Penal Code Section 836.5, the Air Pollution Control Officer and certain of his authorized subordinates, as hereinafter provided, shall have the power of arrest without a warrant whenever they have reasonable cause to believe that the person to be arrested has committed a misdemeanor in his presence consisting of a violation of the provisions of Division 26 of the California Health and Safety Code or any Rules or Regulations of the Ventura County Air Pollution Control District.

The persons who are authorized to make arrests as herein provided shall consist of the Air Pollution Control Officer and those of his subordinates, as he shall designate, who are engaged in air pollution control inspection and enforcement for the Ventura County Air Pollution Control District.

In any case in which a person is arrested pursuant to this Rule and the person arrested does not demand to be taken before a magistrate, the arresting officer shall prepare a written notice to appear and release the person on his promise to appear, as prescribed by Chapter 5 (commencing with Section 853.6) of the California Penal Code. The provisions of that Chapter shall thereafter apply with reference to any proceeding based upon the issuance of a written notice to appear pursuant to this Rule.