

# Judge: City of Fresno can't join lawsuit against meat-rendering plant

<http://www.fresnobee.com/2014/02/24/3789149/judge-city-of-fresno-cant-join.html>

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A judge denied the city of Fresno's request to join a citizen group's legal battle against Darling International Inc., a meat rendering plant that southwest area residents contend is a smelly health hazard.

Judge Mark Snauffer said [in his Fresno County Superior Court ruling](#) that the city does not need a court's help to deal with Darling. Fresno has a municipal code that it can enforce, the judge said.

"If the city wants to declare that Darling is not operating under a valid city-issued CUP (conditional use permit) and may not continue to operate without obtaining such a CUP, it is free to do so," Snauffer concluded.

Attorney Jeff Reid, who represented Darling along with fellow attorney Chris Hall, said the city should take Snauffer's ruling as a chance "to reconsider again the support that they need to provide to an extremely important operation that is essential to Fresno's food-processing industry -- and the 3,000 or 4,000 jobs that are part of the city's food processing industry."

Fresno City Attorney Doug Sloan did not return phone calls or an email seeking comment.

The ruling puts the issue back at City Hall, where the first legal salvo began in April 2012 when the citizen group sued both Darling and the city.

In its lawsuit, Concerned Citizens of West Fresno contends Darling is violating municipal code by conducting meat rendering operations without a CUP.

The permit is needed, the group contends, because the plant emits unhealthy noxious odors, forcing residents to shut their windows and stay inside.

The group initially targeted City Hall, too, for allegedly refusing to enforce its own laws. But after more than a year of legal fighting, the city got out of the lawsuit.

Then in December, the city asked Snauffer to let it back into the lawsuit, but this time in support of the group.

Tina Griffin, a supervising deputy city attorney, said at a hearing this month that the city wanted to join the lawsuit because attempts to mediate the issue outside of court had been unsuccessful.

But Reid and Hall said at the Feb. 4 hearing that the plant already has all permits necessary to operate in its current spot on Belgravia Avenue near Church and Fruit avenues.

They also said the plant has a state-of-the-art odor-reduction system and is in compliance with the local air district.

Reid said Monday that the city had issued many permits to the plant and had even developed an industrial park around it.

"And now, 40 years hence, they suddenly express shock that there is a rendering plant going on there," he said. "It's as frustrating to us as the city's efforts to get back into the case have been to the judge. There's a pattern here, and the pattern is the city changing its mind."

In his Feb. 21 ruling, Snauffer said, "this court will not tell the city whether or how to enforce its Municipal Code."

The judge also said it will be up to the city to determine whether Darling is required to apply for a permit, whether to grant the permit and under what conditions to operate if the permit is granted.

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