

**ORDINANCE NO. 10104 (N.S.)
12/08/2010 (23)**

AN ORDINANCE AMENDING THE SAN DIEGO COUNTY CODE RELATING TO
SEWAGE HAULING AND DISPOSAL

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1: Title 6, Division 8, Chapter 6 of the San Diego County Code is amended to read as follows:

SEC. 68.601. PURPOSE.

This Chapter implements Article 1 of Chapter 4 of Part 13 of Division 104 of the California Health and Safety Code (beginning at section 117400) concerning septic tank, chemical toilet, cesspool and sewage seepage pit cleaning, and the transport and disposal of cleanings. This ordinance is intended to protect public health and comfort and the environment.

SEC. 68.601.1. DEFINITIONS.

The phrase “septic tank, chemical toilet, cesspool, or sewage seepage pit” shall be construed to include those things, and any place in which spilled sewage collects, and all other places or means of sewage disposal other than regular sewage treatment plants and collection systems operated by a political subdivision and holding a valid permit from the State of California Department of Health Services.

“SEWAGE” means sewage, constituent parts of sewage, treated sewage, effluents containing sewage, or any other liquid waste contained in or removed from a septic tank, chemical toilet, cesspool, or sewage seepage pit.

A “SEWAGE PUMPING VEHICLE” shall mean any vehicle used for the collection and transportation of sewage.

“REGISTRATION” is an authorization issued by the department to engage in the cleaning of septic tanks, chemical toilets, cesspools, or sewage seepage pits and the transport and disposal of cleanings.

SEC. 68.601.2. DEPARTMENT OF ENVIRONMENTAL HEALTH TO ENFORCE PROHIBITION ON SEWAGE HAULING AND DISPOSAL BY UNREGISTERED PERSONS.

The Director, as the Environmental Health Officer for the County of San Diego, shall implement this Chapter and Article 1 of Chapter 4 of Part 13 of Division 104 of the

California Health and Safety Code. Pursuant to section 117435 of the Health and Safety Code, the Director may require compliance with the terms and conditions set out in this Chapter, and such additional terms and conditions as he deems necessary for the protection of human health and comfort, as conditions of approval for any application for registration. Pursuant to section 117450 of the Health and Safety Code, the Director may issue such additional orders and directions to specific persons subject to this Chapter as he determines are necessary under the circumstances to protect human health and comfort.

SEC. 68.602. EXAMINATION FEE.

Whenever any person not previously registered applies for examination as a septic tank or cesspool cleaner, said examination to be conducted by the Director of the Department of Environmental Health as provided in Section 25004 of the Health and Safety Code of the State of California, he shall pay to the Director of the Department of Environmental Health an examination fee as set forth in Title 6, Division 5, Section 65.107, Paragraph (g) of this Code. No examination shall be administered until the required fee is paid. In the event the applicant is unsuccessful in such examination no part of said examination fee shall be returned to the applicant.

SEC. 68.603. [RESERVED]

SEC. 68.604. REGISTRATION REQUIRED; FEES.

(a) No person or firm shall engage in the business of cleaning of septic tanks, chemical toilets, cesspools, or sewage seepage pits or in the transport or disposal of cleanings except pursuant to and in compliance with an unrevoked registration issued by the Director. Persons and firms required to be registered shall submit an application to DEH on a form provided by the department. Registration must be renewed annually. The initial application for registration and each annual application for renewal shall be accompanied by the base permit fee required in Title 6, Division 5, Section 65.107, Paragraph (g) of this Code.

(b) Registration is not complete until an application is submitted, fees are paid, the applicable examination is taken and passed, identified disposal locations are examined or otherwise verified to be suitable, and the person or firm is notified in writing by the department that the application for registration has been approved by the Director. Renewal of registration is not complete until an application is submitted with the information required by the Director, and fees (including any applicable delinquency fees) are paid. If any information on a registration application is determined to be false or incomplete, or if the applicant has been operating in violation of this code, registration may be denied or revoked.

(c) For purposes of this registration requirement, a person or firm is “engaged in the business” of cleaning septic tanks, chemical toilets, cesspools, or sewage seepage pits or in the transport or disposal of cleanings, and therefore must be registered, if that person or firm solicits business from or contracts with the owner of a septic tank, chemical toilet, cesspool or sewage seepage pit for cleaning services. In addition, any independent contractor who cleans septic tanks, chemical toilets, cesspools, or sewage seepage pits or who hauls cleanings is “engaged in the business” of cleaning septic tanks, chemical toilets, cesspools, or sewage seepage pits. A person or firm that owns or operates a location where cleanings are disposed is not required to be registered if that person or firm receives cleanings only from registered persons or firms and their employees, and takes possession of the cleanings only after they are transported to that disposal site.

(d) For purposes of this registration requirement, an individual who is an hourly or salaried employee of a registered person or firm, who is dispatched by that registered person or firm with instructions to do cleaning at a particular location and to transport cleaning to a particular approved disposal site, is not “engaged in the business” of cleaning septic tanks, chemical toilets, cesspools, or sewage seepage pits.

SEC. 68.604a. ANNUAL REGISTRATION FEE -- 10 PERCENT PENALTY FOR DELINQUENCY.

Expired registrations are not valid. In any case where the applicant has failed to apply for a renewal registration or to pay the applicable fee prior to the expiration of a registration, it shall be unlawful for that person or firm to engage in the business of cleaning septic tanks, chemical toilets, cesspools, or sewage seepage pits or in the transport or disposal of cleaning. Prior to renewal of an expired registration, in addition to the base permit fee, the applicant shall pay a delinquency fee equal to 10 percent of the base fee for each month or fraction of a month after the expiration of the prior registration; provided, however, in no event shall the total delinquency fee be more than 60 percent of the examination fee. Late payment of required fees does not excuse unlawful operations while the registration was expired, and shall not prevent the imposition of any other penalty prescribed by this code or prosecution for violation of this chapter.

SEC. 68.604b. VEHICLE REGISTRATION FEE -- 10 PERCENT PENALTY FOR DELINQUENCY.

There is hereby imposed an annual registration fee for each sewage pumping vehicle. Said registration fee shall be paid to the Director of the Department of Environmental Health as set forth in Title 6, Division 5, Section 65.107, paragraph (g), of this Code. Expired vehicle registrations are not valid. In any case where the applicant has failed to apply for a renewal vehicle registration or to pay the applicable fee prior to

the expiration of a registration, it shall be unlawful for that vehicle to be used to pump or haul sewage. Prior to renewal of an expired vehicle registration, in addition to the base permit fee, the applicant shall pay a delinquency fee equal to 10 percent of the base fee for each month or fraction of a month after the expiration of the prior registration; provided, however, in no event shall the total delinquency fee be more than 60 percent of the examination fee. Late payment of required fees does not excuse unlawful operations while the registration was expired, and shall not prevent the imposition of any other penalty prescribed by this code or prosecution for violation of this chapter.

SEC. 68.605. DOCUMENTATION REQUIRED DURING REGULATED ACTIVITIES.

A registered person or employee of a registered firm, when cleaning a septic system, chemical toilet, cesspool or sewage seepage pit, or transporting or disposing of cleaning, shall have available for immediate inspection a copy of that person's registration; or for an employee, written records showing that the person is employed by the registered firm on an hourly or salaried basis, and was dispatched to a specific pickup location or locations and disposal site by that registered firm.

SEC. 68.606. EQUIPMENT STANDARDS.

(a) All trucks used in the transportation and collection of sewage shall be in good mechanical condition and otherwise maintained in an overall reasonable state of good repair. Said trucks shall have the name, address, and phone number of the permittee displayed on both sides of the vehicle, in letters not less than three (3) inches high. Such lettering shall be permanently affixed to the vehicle by painting, permanent decal, or other method approved by the Director of the Department of Environmental Health.

(b) Trucks used exclusively for pumping and servicing chemical toilets shall have a minimum tank capacity of one-hundred fifty (150) gallons. Trucks used for pumping and servicing cesspools, septic tanks, and seepage pits have a minimum tank capacity of one thousand (1,000) gallons.

(c) Trucks used in the transportation and collection of sewage shall have closed, leakproof steel tanks with water-tight main valves. Each truck shall have an approved pumping system operated by manifold vacuum, power takeoff, or auxiliary engine.

(d) Vacuum hose shall be maintained in a leakproof condition.

SEC. 68.607. FEES DEPOSITED IN TREASURY.

All sums received by the Director of the Department of Environmental Health as fees or charges pursuant to this chapter shall be forthwith deposited with the County Treasurer for the use and benefit of the County.

SEC. 68.608. INSPECTION OF EQUIPMENT.

The Director of the Department of Environmental Health shall inspect all equipment used in cleaning septic tanks, chemical toilets, cesspools and sewage seepage pits owned or under the control of each person registered under the provisions of this chapter at regular intervals. The registered person or firm using equipment that is required to be permitted shall cooperate to facilitate an initial inspection within 90 days after said permit is granted.

SEC. 68.609. REPORTS TO DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL HEALTH.

(a) Whenever a person cleans a septic tank, chemical toilet, cesspool, or sewage seepage pit, that person shall promptly record the event. Every 30 days, the registered person or firm responsible for that activity shall file a complete and accurate report with the Director on the form adopted by department for all such events. Said form shall contain information such as location of septic tanks, chemical toilets, cesspools, and sewage seepage pits, location of the disposal site, where sewage effluent or other material has been finally disposed of, or any other information which the Director of the Department of Environmental Health may require.

(b) The report shall be signed by the registered person or an officer of the registered firm. The Director may require, before or after his initial receipt of a report, that any such report be sworn to before a notary. The registration of any person or firm who fails to submit sworn and notarized reports when required to do so by the Director may be revoked. Making a false statement or a material omission in a required report is a violation of this Chapter, whether the report was or was not required to be sworn.

SEC. 68.610. DUMPING SITES.

No waste shall be deposited in any location other than those approved in writing by the Director.

SEC. 68.611. PENALTY CLAUSE.

Any person violating any provision of this Chapter, or after effective notice and a reasonable opportunity to comply, any director or order issued by the Director pursuant to Section 68.603 of this Code, shall be guilty of a misdemeanor.

SEC. 68.612. ADMINISTRATIVE REMEDIES.

The administrative remedies set out in Chapter 1 of Division 8 of Title 1 of this Code are applicable to violations of this Chapter.

SEC. 68.613. NUISANCE.

Any unsanitary condition or any condition not consistent with public health and comfort that is cause wholly or in part by a violation of this Chapter is a public nuisance, and may be abated by the Director as provided in this Code.

Section 2: This ordinance shall take effect and be in force thirty days after its passage and before the expiration of fifteen days after its passage, a summary hereof shall be published once with the names of the members of this Board voting for and against it in the San Diego Commerce a newspaper of general circulation published in the County of San Diego.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of San Diego this 8th day of December, 2010.