

ORDINANCE NO. 10238 (N.S.)

AN ORDINANCE AMENDING PORTIONS OF TITLE 6
OF THE COUNTY CODE OF
REGULATORY ORDINANCES

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

Section 1. The Board of Supervisors finds and determines that in accordance with Board Policy A-76, Sunset Review Process, the Department of Environmental Health has systematically reviewed the County Code of Regulatory Ordinances and has identified several sections of the County Code that need to be corrected and updated. These changes involve corrections to County Code sections in Title 6 pertaining to Food and Housing, Land and Water Quality, Community Health and Hazardous Materials Management. Accordingly, the Board of Supervisors authorizes the Department of Environmental Health to correct and update the relevant County Code sections in Title 6 to reflect these changes. The provisions of this ordinance shall be operative as of January 4, 2013.

Section 2. Section 61.102 of the County Code is hereby amended to read as follows:

SEC. 61.102. DEFINITIONS.

The following definitions shall apply to this chapter:

- (a) "DEH" means the Department of Environmental Health.
- (b) "Director" means the Director of DEH and any person appointed or hired by the Director to enforce or administer this chapter.
- (c) "Equipment" has the same meaning as the term "equipment" in California Health and Safety Code section 113777.
- (d) "Food" has the same meaning as the term "food" in California Health and Safety Code section 113781.
- (e) "Food facility" has the same meaning as the term "food facility" in California Health and Safety Code section 113789.
- (f) "Food handler" means a person who prepares, handles, packages, serves or stores food or handles utensils, or assists another person in any of those tasks at a food facility that requires a permit pursuant to this chapter.
- (g) "Imminent health hazard" has the same meaning as the term "imminent health hazard" in California Health and Safety Code section 113810.

(h) "Minimal food preparation facility" means for purposes of section 65.107(a), a retail food facility that only serves frozen ice cream, hot dogs, beverages that are not potentially hazardous, coffee or cocoa based beverages that may contain cream, milk or similar dairy products requiring no preparation other than heating, blending, assembly, scooping or dispensing. A minimal food preparation facility also includes an Alcoholic Beverage Control license type 42 or 48 facility, as long as that facility does not engage in slicing, chopping or grinding of raw potentially hazardous foods, reheating for hot holding, washing of foods, or cooking, baking, barbecuing, broiling, frying or grilling any food.

(i) "Prepare" means to package, process, assemble, portion or engage in any operation that changes the form, flavor or consistency of food, but does not include trimming produce.

(j) "Ready-to-eat food" has the same meaning as the term "ready-to-eat food" in California Health and Safety Code section 113881.

(k) "Tableware" has the same meaning as the term "tableware" in California Health and Safety Code section 113926.

(l) "Utensil" has the same meaning as the term "utensil" in California Health and Safety Code section 113934.

Section 3. Section 62.109 County Code is hereby amended to read as follows:

SEC. 62.109. COUNTY VETERINARIAN RESPONSE TO DISEASE OUTBREAKS IN LIVESTOCK.

- a) In response to any outbreak of infectious disease in livestock that could threaten human health, the County Veterinarian, acting under the supervision of the Secretary of Food and Agriculture and in cooperation with the State Division of Animal Health and the County Health Officer when appropriate, may enforce all laws of the State of California and all orders and ordinances of the Board of Supervisors pertaining to that outbreak and for that purpose is hereby empowered and authorized by and with the approval of the Board of Supervisors to establish, maintain and enforce such quarantine, sanitary, testing and immunizing measures or to promulgate such rules and regulations as may be deemed proper and necessary. The County Veterinarian may also supervise examination and testing of animals or premises for the presence of contagious, infectious, or communicable disease.
- b) In the case of any outbreak of infectious disease in livestock that does not threaten human health, the County Veterinarian may request assistance for the County from the State Veterinarian, shall defer to that State official to enforce state laws, and to the extent feasible shall assist that State official. If the State Veterinarian is unable to respond, then the County Veterinarian may require examination and testing of animals or premises for the presence of contagious, infectious, or communicable disease and also investigate, make diagnosis of, and institute control measures for any suspicious case of rabies of animals reported by the Health Officer or any other person or agency. A report of such investigation shall be furnished to the Health Officer.

Section 4. Section 61.110 of the County Code is hereby amended to read as follows:

SEC. 62.110. COUNTY VETERINARIAN MAY ENTER PREMISES.

The County Veterinarian is hereby empowered to enter any premises where livestock is kept, or on which there is reason to believe that livestock is kept, in order to carry into effect the provisions of this chapter.

Section 5. Section 62.117 of the County Code is hereby amended to read as follows:

SEC. 62.117. TESTS FOR LIVESTOCK DISEASES -- FEE.

At such times and places within the County as determined by the County Veterinarian, in accordance with their authority and duties prescribed by law, may require such tests as may be required to make proper diagnosis of various conditions and diseases in livestock as may be authorized from time to time by the Board of Supervisors. The County Veterinarian may issue health certificates based on their findings resulting from required tests or from such livestock examinations as may be authorized by law. The fees for health certificates shall be collected in advance by the County Veterinarian and shall be as specified by the Board of Supervisors.

Section 6. Section 62.130 of the County Code is hereby amended to read as follows:

SEC. 62.130. QUARANTINE OF IMPORTATIONS FROM OTHER COUNTIES.

When the County Veterinarian shall have determined that an infectious disease exists among livestock in any other county or area of the State of California and the importation of livestock from such county or area might spread such disease among livestock within the County of San Diego, the County Veterinarian may notify the State Veterinarian and request assistance in implementing an appropriate quarantine to eliminate any danger of the livestock within the County of San Diego being exposed to infection from such disease.

Section 7. Section 62.131 of the County Code is hereby amended to read as follows:

SEC. 62.131. QUARANTINE WITHIN COUNTY.

Upon information received by the County Veterinarian of any infectious disease affecting livestock within the County of San Diego, the County Veterinarian may investigate the same. Upon discovery of any infectious disease affecting livestock in the County of San Diego, the County Veterinarian may establish such quarantine, sanitary testing, immunizing, and police regulations as may be necessary to control or eradicate such disease and prevent the spread thereof to other livestock. The County Veterinarian may quarantine any livestock which may have been exposed to infection from such diseased livestock or which may have been located upon the land or premises where such diseased livestock has been kept, and thereafter it shall be unlawful for any person to break such quarantine or to move or allow to be moved any such livestock from within the premises thus quarantined, or across the quarantine line so established without first obtaining from the County Veterinarian a permit to do so. If the County Veterinarian shall deem it proper to issue such a permit after inspection the County Veterinarian

may cause such livestock, premises, vehicles of transportation, and any infected materials equipment or effects to be properly cleaned and disinfected.

Section 8. Title 6, Division 2, Chapter 8 of the County Code related to disposal of dead animals is hereby amended to read as follows:

SEC. 62.801. PURPOSE.

Improper disposal of dead animals may be hazardous to human health or the health of other animals and may spread disease, cause noxious odors or become a breeding or harborage ground for rodents or other pests. This chapter makes it unlawful for a person in the unincorporated area of the County to place or deposit a dead animal on certain locations on private property, for a property owner or tenant to allow a dead animal improperly placed or deposited to remain on private property or for a person to bury a dead animal on private property in a manner that is hazardous to health. This chapter also provides the Director may abate a public nuisance on property involving a dead animal to protect the public health and safety.

SEC. 62.802. DEFINITIONS.

As used in this chapter the term "dead animal" means the carcass or tissue from an animal, large or small, except part or parts of an animal used for food or other beneficial purpose in accordance with federal, state, and local laws and regulations. "Dead animal" does not mean a fish or other primarily aquatic animal.

SEC. 62.803. PROHIBITION AGAINST DEPOSITING OR KEEPING DEAD ANIMALS ON PRIVATE PROPERTY.

(a) To the extent not prohibited by Penal Code section 374d, no person shall deposit a dead animal or allow a dead animal to remain on any private property in the unincorporated area of the County, within a quarter of a mile of a park, County highway, State highway, other public highway, road or alley or a dwelling or other structure used or occupied by a person or in any standing or running water, water well or open excavation.

(b) No person shall bury a dead animal on property in the unincorporated area of the County unless every part is covered by at least three feet of soil and the burial location is at least one hundred feet from any well, spring, stream or other surface water, not in a low-lying area subject to seasonal flooding and not likely to contaminate groundwater. (c) A dead animal deposited or allowed to remain on property or buried on property in violation of this section is declared to be a public nuisance.

SEC. 62.804. UNLAWFUL TO DISPOSE OF DEAD ANIMAL IMPROPERLY.

It shall be unlawful for a person who owns, harbors, keeps or has custody of an animal to dispose of the dead animal or engage another person to dispose of the dead animal in violation of this chapter.

SEC. 62.805. OWNER OR OCCUPANT OF LAND TO REMOVE DEAD ANIMAL.

The owner, tenant in possession and any other person having control of property on which a dead animal has been deposited or is remaining in violation of section 62.803 shall remove the dead animal from the property and dispose of it lawfully or dispose of the dead animal on the property lawfully.

SEC. 62.806. ABATEMENT OF DEAD ANIMAL BY DIRECTOR.

In the event a dead animal is deposited or allowed to remain upon property in violation of section 62.803 the Director may abate the dead animal pursuant to sections 16.201 et seq. and recover the County's abatement costs as provided in those sections.

Section 9. Title 6, Division 4, Chapter 1 of the County Code relating to nuisances is hereby amended to read as follows:

SEC. 64.101. DUTY OF DIRECTOR.

It shall be the duty of the Director, under the direction and control of the Board of Supervisors, to enforce all laws, ordinances, and rules and regulations relating to the protection of the public's health through environmental means, including but not limited to: prevention of sickness, nuisances or sanitation within the County.

SEC. 64.102. RESISTING DIRECTOR.

It is unlawful for any person to resist or attempt to resist the entrance of the Director into any railroad car, stage, vehicle, building, room, lot or other place in the County in performance of his duty, or to refuse to obey any lawful order of the Director when made in performance of his duties or within the powers conferred by this chapter or by law.

SEC. 64.103. VIOLATION -- INFRACTION -- MISDEMEANOR.

(a) Except as provided in subsection (b), any person violating any provision of this chapter shall be deemed guilty of an infraction.

(b) A person convicted of a third or subsequent violation of this chapter within two years from the date of the first conviction shall be deemed guilty of a misdemeanor.

(c) Each day on which a violation occurs or continues shall constitute a separate offense.

SEC. 64.104. ABATEMENT OF NUISANCES.

It shall be the duty of the Director or his or her authorized agent, when necessary to secure the public health, to enter upon the premises or in the house or other place of any person to discover or inspect any nuisance that may there exist, to inspect drains, vaults, cellars, cesspools, water closets, privies, or sewers, or the yards of such premises, to examine into their condition, and when satisfied that any such premises, house or place used for lodging or other purposes are improperly constructed or liable from overcrowding or filth to become dangerous to the public health, or to disseminate contagious or infectious disease, or are not provided with privies, water

closets or with sewers, drains or cesspools properly tapped, they or any of them shall serve a written Notice and Order to Abate upon the owner or other person in accordance with the Uniform Public Nuisance Abatement Procedure contained in Chapter 2, Division 6, Title 1 (commencing with Section 16.201) of this Code or any other procedure permitted by law.

SEC. 64.105. NOTIFICATION OF NUISANCE.

Whenever a nuisance endangering, in the opinion of the Director, the public health shall be ascertained to exist on any premises, or in any house or other place in any city, town or township, the Director shall notify in writing any person or persons owning or having control of, or acting as agent for, such premises, house, or other place, to abate or remove such nuisance within a reasonable time, to be stated in such notice. The notice may be given in accordance with the Uniform Public Nuisance Abatement Procedure contained in Chapter 2, Division 6, Title 1 (commencing with Section 16.201) of this Code or any other procedure permitted by law.

SEC. 64.106. RECOVERY OF COST OF ABATEMENT.

Upon the neglect or refusal of any owner, occupant or agent, or other person having control of such house, or other place to comply with such notice, the Director may abate such nuisance, and the owner, agent, or occupant, or other person having control of such house, or place, in addition to the penalty provided by this chapter, shall be liable to the County for the cost of such abatement, to be recovered in a civil action in any court of competent jurisdiction or in accordance with the Uniform Public Nuisance Abatement Procedure contained in Chapter 2, Division 6, Title 1 (commencing with Section 16.201) of this Code.

SEC. 64.107. RECOVERY OF EMERGENCY RESPONSE EXPENSES.

(a) Those expenses of an emergency response necessary to protect the public from a real and imminent threat to health or safety, or to prevent an imminent substantial danger to domestic livestock, wildlife or the environment, incurred by an officer or employee of the County of San Diego to confine, prevent or mitigate the release, escape or burning of any hazardous substance, or hazardous waste, are a charge against any person whose negligence causes the emergency conditions. The charge created against the person by this subdivision (a) is also a charge against the person's employer, if negligence causing the emergency conditions occurs in the courses of the person's employment.

(b) Those expenses of an emergency response necessary to protect the public from a real and imminent threat to health or safety or to prevent an imminent substantial danger to domestic livestock, wildlife or the environment incurred by an officer or employee of the County of San Diego to confine, prevent or mitigate the release or escape of any hazardous substance, hazardous waste, or flammable material are a charge against any person who causes such emergency conditions by violating or being in violation of any law relating to the generation, transportation, treatment, storage, recycling, disposal or handling of such hazardous substance, hazardous waste or flammable material, including, but not limited to the provisions of Chapters 6.5 and 6.7 of Division 20 of the California Health and Safety Code, or any permit, rule, regulation, standard, or requirement issued or adopted pursuant thereto, or by illegally

manufacturing, storing, selling, transporting or disposing a controlled substance or the waste products of such.

(c) Persons who may be liable pursuant to subdivisions (a) and (b) of this section shall include, but not limited to, present or prior owners, lessees, or operators of the property where the hazardous substance, hazardous waste, or flammable material is located and procedures, transporters or disposers of such hazardous substance, hazardous waste, flammable material or controlled substance.

(d) Expenses reimbursable to the County pursuant to this section are a debt of the person or persons liable therefore, and shall be collectible in the same manner as in the case of an obligation under contract, express or implied.

(e) The meaning of all terms in this section, not otherwise defined, shall be set forth in the California Health and Safety Code.

(f) "Controlled substance" means any substance defined as a "controlled substance in section 11007 of the California Health and Safety Code."

(g) "Hazardous substance" means any hazardous substance listed in section 25316 of the California Health and Safety Code or in section 6382 of the California Labor Code.

(h) "Hazardous waste" means any waste, or combination of wastes that would constitute a hazardous waste pursuant to section 25117 of the California Health and Safety Code, including an "extremely hazardous waste" as defined in section 25115 of the California Health and Safety Code.

(i) "Flammable material" means any material which constitutes a flammable material pursuant to the Uniform Fire Code (2000 Edition), which has been adopted by reference, with certain exceptions, by the County of San Diego (San Diego County Code, section 96.1.001).

(j) Expenses reimbursable to the County pursuant to this section include, but are not limited to, personnel costs, costs of equipment usage, the cost of supplies, contract service costs, administrative and overhead costs, and the cost of legal services incurred in the emergency response. Corrective actions which may be taken in an emergency response include, but are not limited to, prevention, suppression, extinguishment, abatement, removal, disposal, cleanup, mitigation, transportation, temporary storage, and all activities reasonably related thereto, including testing, sampling and staff work necessary to assess, evaluate and characterize the emergency condition and to formulate appropriate plans for corrective actions.

(k) Whenever emergency response expenses have been incurred for the purposes specified in subdivision (a) of this section, the county officer or officers incurring said expenses shall calculate the amount of expenses incurred, identify the person or persons liable for reimbursement, and promptly send out by certified mail, an invoice of all appropriate charges to all responsible parties. If said charges are not paid within thirty (30) days from the date of the

invoice, said matter may be referred to the County Counsel, or Revenue and Recovery, who shall be authorized to take all appropriate action, including bringing suit, for collection of the charges.

Section 10. Section 64.207 of the County Code is hereby amended to read as follows:

SEC. 64.207. APPEAL PROCEDURE AND FEE.

(a) A property owner may appeal a Notice and Order to Abate by filing a written request for a hearing to the Clerk (Clerk) of the Board of Supervisors, stating the grounds for the appeal, contain the name, mailing address and telephone number of the appellant and be accompanied by the appeal fee.

(b) The fee to appeal a Notice and Order to Abate issued pursuant to this chapter shall be the same fee as the Board periodically establishes, based on the County costs incurred, to appeal a Notice and Order to Abate under the County Public Nuisance Abatement procedure in sections 16.201 et seq. If the hearing officer finds there is no public nuisance the Clerk shall refund the fee without interest.

(c) If the appellant claims an economic hardship in paying the appeal fee, the appellant may apply for a waiver of the appeal fee on forms provided by the Clerk for that purpose. The forms shall be substantially similar to those required of litigants initiating court proceedings in forma pauperis pursuant to Government Code section 68511.3. The appellant shall execute the forms under penalty of perjury and contain a declaration as to the truthfulness and correctness of the information contained in the forms that an appellant qualifies for a waiver under this section the Clerk shall allow the appeal to go forward without the appellant paying the appeal fee. If the appellant timely files an appeal and demonstrates good cause the Clerk may grant the appellant up to two additional days to complete and submit the waiver forms. If the appellant fails to timely submit the waiver forms or pay the appeal fee the appellant's request for appeal shall be automatically denied and the Director may enforce the order to abate as if the appellant did not submit an appeal request.

(d) When a property owner submits a timely request for appeal to the Clerk, the Clerk shall set the matter for hearing, assign the appeal to a hearing officer by selecting a hearing officer on a rotating basis from the list of appointed hearing officers and provide at least ten days written notice to the appellant and the Director of the time, date and location of the hearing.

(e) A hearing under this chapter shall be conducted in the same manner as a hearing under section 16.209, except that the hearing officer shall also accept written testimony and may assign the appropriate weight to the written testimony based upon the hearing officer's determination as to the testimony's reliability.

(f) The request for hearing shall stay the effect of the Notice and Order to Abate until the time specified for compliance in the hearing officer's decision if the hearing officer upholds the notice and order.

Section 11. Section 64.211 of the County Code is hereby amended to read as follows:

SEC. 64.211. RECOVERY OF COSTS AND CIVIL PENALTIES.

(a) The Director may bill the property owner by U.S. mail to recover the County's cost in abating a public nuisance, taking other action to prevent the recurrence of the public nuisance and any civil penalties the Director assessed. If the property owner does not pay the bill within 15 days the Director shall request the Clerk of the Board schedule a hearing with a County hearing officer. With the request the Director shall submit to the Clerk an itemized written cost report including a copy of each invoice from each private contractor who performed any of the work included in the cost report.

(b) When the Director requests the Clerk of the Board schedule a hearing under this section the Clerk shall select a hearing officer and schedule a hearing in the same manner as provided in section 64.207. With the notice of hearing sent to the property owner, the Clerk shall include a copy of the Director's cost report.

Section 12. Section 64.212 of the County Code is hereby amended to read as follows:

SEC. 64.212. POST-ABATEMENT HEARING.

(a) A hearing officer conducting a hearing requested by the Director pursuant to 64.211 shall follow the same hearing procedures as provided in section 64.207 .

(b) The hearing officer conducting a post-abatement hearing shall review the abatement costs, the costs to prevent the recurrence of the public nuisance abatement and the amount of civil penalties the Director assessed. In reviewing the costs, the hearing officer shall determine whether the costs are reasonable for the work performed. In cases where the Director acted pursuant to a Notice and Order to Abate, the hearing officer shall not review whether a public nuisance existed or whether it was necessary for the Director to take action to prevent the recurrence of the public nuisance. Where the Director summarily abated a public nuisance the hearing officer shall also review whether a public nuisance existed.

(c) The hearing officer may consider the following factors when reviewing the amount of civil penalties: the duration of the public nuisance, the nature and extent of the public nuisance, what action the owner took after first being made aware of the public nuisance, the frequency or recurrence of the public nuisance condition, the economic impact of the penalties on the property owner and any other factors the interests of justice require the hearing officer consider.

(d) At the conclusion of the hearing, the hearing officer shall make written findings of fact and conclusions of law. In cases where the Director acted pursuant to a Notice and Order to Abate, the hearing officer shall determine the amount of costs and civil penalties to allow. Where the Director summarily abated a public nuisance, the hearing officer shall decide whether a public nuisance existed and if so, the amount of costs to allow. The hearing officer shall file a decision with the Clerk within seven days of the conclusion of the hearing. If the hearing officer finds for the Director, in whole or in part, with the decision the hearing officer shall also issue a separate Notice of Abatement Lien that shall provide the name of the record owner of the property, the last known address of the record owner, the last date that work was performed on the property to abate a public nuisance and to prevent the recurrence of the public nuisance, the

amount of costs and the amount of civil penalties awarded against the property owner and the parcel number and if applicable, the address of the real property subject to the lien. If more than one parcel is involved, the hearing officer's decision shall state which costs and penalties are awarded against each parcel and the hearing officer shall issue a separate Notice of Abatement Lien for each parcel for which the hearing officer makes an award in favor of the County. The hearing officer's decision shall be final when it is filed with the Clerk. The Clerk shall send the decision to the appellant by U.S. mail and provide a copy to the Director.

Section 13. Section 64.308 of the County Code is hereby amended to read as follows:

SEC. 64.308. FLY CONTROL THROUGH MANURE MANAGEMENT STANDARDS.

(a) A commercial poultry ranch owner or operator who employs the drying and coning operation method of manure management shall comply with the following requirements for the prevention and control of fly breeding unless otherwise approved by the Director and specified in the approved annual proposal:

(1) The process shall begin on at least a six inch pad of dry manure to harbor predators and parasites and to provide absorbent surface for fresh droppings, unless otherwise approved by the Director. A proportionately deeper pad of dry manure shall be required if the area beneath the poultry cages is below the levels of the aisles.

(2) Any system used for watering the poultry shall be maintained to prevent water from reaching the manure and feed.

(3) All wet manure created by water leaks or poultry shall be thoroughly removed and, if necessary, be replaced with an adequate base of dry poultry manure.

(4) Whenever manure is removed from under the cages a six inch pad of dry manure shall be left to provide absorbent surfaces, facilitate the forming of new cones and maintain a habitat for predators and parasites. This may be done by one of the following methods:

(A) Removing every other row and then pushing half of the manure from the remaining row into the "cleaned out" row.

(B) Cleaning so as to leave at least a six inch pad of dry manure in each row.

(C) Cleaning out all manure and replacing it with at least a six inch pad of dry manure.

(5) The poultry house aisles and adjacent areas shall be cleaned of feathers and other debris at intervals specified in the approved annual proposal to eliminate pupation areas for fly larvae.

(b) A commercial poultry ranch owner or operator who employs the frequent manure removal operation method of manure management shall comply with the following requirements unless otherwise approved by the Director and specified in the approved annual proposal:

(1) Manure shall be removed from under poultry cages at least once weekly or more frequently if necessary to prevent larvae and pupae from completing their life cycles and emerging as adult flies.

(2) Whenever manure is removed from underneath poultry cages larvae and pupae shall also be removed from the aisle and adjacent areas.

(3) The aisles and adjacent areas of the poultry housing shall be cleaned of feathers and other debris at intervals specified in the approved proposal to prevent larvae and pupae from completing their life cycles and emerging as adult flies.

Section 14. Section 64.309 of the County Code is hereby amended to read as follows:

SEC. 64.309. MANURE MANAGEMENT STANDARDS.

(a) Manure removed from a ranch shall be managed and disposed of in a manner that will not cause a threat to the public health and safety from fly breeding at any other location.

(b) Manure on the ranch shall be disposed of by any of the following methods, provided that there is sufficient area available for whichever method is selected, unless otherwise approved by the Director and specified in the approved annual proposal:

(1) Incorporating manure into an effective rolling windrow decomposing or drying operation that prevents any larvae and pupae in the manure from completing their life cycle.

(2) Spreading manure thinly to dry on a manure pad or designated area and harrowing often enough to dry or discing manure under, provided that fly larval migration, pupation and adult emergence is prevented.

Section 15. Section 64.310 of the County Code is hereby amended to read as follows:

SEC. 64.310. STANDARDS FOR CONTROL OF OTHER FLY BREEDING SOURCES.

(a) Dead poultry shall be removed from poultry housing at least once a day and immediately disposed of by one of the following methods, unless otherwise approved by the Director and specified in the approved annual proposal:

(1) Placed in a fly-tight container or structure for the proper off-site removal. Dead poultry shall be removed from the ranch at least weekly. Containers and structures shall be kept clean to prevent fly breeding.

(2) Placed in a fly-tight disposal pit.

(3) Incinerated or cremated.

(4) Placed in manure on a dry pad for an effective decomposition process.

(b) Waste eggs shall be disposed of by one of the following methods, unless otherwise approved by the Director and specified in the approved annual proposal:

- (1) Placed daily in the dead poultry disposal pit.
- (2) Placed in a fly-tight container or structure and removed from the ranch at least weekly.
- (3) Placed in rolling windrows or thin bed dried.

Waste eggs shall not be disposed of in manure underneath a poultry cage.

(c) Spoiled, unused, spilled feed shall be managed by one the following methods, unless otherwise approved by the Director and specified in the approved annual proposal:

- (1) Feed storage areas kept dry.
- (2) Frequent removal and proper disposal of spoiled, unused and spilled feed.
- (3) Place spoiled, unused or spilled feed in rolling windrows or thin bed drying.

(d) Spent hens shall be disposed of by one of the following methods, unless otherwise approved by the Director and specified in the approved annual proposal:

- (1) Picked up by a rendering company.
- (2) Sold for any legal use.
- (3) Placed on the dry pad in the manure and into an effective decomposition process, provided that fly larval migration, pupation and adult emergence is prevented. A ranch owner or operator using this method shall notify the Director within 24 hours whenever spent hens are removed from poultry houses and placed into the decomposition process.

Section 16. Section 64.313 of the County Code is hereby amended to read as follows:

SEC. 64.313. REINSPECTION FEE.

If the FAAB issues an order of abatement to correct a fly breeding hazard to any commercial poultry ranch owner or operator, the Director shall reinspect the ranch to determine if the rancher has complied with the abatement order. The rancher shall pay the Director a \$50 reinspection fee within 30 days from the date the Director bills the rancher for the reinspection fee. If the reinspection fee is not paid on or before the due date, the rancher shall also owe a penalty as provided in section 65.105 of this code.

Section 17. Section 65.102, of the County Code is hereby amended to read as follows:

SEC. 65.102. ANNUAL INSPECTION FEE FOR ENVIRONMENTAL HEALTH REGULATED ACTIVITIES.

Every person applying for a permit, license or registration for a food establishment, apartment house or hotel, organized camp, public swimming pool, sewage pumping vehicle, unified program facility or other environmental health regulated business or facility for which an annual or one time permit, license or registration is required under the provisions of this Code and issued by the Director shall at the time of making application for the permit, license or registration pay the permit, license or registration fees, as set forth in Section 65.107.

Section 18. Section 65.103, of the County Code is hereby amended to read as follows:

SEC. 65.103. INVESTIGATION BY DEPARTMENT OF ENVIRONMENTAL HEALTH.

Upon receipt of such application, accompanied by the required fee, it shall be the duty of the Director to investigate the matters set forth in such application, and the sanitary conditions in the place where it is proposed to conduct the business or activity mentioned in the application, or in the case of a unified program facility investigate the conditions in and about the place where it is proposed to conduct the activities subject to the unified program requirement specified in the application. If the Director determines that the statements contained in the application are true, and that the existing sanitary conditions in the place mentioned in said application comply with the provisions of law, or in the case of a unified program facility the facility complies with unified program facility requirements of this Code and State laws, a permit, license or registration shall thereupon be granted. Such permit, license, or registration shall be granted only upon the express condition that it shall be subject to revocation or suspension by said Director upon a showing satisfactory to said Director of a violation by the holder of such permit or any person acting with their consent or under their authority, of any applicable provision of law regulating places or activities of the character for which the permit, license, or registration is granted.

Section 19. Section 65.105, of the County Code is hereby amended to read as follows:

SEC. 65.105. DELINQUENT PAYMENTS.

A. Any fee which is not paid by the annual permit expiration date, or for invoiced fees other than annual permits, thirty (30) days from the invoice date, is delinquent.

B. In any case where a fee is delinquent, an initial delinquent fee of fifty dollars (\$50) or an amount equal to 50% of the fee, whichever is less, shall be added to and collected with the required fee.

C. In any case where a fee is delinquent, and the annual permit fee or invoiced fee and the initial delinquent fee are not paid on or before the last day of the month following the annual permit expiration date, or for invoiced fees other than annual permits, thirty (30) days from the invoice date, an additional delinquent fee of one hundred (\$100) or an amount equal to 100% of the fee, for a total delinquent fee of one hundred-fifty dollars (\$150) or 150% of the fee, whichever is less, will be added to and collected with the required fee.

D. The imposition of or payment of the delinquent fee imposed by this section shall not prevent the imposition of any other penalty prescribed by this code or any ordinance nor prosecution for violation of this code or any ordinance.

E. The delinquent fee may be waived by the Director in case of error made by Department of Environmental Health staff, in case of circumstances beyond the control of the applicant, or when the applicant has not held an environmental health permit during the past five years, and was unaware that an environmental health permit was required.

Section 20. Section 65.107, of the County Code is hereby amended to read as follows:

SEC. 65.107. FEES.

The fee for each permit, plan review, license or registration issued or investigation performed pursuant to the provisions of this division is set forth herewith:

(a) FOOD FACILITY PERMIT FEES: As required by Part 7 (Commencing with Section 113700) of Division 104 of the California Health and Safety Code, California Retail Food Code.

(1) For restaurants.

1 to 10 employees: \$593

11 to 25 employees: \$708

26 to 100 employees: \$858

101 or more employees: \$1,572

For each restaurant type food facility unit in excess of 3 at the same location: \$590

Resort/entertainment complexes or food facilities with more than three (3) food preparation areas under one common permit: \$1,690

For each food facility unit in a resort/entertainment complex unit in excess of 3 at the same location: \$590

Minimal Food Preparation: (defined in section 61.102(h) and Restricted Food Service Facilities (defined in the California Health and Safety Code section 113893): \$397

(2) For Miscellaneous Food Facilities including Candy Stores, Concession Stands, Pre-packaged Non-Potentially Hazardous Foods, Swap Meet Vendor without Temporary Event Organizer (defined in California Health and Safety Code section 114335a), Catering Equipment Rentals and Retail Food Delivery (delivery of food made at a retail food facility to another location by a person other than an employee of the retail food facility where the food was prepared): \$134

(3) – (6) No

(7) For food facility commissary or vending commissary (headquarters):

Vending machine or prepackaged food facility commissary: \$271

Unpackaged Mobile Food or Food Preparation Commissary: \$321

(8) – (19) No change

(b) HOUSING PERMIT FEES--INSPECTION FEES FOR APARTMENT HOUSE OR HOTEL :

(1) For each apartment house or hotel containing three or more units: \$125

(2) For each unit in excess of three (3): \$2

"UNIT" shall mean each apartment in an apartment house and each sleeping room in a hotel, and each apartment and each hotel sleeping room in a building, containing both apartments and hotel sleeping rooms.

Separate apartment house buildings and separate hotel buildings, or combination thereof, located upon a single parcel of land or contiguous parcels of land or under the same ownership shall be treated as one apartment house or hotel for the purpose of computing the fee prescribed by this section.

(3) Non-profit housing: \$143

(4) Unscheduled reinspection or unpermitted housing complaint investigation with a confirmed violation fee: Hourly rate as specified in section (m)(5).

c) – (l) No change

(m) MISCELLANEOUS DEPARTMENT FEES:

(1) For each duplicate permit, license or registration as provided for in Section 61.110 or 68.905: \$18

(2) Health regulated business name change: \$30

(3) Copies of Documents per page: \$.20

(4) Vector Control Technician hourly rate for which no fee is specifically indicated (minimum charge one hour, each additional ½ hour will be charged one half of the hourly rate): \$126

(5) Environmental Health Technician hourly rate for which no fee is specifically indicated (minimum charge one hour, each additional ½ hour will be charged one half of the hourly rate): \$81

(6) Environmental Health Specialist hourly rate for which no fee is specifically indicated (minimum charge one hour, each additional ½ hour will be charged one half of the hourly rate): \$142

(7) Expedited services will be provided at the request of the customer when possible. These services will be provided by staff working paid overtime. Costs will be recovered by charging one and a half times the hourly rate specified in Section (m)(5).

(8) Cost for services provided for which a deposit is required will be at the hourly rate specified in Section (m)(5). Costs for expedited services provided for which a deposit is required will be at one and a half times the hourly rate specified in Section (m)(5).

(9) FEE WAIVER FOR STRUCTURES DAMAGED OR DESTROYED BY NATURAL DISASTER. Notwithstanding the fees otherwise specified in Section 65.107, said fees may be waived for an applicant who is rebuilding legally built structures which have been damaged or destroyed by a wildfire or other natural disaster and which are located within the boundaries of a geographic area which has been declared by resolution of the Board of Supervisors to be eligible for this fee waiver. The fee waiver shall not apply to any portion of a new structure which exceeds the square footage of the structure which is being replaced.

(10) Fees for sample collection, laboratory costs, and project oversight shall be assessed at the approved hourly rate as specified in Section 65.107(m) and for all laboratory costs associated with sampling and analysis.

(11) The following fees shall be paid to the Department of Environmental Health for the specified services:

ACTIVITY	FEE AUTHORITY (1)	FEE AMOUNT
Agricultural services of County Veterinarian:	//////////	////////// /
Agriculture necropsy	CC Art. 11 Sec.7	\$60
Disposal (Charge per barrel)	CC Art. 11 Sec.7	\$50
Save body	CC Art. 11 Sec.7	\$20
Agriculture histology	CC Art. 11 Sec.7	\$20
Serology/Newcastle	CC Art. 11 Sec.7	\$15
Other tests, agriculture	CC Art. 11 Sec.7	\$25
Additional lab fee	CC Art. 11 Sec.7	\$20

Veterinarian (Public & Non-Ag/Non-Disease Surveillance):	//////////	//////////
Save body	CC Art. 11 Sec. 7	\$20
Gross Necropsy Exam (Domesticated)	CC Art. 11 Sec.7	\$235
Microscopic Analysis	CC Art. 11 Sec.7	\$224
Pathogen Culture and Identification	CC Art. 11 Sec.7	\$107
Fecal Analysis and Serology	CC Art. 11 Sec.7	\$52
Antibiotic Sensitivity Testing	CC Art. 11 Sec.7	\$114
Biopsy	CC Art. 11 Sec.7	\$56
Wildlife Services Site Visits	CC Art. 11 Sec.7	\$100/site visit

(1) CC = California Constitution

SPECIAL PROJECTS:

Special Projects include, but are not limited to, preparation for and speaking at public workshops, engagements, meetings, preparation of reports, review of reports or documents, and/or research. Fees for special projects shall be calculated and will be charged using the standard hourly billing rates set forth below.

CLASS	CLASS TITLE	HOURLY RATE
2120	County Veterinarian	\$194
4230	Veterinary Pathologist	\$145
4317	Disease Research Scientist	\$74

Section 21. Section 65.109 of the County Code is hereby amended to read as follows:

SEC. 65.109. REFUNDS.

(a) The Director shall authorize the refunding of any Department of Environmental Health fee which was erroneously paid or collected when no fee was due.

(b) The Director shall authorize the refunding of any excess fee paid for which no service costs have been incurred, if the excess payment was more than \$10, and may authorize refunds where an excess payment was \$10 or less.

(c) The Director may authorize the refunding of that portion of a fee paid which is in excess of service costs incurred prior to a refund request being made.

(d) Every applicant for an environmental health fee refund of \$10 or less or for any refund where service costs have been incurred, shall file with the Department of Environmental Health a written application on a form prescribed by said Department.

Section 22. Section 66.607 of the County Code is hereby amended to read as follows:

SEC. 66.607. OPERATING REQUIREMENTS.

All bathhouse permittees shall comply with the following operating requirements:

(a) Every portion [portion] of a public bathhouse, including appliances, apparatus, and personnel, shall be kept clean and operated in a sanitary condition.

(b) All employees shall be clean and wear clean outer garments. Provision for separate dressing rooms for each sex must be available on the premises, with individual lockers for each employee. Doors to such dressing rooms shall open inward and shall be self-closing.

(c) All bathhouses shall be provided with clean laundered sheets and towels in sufficient quantities and shall be laundered between consecutive uses thereof and stored in an approved sanitary manner. No towels or sheets shall be laundered or dried in any public bathhouse unless such establishment is provided with approved laundry facilities for such laundering and drying. Approved receptacles shall be provided for the storage of soiled linens and paper towels.

(d) Wet and dry heat rooms, shower compartments, and toilet rooms shall be thoroughly cleaned each day the business is in operation. Bathtubs shall be thoroughly cleaned after each use.

(e) Provide educational programs for patrons in accordance with standards promulgated by the Health and Human Services Agency in consultation with the San Diego County Regional Task Force on AIDS.

Section 23. Section 66.621 of the County Code is hereby amended to read as follows:

SEC. 66.621. HEALTH AND SANITATION REQUIREMENTS AND REGULATIONS.

Every bathhouse shall be maintained and operated in a clean and sanitary manner. All bathhouses shall comply with all applicable building, health, zoning and fire laws of the County of San Diego. In addition, the Sheriff and the Director may, after a noticed public hearing, adopt and enforce reasonable rules and regulations not in conflict with, but to carry out, the intent of this chapter. All bathhouse operators holding a valid permit shall be given written notice of the public hearing, including a copy of the proposed regulations, at least ten days prior to the date of the hearing. In addition, notice of the public hearing and a summary of the proposed regulations shall be published in an appropriate newspaper of general circulation one time at least ten days prior to the public hearing. The rules and regulations shall include reasonable requirements to protect the health and safety of bathhouse patrons, including reasonably necessary requirements for educational programs and other measures for the prevention and control of the spread of Acquired Immune Deficiency Syndrome (AIDS) and other infectious or communicable diseases.

Section 24. Section 66.623 of the County Code is hereby amended to read as follows:

SEC. 66.623. DENIAL, SUSPENSION OR REVOCATION OF PERMIT.

Any permit issued pursuant to this chapter may be suspended or revoked by the Sheriff on proof of violation by the permittee of any provisions of state law, this chapter, County ordinances or any rules or regulation adopted and approved pursuant to Section 66.621, or in any case where the Sheriff, on the advice of the Director, determines the bathhouse is being managed, conducted, or maintained without regard of the public health, or the health of patrons or customers, or without due regard to proper sanitation or hygiene. Where a permit is denied or a permit renewal is denied, or where a permit is suspended or revoked by the Sheriff, such denial, suspension, or revocation may be appealed by the permit applicant or permittee in accordance with the provisions of the Uniform Licensing Procedure set forth in Chapter 1 of Division 6 of Title 1 of this Code.

Section 25. Section 66.6901 of the County Code is hereby amended to read as follows:

SEC. 66.901. DIRECTOR TO ENFORCE STATE HOUSING LAW.

The Director, in addition to his other duties, is hereby designated as the officer to enforce and is charged with the enforcement of the provisions of the State Housing Law pertaining to sanitation, ventilation, use or occupancy of apartment houses, dwellings and hotels within the unincorporated territory of the County.

Section 26. Section 66.903 of the County Code is hereby amended to read as follows:

SEC. 66.903. DEFINITIONS.

For the purpose of this chapter, unless otherwise specified, the following word or words shall have the following meaning:

APARTMENT HOUSE means any building or portion thereof which contains three or more dwelling units.

DWELLING UNIT means any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking, and sanitation, for not more than one family and for the purpose Chapter 1, Division 9, Title 6 includes rented residences.

GUEST means any person hiring or occupying a room for living or sleeping purposes.

GUEST ROOM means any room or rooms used or intended to be used by a guest for sleeping purposes.

HOTEL means any building containing six or more guest rooms intended or designed to be used, or which are used, rented, or hired out to be occupied, or which are occupied for sleeping purposes by guests.

Section 27. Section 66.904 of the County Code is hereby amended to read as follows:

SEC. 66.904. PERMIT REQUIRED.

It shall be unlawful to occupy, or to permit to be occupied, any apartment house, or hotel now or hereafter erected, constructed, reconstructed, altered, converted or moved, as the case may be, or any portion thereof, for human habitation without an annual permit therefore issued by the Director.

Section 28. Title 6, Division 7, Chapter 3 of the San Diego County Code of Regulatory Ordinances, relating to public swimming pools is hereby amended to read as follows:

CHAPTER 3. PUBLIC SWIMMING POOLS *

SEC. 67.301. DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL HEALTH TO ENFORCE STATE LAWS AND REGULATIONS RELATING TO PUBLIC POOLS.

The Director of the Department of Environmental Health is hereby designated to enforce state laws and regulations relating to public pools, including the building standards published in the state building standards codes; standards for pool sanitation and safety in Article 5 of Part 10 of Division 104 of the California Health and Safety Code (commencing with section 116025); and related state regulations (see Title 22, California Code of Regulations, sections 66501 to 66551 and Title 24, California Building Code, chapter 31B, sections 3101B to 3162).

SEC. 67.302. PERMIT REQUIRED.

(a) It shall be unlawful for any person to operate a public pool without a valid permit issued by the Department of Environmental Health. A permit is not valid unless required fees, including any related late payment fees, have been paid.

(b) Any person who violates subsection (a) of this section shall be guilty of a misdemeanor, punishable by a fine not to exceed \$1,000 or imprisonment not to exceed six months, or both. Each day that a person violates subsection (a) is a separate violation.

(c) The County may also enforce any violation of subsection (a) by an action for injunctive relief.

SEC. 67.303. POOL CLOSURE.

(a) The Director may order the closure of any public pool that is operating without a valid permit.

(b) The Director may order the closure of any public pool that is maintained or operated in a manner which creates an unhealthful, unsafe or unsanitary condition.

(c) An order issued pursuant to subsection (b) may be appealed as provided in Chapter 1 of Division 6 of Title 1 of this code. An appeal shall not stay the closure of the pool.

SEC. 67.325. [RESERVED.]

SEC. 67.326. [RESERVED.]

SEC. 67.327. [RESERVED.]

SEC. 67.328. [RESERVED.]

SEC. 67.329. EACH DAY A SEPARATE OFFENSE.

Each person, firm or corporation found guilty of a violation shall be deemed guilty of a separate offense for every day during any portion of which any violation of any provision of this Chapter is committed, continued or permitted by such person, firm or corporation and shall be punishable therefor as provided for in this Chapter, and any use, occupation or building or structure maintained contrary to the provisions hereof shall constitute a public nuisance.

SEC. 67.330. VIOLATION IS A PUBLIC NUISANCE.

Any swimming pool erected, constructed, altered, maintained or any use of property contrary to the provisions of this Chapter shall be and the same is hereby declared to be unlawful and a public nuisance, and any failure, refusal or neglect to install a fence as required by the terms of this Chapter shall be prima facie evidence of the fact that a nuisance has been committed in connection with the erection, construction, alteration or maintenance of any swimming pool erected, constructed, altered or maintained or used contrary to the provisions of this Chapter. Abatement proceedings may be commenced in accordance with the Uniform Public Nuisance Abatement Procedure contained in Chapter 2, Division 6, Title 1 (commencing with Section 16.201) of this Code or any other procedure permitted by law.

All of the remedies provided for in this Chapter shall be cumulative and not exclusive.

Section 29. Title 6, Division 7, Chapter 4, of the San Diego County Code of Regulatory Ordinances, relating to wells is hereby amended to read as follows:

SEC. 67.401. PURPOSE AND INTENT.

It is the purpose of this Chapter to provide for the construction, repair and reconstruction of wells to the end that the ground water of this County will not be polluted or contaminated and that water obtained from such wells will be suitable for the purpose for which used and will not jeopardize the health, safety or welfare of the people of this County, and for the destruction of abandoned wells or wells found to be public nuisances to the end that such wells will not cause pollution or contamination of ground water or otherwise jeopardize the health, safety or welfare of the people of this County.

SEC. 67.402. DEFINITIONS AS USED IN THIS CHAPTER.

The following words shall have the meaning provided in this chapter:

ABANDONED AND ABANDONMENT. The terms "abandoned" or "abandonment" shall apply to a well which has not been used for a period of one year, unless the owner declares in writing, to the Director his intention to use the well again for supplying water or other associated purpose (such as a monitoring well or injection well) and receives approval of such declaration

from the Director. All such declarations shall be renewed annually and at such time be resubmitted to the Director for approval. Test holes and exploratory holes shall be considered abandoned twenty-four hours after construction work has been completed, unless otherwise approved by the Director.

ABATEMENT. The construction, reconstruction, repair or destruction of a well so as to eliminate a nuisance caused by a well polluting or contaminating ground water, or otherwise jeopardizing the health or safety of the public.

AGRICULTURAL WELL. A water well used to supply water for irrigation or other agriculture purposes, including so-called stock wells.

CATHODIC PROTECTION WELL. Any artificial excavation in excess of 20 feet constructed by any method for the purpose of installing equipment or facilities for the protection, electrically, of metallic equipment in contact with ground. (See definitions of deep anode bed and shallow anode bed.)

COMMERCIAL WELL. A water well used to supply a single commercial establishment.

COMMUNITY WATER SUPPLY WELL. A water well used to supply water for domestic purposes in systems subject to Chapter 7 of Part 1 of Division 5 of the California Health and Safety Code.

CONSTRUCT, RECONSTRUCT (CONSTRUCTION, RECONSTRUCTION). To dig, drive, bore, drill or deepen a well, or to re-perforate, remove, replace, or extend a well casing.

CONTAMINATION. Any action that causes impairment to the quality of water or creates a risk to public health through the use of the water. **DEEP ANODE BED.** Any cathodic protection well more than 50 feet deep.

DESTRUCTION. The proper filling and sealing of a well that is no longer useful so as to assure that the ground water is protected and to eliminate a potential physical hazard.

DIRECTOR. The Director of the Department of Environmental Health of San Diego County or his/her designee.

ELECTRICAL GROUNDING WELL. Any artificial excavation in excess of 20 feet constructed by any method for the purpose of establishing an electrical ground.

GEOHERMAL HEAT EXCHANGE WELL. Any uncased artificial excavation, by any method, that uses the heat exchange capacity of the earth for heating and cooling, in which excavation the ambient ground temperature is 30 degrees Celsius (86 degrees Fahrenheit) or less, and which excavation uses a closed loop fluid system to prevent the discharge or escape of its fluid into surrounding aquifers or other geologic formations. Geothermal heat exchange wells include ground source heat pump wells. Such wells or boreholes are not intended to produce water or steam.

INDIVIDUAL DOMESTIC WELL. A water well used to supply water for domestic needs of an individual residence or systems having four or less service connections.

INDUSTRIAL WELL. A water well used to supply an industry on an individual basis.

MODIFICATION, REPAIR OR RECONSTRUCTION. The deepening of a well or the reperforation or replacement of a well casing and all well repairs and modifications that can affect the ground water quality.

MONITORING WELL. A well used for monitoring or sampling the conditions of soil or water-bearing aquifer, such as water pressure, depth, movement, concentration of contaminants or quality.

NUISANCE. The term "nuisance," when applied to a well, shall mean any well which threatens to impair the quality of ground water or otherwise jeopardize the health or safety of the public. All such nuisances are violations of this chapter and are public nuisances for purposes of the Public Nuisance Abatement Procedure, set out in Chapter 2 of Division 1 of Title 6 of this code.

ORDER OF ABATEMENT. Both mandatory and prohibitory orders requiring or prohibiting one or more acts; said term shall also include those orders effective for a limited as well as an indefinite period of time, and shall include modifications or restatements of any order.

PERMIT. A written permit issued by the Director permitting the construction, reconstruction, destruction, or abandonment of a well.

PERSON. Any person, firm, corporation or governmental agency.

POLLUTION. An alteration of the quality of water to a degree which unreasonably affects (1) such waters for beneficial uses, or (2) facilities which serve such beneficial uses. Pollution may include contamination.

RESPONSIBLE PARTY. Any person who has, or who has contracted or otherwise caused to have, a monitoring well constructed, repaired, reconstructed or destroyed.

SALT WATER (HYDRAULIC) BARRIER WELL. A well used for extracting water from or injecting water into the underground as a means of preventing the intrusion of salt water into a fresh water-bearing aquifer.

SHALLOW ANODE BED. Any cathodic protection well more than 20 feet deep but less than 50 feet deep.

TEST OR EXPLORATORY HOLE. An excavation used for determining the nature of underground geological or hydrological conditions, whether by seismic investigation, direct observation or any other means.

WELL. Any artificial excavation constructed by any method for the purpose of extracting water from or injecting water into the underground, for providing cathodic protection or electrical grounding of equipment, for making tests or observations of underground conditions, for using the heat exchange capacity of the earth for heating and cooling, or for any other similar purpose. Wells shall include, but shall not be limited to, community water supply wells, individual domestic wells, commercial wells, industrial wells, agricultural wells, test and exploratory holes, monitoring wells and salt water (hydraulic) barrier wells, as defined herein, geothermal heat exchange wells and other wells whose regulation is necessary to accomplish the purposes of this chapter.

Wells shall not include: (a) oil and gas wells, geothermal wells or other wells constructed under the jurisdiction of the State Department of Conservation, except those wells converted to use as water wells; (b) wells used for the purpose of dewatering excavations during construction, or stabilizing hillsides or earthy embankments; or (c) other wells whose regulation is not necessary to fulfill the purpose of this chapter as determined by the Director.

SEC. 67.403. STATE REPORTING.

Nothing contained in this chapter shall be deemed to release any person from compliance with the provisions of Article 3 of Chapter 10 of Division 7 of the Water Code of the State of California or any successor thereto.

SEC. 67.404. [RESERVED.]

SEC. 67.420. GENERAL.

No person shall construct, repair, reconstruct or destroy any well subject to this Chapter which does not conform to the standards established herein.

SEC. 67.421. STANDARDS FOR WATER WELLS.

Standards for the construction, repair, reconstruction or destruction of water wells shall be as set forth in Chapter II of State Department of Water Resources Bulletin No. 74-81 and Bulletin No. 74-90 (three copies of which have been filed with the Clerk of the Board of Supervisors of the County of San Diego and marked as Document No. 761185 and Document No. 761185A with the following modifications to Document No. 761185A:

1. Part II, Section 10(B)

DELETE: Entire section with exception of that portion of the first sentence which states:

"Because of their susceptibility to contamination and pollution, the use of well pits should be avoided."

5. Part II, Section 15(A), DELETE: Entire section

SEC. 67.422. STANDARDS FOR CATHODIC PROTECTION WELLS.

Standards for the construction, repair, reconstruction or destruction of cathodic protection wells shall be as set forth in Bulletin No. 74-90 of the State Department of Water Resources (three copies of which are filed with the Clerk of the Board of Supervisors of the County of San Diego). Bulletin No. 74-90 is marked as Document No761185A with the following modifications:

1. Part I, Section 1-A

DELETE: Definition of "Cathodic Protection Well:" as printed and

ADD: "A. Cathodic Protection Well: A cathodic protection well means an artificial excavation in excess of 20 feet constructed by any method for the purpose of installing equipment or facilities for the protection electrically of metallic equipment in contact with the ground, commonly referred to as Cathodic Protection."

SEC. 67.423. STANDARDS FOR MONITORING WELLS.

Standards for the construction, repair, reconstruction or destruction of monitoring wells shall be as set forth in Bulletin No. 74-90 of the State Department of Water Resources (three copies of which are filed with the Clerk of the Board of Supervisors of San Diego) and marked as Document No. 761185A.

SEC. 67.423a. STANDARDS FOR GEOTHERMAL HEAT EXCHANGE WELLS.

Standards for the construction, repair, reconstruction or destruction of geothermal heat exchange wells shall be as set forth in the Geothermal Heat Exchange Well Draft Well Standards of the State Department of Water Resources.

SEC. 67.424. MAINTENANCE.

Wells shall be maintained to meet construction or destruction standards. If a well does not meet construction or destruction standards the property owner or responsible party must repair, reconstruct or destroy the well so it meets the standards

SEC. 67.430. INVESTIGATION.

The Director may, upon reasonable cause to believe that an abandoned well or other well is causing a nuisance by polluting or contaminating ground water, or constitutes a safety hazard, investigate the situation to determine whether such nuisance does in the fact exist. The Director

shall have the power, when in the performance of his/her duty and upon first presenting his/her credentials and identifying himself/herself as an employee of the Department of Environmental Health to the person apparently in control of the premises, if available, to enter upon any such premises between the hours of 8:00 a.m., and 6:00 p.m., to discover or inspect any thing or condition which appears to indicate such a nuisance. The Director may examine such premises, things or conditions, take such samples and make such tests as needed and take any other steps reasonably necessary for the proper investigation and determination of whether such a nuisance exists.

SEC. 67.430.1. RESPONSIBILITY TO ABATE NUISANCE.

The property owner or responsible party shall take the necessary actions to repair, reconstruct or destroy a well that is a nuisance.

SEC. 67.431. ORDER TO ABATE NUISANCE.

Whenever the Director determines that an abandoned or other well is causing a nuisance by polluting or contaminating ground water, or constitutes a safety hazard, the Director may issue a written order as provided in the Public Nuisance Abatement Procedures set out in Chapter 2 of Division 6 of Title 1 of this code. All subsequent procedures shall be as specified in that chapter.

SEC. 67.432. [RESERVED.]

SEC. 67.433. [RESERVED.]

SEC. 67.434. [RESERVED.]

SEC. 67.440. ACTS PROHIBITED.

No person shall construct, repair, reconstruct or destroy any well unless a written permit has first been obtained from the Director as provided in this Chapter, and unless the work done shall conform to the standards specified in this Chapter and all the conditions of the said permit.

SEC. 67.441. PERMITS.

A. Applications: Applications for permits shall be made to the Director and shall include the following:

1. A plot plan showing the location of the well with respect to the following items within a radius of 250 feet from the well:

- (a) Property lines
- (b) Waste disposal systems or works carrying or containing sewage, industrial wastes, or solid wastes.
- (c) All intermittent or perennial, natural or artificial bodies of water or watercourses.

- (d) The approximate drainage pattern of the property.
 - (e) Other wells.
 - (f) Structures, surface or subsurface.
2. Location of the property, and the Assessor's parcel number.
 3. The name of the person who will construct the well.
 4. The proposed minimum and the proposed maximum depth of the well.
 5. The proposed minimum depths and types of casings and minimum depths of perforations to be used.
 6. The proposed use of the well.
 7. Other information as may be necessary to determine if the underground waters will be adequately protected.
 8. The name of the property owner.
 9. The name of the responsible party who has contracted or otherwise caused to have, a monitoring well constructed, repaired, reconstructed or destroyed.

B. Fees: Each application shall be accompanied by a fee as set forth in Title 6, Division 5, Section 65.107, par. (g), of this Code.

C. Conditions: Permits shall be issued in compliance with the standards set out in "California Well Standards" Bulletin 74-81 and Bulletin 74-90 and as provided in this Chapter except that such standards shall be inapplicable or modified as expressly provided by the Director in such permit upon his finding that such modifications or inapplicability will accomplish the purposes of this ordinance. Permits may also include any other condition or requirement found by the Director to be necessary to accomplish the purposes of this Chapter.

D. Grounds for Refusal of Permit. The Director may refuse to issue a permit for any of the following reasons:

1. The applicant is not a person authorized to perform the work as provided in this Chapter.
2. The permit application is not in proper form.
3. The proposed well would create a water pollution problem or would aggravate a pre-existing water pollution problem or would violate any of the standards established in Article 3 of this Chapter.
4. The applicant is delinquent with submitting well drilling logs to the Director.

E. Term, completion of work: The permittee shall complete the work authorized by the permit within the time and before the date set out in the permit. The permittee shall notify the Director in writing upon completion of the work and submit a copy of the well drilling log and no work shall be deemed to have been completed until such written notification and a copy of the well drilling log have been received. A final inspection of the work shall be made by the Director unless such inspection is waived by him, and no permittee shall be deemed to have complied with this Chapter or his permit until such inspection has been performed or waived.

F. Review and Appeal: Any person aggrieved by the refusal of a permit or the terms of a permit required by this Chapter may appeal in writing to the Board of Supervisors. The appeal shall be accompanied by a filing fee of fifteen dollars (\$15.00). The Board of Supervisors shall, within forty (40) days after the filing of an appeal, hold a hearing on said appeal and shall mail notice in writing of the date thereof to the appellant and applicant at least five (5) days before the hearing date. The decision of the board of Supervisors shall be rendered within ten (10) days after the initial hearing date and shall be binding upon the parties, except that the determinations made by the Director relating directly to the public health may not be overruled or modified by the Board of Supervisors.

SEC. 67.442. PERSON AUTHORIZED TO PERFORM WORK.

Construction, reconstruction, repair, and destruction of wells shall be performed by a contractor licensed in accordance with the provisions of the Contractor's License Law (Bus. & Prof. Code, Ch. 9, Div. 3) unless exempted by that law

SEC. 67.443. INSPECTIONS.

1. Upon receipt of an application, an inspection of the well location may be required by the Director to be made by the Director prior to issuance of a well permit.
2. The Director or any person designated by the Director may inspect the work in progress and may enter the premises at any reasonable time for the purpose of performing such inspection.
3. After work has been completed pursuant to any permit the Director shall be notified by the person performing the work and the Department of Environmental Health shall make a final inspection of the completed work to determine compliance with the well standards.

SEC. 67.444. EXPIRATION OF PERMIT.

Each permit issued pursuant to this Chapter shall expire and become null and void if the work authorized thereby has not been completed within one hundred twenty (120) days following the issuance of the permit.

Upon expiration of any permit issued pursuant hereto, no further work may be done in connection with construction, repair, reconstruction, or abandonment of a well unless and until a new permit for such purpose is secured in accordance with the provisions of this Chapter.

SEC. 67.445. EXTENSION OF PERMIT.

Any permit issued pursuant to this Chapter may be extended at the option of the Director. Each individual extension granted by the Director shall be for not longer than one hundred twenty (120) days. In no event shall the Director grant an extension which would make the total term of the permit exceed one year. Application for extension shall be made on a form provided by the Director. The fee for submitting such application shall be twenty-five dollars (\$25.00).

SEC. 67.446. REVOCATION OR SUSPENSION.

1. A permit issued hereunder may be revoked or suspended by the Director if he determines that a violation of this Chapter exists, that written notice has been directed to the permittee specifying the violation and that the permittee has failed or neglected to make the necessary adjustments within 30 days after receiving the notice. A permit may also be revoked or suspended by the Director if he/she determines that the person to whom any permit was issued pursuant to this Chapter has obtained the same by fraud or misrepresentation. A suspension or revocation may be appealed as set out in Section 61.109 of this code.

2. The suspension or revocation of any permit shall not be effective until notice thereof in writing is mailed to the permittee, and the time for filing an appeal has expired. The notice shall advise the permittee of his right to appeal.

SEC. 67.447. LOG OF WELL.

Any person who has drilled, dug, excavated or bored a well, or deepens or perforates such a well, or destroys such a well, shall, within 60 days from the date of completion of the well, submit to the Director a copy of the report of completion for the well required to be submitted to the California Department of Water Resources in accordance with the provisions of Section 13751 of the California Water Code, and all laboratory and geophysical data.

SEC. 67.448. VIOLATION -- MISDEMEANOR.

Any person violating the provisions of this Article shall be deemed guilty of a misdemeanor and upon conviction shall be fined in an amount not to exceed five hundred dollars (\$500.00) or by imprisonment for a period of not more than six (6) months in the County Jail or by both such fine and imprisonment.

SEC. 67.449. WAIVER OF SPECIFIED FEES FOR FARM EMPLOYEE HOUSING AND FARM LABOR CAMPS.

Notwithstanding any other provision of this chapter, the permit fees specified in Sections 67.441.B and 67.445 shall be waived for:

(1) Any farm employee housing or farm labor camp project for which (i) a complete application for an Administrative Permit or a Minor Use Permit was filed between July 13, 1990, and January 13, 1991 pursuant to Ordinance No. 7768 (N.S.); or was filed between April 5, 1991 and October 5, 1991, pursuant to Ordinance No. 7875 (N.S.); or was filed between October 31, 1991 and June 30, 1993, pursuant to Ordinance No. 8086 (N.S.); or was filed between July 30, 1993 and June 30, 1994, pursuant to Ordinance No. 8271 (N.S.); or was filed between September 2, 1994 and June 30, 1995, pursuant to Ordinance No. 8436 (N.S.); or was filed between September 15, 1995 and June 30, 1998, pursuant to Ordinance No. 8574 (N.S.); or was filed between May 14, 1999 and June 30, 2004, pursuant to Ordinance No. 9021 (N.S.); or was filed between July 1, 2004 and June 30, 2009 pursuant to Ordinance No. 9647 (N.S.) and (ii) the application was approved; or

(2) Any farm employee housing or farm labor camp project for which (i) Section 17021.5 or Section 17021.6 of the California Health and Safety Code is applicable; (ii) the Agricultural Commissioner has issued a certificate of active agricultural enterprise; (iii) the housing is not the subject of an active code enforcement action; (iv) the applicant has entered into the contract required by Section 6156 u.11 or Section 6906 d. of The Zoning Ordinance; and (v) the application was filed between July 30, 1993, and June 30, 1994, pursuant to Ordinance No. 8271 (N.S.); or was filed between September 2, 1994 and June 30, 1995, pursuant to Ordinance No. 8436 (N.S.); or was filed between September 15, 1995 and June 30, 1998, pursuant to Ordinance No. 8574 (N.S.); or was filed between May 14, 1999 and June 30, 2004, pursuant to Ordinance No. 9021 (N.S.); or was filed between July 1, 2004 and June 30, 2009 pursuant to Ordinance No. 9647 (N.S.).

Section 30. Section 68.601 of the County Code is hereby amended to read as follows:

CHAPTER 6. SEWAGE COLLECTION, TRANSPORT AND DISPOSAL *

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 chapter is intended to protect public health and comfort and the environment.

Section 31. Section 68.602 of the County Code is hereby amended to read as follows:

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 as provided in Section 25004 of the Health and Safety Code of the State of California, the applicant shall pay to the Director 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.

Section 32. Section 68.604b of the County Code is hereby amended to read as follows:

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 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.

Section 33. Section 68.606 of the County Code is hereby amended to read as follows:

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.

(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.

Section 34. Section 68.607 of the County Code is hereby amended to read as follows:

SEC. 68.607. FEES DEPOSITED IN TREASURY.

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

Section 35. Section 68.608 of the County Code is hereby amended to read as follows:

SEC. 68.608. INSPECTION OF EQUIPMENT.

The Director 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.

Section 36. Section 68.609 of the County Code is hereby amended to read as follows:

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 the 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 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.

Section 37. Section 68.1004 of the County Code is hereby amended to read as follows:

SEC. 68.1004 INSTALLATION, REPAIR OR CLOSURE PERMIT/EXTENSION.

(a) Permit. No person shall install, repair, replace, modify, upgrade, close or remove an Underground Storage Tank (U.S.T.) within the County of San Diego, unless by authority of a valid, unexpired, unsuspended and unrevoked unified program facility permit containing a U.S.T. Installation, Repair, Replacement, Modification, Upgrade or Closure Element, respectively for such installation, repair, replacement, modification, upgrade, closure or removal, issued to the owner or operator pursuant to the provisions of this Chapter. For the purpose of this section, the underground storage tank includes connected piping and any associated monitoring systems. The U.S.T. Installation, Repair, Replacement, Modification, Upgrade, or Closure Element is valid for 180-days from the date of issue. Fees paid for plan check and inspections for the Element are not refundable after this 180-day period.

- (b) Timing of Inspections. Each permit element issued shall specify a deadline for the owner or operator to make the facility available for inspection by the County in a condition that will allow the County to verify correct completion of the activities authorized by the permit. Failure or refusal of the owner or operator to make the facility available prior to this deadline shall constitute a violation of this Ordinance and shall be subject to the penalties set out in Division 8 of Title 1 of this code, for each day after the missed deadline. Such violations shall also be grounds for revocation of the Operating Permit Element.

If an Operating Permit Element is revoked, a new permit fee must be paid to reinstate that Element, so that the required inspection can be performed.

- (c) Timing of Closure. An owner or operator of an underground storage tank must apply for a unified program facility permit containing a U.S.T. Closure Element, or, if the owner/operator has a unified program facility permit, the owner/operator must apply to modify the permit to include a U.S.T. Closure Element to the permit within 90 days of ceasing operation of the underground storage tank. Activities authorized under the U.S.T. Closure Element shall be completed within 180 days of permit approval or modification. The Director may, in his/her discretion, extend the completion date one time, for up to 180 days.
- (d) The expiration of the permit Element may be extended one time, for 180 days, with payment of the required Plan Extension Fee.

Section 38. Section 68.1201 of the County Code is hereby amended to read as follows:

SEC. 68.1201. PURPOSE.

- (a) It is the intent of the Board of Supervisors that the Director shall implement the Medical Waste Management Act, Division 104, Part 14 of the California Health and Safety Code.
- (b) It is also the intent of the Board of Supervisors that all terminology contained within is as defined in the Medical Waste Management Act, Division 104, Part 14 of the California Health and Safety Code.

Section 39. Section 68.1202 of the County Code is hereby amended to read as follows:

SEC. 68.1202. MEDICAL WASTE GENERATORS.

- (a) It shall be unlawful for any generator of medical waste, other than a trauma scene waste management practitioner, to store, transfer or dispose of such wastes without an annual Unified Program Facility Permit from the Director.
- (b) Any person desiring a permit required by this chapter shall make application as prescribed in Chapter 9, Section 68.906 of this division.
- (c) Maintaining an annual Unified Program Facility Permit satisfies the requirement set forth in the Medical Waste Management Act to register with the enforcement agency.

Section 40. Section 68.1207 of the County Code is hereby amended to read as follows:

SEC. 68.1207. MEDICAL SOLID WASTE.

Medical solid waste is solid waste of obvious medical origin. It is not medical waste, but could be conceived to be so by the general public. Medical solid waste shall include, but not be limited to, waste such as empty specimen containers, bandages, dressings containing non-liquid blood, surgical gloves, treated medical waste, biohazardous wastes that are not medical wastes, non-hazardous pharmaceutical wastes, and other materials which are not regulated as medical waste.

Section 41. Section 69.101 of the County Code is hereby amended to read as follows:

SEC. 69.101. PURPOSE.

This chapter provides expedited administrative procedures to address conditions in rented residences and other premises that constitute an immediate threat to the health and safety of tenants or the public. The expedited procedure for rental units is based on the tenants' relocation benefit provisions of the State Housing Law (Health & Safety Code Sections 17910 to 17998.3). The expedited procedure for other premises is based on the County Health Officer's obligation and authority to protect public health (see, e.g., Health and Safety Code Sections 101000 and 101030 and Government Code Section 23003).

Section 42. Section 69.103 of the County Code is hereby amended to read as follows:

SEC. 69.103. DEFINITIONS.

The following definitions shall apply to this chapter:

(a) "Residence" means any dwelling unit, guest room or suite of rooms that is subject to the State Housing Law.

(b) "Local appeals board" means the appellate hearing officer designated to hear an appeal pursuant to this Chapter and Chapter 1 of Division 5 of Title 1 of this code. The "local appeals board" is also the "housing appeals board" for purposes of Section 17920.6 of the California Health and Safety Code.

(c) "Substandard condition" means a condition described in Section 17920.3 of the Health and Safety Code (i.e., the State Housing Law).

(d) "Unsanitary condition" means a condition inside a building that exposes occupants to unconfined sewage, or the presence of sewage or greywater at the soil surface outdoors.

(e) "Wiring" means all parts and components of the electrical system in a residence.

Section 43. This ordinance shall take effect 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.

APPROVED AS TO FORM AND LEGALITY
COUNTY COUNSEL
BY
Rodney F. Lorang, Senior Deputy

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of San Diego this 5th day of December, 2012.




RON ROBERTS
Chairman, Board of Supervisors
County of San Diego, State of California

The above Ordinance was adopted by the following vote:

AYES: Cox, Jacob, Slater-Price, Roberts, Horn

ATTEST my hand and the seal of the Board of Supervisors this 5th day of December, 2012.

THOMAS J. PASTUSZKA
Clerk of the Board of Supervisors

By 
Elizabeth Miller, Deputy



No. 10238 (N.S.)

12-05-2012 (1)