

ORDINANCE NO.: 10412 (N.S.)

AN ORDINANCE REPEALING A PORTION OF TITLE 2 AND AMENDING PORTIONS OF TITLE 2, TITLE 4, AND TITLE 6, OF THE COUNTY CODE RELATING TO THE DEPARTMENT OF AGRICULTURE, WEIGHTS AND MEASURES, DEPARTMENT OF ENVIRONMENTAL HEALTH, AND DEPARTMENT OF PARKS AND RECREATION

Section 1. Purpose

This ordinance repeals Title 2, Division 4, Chapter 1, Pleasure Riding Trail Tax, and amends portions of Title 2, Licenses, Business Regulations, and Business Taxes, Title 4, Public Property, and Title 6, Health and Sanitation of the County Code to remove obsolete material, to clarify requirements, and to conform to changes in County program implementation and changes in State law. These amendments are pursuant to Board of Supervisors Policy A-76, Sunset Review Process.

Section 2. Sections 24.101-119 of Title 2, Division 4, Chapter 1 of the County Code are repealed.

Section 3. Title 4, Division 1, Chapter 1, Article 1 of the County Code is amended to read as follows:

SEC. 41.101. PURPOSE.

The County owns, leases and manages a diverse collection of properties that include areas for active and passive recreational use, community and recreation centers, open space areas, ecological reserves, historical sites, monument sites, and landmark sites. The County Department of Parks and Recreation (Parks Department) manages and/or supervises the management of these properties and as necessary, maintains and protects the properties for the public benefit. The purpose of this chapter is to provide regulations for the safe and orderly use of properties for which the Parks Department is responsible to maximize the public benefit while safeguarding valuable resources for future generations.

(Added by Ord. No. 9890 (N.S.), effective 10-26-07)

Section 41.102 of Title 4, Division 1, Chapter 1, Article 1 of the County Code is amended to read as follows:

SEC. 41.102. DEFINITIONS.

The following definitions shall apply to this chapter:

(a) "Animal" means any living thing that is a member of the animal kingdom, other than a human being.

(b) "County park" means any park, community center, recreation facility, sports complex, open space preserve, ecological reserve, landmark site or monument site owned, leased or managed by the County.

(c) "Department" means the County of San Diego Department of Parks and Recreation.

(d) "Designated sports facility" means a baseball field, soccer field, basketball court, tennis court, hockey rink, volleyball court, bocce ball court or other park sports facility that the Department has posted as requiring a reservation when used by certain groups.

(e) "Director" means the Director of the Department of Parks and Recreation or the Director's designee.

(f) "Ecological reserve" means land or water areas the State establishes and the County manages, that are to be preserved in a natural condition for the benefit of the public to observe native flora and fauna and for scientific study or research.

(g) "Game of chance" means a game whose outcome is determined by use of a device such as dice, cards or some other random selector.

(h) "Historical site" means an object, building or structure that has historical or cultural significance.

(i) "Landmark site" means a building, site, district or object recognized by the County of San Diego Historic Site Board, State Register of Historic Resources or National Register of Historic Places.

(j) "Minor" means a person under the age of 18 years.

(k) "Monument site" means a place where something has been erected in memory of a person, group, or event.

(l) "Open space preserve" means land that contains sensitive natural biological and cultural resources and may allow limited passive recreational activities depending on the sensitivity of the resources involved.

(m) "Park ranger" means a person employed or appointed by the County to manage County parks and to enforce park rules and regulations.

(n) "Pet" means a dog, cat, bird, domesticated pygmy goat or pot-bellied pig owned by a park visitor.

(o) "Service animal" means a "guide dog," "signal dog" or "service dog," as those terms are defined in Penal Code section 365.5. A "service animal" also includes a "guide dog," "signal

dog" or "service dog" in training accompanied by a trainer or an individual with a disability, who is training the dog.

(p) "Vehicle" has the same meaning as the term "vehicle" in California Vehicle Code section 670.

(q) "Water body" means any natural or manmade lake, river, stream, creek, pond, pool, recreational water feature, or reservoir located in a County park.

(r) "Youth group" means an organization that serves youth 18 years of age or younger, including but not limited to, the Boy Scouts, the Girls Scouts, YMCA, YWCA, Boys' and Girls' Clubs or any other similar organization.

(Amended by Ord. No. 3965 (N.S.), effective 10-19-72; amended by Ord. No. 6370 (N.S.), effective 7-8-82; amended by Ord. No. 8316 (N.S.), effective 11-25-93; amended by Ord. No. 9578 (N.S.), effective 8-8-03; amended by Ord. No. 9890 (N.S.), effective 10-26-07; amended by Ord. No. 9925 (N.S.), effective 4-11-08)

Cross reference(s)--Definitions, § 12.101 et seq.

Section 41.103 of Title 4, Division 1, Chapter 1, Article 1 of the County Code is amended to read as follows:

SEC. 41.103. COUNTY DEPARTMENT TO OPERATE PARKS.

The Department shall be responsible to operate and supervise the operation of all County parks and perform functions as listed in Article XXIV Sec. 430.4 , to maintain and protect County park resources from misuse. If a County park is leased to a person as provided under the Government Code or is leased from a person, the Department's responsibility to maintain the park shall be governed by the terms of the lease.

(Amended by Ord. No. 3965 (N.S.), effective 10-19-72; amended by Ord. No. 4195 (N.S.), effective 12-13-73; amended by Ord. No. 6370 (N.S.), effective 7-8-82; amended by Ord. No. 7309 (N.S.), effective 7-2-87; amended by Ord. No. 9494 (N.S.), effective 9-13-02; amended by Ord. No. 9890 (N.S.), effective 10-26-07)

Section 41.104 of Title 4, Division 1, Chapter 1, Article 1 of the County Code is amended to read as follows:

SEC. 41.104. ENFORCEMENT RESPONSIBILITIES OF DEPARTMENT OF ANIMAL SERVICES.

An employee of the Department of Animal Services authorized to enforce animal control laws in the unincorporated area of the County and in cities under contract with the County shall have the authority to enforce sections 62.601 et seq. of this code in any County park located in the unincorporated area of the County and in any city in which the County is under contract to perform animal control services.

(Added by Ord. No. 4183 (N.S.), effective 11-15-73; amended by Ord. 7182 (N.S.), effective 9-11-86; amended by Ord. No. 9528 (N.S.), effective 2-27-03; amended by Ord. No. 9890 (N.S.), effective 10-26-07)

Cross reference(s)--Animals and poultry, § 62.101 et seq.; animal control, § 62.601 et seq.; disposal of dead animals, § 62.801 et seq.; pollution of water by animals prohibited, § 67.201.

Section 41.105 of Title 4, Division 1, Chapter 1, Article 1 of the County Code is amended to read as follows:

SEC. 41.105. FEES, RULES AND REGULATIONS.

(a) The Director shall establish park user fees. The fees shall become effective when they are approved by the Board of Supervisors.

(b) The Director shall adopt and implement rules and regulations for the uses allowed and the hours of operation for each park. As necessary, the Director shall also adopt and implement rules and regulations for the safe operation of County parks. The Department shall make the rules and regulations available to any interested person during normal business hours.

(Amended by Ord. No. 9494 (N.S.), effective 9-13-02; amended by Ord. No. 9890 (N.S.), effective 10-26-07)

Section 41.106 of Title 4, Division 1, Chapter 1, Article 1 of the County Code is amended to read as follows:

SEC. 41.106. COMPLIANCE WITH INSTRUCTIONS AND SIGNS.

(a) No person shall refuse or fail to comply with any lawful order, rule or regulation adopted by the Director, warning or other instruction given by a park ranger in a County park, when the park ranger determines that a person is violating a provision of this chapter or engaging in conduct that presents an immediate threat to the safety of any person or property.

(b) No person shall disregard, deface, alter or tamper with any warning or instructional sign located in a County park.

(c) A park ranger, any other Department employee or any law enforcement officer may order a person to leave a County park if the person violates subsection (a) or (b) above or if the person violates any other provision of this chapter.

(d) It shall be unlawful for any person to refuse to leave a County park after being ordered to leave pursuant to subsection (c) above. A person may not refuse to leave a park on the grounds that the person believes the order to leave is unjustified.

(Added by Ord. No. 9890 (N.S.), effective 10-26-07)

Section 41.111 of Title 4, Division 1, Chapter 1, Article 2 of the County Code is amended to read as follows:

SEC. 41.111. PLANTS AND TREES.

It shall be unlawful for any person, without written authorization from the Department to:

(a) Remove, burn, move, cut, trim, deface, disfigure, affix an object to, destroy or damage in any manner, any shrub, tree, plant, aquatic plant or any other type of vegetation in a County park.

(b) Add any shrub, tree, plant, aquatic plant or any other type of vegetation in a County park.

(Amended by Ord. No. 9890 (N.S.), effective 10-26-07)

Section 41.112 of Title 4, Division 1, Chapter 1, Article 2 of the County Code is amended to read as follows:

SEC. 41.112. PROTECTION OF PARK ANIMALS.

It shall be unlawful for any person without written authorization from the Department to:

(a) Hunt, catch, chase, trap, kill, poison, wound, injure, mistreat, harass, or attempt to hunt, catch, chase, trap, kill, wound, injure or mistreat any wild or domesticated animal in a County park.

(b) Allow any animal that the person brings into a County park to hunt, catch, chase, trap, kill, wound, harass, or injure any wild or domesticated animal in a County park.

(Amended by Ord. No. 3965 (N.S.), effective 10-19-72; amended by Ord. No. 9578 (N.S.), effective 8-8-03; amended by Ord. No. 9890 (N.S.), effective 10-26-07)

Section 41.113 of Title 4, Division 1, Chapter 1, Article 2 of the County Code is amended to read as follows:

SEC. 41.113. GEOLOGICAL FEATURES.

It shall be unlawful for any person, without written authorization from the Department to engage in or retain any person to engage in any of the following activities in a County park:

- (a) Dig or excavate.
- (b) Remove earth, sand, gravel, rock, oil, natural gas, gold, silver, salt or any other mineral, fossil, remnant of a fossil, artifact or remnant of an artifact.
- (c) Disturb, deface, disfigure, mark on or destroy any cave, rock formation or any other naturally occurring feature.

(Amended by Ord. No. 6370 (N.S.), effective 7-8-82; amended by Ord. No. 9890 (N.S.), effective 10-26-07)

Section 41.114 of Title 4, Division 1, Chapter 1, Article 2 of the County Code is amended to read as follows:

SEC. 41.114. GROUNDS FOR WRITTEN AUTHORIZATION.

The Department may grant a person written authorization to engage in any activity that would otherwise be prohibited under sections 41.111-41.113 if the Department determines that granting the authorization will be in the County's best interest.

(Amended by Ord. No. 9890 (N.S.), effective 10-26-07)

Section 41.116 of Title 4, Division 1, Chapter 1, Article 2 of the County Code is amended to read as follows:

SEC. 41.116. WASTE DISPOSAL.

It shall be unlawful for a person to engage in the following conduct in a County park:

- (a) Litter, deposit or abandon any garbage, sewage, refuse, trash or other solid waste material other than in an appropriate receptacle or container provided for disposal of solid waste material.
- (b) Dispose of or release liquid waste other than in an area, receptacle or vessel specifically designated for liquid waste disposal. As used in this section, liquid waste includes, but is not limited to sewage, dishwater or any liquid containing soap or any chemical.
- (c) Deposit any solid waste or dispose of or release any liquid waste in a water body located in a County park.
- (d) Deposit, dispose of, release or abandon any liquid waste, garbage, sewage, refuse, trash, or other waste material generated outside of a County Park into a receptacle or vessel owned, managed, or provided by the Department.

(Added by Ord. No. 9578 (N.S.), effective 8-8-03; amended by Ord. No. 9890 (N.S.),

effective 10-26-07)

Section 41.117 of Title 4, Division 1, Chapter 1, Article 2 of the County Code is amended to read as follows:

SEC. 41.117. WEAPONS AND FIREWORKS.

(a) It shall be unlawful for a person to possess any of the following in a County park: "explosives," as defined in Health and Safety Code section 12000, "fireworks," as defined in Health and Safety Code section 12511, a "firearm" as defined in Penal Code section 12001, an air gun, bow or crossbow designed to shoot arrows, slingshot, paintball gun, blowgun or throwing knife.

(b) The Department may, however, grant written authorization:

- (1) To a group to practice archery in a designated area of a County park.
- (2) To allow bows and arrows to be carried during an historical reenactment.
- (3) To allow "antique firearms," as defined in 18 U.S.C. section 921(a)(16), to be carried and discharged using blank ammunition, during an historical reenactment, upon satisfactory proof that all State and federal firearms regulations have been and will be complied with.
- (4) To allow a mentored, juniors-only turkey hunt for up to 20 juniors and their mentors, using shotguns or bows and arrows, at Santa Ysabel East Preserve for a maximum of two days per year during a State-established juniors-only turkey hunting season, subject to all applicable State and federal laws and regulations.
- (5) To allow the possession and use of a firearm or any other weapon listed in subsection (a) above to control any invasive, non-native animal in a County park that the Director determines is causing significant damage to the environment including, but not limited to, native plants and/or animals, provided the authorization complies with all applicable federal and state law. The authorization may include conditions to ensure the safety of the public, including, but not limited to a limit on the time when and/or the area where the person may possess and use the firearm, and specification of the type of firearm or weapon that may be used. Before granting an authorization, the department shall consider the environmental resources in the area where the animal is likely to be found. The authorization shall include conditions to protect any significant environmental resources, including sensitive plants or animals, in that area.

(c) The prohibition on the possession and use of a firearm in subdivision (a) above does not apply to the following persons when acting in the course and scope of their employment: any peace officer as defined by state law, any federal law enforcement officer including, but not limited to, an employee of U.S. Customs and Border Patrol, or any other governmental employee or his or her agent who is authorized to carry a firearm.

(Amended by Ord. No. 6370 (N.S.), effective 7-8-82; amended by Ord. No. 9494 (N.S.),

effective 9-13-02; amended by Ord. No. 9890 (N.S.), effective 10-26-07; amended by Ord. No. 10122 (N.S.), effective 3-10-11; amended by Ord. No. 10197 (N.S.), effective 2-24-12; amended by Ord. No. 10351 (N.S.), effective 9-5-14)

Cross reference(s)--Fireworks, § 32.101 et seq.

Section 41.122 of Title 4, Division 1, Chapter 1, Article 2 of the County Code is amended to read as follows:

SEC. 41.122. ERECTION OF STRUCTURES.

It shall be unlawful for a person to erect, construct or place a building or other structure in a County park without written authorization from the Department. The Department may without notice, remove a building or other structure erected, constructed or placed in violation of this section and recover its costs from any person who committed the violation.

(Amended by Ord. No. 9890 (N.S.), effective 10-26-07)

Section 41.123 of Title 4, Division 1, Chapter 1, Article 2 of the County Code is amended to read as follows:

SEC. 41.123. PETS AND OTHER ANIMALS.

The following regulations shall govern pets and other animals in County parks:

(a) No person shall bring an animal other than a pet into a County park, except a person may bring a horse, mule or donkey to an area specifically designated for riding, or a pack animal on a trail if allowed under a park's rules and regulations.

(b) No person shall bring a pet into a County park or allow a pet to enter or remain in a County park unless the pet has all inoculations required by State Law and any current license required by law. A person with a pet in a County park, when requested by a park ranger, shall provide evidence that the pet has received all inoculations required by State Law and has a current license.

(c) Unless authorized by the Department, a person with a pet in a County park shall keep the pet physically restrained at all times, either by an adequate leash no more than six feet in length or by confining the animal in a vehicle, tent, trailer, enclosure, or other structure allowed by park rules and in accordance with applicable state law.

(d) No person shall bring an animal into or allow an animal to enter or remain in a County park structure, other than a service animal.

(e) No person shall bring a dangerous dog or protection dog, as defined in section 62.602 of this code, or an attack dog, guard dog or sentry dog, as defined in Health and Safety Code sections 121875 et seq. into a County park, or allow any of these types of dogs to remain in a County park. Nothing in this section shall prohibit law enforcement personnel from being accompanied by a trained police dog.

(f) No person shall allow an animal to enter or remain in a water body in a County park.

(g) No person shall abandon a pet or other animal in a County park. A pet or other animal allowed in a County park under subsection (a) above shall be considered abandoned if a person fails to provide food or water for the pet or other animal for more than six hours. An animal that is not allowed in a County park shall be considered abandoned if a person leaves the animal unattended in a County park.

(h) A person who brings a pet or other animal into a County park shall be responsible for any injury to a person or damage to property, including park property, caused by the animal. A person bringing an animal into a County park shall have a duty to report to any park ranger, any injury suffered by any person or any damage to property caused by the animal, as soon as practicable following the incident. If no park ranger is available at a County park to receive a report of the incident, the person shall report the incident to the Department no later than one o'clock p.m. on the next business day.

(i) The Department may create or establish designated and enclosed dog parks within a County park, including specified days and periods of time, in which dogs are allowed to be leash-free. The Department may withdraw or restrict, either permanently or temporarily, any leash-free designation within a County park.

(j) The Department shall promulgate and post, at each designated dog park, regulations for the use of such dog parks, and may modify such regulations at any time in order to promote the general use and enjoyment of a County park. Such posting shall include a notice that failure to obey a posted regulation is grounds for removal from the dog park and the County park, as well as citation.

(k) The Department may issue additional rules and regulations that limit or exclude pets from any County park or any section of a County park where the department determines that the presence of pets substantially conflicts with the general use and enjoyment of a park. This subsection does not apply to a service animal that accompanies a person with a disability.

(l) No person who brings a pet or any other animal into a County park shall refuse the instructions from a park ranger to remove the animal from the park when the park ranger determines that the animal is in the park in violation of this chapter, contrary to any written Department rule or regulation or when the animal presents a threat to the safety of any person or property.

(Amended by Ord. No. 3759 (N.S.), effective 10-21-71; amended by Ord. No. 4195 (N.S.), effective 12-13-73; amended by Ord. No. 6370 (N.S.), effective 7-8-82; amended by Ord. No. 8316 (N.S.), effective 11-25-93; amended by Ord. No. 9578 (N.S.), effective 8-8-03; amended by Ord. No. 9890 (N.S.), effective 10-26-07)

Section 41.124 of Title 4, Division 1, Chapter 1, Article 2 of the County Code is amended to read as follows:

SEC. 41.124. USE OF DESIGNATED SPORTS FACILITIES BY CERTAIN GROUPS.

In order to provide a shared use of some highly desirable park sports facilities, between members of the community and groups that need a regulation field for league play or other organized sports activity, no person, as a member of a club, association, organization, company, league or organized team, shall use a designated sports facility in a County park for practice or games without written authorization from the Department.

(Added by Ord. No. 9925 (N.S.), effective 4-11-08)

Section 41.125 of Title 4, Division 1, Chapter 1, Article 2 of the County Code is amended to read as follows:

SEC. 41.125. CLOSING HOURS.

After closing hours at any County park, it shall be unlawful for a person, without a camping permit or other written authorization from the Department:

- (a) To enter or remain in a County park.
- (b) To park, leave or store a vehicle in a County park.

(Amended by Ord. No. 6370 (N.S.), effective 7-8-82; amended by Ord. No. 9578 (N.S.), effective 8-8-03; amended by Ord. No. 9890 (N.S.), effective 10-26-07)

Section 41.127 of Title 4, Division 1, Chapter 1, Article 2 of the County Code is amended to read as follows:

SEC. 41.127. VEHICLES.

The following regulations shall govern the operation of vehicles in County parks:

- (a) No person shall operate a vehicle in a County park without a valid driver's license.
- (b) No person shall operate a vehicle in a County park unless the vehicle has a current vehicle

registration.

(c) A person operating a vehicle in a County park shall, at the request of a park ranger, provide proof of a valid driver's license and current registration.

(d) No person shall operate a vehicle in a County park other than in a reasonable and prudent manner and with due regard for traffic and road conditions.

(e) The operator of a vehicle in a County park shall not operate the vehicle at a speed which endangers the safety of persons, property or wildlife and shall not exceed the posted speed limits.

(f) No person shall operate a vehicle in a County park other than on a park roadway designated for vehicle traffic or in a parking area designated for vehicle use without written authorization issued by the Department.

(g) Other than a person camping in a park pursuant to a valid overnight camping permit, or other written authorization issued by the Department, no person shall operate a vehicle in a County park between 10:00 p.m. and 7:00 a.m., except in case of emergency.

(h) No person shall operate a commercial vehicle in a County park without written authorization from the Department.

(i) No person shall abandon a vehicle in a County park.

(Amended by Ord. No. 6370 (N.S.), effective 7-8-82; amended by Ord. No. 8316 (N.S.), effective 11-25-93; amended by Ord. No. 9890 (N.S.), effective 10-26-07)

Section 41.128 of Title 4, Division 1, Chapter 1, Article 2 of the County Code is amended to read as follows:

SEC. 41.128. PARKING.

(a) No person shall park a vehicle in a County park other than in an area designated for vehicle parking. No person shall park a vehicle in a County park except in connection with the person's legal use of the park and during the person's visit to the park. No person shall park a vehicle in a manner that interferes with the lawful use of a fire hydrant.

(b) The Department may remove any vehicle that is parked, stored, left or abandoned in violation of this chapter or any rule or regulation adopted by the Department. The vehicle owner shall be responsible for all expenses incurred by the Department in removing the vehicle.

(Amended by Ord. No. 6370 (N.S.), effective 7-8-82; amended by Ord. No. 9890 (N.S.), effective 10-26-07)

Section 41.129 of Title 4, Division 1, Chapter 1, Article 2 of the County Code is amended to read as follows:

SEC. 41.129. AIRCRAFT.

No person shall bring, assemble, take off, land or use any aircraft or any other device capable of carrying a person in the air, including a hot air balloon, hang glider, kite or motorized craft in any County park without written authorization from the Department.

(Amended by Ord. No. 9890 (N.S.), effective 10-26-07)

Section 41.130 of Title 4, Division 1, Chapter 1, Article 2 of the County Code is amended to read as follows:

SEC. 41.130. WALKWAYS, BICYCLES, WHEELED AND MOTORIZED DEVICES .

No person shall engage in any of the following conduct in a County park:

- (a) Obstruct the free travel of pedestrians on any trail, walkway or roadway.
- (b) Ride or use a bicycle, non-motorized scooter, skateboard, inline skates or other similar wheeled device except in areas designated for its use.
- (c) Use or operate any motorized model plane, model boat, model vehicle, drone, or unmanned aircraft system except in an area specifically designated by the Department for that use and with written authorization from the Department subject to all applicable State and Federal laws and regulations.

(Amended by Ord. No. 6370 (N.S.), effective 7-8-82; amended by Ord. No. 8316 (N.S.), effective 11-25-93; amended by Ord. No. 8358 (N.S.), effective 3-17-94; amended by Ord. No. 9578 (N.S.), effective 8-8-03; amended by Ord. No. 9890 (N.S.), effective 10-26-07)

Section 41.131 of Title 4, Division 1, Chapter 1, Article 2 of the County Code is amended to read as follows:

SEC. 41.131. CHILDREN.

No parent or guardian, or any person having custody of any child, shall allow any child under the age of ten years in a County park to play in any playground area or to fish, swim or play in or near any water body or drainage ditch, unattended by an adult. Except as necessary, the Director may adopt and implement rules and regulations for different age restrictions at individual County parks.

(Amended by Ord. No. 9578 (N.S.), effective 8-8-03; amended by Ord. No. 9890 (N.S.), effective 10-26-07)

Section 41.132 of Title 4, Division 1, Chapter 1, Article 2 of the County Code is amended to read as follows:

SEC. 41.132. REGULATIONS FOR WATER BODIES.

No person shall engage in any of the following conduct in any water body in a County park:

(a) Swim, use a surfboard, operate a boat or engage in any other water activity contrary to any park rule or regulation or contrary to any notice issued or posted by the Department.

(b) Pretend to be drowning or give or transmit a false signal that the person or some other person is drowning.

(c) Enter or remain in a water body after a notice has been issued or posted by the Department or by any federal, State or local agency, that forbids bathing, swimming, boating or any other water activity, unless making a rescue.

(Amended by Ord. No. 6370 (N.S.), effective 7-8-82; amended by Ord. No. 9578 (N.S.), effective 8-8-03; amended by Ord. No. 9890 (N.S.), effective 10-26-07)

Section 41.133 of Title 4, Division 1, Chapter 1, Article 2 of the County Code is amended to read as follows:

SEC. 41.133. FISHING/BOATING FEES AND PERMITS.

(a) The Department shall designate County parks in which fishing and/or boating are allowed, and designate whether or not a permit is required for fishing and/ or boating in County parks and adopt rules for the hours and days when these activities are allowed. No person shall fish in a County park or operate a boat in a County park without a permit when required from the Department. Whether or not a County permit is required, a State fishing license is required at all times.

(b) An applicant for a County fishing permit or County boating permit shall complete an application on a form provided by the Department and submit the permit fee with the application. The permit fee is not refundable once the permit is issued.

(Added by Ord. No. 9578 (N.S.), effective 8-8-03; amended by Ord. No. 9890 (N.S.), effective 10-26-07)

Section 41.134 of Title 4, Division 1, Chapter 1, Article 2 of the County Code is amended to read as follows:

SEC. 41.134. BOAT REGULATIONS.

The Department shall adopt as necessary, rules and regulations for the safe use of boats on water bodies in County parks, to supplement any State or federal regulations. A person operating a boat in a County park shall operate the boat safely and prudently. No person shall continue to operate a boat on a water body in a County park after being directed by a park ranger to remove the boat from the water body when the park ranger determines that a person is operating a boat in violation of this section or at a time or a location when boating is not allowed.

(Added by Ord. No. 9578 (N.S.), effective 8-8-03; amended by Ord. No. 9890 (N.S.), effective 10-26-07)

Section 41.135 of Title 4, Division 1, Chapter 1, Article 2 of the County Code is amended to read as follows:

SEC. 41.135. WARNING SIGNALS.

If an unsafe or dangerous condition exists in a water body in a County park the Department may warn the public by placing warning signs or flags, posting a notice or by any other reasonable means intended to give notice. A park ranger may also warn of an unsafe or dangerous condition. It shall be unlawful for any person to knowingly disregard a warning given under this section.

(Added by Ord. No. 9578 (N.S.), effective 8-8-03; amended by Ord. No. 9890 (N.S.), effective 10-26-07)

Section 41.136 of Title 4, Division 1, Chapter 1, Article 2 of the County Code is amended to read as follows:

SEC. 41.136. SOLICITING, SELLING AND ADVERTISING.

(a) No person shall engage in any of the following conduct in a County park:

- (1) Distribute, circulate or post any handbill, pamphlet or other advertisement regarding the sale of goods, merchandise or services.
- (2) Attach or affix any written notice of any kind to any tree, shrub, post, fence or any other structure.

(b) No person shall engage in any of the following conduct in a County park without written authorization from the Department:

- (1) Sell, hawk or otherwise peddle any goods, merchandise or services.
- (2) Station or place any stand, cart or vehicle for display of goods, merchandise or services.
- (3) Conduct any commercial filming or photography or activity related to commercial filming or photography.
- (4) Perform any other activity of a commercial nature.

(c) Notwithstanding subsections (a) and (b) above, the Department may post notices on a structure in a County park, distribute notices to park patrons and authorize a person to distribute a notice about an event the Park Department co-sponsors or supports.

(Amended by Ord. No. 9890 (N.S.), effective 10-26-07)

Section 41.137 of Title 4, Division 1, Chapter 1, Article 2 of the County Code is amended to read as follows:

SEC 41.137. ENTERTAINMENT.

No person shall set up or maintain any exhibition, show, performance, concert, place of amusement, ride, lecture, oration, act, play, review, pantomime, scene, song, dance act, song and dance act, disc jockey show or other announcer accompanying pre-recorded music, poetry recitation, fashion show, style show or any other performance of any kind without written authorization from the Department.

(Amended by Ord. No. 9890 (N.S.), effective 10-26-07)

Section 41.139 of Title 4, Division 1, Chapter 1, Article 2 of the County Code is amended to read as follows:

SEC. 41.139. ALCOHOLIC BEVERAGES.

It shall be unlawful for any person in a County park to possess an alcoholic beverage with an alcohol content in excess of 20 percent by volume unless the Department has issued written authorization for a special event that authorizes serving alcoholic beverages with an alcohol content in excess of 20 percent by volume. The Department may also restrict, by rule or regulation, the possession of alcoholic beverages in a County park by completely barring alcoholic beverages or by limiting the times and/or the days when alcoholic beverages will be allowed in a park. It shall be unlawful for any person to possess an alcoholic beverage contrary to any written rule or regulation established by the Department.

(Amended by Ord. No. 4995 (N.S.), effective 11-17-77; amended by Ord. No. 6370 (N.S.), effective 7-8-82; amended by Ord. No. 8316 (N.S.), effective 11-25-93; amended by Ord. No. 9578 (N.S.), effective 8-8-03; amended by Ord. No. 9890 (N.S.), effective 10-26-07)

Section 41.140 of Title 4, Division 1, Chapter 1, Article 2 of the County Code is amended to read as follows:

SEC. 41.140. GAMBLING AND FORTUNE TELLING.

The following activities are prohibited in a County park:

- (a) Playing, carrying on or engaging in a game of chance for money or anything of value.
- (b) Possessing any gaming or gambling table, contrivance, instrument, equipment or device.
- (c) Fortune telling, palm reading, character analysis, hypnosis, mind-reading, or other similar display, demonstration or exhibit for a charge, fee or donation of money or other valuable consideration.
- (d) Notwithstanding subsections (a) and (b) above, the Department may authorize a nonprofit organization to use a community center to operate a bingo game, raffles, silent auctions, and opportunity drawings if the organization has obtained a permit from the Sheriff's Department pursuant to this code.

(Amended by Ord. No. 5372 (N.S.), effective 3-8-79; amended by Ord. No. 9890 (N.S.), effective 10-26-07)

Section 41.141 of Title 4, Division 1, Chapter 1, Article 2 of the County Code is amended to read as follows:

SEC. 41.141. GLASS BEVERAGE CONTAINERS.

The Department may exclude glass beverage containers from a County park or any portion of a County park, to promote public safety.

(Added by Ord. No. 7137 (N.S.), effective 6-19-86; amended by Ord. No. 9578 (N.S.), effective 8-8-03; amended by Ord. No. 9890 (N.S.), effective 10-26-07)

Section 41.142 of Title 4, Division 1, Chapter 1, Article 2 of the County Code is amended to read as follows:

SEC. 41.142. USE OF SAFETY EQUIPMENT AT SKATEBOARD FACILITIES.

(a) No person shall ride or use a skateboard or other wheeled recreational devices including non-motorized bicycles, scooters, in-line skates, roller skates, or wheelchairs at a recreational skateboard facility located in a County park unless that person is wearing a helmet, elbow pads, and knee pads.

(b) The Department shall post signs at all skateboard facilities in County parks, which are not supervised on a regular basis, advising any person who uses a skateboard facility of the requirements to use the safety equipment required by subsection (a) above. The signs shall also state that failure to wear the required equipment is a violation of law and shall subject the violator to prosecution.

(Added by Ord. No. 9494 (N.S.), effective 9-13-02; amended by Ord. No. 9890 (N.S.), effective 10-26-07)

Section 41.143 of Title 4, Division 1, Chapter 1, Article 2 of the County Code is amended to read as follows:

SEC. 41.143. OTHER LANDS MANAGED BY THE DEPARTMENT

It shall be unlawful for any person to enter or remain on any land the Department manages or controls, that is not designated as a County park, without written authorization from the Department.

(Amended by Ord. No. 9890 (N.S.), effective 10-26-07)

Section 41.150 of Title 4, Division 1, Chapter 1, Article 3 of the County Code is amended to read as follows:

SEC. 41.150. OVERNIGHT CAMPING PERMITS.

The Parks Department shall designate by regulation those County parks in which overnight camping is allowed, the duration of the camping and the fees to be paid. No person shall camp in a County park without a camping permit issued by the Department. An application for a camping permit shall be on a form provided by the Department and shall be accompanied by the permit fee. The Department shall adopt rules for refunding fees.

(Amended by Ord. No. 6370 (N.S.), effective 7-8-82; amended by Ord. No. 8316 (N.S.), effective 11-25-93; amended by Ord. No. 9817 (N.S.), effective 1-12-07; amended by Ord. No. 9890 (N.S.), effective 10-26-07)

Section 41.152 of Title 4, Division 1, Chapter 1, Article 3 of the County Code is amended to read as follows:

SEC. 41.152. CAMPING SPACE.

No person shall trespass upon or infringe upon a camping space assigned to another person or use a facility other than a facility designated in the camping permit issued by the Department.

(Amended by Ord. No. 9890 (N.S.), effective 10-26-07)

Section 41.153 of Title 4, Division 1, Chapter 1, Article 3 of the County Code is amended to read as follows:

SEC. 41.153. INCAPACITATED PERSONS.

No person shall apply for a camping permit unless the person is able to care for him or herself or will be accompanied at all times by an attendant who is able to care for the person.

(Amended by Ord. No. 6370 (N.S.), effective 7-8-82; amended by Ord. No. 9890 (N.S.), effective 10-26-07)

Section 41.154 of Title 4, Division 1, Chapter 1, Article 3 of the County Code is amended to read as follows:

SEC. 41.154. REMOVAL AND ABANDONMENT OF TRAILERS, ETC.

A park ranger may move any trailer, vehicle, tent or other personal property left at a campsite after a camping permit expires. The owner of the property shall pay the Department for its costs incurred in moving and storing the property. Any property not claimed by the owner within 30 days after the camping permit expires may be deemed abandoned and may be disposed of

according to law or may be retained by the County.

(Amended by Ord. No. 6370 (N.S.), effective 7-8-82; amended by Ord. No. 8316 (N.S.), effective 11-25-93; amended by Ord. No. 9890 (N.S.), effective 10-26-07)

Section 41.155 of Title 4, Division 1, Chapter 1, Article 3 of the County Code is amended to read as follows:

SEC. 41.155. CAMPING AREA MANAGEMENT.

A park ranger may prohibit or limit the use of any trailer, vehicle or other property in a camping area if the park ranger determines that the use poses a threat to the safety of any person or property or conflicts with any rule or regulation adopted by the Department.

(Amended by Ord. No. 6370 (N.S.), effective 7-8-82; amended by Ord. No. 9578 (N.S.), effective 8-8-03; amended by Ord. No. 9890 (N.S.), effective 10-26-07)

Section 41.156 is added to Title 4, Division 1, Chapter 1, Article 3 of the County Code as follows:

SEC. 41.156. PEACE AND QUIET.

No person shall disturb the peace and quiet of a County park by willfully or maliciously:

(a) Operating outside electronic equipment including electrical speakers, radios, phonographs, television, or other machinery, at a volume which emits unduly loud or unreasonable noise beyond the immediate individual camping space or picnic site without written authorization from the Department.

(b) Disturbing others in a campground facility between the hours of 10:00pm and 8:00am daily.

(c) Operating an engine driven electric generator between the hours of 10:00pm and 8:00am without written authorization from the Department.

Section 4. Title 2 and Title 6 (Department of Environmental Health).

By ordinance section number, amendments affect these programs:

2. Community event permits (submission of information for permit application)
3. Food vendors at community events (documentation to support a claim or exemption from permit fees)
4. Food facility plan review costs (payment for additional review)
5. Eye gnat prevention and control (clarification of basis for "validation" of control measures)
6. Fees (miscellaneous changes to conform terminology to state law and to County Code substantive provisions; correction of employee classifications for additional work billed at labor rates; no new fees or fee increases)
7. Fee refunds (clarify that program implementation to maintain a level competitive playing field is a "service" to fee payers)
8. State Housing Law definitions (Clarify that multiple rental units not in the same building can constitute a "hotel". Define "co-located rental units")
9. State Housing Law permit requirement (extend permit coverage to co-located rental units where an apartment building or hotel already requires a permit)
10. Public pools (make express the requirement to pay plan review fees)
11. Well permits (codify current practices concerning DEH consideration of roads and easements when issuing well permits)
12. On-site wastewater treatment system permits (codify the requirement to address County watershed protection program requirements when issuing these permits)
13. Hazardous incident response (provide an express basis in the County Code for this long-established program; authorize out-of-County activity under specified conditions)
14. CUPA programs CERS reporting (further clarify that facility information must be kept current in CERS even if hazardous waste and materials quantities do not trigger an inventory reporting requirement; cross-reference the existing hourly fee for increased permit processing costs if information in CERS is not up to date)
15. Correct the designation of a CUPA permit delinquency charge from "penalty" to "fee."

- 16 and 17. State housing law abatements (expressly provide that this program applies to mobilehomes, not just to "buildings," in the unincorporated area of the County)
18. State housing law abatements (add "substandard gas plumbing" to "leaking gas plumbing as a condition that can be a basis for ordering premises to be vacated)
19. Reoccupancy of condemned premises (make express the requirement that all repairs be completed before condemned premises can be reoccupied)
20. State housing law abatement appeals (expressly provide for tenant participation as parties, and for appeals to delay the date premises must be vacated; provide that a failure to pay relocation benefits upheld on appeal is a violation of the County Code)

2. Section 21.204 of the County Code is amended to read as follows:

SEC. 21.204. ISSUANCE OR DENIAL OF PERMIT.

- (a) DEH may deny a permit for a community event if additional information required by DEH to make the application complete is not timely submitted.
- (b) DEH may deny a permit for a community event based upon any of the grounds stated in section 21.208 or if it determines one of the following conditions may occur, which the applicant is unable to mitigate against:
 - (1) The event will cause an increase in the amount of pedestrian and/or vehicular traffic that will likely present a threat to public health or safety to event attendees, participants, area residents or others in the vicinity where the event is proposed to occur.
 - (2) The event will require diverting a significant number of law enforcement personnel from their normal duties that will likely prevent reasonable law enforcement protection to the community in the area where the event is proposed.
- (c) DEH may also deny a permit for a community event if the applicant violated this code or State law during a previous community event and is unable to demonstrate to the satisfaction of DEH that it would not violate this code or State law if DEH were to issue a permit for the event.
- (d) If DEH denies a community event permit it shall follow the procedures under section 21.110. An applicant denied a permit under this chapter may appeal by following the appeal procedure provided in sections 21.110(a) and 21.116.
- (e) DEH shall issue or deny the permit within 15 days after the application is complete.

3. Section 61.104 of the County Code is amended to read as follows:

SEC. 61.104. PERMIT REQUIRED FROM DEPARTMENT OF ENVIRONMENTAL HEALTH.

(a) A person who is required to obtain a food facility permit pursuant to the CRFC shall submit an application for the permit to DEH on a form provided by the department. The application shall be accompanied by the fee required in Title 6, Division 5, Chapter 1.

(b) A person organizing a community event or swap meet at which any food vendor claims exclusion from "food facility" status pursuant to Health and Safety Code 113789(c)(4) (i.e., based on operation of the event for the benefit of a non-profit, and the absence of any monetary benefit to the for-profit food vendor other than that resulting from recognition from participating in the event) shall submit with the application for an organizer's permit for the event one of the following:

(i) A certification by an individual authorized to represent the organizer, sworn under penalty of perjury under the laws of the State of California, identifying each vendor claiming this exclusion, and stating that the signatory has confirmed after reasonable inquiry that the organizer has procedures in place to collect all revenues received by those vendors in excess of each vendor's direct costs of participating in the event, and has procedures in place to remit those excess revenues, less any contractual fee retained by the organizer, to the non-profit beneficiary of the event.

(ii) Certifications by individuals authorized to represent each vendor claiming this exclusion, sworn under penalty of perjury under the laws of the State of California, stating that the vendor had procedures in place to determine its event revenues in excess of its direct costs of participating in the event, and will remit those excess revenues if any either directly to the non-profit beneficiary of the event, or to the organizer for distribution to non-profit beneficiary.

(c) Pursuant to Health and Safety Code section 114390(b)(1), the Director may require any food vendor doing business at an event without a temporary food facility permit or a statement as set out in subsection (b) on file with DEH to provide documentation of receipts, expenses, and remittances to the non-profit beneficiary of that event sufficient to show eligibility for exclusion for that event under Health and Safety Code section 113789(c)(4).

4. Section 61.106 of the County Code is revised to read as follows:

SEC. 61.106. PLAN REVIEW FEE.

A person required to submit written plans and specifications to DEH pursuant to Health and Safety Code section 114380 shall pay the plan review fee required in Title 6, Division 5 at the time the person submits plans and specifications. If more than one plan review is required, the applicant shall also pay the plan revision and plan check consultation fees specified in that Division.

5. Section 64.402

SEC. 64.402. DEFINITIONS.

The definitions set out in chapter 2 of this division shall apply to this chapter. In addition:

- (a) "Abatable source" means any property that supports the development, attraction or harborage of eye gnats in numbers that cause human discomfort.
- (b) "Applicable eye gnat abatement measure" means a validated eye gnat abatement measure that is technically suited to a crop or crops and to conditions and practices at a specific commercial organic farm, and that would reduce eye gnat development, attraction, harborage, or off-farm flight if used at that farm.
- (c) "Barrier crop" means plants grown in a specified area for the purpose of intercepting eye gnats, which can be treated with conventional pesticides. (Barrier crops treated with pesticides can be used by farmers on a voluntary basis, but the Director cannot order that they be used.)
- (d) "Commercial organic farm" means a farm that grows and sells certified organic products.
- (e) "Cultural control method" means any farming practice that is selected at least in part to reduce or prevent eye gnat development, attraction or harborage.
- (f) "Eye gnat breeding hazard" means an avoidable or mitigable condition on a commercial organic farm that is likely to contribute to the development of eye gnats in numbers that could contribute to a nuisance in a nearby community.
- (g) "Eye gnat source identification testing" means any reliable technical method for determining whether a farm or other property is developing, attracting or harboring eye gnats, and includes but is not limited to emergence trapping on the farm or other suspected sources, grid trapping to determine concentrations of eye gnats in the vicinity of the farm, and the use of trap count patterns to determine whether eye gnat populations are greater closer to the farm or other property than further away.
- (h) "Grower" or "farmer" means any person who can direct changes in practices on a commercial organic farm.

(i) "Last resort situation" means a public nuisance as defined in Chapter 4, for which a commercial organic farm alone is a predominant cause, which has not been abated within nine months after the implementation of abatement measures by that farm pursuant to an agreed voluntary plan or abatement order. Where a commercial organic farm is a predominant cause of a public nuisance only in combination with other sources, a last resort situation does not exist until those other sources also take or are ordered to take abatement actions the Director determines are appropriate. Notwithstanding any other provision of this ordinance, the Director may also exercise the last resort powers described in section 64.403 where a farmer fails or refuses to participate in the voluntary plan process or fails or refuses to comply with a previously issued abatement order or approved voluntary plan.

(j) "Predominant cause" of a public nuisance means any cause or combination of causes contributing substantially more to the existence of that nuisance than other causes, which, if mitigated, would substantially reduce nuisance conditions in the community.

(k) "Public nuisance" means conditions that constitute a public nuisance as defined in section 3480 of the California Civil Code, predominantly caused by the development, attraction or harborage of eye gnats on a commercial organic farm and by the migration of eye gnats from that farm.

(l) "Reasonable precautionary and protection measures" means the use of any inexpensive, convenient, and relatively non-invasive practice by an individual property owner to abate eye gnats on that owner's property and shall include the use of abatement traps in good condition and maintained at least once a week in structure and bait by the individual property owner, provided traps and bait are furnished free of charge to such property owner.

(m) "Validated eye gnat abatement measure" includes any farming practice, cultural control measure, or other eye gnat abatement measure that has been reviewed as set out in section 64.405 and determined by the Director to be effective in some organic farming situations. As of September 2015 those measures include proper fertilizer use and irrigation practices, as described on the DEH eye gnat web page. Any subsequently validated measures will also be shown on that page.

"Validated eye gnat abatement measure" also includes the following measures which research and experience had shown to be effective before the County's eye gnat program was adopted:

1. Reduced tilling of fresh or dry organic matter into soils
2. Barrier crops
3. Flight barriers

4. Trapping to intercept eye gnats or to reduce eye gnat numbers

5. Fallow or dry periods

(n) "Voluntary plan" means the written proposal submitted to the Director by an organic farm or other agricultural operation describing the owner's or grower's plan to control eye gnat breeding. The voluntary plan includes any changes requested by the Director and agreed to by the owner or grower.

6. Section 65.107 of the County Code is 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

(a)(2) For Miscellaneous Food Facilities with 25 square feet or more of food display area (including Candy Stores, Concession Stands, and Pre-packaged Non-Potentially Hazardous Foods), and for 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) For Prepackaged Retail Markets (may also include prepackaged retail markets that make ice and dispense nonpotentially hazardous beverages):

1 to 10 employees: \$299

11+ employees: \$377

(a)(4) For temporary food facilities that operate at a fixed location for the duration of a community event (as defined in California Health and Safety Code Section 113755).

Non-profit applicants of temporary food facilities and non-profit community event organizers are exempt from the fee at a community event for not more than 2 events in a calendar year. This exception does not apply to the late application submittal fees.

Prepackaged Foods

Event Permit (1-4 days): \$93

Food Sampling/Demonstrator (portioning of food made at an approved permanent food facility)

Event Permit (1-4 days): \$93

Annual Prepackaged: \$250

Annual Sampling/Demonstrator (portioning of food made at an approved permanent food facility) (with approved commissary or other approved facility and food safety certification if portioning potentially hazardous foods): \$250

Unpackaged Foods - Event Permit (1-4 days): \$173

Annual Unpackaged Foods (with approved commissary or other approved facility and food safety certification if handling potentially hazardous foods): \$497

Community Event Organizer - Event Permit (1-4 days): \$244

Community Event Organizer, Annual Permit (Identical Event held at same location): \$443

Late application submittal for all temporary food facilities and organizers of community events, and certified farmers markets. Supplemental fee paid in addition to required fee if less than 14 days prior to the event: \$75

(5) For Certified Farmers Markets

Certified Farmers Markets: \$340

Certified Farmers Market Events with adjacent Temporary Food Facilities (organizer in control of certified farmers market is same as organizer in control of temporary food facilities): \$574

(6) Retail markets with delicatessens and/or other food preparation areas on the same premises:

1 to 10 employees: \$482

11+ employees: \$699

For retail markets with delicatessens and/or other food preparation areas in excess of three (3) at the same location: \$464

(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) For each mobile food facility or mobile support unit, other than mobile food facilities with full or limited food preparation, (defined in California Health & Safety Code Section 113818) under the same ownership and operating out of the same facility:

Packaged Lunch Truck (may include dispensing coffee made at an approved commissary): \$222

Mobile Support Unit: \$171

Carts and Vehicles: Prepackaged foods/ice cream/produce/tamale carts: \$219

(9) For Mobile Food Facilities with limited food preparation (defined in California Health & Safety Code Section 113818), under the same ownership and operating out of the same facility:

Limited Food Preparation (one limited food preparation cart and one auxiliary unit): \$370

Single Operating Site Mobile Food Facility [defined in California Health & Safety Code Section 113831 (b) and 114306] with up to two limited food preparation carts out of no more than four: \$428

Single Operating Site Mobile Food Facility [defined in California Health & Safety Code Section 113831 (b) and 114306] with three to four limited food preparation carts: \$535

(10) For each mobile food facility with full food preparation under the same ownership and operating out of the same facility: \$469

(11) For each vending machine dispensing milk, ice cream or milk products or other kinds of potentially hazardous foods or beverages, or dispensing unbottled or uncanned liquid foods or beverages, except vending machines which dispense unwrapped non- potentially hazardous, non-liquid food products: \$23

(12) Boats: \$266

(13) Wholesale Food Warehouse:

Warehouse (1-19,999 square feet): \$430

Warehouse (20,000 square feet and greater): \$537

(14) For Retail Food Processing Facilities: \$561

(15) Catering:

For full service catering facilities: \$487

(16) For food facilities that are operated by non-profit organizations not including schools or licensed health care facilities: \$250

(17) School food facilities - Processing kitchen: \$309

(18) School food facilities - satellite kitchen location: \$224

(19) Licensed health care facilities: \$542

(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)(6).

(c) PUBLIC POOL PERMIT FEES:

(1) For one (1) pool: \$280

(2) For two (2) pools: \$345

(3) For three (3) pools: \$519

(4) For four (4) pools: \$551

(5) For five (5) pools: \$601

(6) For each pool in excess of 5: \$110

(7) Dormant pool: \$89

(8) Public Bath House: \$789

(9) Non-profit operated pools where fees are not charged to the public and camp pools: \$235

(10) Activity Pool/Spray Grounds/Interactive Features (per feature/ pool): \$400

(d) SPECIAL ENFORCEMENT/INVESTIGATION FEES: (Hourly rate as specified in Section (m)(6)):

Unscheduled reinspection/regrade fee (per hour fee): Hourly rate

Suspension or revocation hearing: six times the Hourly rate

Sherman food investigation, with a confirmed violation: Hourly rate

Foodborne illness, plan check and/or recall investigation for activities without a current food facility permit issued by the County of San Diego DEH: Hourly rate

Fee for investigation of a health regulated business operating without a health permit will be 300% of the annual permit fee payable in addition to the permit fee.

(e) PLAN CHECK FEES:

(1) Pool Plan Review, as provided for in Section 67.301.

- (a) For one (1) pool: \$1,261
- (b) For each pool in excess one (1): \$408
- (c) Pool resurfacing or renovation: \$235
- (d) Resurfacing or renovation each pool over one, with concurrent inspections: \$125
- (e) Supplemental Fee for special purpose pools and perimeter overflow system pools (includes activity pools, spray grounds, and interactive water features): \$981
- (f) Minor Plan Review and changes to suction outlets Pool: \$399
- (g) Major Pool Renovation: \$762

(2) Food Facility Plan Review as provided for in Section 61.112:

- (a) 0-1,999 Square Feet: \$910
- (b) 2,000-5,999 Square Feet: \$1,205
- (c) 6,000- 9,999 Square Feet: \$2,040
- (d) 10,000 Square Feet and over: \$2,174

Plus the hourly rate as specified in Section (m)(6) (3 hour maximum) for each additional food preparation area.

(3) Food Facility or Pool Plan Revision as provided for in Section 61.106 and 67.302.5: \$255

(4) Restamping or Approval of Non-health Regulated Building Plans, as required by other governmental agencies: \$125

(5) Minor plan review - Food facility

Plan review for:

- (a) Equipment only for food facilities which are subject to regulation: \$380
- (b) the reopening of a facility which has completed a plan check consultation and needs a plan review for equipment changes: \$380

(6) Pre-packaged food or wholesale food warehouse plan review: \$545

(7) Minor plan review - Miscellaneous facilities

- (a) Body Art Plan Review as regulated under 66.305 (Body Art Facility): \$350
- (b) Massage Plan Review as regulated under 66.513 (Massage Establishment): \$348

(c) Other Miscellaneous Facilities as regulated under Section 66.606 (Bathhouses) or for other miscellaneous establishments where a plan review is required. \$380

(8) Express plan review: 200% of regular fee.

(9) After hours inspection: 1½ times the hourly rate specified in section (m)(6), minimum two hours.

(10) Food or pool plan check consultation (2 hour minimum charge for field inspections): Hourly rate as specified in section (m)(6).

(11) Food or pool consultation (supplemental inspection) (2 hour minimum charge for field inspections): Hourly rate as specified in section (m)(6).

(12) Mobile food facility plan check/mobile food support unit: \$288

(13) Investigation of work without a permit. Whenever a food facility or pool is built, modified or remodeled without first submitting an application for the required permit/plan review, a special investigation shall be made before a permit may be issued for such work. The fee for this investigation will be in addition to the permit fee. (2 hour minimum charge for field inspections.): Hourly rate as specified in section (m)(6).

(f) MISCELLANEOUS FOOD AND HOUSING FEES:

(1) Food Handler per Section 61.102.

DEH-proctored Renewal Exam: \$20

(This service will be discontinued after December 31, 2017)

Duplicate Certificate: \$18

(This service will be discontinued after December 31, 2017)

Education Certificate Food Handler (each certificate): \$3

Food Handler Training Booklets: \$2.50

Food Manager Training Packet: \$10

Exam Materials: \$.25

(2) Services to food handler training providers: hourly rate as stated in Sec. 65.107(m) of this code, for time expended.

(3) Pet Shops/Kennels Permit Fee: \$141

(4) Massage Establishments: \$151

(5) Body Art Facilities: \$279

Body Art Practitioners (annual registration): \$95

Body Art Temporary Event Sponsor \$465

Body Art/Temporary Event Late or revised application fee (Less than 14 days prior to event.) \$83

Body Art Temporary Event Booth \$52

Body Art Reinspection Fee (assessed if repeated noncompliance makes reinspection necessary):

Hourly Environmental Health Specialist rate

Notification fee for single-use-needle mechanical ear-piercing only facilities: \$45

(6) Organized Camps

Seasonal: \$453

Year Around: \$918

(g) LAND USE FEES:

Duration of fees:

With the exception of well permits, renewable permits and deposit accounts, fees are valid one year from the date of submittal or one year from the date of approval. Well permit applications are valid for 120 days from the date of approval. Renewable permits expire one year from the date they are issued. The permit for sewage pumping vehicles shall expire on December 31 of each year; refer to SDCC Section 65.014 on the renewal of licenses, permits, or registrations for additional information. Deposit accounts will remain active until the project is completed and all billing has been paid. See section (m)(6) for billing rates.

(1) Recycled Water Plan Check Fees, as provided for in Section 67.521(d): Hourly rate as specified in Section (m)(6).

(2) Recycled Water Shutdown Test, as provided for in Section 67.523: Hourly rate as specified in Section (m)(6).

(3) Well Permit Application, as provided for in Section 67.441.B

Domestic Well: \$535

Additional Domestic Well/per well over one on same parcel: \$175

Public Water Supply Well: \$1,051

Well Destruction: \$281

(4) Collected Water Sample from Private Well: \$163

(5) Layouts/Percolation Test, as provided for in Section 68.361:

New Construction: \$960

Additions/Pools: \$804

Layout/Percolation Test Time Extension: \$411

Layout over the counter, no field investigation: \$105

(6) Onsite Wastewater System permit, as provided for in Section 68.326:

Conventional Onsite Wastewater System Inspection: \$402

Conventional Onsite Wastewater System Re-Inspection: \$163

Conventional Onsite Wastewater System Repair Inspection: \$395

Treated Onsite Wastewater System Installation Inspection: \$893

Treated Onsite Wastewater System Major Repair Inspection: \$893

Treated Onsite Wastewater System Minor Repair Inspection: \$659

Treated Onsite Wastewater System Annual Operating Permit, as provided for in Section 68.334: \$326

Onsite Wastewater System Enforcement Fee, as provided for in Section 68.336: Minimum charge, two hours at the hourly rate as specified in Section (m)(6).

(7) Lot Line Adjustment/Certificate of Compliance/Conditional Certificate of Compliance, up to two lots as provided for in Sections 81.902 et seq./81.1103/81.1104: \$641

Lot Line Adjustment/Certificate of Compliance/Conditional Certificate of Compliance, three lots as provided for in Sections 81.901 et seq./81.1103/81.1104: \$940

(8) Boundary Adjustment/Certificate of Compliance, four or more lots as provided for in Sections 81.902.2 and 81.1105.1 (Initial deposit, additional funds may be required for full cost recovery): \$1,469

Lot Line Adjustment/Certificate of Compliance/Conditional Certificate of Compliance over the counter, no field investigation: \$158

(9) Graywater System Permits

Plan Review - over the counter, as provided for in Section 68.361: \$105

Plan Review - with field check, as provided for in Section 68.361: \$447

Installation Inspections, as provided for in Section 68.361: \$388

Re-Inspection fee, as provided for in Section 68.361: \$173

(10) Septic Cleaner Examination Fee, as provided for in Section 68.602: \$84

(11) Septic Cleaner Base Permit Fee, as provided for in Section 68.604a: \$158

(12) Sewage Pumping Vehicle, as provided for in Section 68.604b: \$116

(13) Grading Plan, Major, as provided for in Section 87.204.1: \$368

(14) Deposit for a Special Projects Application review as provided for in Section 68.361. (Initial deposit, additional funds may be required for full cost recovery): \$1,050

(15) Deposit for a Tentative Map as provided for in Section 81.201 et seq. (Initial deposit, additional funds may be required for full cost recovery): \$2,795

(16) Tentative Map Time Extension as provided for in Section 68.361: \$496

(17) Deposit for Condominium Conversion Tentative Map as provided for in Section 81.201 et seq. (Initial deposit, additional funds may be required for full cost recovery): \$1,088

(18) Deposit for Tentative Parcel Map on sewer as provided for in Section 81.201 et seq. (Initial deposit, additional funds may be required for full cost recovery): \$982

(19) Deposit for Tentative Parcel Map on septic as provided for in Section 81.201 et seq. (Initial deposit, additional funds may be required for full cost recovery): \$1,498

(20) Tentative Parcel Map Time Extension as provided for in Section 68.361. \$286

(21) Deposit for a Condominium Conversion Tentative Parcel Map, as provided for in Section 81.207(d). (Initial deposit, additional funds may be required for full cost recovery): \$548

(22) Deposit for Major Use Permits, Standard Application review as provided for in Section 68.361 (Initial deposit, additional funds may be required for full cost recovery): \$1,250

(23) Major Use Permit Modification/Minor Deviation as provided for in Section 68.361. \$644

(24) Major Use Permit Time Extension as provided for in Section 68.361. \$763

(25) Deposit for a Minor Use Permit Standard Application review as provided for in Section 68.361. (Initial deposit, additional funds may be required for full cost recovery): \$1,078

(26) Minor Use Permit Modification/Minor Deviation as provided for in Section 68.361. \$644

(27) Minor Use Permit Time Extension as provided for in Section 68.361. \$324

(28) Deposit for a Reclamation Plan review as provided for in Section 68.361 (Initial deposit, additional funds may be required for full cost recovery): \$944

(29) Reclamation Plan Modification as provided for in Section 68.361. \$548

(30) Administrative Permit Standard Application as provided for in Section 68.361. \$692

(31) Administrative Permit Modification as provided for in Section 68.361. \$544

(32) Administrative Permit Time Extension as provided for in Section 68.361. \$238

(33) Final Map Amendment as provided for in Section 68.361. \$787

(34) General Plan Amendment as provided for in Section 68.361. \$478

(35) Major Project Pre-application Conference as provided for in Section 68.361. \$692

(36) Pre-application Conference as provided for in Section 68.361. \$238

(37) Rezone Application as provided for in Section 68.361. \$478

(38) Site Plan Application as provided for in Section 68.361. \$501

(39) Site Plan Modification/Minor Deviation as provided for in Section 68.361. \$382

(40) Site Plan Time Extension as provided for in Section 68.361. \$238

(41) Specific Plan Review as provided for in Section 68.361. \$478

(42) Specific Plan Modification as provided for in Section 68.361. \$478

(43) Administrative Variance as provided for in Section 68.361. \$382

(44) Variance Standard Application as provided for in Section 68.361. \$382

(45) Variance Modification/Minor Deviation as provided for in Section 68.361. \$382

(46) Variance Time Extension as provided for in Section 68.361. \$334

(47) Easement Vacation Review as provided for in Section 68.361. \$477

(h) MONITORING WELLS FEES:

(1) Monitoring Wells/Soil Boring (permits)

Borings:

Base Fee (Includes First Boring): \$200

Each Additional Boring: \$49

(2) Monitoring Wells (Ground Water/Vadose Wells/Cathodic Protection Wells)

Base Fee (Includes first well): \$200

Each Additional Well: \$161

(3) Monitoring Well Destruction

Base Fee (Includes First Well): \$200

Each Additional Well: \$123

(4) Monitoring Well Re-inspection Fee (per site). Hourly rate as specified in Section (m)(6).

(5) New well inspection fee: \$99

Each additional well: \$30

(6) Investigative Fee. For work done without a permit for which a permit is required or work done that is not in compliance with an approved permit: 100% of the permit cost.

(7) Tank Monitoring Well Fee (per site). Borings installed in UST and piping backfill with casing installed for purpose of monitoring tank system for leaks: \$320

(8) Miscellaneous Monitoring Well Program Fee. Includes the review of geotechnical boring permit waivers, the processing of refunds, and other Monitoring Well Program activities where no fee is specifically indicated. Charge is at the hourly rate as specified in Sections (m)(5) and (m)(6).

(9) Deposit for a preliminary risk assessment where no fee is specifically indicated. (Includes oversight and investigation of contaminated ground water/soil and other technical assistance): Minimum charge, ten hours at the hourly rate as specified in Section (m)(6). Initial deposit, additional funds may be required for full cost recovery.

(i) SMALL WATER SYSTEM FEES:

(1) Small Water Systems New Permit Application Fee: as provided for in California Health and Safety Code, Sections 101325, 116340, 116570, 116595. Initial deposit, additional funds may be required for full cost recovery. \$1,000

(2) Public Water System Change of Ownership/Permit Amendment/ Exemption/Plan Review/Variance/Waiver Processing Fee, as provided for in California Health and Safety Code,

Sections 101325, 116570, 116580, 116595. Initial deposit, additional funds may be required for full cost recovery. \$500

(3) Public Water System Annual Drinking Water Operating Fee: as provided for in California Health and Safety Code, Sections 101325, 116565, 116595.

Treated Community Water System: \$2,938

Community Water System: \$2,516

Treated Transient, Non-Community Water System: \$2,245

Transient, Non-Community Water System: \$1,768

Treated Non-Transient, Non-Community Water System: \$2,622

Non-Transient, Non-Community Water System \$2,23

Kelly Bill Small Water System: \$105

(4) State Small Water System

Annual Drinking Water Operating Fee, as provided in California Health and Safety Code, Sections 101325, 116340.

Treated State Small Water System: \$1,572

State Small Water System: \$1,149

(5) Enforcement fee, as provided for in California Health and Safety Code, Section 116577:

Charged using the hourly rate specified in Section (m)(6), for any of the following:

(a) Preparing, issuing, and monitoring compliance with, an order or a citation.

(b) Preparing and issuing public notification.

(c) Conducting a hearing pursuant to Section 116625.

(j) SOLID WASTE FEES: Solid Waste fees as provided in Sections 43213, 43508 and 44006, Division 30, of the Public Resources Code and defined in Titles 14 and 27, California Code of Regulations.

(1) Municipal Solid Waste Landfills (active):

Large - Permitted to receive more than 500 tons per day \$46,320

Small - Permitted to receive 500 tons or less per day \$22,369

(2) Transfer/Processing Facilities and Operations:

a) Major Large - Sites that require twelve inspections per year: \$14,404

- Large Volume Transfer/Processing Facility (permitted to receive/process more than 1,000 tons per day)

b) Minor Large – Sites that require twelve inspections per year: \$10,450

- Large Volume Transfer/Process Facility (permitted to receive/process more than 100 and up to 1,000 tons per day)
- Inert Debris Processing Facility (more than 1,500 tons per day)

c) Medium - Sites that require twelve inspections per year: \$6,807

- Medium Volume Transfer/Processing Facility (permitted to receive/process equal to or more than 15 tons (or 60 cubic yards, whichever is greater) but less than 100 tons per day)
- Medium Volume CDI Debris Processing Facility
- Medium Volume C&D Wood Debris Chipping and Grinding Facility
- Inert Debris Processing Facility
- Large Volume C&D Wood Debris Chipping and Grinding Facility

d) Limited/Small – Four inspections per year: \$2,259

- Limited Volume Transfer/Processing Operation (less than 15 tons or 60 cubic yards (whichever is greater))
- Small Volume CDI Debris Processing Operation
- Small Volume C&D Wood Debris Chipping and Grinding Operation
- Inert Debris Type A Only Processing Operation

e) Sealed Container Transfer Operations - Sites that require one inspection per year: \$659

- Operation where solid wastes remain at all times within unopened containers on-site and are not stored for more than 96 hours

f) Recycling Center – Sites that require one inspection per year: \$659

- CDI Recycling Center
- Inert Debris Recycling Center

(3) Large Volume CDI Waste Disposal Facility - Sites that require twelve inspections per year: \$10,450

(4) Inert Debris Type A Disposal Facility – Sites that require twelve inspections per year: \$6,807

(5) Inert Debris Engineered Fill Operation - Sites that require four inspections per year: \$2,259

(6) Compostable Materials Handling Facilities and Operations:

- a) Full Permit -- Sites that require twelve inspections per year: \$8,086
- b) Registration Permit Tier or Enforcement Agency Notification -- Sites that require twelve inspections per year: \$8,000
- c) Registration Permit Tier or Enforcement Agency Notification -- Sites that require four inspections per year: \$2,824
- d) Registration Permit Tier or Enforcement Agency Notification -- Sites that require one inspection per year: \$660

(7) Closed Sites:

- a) Monthly - Sites that require twelve inspections per year: \$22,595
- b) Quarterly Large Landfills - Sites that require four inspections per year: \$7,000
- c) Quarterly Burnsites/Small Landfills - Sites that require four inspections per year: \$3,700
- d) Annual - Sites that require one inspection per year: \$866

(8) Solid waste handling fees - All solid waste handlers within the jurisdiction of the County of San Diego LEA shall remit \$0.14 per ton of solid waste handled.

a) Exclusion: The fee shall not be assessed to solid waste handlers if it can be demonstrated to the satisfaction of the County of San Diego Local Enforcement Agency (LEA) that the waste was recycled and/or diverted from the solid waste stream. Additionally, this fee will not be assessed to solid waste handlers for each ton of waste for which it can be demonstrated to the satisfaction of the LEA that the fee was collected at a disposal site within the jurisdiction of County of San Diego LEA.

b) All solid waste handlers within the jurisdiction of the County of San Diego LEA that receive revenue or income or charge fees for handling the solid waste shall maintain records and report waste handling information to the LEA in a manner or on a form provided by the LEA quarterly on or before May 1, August 1, November 1, and February 1 respectively and the records used to prepare these reports shall be maintained for a minimum of three years. These records shall be made available for inspection by the LEA upon request during normal business hours.

c) For purposes of this section, "solid waste handlers" means any person, agency or business that collects, transports, stores, transfers, disposes, or processes solid waste within the jurisdiction of the County of San Diego LEA.

(9) Solid Waste Facility Report or Application Filing Fee

Any solid waste related activity requiring review and / or decision by the LEA shall be accompanied by a filing fee by the applicant or responsible party to reflect the cost of processing the application and to recover costs incurred in meeting requirements of Division 30 of the California Public Resources Code. This fee is in addition to the fees authorized by Chapter 2 and Article 1 (commencing with Section 43200) of Part 4 of the California Public Resources Code. This fee shall be set at the hourly rate as specified in Section (m)(6).

(k) UNIFIED PROGRAM FEES:

(1) Unified Program Facility Permit Base Fee (Required for all Operating Permits except as noted): \$228

Reinspection Fee: \$228

Additional Processing Fee where facility information and other program elements that are subject to electronic reporting in CERS are not submitted, repeatedly not accepted, or not up to date: Hourly rate in subsection (m)(5) or (m)(6) as applicable in each case.

(2) Hazardous and Medical Waste Generator Operating Permit

(Note: Hazardous wastes stored in permitted underground storage tanks are not subject to the fees in this subsection (k)(2)).

a) Waste oil recycled by recycling company (flat rate): \$84

b) Large Quantity Universal Waste Handler 5,000 kg per year or more (flat rate):

Per Waste less than 5 tons per year: \$84

Per Waste 5-50 tons per year: \$186

Per Waste greater than 50 tons per year: \$318

(3) Onsite Hazardous Waste Treatment (Tiered Permitting) Facility Fee

a) Conditional Exemption: \$102

b) Conditional Authorization: \$450

c) Permit by Rule: \$679

(4) Hazardous Material Response Plans and Inventory Operating Permit (Maximum Fee is as noted below.): \$2,391

a) Per material less than 550 gallons, 5,000 pounds or 5,000 cubic feet of compressed gas (maximum quantity): \$71

b) Per material 550 to 5,500 gallons, 5,000 to 50,000 pounds or 5,000 to 20,000 cubic feet of compressed gas (maximum quantity): \$112

c) Per material greater than 5,500 gallons, 50,000 pounds or 20,000 cubic feet of compressed gas (maximum quantity): \$203

(Note: Hazardous materials stored in permitted underground tanks are not subject to the fees in this subsection (k)(4))

(5) Limited hazardous waste/materials operating permit for businesses handling or generating only one disclosable material or waste stream, including large quantity Universal Waste Handler (includes Operating Permit Base Fee): \$257

(6) Underground Hazardous Materials Storage Operating Permit, per Tank (includes storage of Hazardous Wastes and Hazardous Materials): \$433

(7) Underground Hazardous Materials Storage Tank Special Permits

a) New Underground Storage Tank Installation/Repair/Upgrade (Interior lining, bladder installation)

Base Fee [includes one (1) tank]: \$1,420

Each Additional Tank: \$412

Plan Re-Review and Plan Extension: \$452

b) Closure/Removal

Base Fee [includes one (1) tank]: \$886

Each Additional Tank: \$384

c) Plan Re-Review and Plan Extension: \$452

d) Underground Storage Tank modification/ upgrade including pipe repair/ replacement that involves two inspections

Base Fee (includes entire facility): \$1,656

Plan Re-Review and Plan Extension: \$452

e) Underground Storage Tank modification that involves one inspection

Base Fee (includes entire facility): \$1,123

Reduced Rate Fee (applies to simple projects): \$709

Plan Re-Review and Plan Extension: \$452

f) Underground Storage Tank re-inspection fee: \$709

g) Underground Storage Tank Additional Plan Check Inspection: \$568

(8) Business establishments generating less than 200 pounds per month of medical waste (Operating Permit Base Fee not required): \$174

(9) Business establishments generating 200 pounds or more per month of medical waste: \$228

(10) Hazardous Materials Management Business Plan (HMBP) Review for sites amending their HMBP as part of the Building Permit process (fee per site): \$418

Hazardous Materials Management Business Plan (HMBP) Review for sites evaluated as part of the Building Permit process (Exempted Sites; fee per site): \$81

(11) Preliminary workscope assessment where no fee is specifically indicated. (Includes Risk Management Plans and other technical assistance.) Minimum charge, two hours at the hourly rate as specified in Section (m)(6).

(12) California Accidental Release Program (CalARP) and Risk Management Plans (RMPs)

a) Program Level 1 annual fee for triennial inspection: \$238

b) Program Levels II & III annual fee for triennial inspection: \$598

c) RMP review work and additional inspection/ audit costs that exceed the annual fee: hourly rate specified in Section (m)(6).

(13) Day Care Questionnaire Review for City of San Diego (fee per site): \$170

(14) Notification Only Fee for Low Risk Unified Program Facilities designated by the Director of Environmental Health as notification only (Operating Permit Base Fee not required): \$53

(15) Established businesses that operate a facility subject to the Unified Program without first submitting a permit application or notification to the Department must pay the following one-time non-notification fee. \$228

(16) Biotechnology facilities and research and development laboratories subject to the Unified Program Facility Permit base fee, the hazardous waste fees or the hazardous materials fees may have these fees reduced by 25% if the facility meets performance standards as defined by the Department.

(17) University of California at San Diego (UCSD) sites limited to contiguous UCSD owned property on and around Gilman Drive in the City of San Diego subject to the Unified Program Facility Permit Base Fee, the Hazardous Waste Generator Fees, the Medical Waste

Generator Fees, the Hazardous Materials Fees or the Underground Storage Tank Operating Permit Fees shall pay an annual flat fee in lieu of the fees listed in this section. UCSD shall be subject to all other fees not specifically covered in this Section. The flat fee applies only to UCSD Main Campus and the Scripps Institution of Oceanography. \$20,601

(18) Aboveground Petroleum Storage Act (APSA) annual fee is based on the total aggregate storage capacity of petroleum stored in Aboveground Storage Tank(s) (AST) (maximum quantity):

Program Tier I (1,320 - 9,999 gal): \$125

Program Tier II (10,000 - 100,000 gal): \$460

Program Tier III (100,001 - 1,000,000 gal): \$855

Program Tier IV (1,000,001 - 10,000,000 gal): \$2,500

Program Tier V (10,000,001 - 100,000,000 gal): \$6,000

(19) Corrective Action Oversight. The responsible party or the person requesting the County's oversight of corrective action shall pay the County for its oversight costs. Funds to pay for Department of Environmental Health's (DEH) oversight of corrective action pursuant to section 68.915 of this code shall be advanced to and retained by the County as specified herein.

An initial deposit as specified in section (k)(19)(a) below shall be made by the responsible party or the person requesting oversight. Actual time expended by DEH in oversight shall be charged to this deposit account at the current labor rate.

Additional deposits shall be made to the deposit account by the responsible party or person requesting oversight as specified by the County, to maintain a positive balance sufficient to cover anticipated oversight costs in that case for two to three months. Upon completion of work and closure of the case, any funds not expended shall be returned to the responsible party or person seeking oversight.

(a) Corrective Action Initial Deposit: \$3,692

(l) RADIATION SHIELDING PLAN CHECK

(1) Radiation Shielding Plan Check Fee (base fee includes two rooms): \$84

(2) Fees for additional rooms in same facility (3-6 rooms): \$45

For more complex plan checks, sites are billed at the hourly rate specified in Section (m)(6) for additional plan check and inspection costs that exceed the hours covered by the fee calculated above.

(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)(6).

(8) Cost for services provided for which a deposit is required will be at the hourly rate specified in Section (m)(6). 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)(6).

(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 Vector Laboratory services:

Laboratory tests: \$25

Save body: \$20

(12) Vector Laboratory 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

(n) HIRT HAZARDOUS MATERIAL RELEASE RESPONSE FEE:

Actual costs of consumables used, plus Environmental Health Specialist hourly rate in subsection (m)(6) for time expended (minimum charge one hour, each additional 1/10th hour will be charged one tenth of the hourly rate). For Unified San Diego County Emergency Services Organization (USDCEO) responses DEH (or the County Office of Emergency Services may also bill on behalf of member jurisdictions at the prevailing rate for that jurisdiction.

7. Section 65.109 if the County Code is 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. Permit application processing and any inspection or enforcement activity directed at a business that competes in any way with the applicant for a fee refund is a service cost.

(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.

8. Section 66.903 of the County Code is 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 of 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, or set of buildings located on the same or contiguous premises and under the same ownership or management, 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.

CO-LOCATED RENTAL UNIT means any other rental unit on the same premises and under the same ownership or management as an apartment house.

9. Section 66.904 of the County Code is 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 or co-located rental unit 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 therefor issued by the Director.

10. Section 67.302.5 is added to the County Code to read as follows:

SEC. 67.302.5 PLAN REVIEW FEES

A person required to submit plans and specifications to DEH pursuant to Health and Safety Code section 116038 shall pay the plan review fee required in Title 6, Division 5 at the time the person submits plans and specifications. If more than one plan review is required, the applicant shall also pay the plan revision and plan check consultation fees specified in that Division.

11. Section 67.411 of the County Code is amended to read as follows:

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 and related piping 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.

(g) Public and private roads

(h) Easements, including boundaries and a summary of allowed uses

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.

10. Evidence of compliance with Chapter 8 of Division 7 of Title 6 of this Code (watershed protection).

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.

5. The proposed location of the well or related piping would place the well or piping at risk from uses allowed within an overlapping or nearby easement, or would interfere with the allowable uses of that easement.

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.

12. Section 68.303.5 is added to the County Code to read as follows:

SEC. 68.303.5 WATERSHED PROTECTION REQUIREMENTS

For installation and repair projects in the unincorporated portion of the County, the Director shall coordinate with the Director of Planning and Development Services to ensure compliance with Chapter 8 of Division 7 of Title 6 of this code.

13. Chapter 8 of Division 8 of Title 6 of the County Code is amended to read as follows:

CHAPTER 8. HAZARDOUS INCIDENT RESPONSE

SEC. 68.801. PURPOSE.

It is the intent of the Board of Supervisors that the County, through its Office of Emergency Services (OES) and the Department of Environmental Health, should continue to participate in regional arrangements to ensure prompt and effective responses to hazardous materials release incidents (including suspected and threatened releases) within the County. Such participation helps to protect public health and safety and the environment. To the extent allowed by state law, responsible persons should pay for release responses. Where costs cannot be attributed and recovered, coordinated regional efforts should be funded regionally through the Unified San Diego County Emergency Services Organization (USDCESO), a joint powers agency established

for these purposes. It is the further intent of the Board of Supervisors that DEH should respond to releases in the unincorporated area that do not fall within the ambit of USDCESO to the extent necessary to protect human health, safety and the environment. Finally, it is the intent of the Board of Supervisors that specialized capabilities developed within DEH to better protect the County be made available for deployment outside of the County at the direction of the Federal Emergency Management Agency, on a full cost recovery basis, where such arrangements will not degrade response capabilities within the County.

SEC. 68.802 HAZARDOUS INCIDENT RESPONSE CAPABILITIES

To the extent feasible using available resources, the Director may establish, equip, train and maintain a Hazardous Incident Response Team (HIRT) that can safely and effectively respond to hazardous materials releases (including suspected or threatened releases) throughout the County.

SEC. 68.803 HAZARDOUS INCIDENT RESPONSE

(a) The Director as local Health Officer may respond to releases (including suspected or threatened releases) of hazardous materials anywhere in the County, when necessary to protect public health and safety and the environment. Planning for, funding, and execution of release responses shall be coordinated with the Unified San Diego County Emergency Services Organization (USDCESO) and its member agencies.

(b) When responding to a release, the Director may order that areas or premises be evacuated, and may determine when evacuated areas or premises may be reoccupied.

SEC 68.804. PAYMENT OF COSTS FOR RESPONSES TO RELEASES OF HAZARDOUS SUBSTANCES

(a) Persons liable for the expenses of an emergency response pursuant to section 13009.6 of the California Health and Safety Code shall pay the costs of that response when and as invoiced by the Director or by the County Office of Emergency Services (OES). The Director or OES may invoice for County costs and for the costs of other participating agencies.

(b) For responses undertaken pursuant to a contract with USDCESO, funds recovered by the Director in excess of collection costs shall be reimbursed to USDCESO. Funds recovered for the costs of other participating agencies shall be reimbursed to those agencies.

14. Section 68.904 of the County Code is amended to read as follows:

SEC. 68.904. CERS REPORTING.

(a) Any business which handles hazardous material in quantities subject to the requirements of Chapter 6.95, and which has not been designated as a notification-only low risk unified program facility, shall provide inventory information and a business plan for emergency response in CERS in conformance with said Chapter. These businesses shall also provide in CERS the additional locally required information specified in Section 68.1113 of this Code.

(b) Any business, person, owner or operator that operates a unified program facility shall submit and shall keep up to date, through CERS, the facility information and program elements as defined in section 68.904.5 required to be reported and updated under State law and where applicable the additional locally required information specified in Section 68.1113 of this Code. (This facility information reporting and update requirement applies to unified program facilities and program elements even if the quantities of hazardous wastes or materials or medical wastes handled at the facility are below the thresholds for Chapter 6.95 to apply. Note: An additional hourly fee will be due under section 65.107(k) if outdated information or unaccepted submittals in CERS results in increased DEH costs to process a permit renewal.)

(c) Pursuant to Section 25508.1 of the California Health and Safety Code electronic updates are required for reportable information affected by the following events:

(1) A 100 percent or more increase in the quantity of a previously disclosed hazardous material that is subject to the inventory reporting requirements in State law.

(2) Any handling of a previously undisclosed hazardous material that is subject to the inventory reporting requirements in State law.

(3) Change of business address.

(4) Change of business ownership.

(5) Change of business name.

(6) A substantial change (as defined in State law) in the handler's operations occurs that requires modification to any portion of the business plan.

(d) Submissions for new permits and changes of ownership in CERS must be made within 30 days of commencing operation. All required updates must be made within 30 days of the triggering event.

(e) Notification and submittal of unified program facility information and required program elements through CERS is the only submittal method that meets the requirements of State law and this code.

(f) Submissions, updates, and any required certifications in CERS may be made by the business, person, owner or operator of the Unified Program facility or by an officially designated representative.

15. Section 68.910 of the County Code is amended to read as follows:

SEC. 68.910. RENEWAL DATE AND DELINQUENCY DEFINED.

A unified program facility permit issued pursuant to this division shall expire on the last day of the month of the one year anniversary month in which the unified program facility permit was issued and shall be renewed annually by paying to the Department of Environmental Health the required annual fee, which fee is due and payable each year. The annual fee, if unpaid, is thirty days delinquent on the first day of the second month after the month in which the permit expires.

The imposition of, or payment of the fee imposed by this section, shall not prevent the imposition of any other penalty prescribed by this Code, or any ordinance, or prosecution for violation of this Code, or any ordinance.

16. Section 69.102 of the County Code is amended to read as follows:

SEC. 69.102. APPLICABILITY.

(a) This chapter is applicable to buildings and mobilehomes used for human occupancy.

(b) The expedited procedure provided in Section 69.105 of this chapter is available when the Director finds that unsanitary conditions or the substandard conditions listed in Section 69.104 (a) of this Code in a rented residence or its lot are so extensive and of such a nature that the immediate health and safety of the tenants is endangered.

(c) The expedited procedure provided in Section 69.106 of this Code is available when the Director finds that unsanitary conditions described in Section 69.104(b) of this Code in any residence or its lot constitute an immediate threat to the health and safety of the public.

17. Section 69.103 of the County Code is 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 or mobilehome 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.

18. Section 68.904 of the County Code is amended to read as follows:

SEC. 69.104. IMMEDIATE THREAT TO HEALTH AND SAFETY.

- (a) The Director may find that any of the following substandard conditions or a combination thereof is so extensive and of such a nature that the immediate health and safety of the tenants in the rental residence is endangered:
 - (1) Inadequate sanitation or an unsanitary condition.
 - (2) Continued reliance on a defective or failed sewage system that has caused an unsanitary condition within the prior 30 days.
 - (3) A lack of potable piped water, unless the water supply to the residence has been shut off due to nonpayment by a tenant obligated under a written lease to pay for water. "Potable piped water" does not include water hauled to the site.
 - (4) Hazardous wiring, including any wiring that poses an increased risk of fire or of electrical shock because it is substandard.
 - (5) Structural hazards that pose a risk of collapse.

(6) Leaking or substandard gas plumbing.

(b) The Director may find that any unsanitary condition that is a public nuisance constitutes an immediate threat to the health and safety of the public.

19. Section 69.107 of the County Code is amended to read as follows:

SEC. 69.107. NOTICE OF REQUIRED REPAIRS; SCHEDULE FOR REPAIRS; REOCCUPANCY.

(a) When the Director issues an order pursuant to Section 69.105 or 69.106, the Directors shall at the same time or as soon thereafter as is feasible provide reasonable notice to the owner of the repairs and alterations required to correct the conditions addressed in the order. If the order requires the correction of any code violations that did not endanger occupants or pose a threat to public health, safety or welfare, the notice of required repair shall separately identify those lower priority repairs and alterations.

(b) When the Director provides a notice of required repairs, the Director shall at the same time or as soon thereafter as is feasible set out a reasonable and feasible schedule for expeditious repair, which shall become a part of the previously issued order.

(c) Onsite wastewater treatment system repairs and electrical and gas repair work that requires a permit shall not be undertaken until the required permit or permits have been issued by the County.

(d) Condemned premises may not be reoccupied until all repairs ordered pursuant to subsection (a) have been completed, and inspected and approved by the Director.

20. Section 69.112 of the County Code is amended to read as follows:

SEC. 69.112. APPEAL.

(a) The owner or tenant of any premises condemned and ordered to be vacated by the Director may file an appeal as specified in Chapter 1 of Division 6 of Title 1 of this code (Sections 16.101 and following) within five days of the date of the order. The Director's determination concerning tenant relocation benefits may be appealed in the same manner. An appeal shall not stay the Director's order or determination.

(b) Where an owner or tenant appeals, notice of the hearing shall be provided to the owner by the Clerk of the Board, and shall be provided by the Director to all persons known to the Director to

claim to be tenants. Regardless of who appeals, both the owner and the tenant(s) may participate in the proceeding as parties.

(c) Where a condemnation and order to vacate is appealed, the hearing officer may determine whether the Director's determination that there was an immediate threat to health and safety was unreasonable when made, whether an immediate threat to health and safety exists as of the date of the hearing, and whether the condemnation shall be lifted or the order to vacate delayed to avoid extreme hardship to the owner or tenants.

(d) Where a determination concerning tenant relocation benefits is appealed, the hearing officer may determine whether the persons identified by the Director as tenants were tenants, whether each tenant was displaced by the Director's order, whether the Director's determinations concerning tenant eligibility and owner liability were consistent with the State Housing Law and whether the Director's determination concerning the number of bedrooms in the residence was consistent with Section 69.108(c). In making these determinations the hearing officer may consider all relevant evidence, whether or not that evidence was available to or considered by the Director at the time the Director's determinations were made.

(e) An owner appealing the Director's determination that tenant relocation benefits should be paid, or an owner or tenant seeking a delay in an order to vacate based on extreme hardship, may waive the timelines for scheduling hearings specified in Section 16.103 of the County Code, and may request that a hearing be held and a decision rendered within 10 days after the date the order to vacate was first mailed and posted. However, the timing of the appeal hearing and decision shall not affect the owner's liability for failure to make timely payment of benefits pursuant to Section 17957.3 of the Health and Safety Code.

(f) A failure to pay relocation benefits that are not appealed or that are upheld after an appeal is a violation of this Code, and is subject to the administrative remedies provided in Chapter 2 of Division 8 of Title 1 of this Code (sections 18.201 and following).

Section 5. Effective Date. This ordinance shall take effect and be in force thirty days after the date of its passage, and before the expiration of fifteen days after its passage, a summary shall be published once with the names of the members voting for an against the same in the Daily Commerce, a newspaper of general circulation published in the County of San Diego.

Approved as to form and legality

County Counsel

By: Paul Mehnert, Senior Deputy

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of San Diego this 27th day of January, 2016.



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, D. Roberts, R. Roberts, Horn

ATTEST my hand and the seal of the Board of Supervisors this 27th day of January, 2016.

DAVID HALL
Clerk of the Board of Supervisors

By 
Elizabeth Miller, Deputy



Ordinance No. 10412 (N.S.)

01/27/16 (8)