

ORDINANCE NO.: 10519 (NEW SERIES)

AN ORDINANCE AMENDING THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES SEC. 68.601.1. DEFINITIONS, SEC. 68.601.2. DEPARTMENT OF ENVIRONMENTAL HEALTH TO ENFORCE PROHIBITION ON SEWAGE HAULING AND DISPOSAL BY UNREGISTERED PERSONS; SEC. 68.602. EXAMINATION FEE, SEC. 68.604. REGISTRATION REQUIRED; FEES, SEC. 68.607. FEES DEPOSITED IN TREASURY, SEC. 68.608. INSPECTION OF EQUIPMENT, SEC. 68.609. REPORTS TO DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL HEALTH, SEC. 68.611. PENALTY CLAUSE.

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

Section 1. Section 68.601.1 of the County of San Diego Code of Regulations to read as follows:

SEC. 68.601.1. DEFINITIONS.

The phrase "SEPTIC TANK, CHEMICAL TOILET, CESSPOOL, OR SEWAGE SEEPAGE PIT" shall be construed to include those things, and any place in which spilled sewage collects, and all other places or means of sewage disposal other than regular sewage treatment plants and collection systems operated by a political subdivision and holding a valid permit from the State of California.

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

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

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

Section 2. Section 68.601.2 of the County of San Diego Code of Regulations to read as follows:

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

The Director, as the Environmental Health Officer for the County of San Diego, shall implement this Chapter and Article 1 of Chapter 4 of Part 13 of Division 104 of the California Health and Safety Code. Pursuant to section 117435 of the Health and Safety Code, the Director may require compliance with the terms and conditions set out in this Chapter, and such additional terms and conditions as he deems necessary for the protection of human health and comfort, as conditions of approval for any application for registration. Pursuant to section 117450 of the Health and Safety Code, the Director may issue such additional orders and

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directions to specific persons subject to this Chapter as determined necessary under the circumstances to protect human health and comfort.

Section 3. Section 68.602 of the County of San Diego Code of Regulations to read as follows:

SEC. 68.602. EXAMINATION FEE.

Whenever any person not previously registered applies for examination as a septic tank or cesspool cleaner, said examination to be conducted by the Director as provided in Section 117420 of the Health and Safety Code of the State of California, the applicant shall pay to the Director an examination fee as set forth in Title 6, Division 5, Section 65.107, Paragraph (g), of this Code. No examination shall be administered until the required fee is paid. In the event the applicant is unsuccessful in such examination no part of said examination fee shall be returned to the applicant.

Section 4. Section 68.604 of the County of San Diego Code of Regulations to read as follows:

SEC. 68.604. REGISTRATION REQUIRED; FEES.

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

(b) Registration is not complete until an application is submitted, fees are paid, the applicable examination is taken and passed, identified disposal locations are examined or otherwise verified to be suitable, and the person or firm is notified in writing by the department that the application for registration has been approved by the Director. Renewal of registration is not complete until an application is submitted with the information required by the Director, and fees (including any applicable delinquency fees) are paid. If any information on a registration application is determined to be false or incomplete, or if the applicant has been operating in violation of this code, registration may be denied or revoked pursuant to section 117445 of the Health and Safety Code.

(c) For purposes of this registration requirement, a person or firm is "engaged in the business" of cleaning septic tanks, chemical toilets, cesspools, or sewage seepage pits or in the transport or disposal of cleanings, and therefore must be registered, if that person or firm solicits business from or contracts with the owner of a septic tank, chemical toilet, cesspool or sewage seepage pit for cleaning services. In addition, any independent contractor who cleans septic tanks, chemical toilets, cesspools, or sewage seepage pits or who hauls cleanings is "engaged in the business" of cleaning septic tanks, chemical toilets, cesspools, or sewage seepage pits.

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

Section 5. Section 68.607 of the County of San Diego Code of Regulations to read as follows:

SEC. 68.607. [RESERVED.]

Section 6. Section 68.608 of the County of San Diego Code of Regulations to read as follows:

SEC. 68.608. INSPECTION OF EQUIPMENT.

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

Section 7. Section 68.609 of the County of San Diego Code of Regulations to read as follows:

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

(a) Whenever a person cleans a septic tank, chemical toilet, cesspool, or sewage seepage pit, that person shall promptly record the event and make the records available for inspection by the Director. Upon request, the registered person or firm responsible for that activity shall file a complete and accurate report for all such events. Said reports shall contain the location of septic tanks, chemical toilets, cesspools, and sewage seepage pits cleaned, the date of each cleaning, location of the disposal site, where sewage effluent or other material has been finally disposed of, and any other information which the Director may require.

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

Section 8. Section 68.611 of the County of San Diego Code of Regulations to read as follows:

SEC. 68.611. PENALTY CLAUSE.

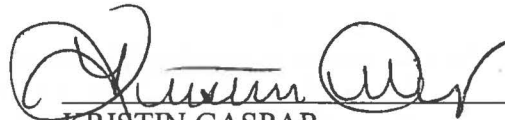
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Any person violating any provision of this Chapter, or after effective notice and a reasonable opportunity to comply, any directive order issued by the Director pursuant to Section 68.601.2 of this Code, shall be guilty of a misdemeanor.

Section 9. Effective Date. This Ordinance shall take effect on 02/09/18, and before the expiration of fifteen (15) days after its passage, a summary shall be published once with the names of the members voting for and against the same in the Daily Transcript, a newspaper of general circulation published in the County of San Diego.

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

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of San Diego this 10th day of January, 2018.



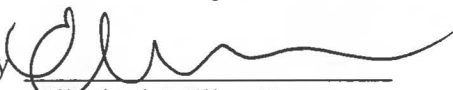
KRISTIN GASPAR
Chairwoman, Board of Supervisors
County of San Diego, State of California

The above Ordinance was adopted by the following vote:

AYES: Jacob, Gaspar, Roberts, Horn
ABSENT: Cox

ATTEST my hand and the seal of the Board of Supervisors this 10th day of January, 2018.

DAVID HALL
Clerk of the Board of Supervisors

By 
Elizabeth Miller, Deputy



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