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ORDINANCE NO. 10642 (NEW SERIES)

ORDINANCE AMENDING TITLE 6 OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES PERTAINING TO DEPARTMENT OF ENVIRONMENTAL HEALTH PROGRAMS

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

Section 1. Section 64.202 of the County of San Diego Code of Regulations to read as follows:

**SEC. 64.202. DEFINITIONS.**

The following definitions shall apply to this chapter:

(a) "Abate" means to eliminate a public nuisance or to reduce the degree or intensity of a public nuisance.

(b) "Director" means the Director of the Department of Environmental Health and any other person the Director employs or appoints to implement or enforce this chapter.

(c) "Eye gnat" means a very small fly endemic to the San Diego area with the scientific name *Hippelates spp.* or *Liohippelates spp.* (formerly *Hippelates spp.*)

(d) "Hearing officer" means a County hearing officer appointed pursuant to County Administrative Code sections 650 et seq.

(e) "Property" has the same meaning as the term property in Health and Safety Code section 2002(h).

(f) "Property owner" means the person, entity or agency claiming ownership, title or right to property. To the extent provided by section 2005 of the Health and Safety Code, "property owner" also includes any person, city, county, special district, school district, the state, or any agency or subdivision of the state, including the California State University and the University of California. Where land or water is leased or is made available for use by a person or agency pursuant to a license, right of entry agreement, right of entry permit, or any other similar arrangement, "property owner" includes the lessee or other person or agency legally entitled to use the property or water.

(g) "Public Nuisance" means, subject to the limitation described in Section 2062 of the Health and Safety Code, any of the following:

(1) Any property, excluding water, that has been artificially altered from its natural condition so that it now supports the development, attraction, or harborage of vectors. The presence of vectors in their developmental stages on a property is prima facie evidence that the property is a public nuisance.

(2) Any water that is a breeding place for vectors. The presence of vectors in their developmental stages in the water is prima facie evidence that the water is a public nuisance.

(3) Any activity that supports the development, attraction, or harborage of vectors, or that facilitates the introduction or spread of vectors.

(h) "Vector" means an animal capable of transmitting the causative agent of human disease. "Vector" also includes eye gnats.

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Section 2. Section 66.301 of the County of San Diego Code of Regulations to read as follows:

**SEC. 66.301. STATEMENT OF PURPOSE.**

This chapter implements state law provisions for body art facilities and their employees, as well as establishes additional local requirements to prevent communicable disease transmission in order to protect public health and safety in San Diego county. Health and Safety Code (H & S Code) Sections 119300 et seq., also referred to as the Safe Body Art Act (SBAA), provides statewide health and sanitation standards for body art to include body piercing, tattooing, branding, or application of permanent cosmetics. These sections designate local health officers and directors of environmental health as enforcement officials, allowing a local election of which official enforces this program. The Director of the County Department of Environmental Health (DEH) shall implement this program. The Director of DEH is also the director of environmental health in all of the incorporated cities in the County, and therefore will enforce the body art standards in state law countywide. The SBAA also allows a city or county to adopt local regulations or ordinances that do not conflict with or are more stringent than the provisions of the SBAA, except for mechanical stud and clasp ear piercing. This chapter establishes additional local requirements for body art regulation, to be administered by DEH in the unincorporated portion of the county and in any city that adopts these additional requirements for implementation by the County.

Section 3. Section 66.302 of the County of San Diego Code of Regulations to read as follows:

**SEC. 66.302. DEFINITIONS.**

Except as provided below, terms defined in Section 119301 of the California Health and Safety Code shall have the same meaning when used in this chapter as is set out in that section. Defined terms used in this chapter include the following: body art facility, client, instrument, local enforcement agency, owner, potable water, practitioner, procedure area, procedure site, sponsor, sterilization, tattooing, vehicle, and workstation.

The following terms when used in this chapter shall have the following meaning:

- (a) APPROVED means acceptable to the Director or the County Health Officer if the Health Officer is specified.
- (b) BODY ART shall have the meaning set out in Section 119301 of the California Health and Safety Code, but as provided elsewhere in that act does not include mechanical stud and clasp ear piercing, i.e., piercing the ear with a disposable, single-use, pre-sterilized clasp and stud or solid needle that is applied using a mechanical device to force the needle or stud through the ear.
- (c) DEH means the Department of Environmental Health.
- (d) DIRECTOR means the Director of DEH and any person appointed or hired by the Director to enforce or administer this chapter.
- (e) ENFORCEMENT OFFICER means the Director of DEH and duly authorized Registered Environmental Health Specialists and Environmental Health Specialist Trainees employed by the County.
- (f) MAYO STAND means an adjustable stand with stainless steel tray for holding body art implements.

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(g) **MOBILE BODY ART VEHICLE** means a non-permanent, mobile body arts establishment, operating at locations remote from the permanent body art facility, from which body art practitioners perform body art for a fee or for other consideration.

(h) **PERMIT** means an annual permit issued to a body art facility including a mobile body art vehicle by DEH. Permit also includes the permit issued for each body art temporary event.

(i) **SBAA** means the Safe Body Art Act, codified at California Health and Safety Code Sections 119300 and following.

(j) **SINGLE SERVICE** means one-time, one-person use.

Section 4. Section 66.303 of the County of San Diego Code of Regulations to read as follows:

**SEC. 66.303. DEPARTMENT OF ENVIRONMENTAL HEALTH TO ADMINISTER AND ENFORCE BODY ART PROGRAMS.**

DEH shall be the Local Enforcement Agency for the Safe Body Art Act countywide. DEH shall also administer and enforce the additional requirements adopted in this chapter within the unincorporated areas of the county; as well as, administer and enforce any similar requirements adopted by municipalities for enforcement by the County. The Director of DEH is the Enforcement Officer when acting in the unincorporated area of the county, and when acting in a municipality to enforce the SBAA or any additional requirements enacted by that municipality.

Section 5. Section 66.304 of the County of San Diego Code of Regulations to read as follows:

**SEC. 66.304. REGISTRATION OF PRACTITIONERS.**

(a) It shall be unlawful for any person to perform body art without first registering as a body art practitioner with DEH.

(b) The registration process is not complete until DEH confirms that the requirements of the SBAA and of this chapter have been met, and a certificate of registration is issued.

(c) In addition to complying with the requirements of the SBAA, including Section 119306 of the Health and Safety Code, every person applying for registration as a practitioner shall pay the annual permit fee set forth in Title 6, Division 5, Section 65.107 of this Code.

(d) Practitioners shall only perform body art from a permitted body art facility.

Section 6. Section 66.305 of the County of San Diego Code of Regulations to read as follows:

**SEC. 66.305. PERMITS FOR FACILITIES AND EVENTS.**

(a) Body art procedures shall be the only activity conducted in a body art facility.

(b) It shall be unlawful for any person to operate a body art facility, including a mobile body art vehicle or a body art temporary event, without first applying for and receiving a permit from DEH.

(c) The permit required by the SBAA and this chapter shall be applied for and issued as prescribed in Section 119312 of the California Health and Safety Code, using the County permitting procedures set out in Title 6, Division 5 of this Code.

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(d) Plan submissions for body art facilities shall address the requirements in this chapter and the SBAA, and shall include a finish schedule for sanitary walls, floors and ceiling as approved by DEH. Written approval by DEH is required in advance of the issuance of any building, plumbing or electrical permit by the County or any other local jurisdiction. Written DEH approval and any applicable local permits are required prior to commencing work.

(e) An "Infection Prevention Control Plan" (IPCP) shall be provided at the time of application for a new permit. In addition to addressing the requirements of the SBAA including Section 119313 of the Health and Safety Code, the IPCP shall include procedures for dressing of the procedure site.

(f) In addition to submitting required plans, applicants shall pay the plan review fee required in Title 6, Division 5 at the time the person submits plans and specifications.

(g) Every person applying to receive or renew a body art facility permit shall pay the annual permit fee set forth in Title 6, Division 5, Section 65.107 of this Code.

(h) The sponsor or organizer of a body art temporary event shall submit an application to DEH 14 days prior to the start of the event. Late fees are applicable thereafter.

Section 7. Section 66.306 of the County of San Diego Code of Regulations to read as follows:

**SEC. 66.306. PREVENTION OF INFECTIONS.**

In addition to complying with the requirements of the SBAA including Section 119308 of the Health and Safety Code, practitioners must comply with these requirements:

(a) No body art procedure shall be done on skin surfaces which have rash, pimples, boils, infections or manifest any evidence of unhealthful conditions.

(b) The practitioner shall be free of communicable diseases and have no pustule skin lesions.

(c) The Director may from time to time notify practitioners and facilities that additional or modified procedures are required in an Infection Prevention Control Plan (IPCP). These notifications may be provided when infection control issues, changes in the practice of body art, or new technology warrant procedural changes. Upon receipt of such notice, practitioners and facilities shall update any applicable IPCP to incorporate the Director's specifications, and shall comply with the updated plan.

Section 8. Section 66.307 of the County of San Diego Code of Regulations to read as follows:

**SEC. 66.307. SANITATION REQUIREMENTS.**

In addition to meeting the requirements of the SBAA, including Sections 119309, 119311, 119314, 119315, 119317 (for mobile facilities) and 119310 (for temporary facilities) of the Health and Safety Code, body art facilities shall meet the following requirements:

(a) As stated in Section 66.305(a), body art procedures shall be the only activity conducted in a body art facility.

(b) The premises of a body arts facility shall be maintained in a clean and sanitary manner at all times, free from vermin or rodent infestation and excessive dust and dirt.

(c) Clean toilet rooms in good repair shall be provided, conveniently located, and accessible for use by employees during all hours of operation. The number of toilet facilities required shall be in accordance with applicable local building and plumbing ordinances, or where applicable, temporary event ordinances. Toilet tissue, soap, and sanitary single-use towels or an air hand drying device shall be

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provided in permanently installed dispensers conveniently located at each toilet room, or as applicable under local ordinances for temporary events. For mobile body art facilities, these toilet rooms must be located as set out in section 66.309(g) of this chapter.

(d) Adequate lighting and ventilation shall be provided. Workstations must be provided with at least fifty (50) foot-candles of artificial light at the procedure site.

(e) Operating tables or mayo stands shall be constructed of stainless steel or equivalent. The workstation area and equipment shall be separated from observers and waiting customers by at least ten feet.

(f) Except at temporary body art events, a workstation handwash sink shall be readily accessible and visible no more than 25 feet from the procedure area. For mobile body art facilities, this sink must be located in the vehicle, as specified in Section 66.309(d) of this chapter.

(g) At a temporary body art event, the practitioners shall have a portable handwash sink with warm running water available with soap in a dispenser and single use paper towels. The handwash sink shall be made available for use by no more than 15 booths and be no more than 35 feet from the furthest workstation.

(h) Instruments, dyes, inks, pigments, carbon, stencils and other paraphernalia used in the body art facility shall be stored exclusively in approved closed cabinets.

Section 9. Section 66.309 of the County of San Diego Code of Regulations to read as follows:

**SEC. 66.309. MOBILE BODY ART VEHICLES.**

In addition to complying with the requirements of Article 2 and requirements for vehicle found in the SBAA, including section 119316 and when applicable Section 119317 of the Health and Safety Code, practitioners working from a mobile body art vehicle shall comply with all of the following requirements:

(a) Mobile body art vehicles that do not have on-board sterilization equipment shall have sufficient utensils and equipment on hand in each mobile body art vehicle to handle one day's tattooing without having to re-sterilize.

(b) Body art procedures performed pursuant to this section shall be done only from an enclosed vehicle such as a trailer or mobilehome. No body art procedure shall be performed outside of the enclosed vehicle.

(c) The mobile body art vehicle shall be used only for the purposes of performing body art.

(d) The mobile body art vehicle shall be equipped with a sink for the exclusive use of the tattoo artist/body arts technician for handwashing and preparing customers for tattooing. The sink shall be supplied with warm running water under pressure, a soap dispenser with soap and single use paper towels from a dispenser. An adequate supply of potable water shall be maintained for the mobile body art vehicle at all times tattooing is being performed.

(e) All liquid wastes shall be stored in an adequate storage tank with a capacity at least fifty percent greater than the capacity of the on-board potable water. Liquid wastes shall be disposed of at approved trailer dump sites.

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(f) The mobile body art vehicle shall be maintained in a clean and sanitary condition free of vermin, at all times. Doors to a procedure area shall be tight-fitting and kept closed. Openable windows shall have tight-fitting screens.

(g) There shall be approved restroom facilities within 200 feet of the mobile body art vehicle.

(h) There shall be adequate light and ventilation in each mobile body art vehicle. Workstations must be provided with at least fifty (50) foot-candles of artificial light at the procedure site.

Section 10. Section 66.313 of the County of San Diego Code of Regulations to read as follows:

**SEC. 66.313. ADMINISTRATIVE PROBATION.**

(a) A permit holder or practitioner and DEH may enter into a written administrative probation agreement to modify a decision by a hearing officer to suspend a permit or registration.

(b) If a permit holder or practitioner fails to comply with the terms of an administrative probation agreement, DEH may reinstate the original permit or registration suspension and enforce any additional violation of the SBAA. The Director shall be the sole judge of whether the permit holder or practitioner failed to comply with the agreement.

Section 11. Section 66.314 of the County of San Diego Code of Regulations to read as follows:

**SEC. 66.314. NOTICE OF CLOSURE OF BODY ART FACILITY.**

(a) If the Director determines that a body art facility is operating without a permit required by the SBAA the Director may order the person who owns or operates the facility to close immediately. In addition to taking any legal action authorized by law to compel a facility owner or operator to cease operating without a permit, the Director may post a notice of closure at or on a body art facility operating without a permit, advising the public that the facility does not have a permit to perform body art procedures.

(b) The Director may also post a notice of closure on a body art facility:

(1) When the Director orders the facility to close due to an imminent health hazard that the body art facility does not immediately correct.

(2) When the Director suspends or revokes the facility's permit.

(c) No person other than the Director shall remove a notice posted by the Director pursuant to this section.

Section 12. Section 66.513 of the County of San Diego Code of Regulations to read as follows:

**SEC. 66.513. MASSAGE ESTABLISHMENT FACILITIES.**

No license to conduct a massage establishment shall be granted unless the facility complies with applicable land use, building code, and zoning requirements for a professional or personal service business at that location. In addition, the facility shall meet the following requirements:

(a) A recognizable and legible sign complying with Division 1 (commencing with Section 51.101) of this Code shall be posted at the main entrance identifying the premises as a massage establishment.

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(b) A light level of no less than five (5)-foot candles at any point within the room shall be maintained in each room or enclosure where massage services are performed on patrons.

(c) Any dressing, locker and toilet facilities that are provided shall meet these requirements:

(1) In steam rooms and rooms containing tubs or showers, a waterproof floor covering shall be provided which extends up the walls at least six inches and shall be coved at the floor-wall juncture with at least a 3/8 inch radius. Toilet rooms shall be of similar construction.

(2) Walls of toilet and bathing facilities shall be smooth, waterproof and kept in good repair.

(d) Cabinets shall be provided for the storage of clean linen. Approved containers shall be provided for the storage of all soiled linen.

(e) Minimum ventilation shall be provided in accordance with the Building Code of the County of San Diego. To allow for adequate ventilation in cubicles, rooms and areas provided for patron's use, which are not serviced directly by required window or mechanical systems of ventilation, partitions shall be constructed so that the height of partitions does not exceed seventy-five percent (75%) of the floor-to-ceiling height of the area in which they are located.

(f) All plumbing and electrical installations shall be installed under permit and inspected by the Department of Planning & Development Services Building Inspection and such installations shall be installed in accordance with the Uniform Building Code and the Uniform Plumbing Code.

(g) All walls, ceilings, floors, pools, showers, bathtubs, steam rooms, and all other physical facilities for the establishment must be in good repair and maintained in a clean and sanitary condition. Wet and dry heat rooms, steam or vapor rooms, or steam or vapor cabinets, shower compartments, and toilet rooms, shall be thoroughly cleaned and disinfected each day the business is in operation. Bathtubs shall be thoroughly cleaned and disinfected after each use.

(h) Towels, linens, and sheets of all types and items for personal use of operators and patrons shall be clean and freshly laundered. Towels, linens, and sheets shall not be used for more than one person. Reuse of such linen is prohibited unless the same has been first laundered. Common use of towels or linens is prohibited. Heavy white paper may be substituted for sheets provided that such paper is used once for each person and then discarded into a sanitary receptacle.

(i) All lavatories or wash basins shall be provided with hot and cold running water, soap and single service towels in wall mounted dispensers.

(j) Disinfecting agents and sterilizing equipment shall be provided for any instruments used in performing acts of massage. The disinfectant agents used shall be an EPA-registered disinfectant with demonstrated bactericidal, fungicidal, and viricidal activity, used according to manufacturer's instructions.

(k) Pads used on massage tables shall be covered in a workmanlike manner with durable washable plastic or other acceptable waterproof material.

(l) No exterior entrance to the massage establishment which is regularly used by the public for ingress or egress to such establishment shall be locked during business hours, unless all clients and staff are behind closed doors and no staff are available to assure security for those clients and staff.

(m) All unoccupied rooms and areas of a massage establishment shall be subject to reasonable inspection during hours of the business operation.

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(n) A list of services available and the cost of such services shall be posted in an open and conspicuous public place on the premises. The services shall be described in readily understandable language. No owner, operator, responsible managing employee, manager, or permittee in charge of, or in control of the massage establishment, shall permit, and no massage therapist shall offer to perform any services other than those posted.

(o) With the exception of bathrooms, showers and dressing rooms, no owner, operator, responsible managing employee, manager, or permittee in charge of or in control of any massage establishment shall permit any person in any area within the massage establishment which is used by the patrons or which can be viewed by patrons from such an area, unless the person's specified anatomical areas are fully covered.

(p) No owner, operator, responsible managing employee, manager or permittee in charge of or in control of a massage establishment shall during the course of any service or task associated with the operation of a massage operation permit any person to massage, or intentionally touch the specified anatomical areas of another person.

(q) No owners, operator, responsible managing employee, manager or permittee in charge of or in control of a massage establishment shall permit any massage therapist to be on the premises of a massage establishment during its hours of operation while performing or available to perform any task or service associated with the operation of a massage business, unless the massage therapist is fully covered from a point not to exceed four (4) inches above the center of the kneecap to the base of the neck, excluding the arms, with the following exception: shorts may be worn so long as they extend down the leg a minimum of three (3) inches from the crotch and the body above that point is fully covered to the base of the neck, excluding the arms. The covering, which includes trousers, pants or shorts, will be of an opaque material and will be maintained in a clean and sanitary condition.

(r) A current list of the individuals providing massage services in the massage establishment, and evidence of the organization-issued certificates or transitional massage technician licenses held by those individuals shall be maintained at the massage establishment at all times and shall be made immediately available to the Sheriff for inspection upon request.

Section 13. Section 67.301 of the County of San Diego Code of Regulations to read as follows:

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

The Director of the Department of Environmental Health is hereby designated to enforce state laws and regulations relating to public pools, including the building standards published in the state building standards codes; standards for pool sanitation and safety in Article 5 of Part 10 of Division 104 of the California Health and Safety Code (commencing with section 116025); and related state regulations (Title 22, California Code of Regulations, Division 4, Chapter 20 (sections 66501 and following) and Title 24, California Building Code, Division 1, Chapter 31B, (sections 3101B and following)).

Section 14. Section 67.301.5 of the County of San Diego Code of Regulations to read as follows:

**SEC. 67.301.5. DEFINITIONS.**

The following definitions shall apply to this chapter and to Chapter 3 of this Title:



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"Body of Water" means an outdoor or indoor structure intended for swimming or recreational bathing, including a swimming pool, hot tub, spa, non-portable wading pool, activity pool, spray ground, and interactive water feature.

"DEH" or "Department" means the County Department of Environmental Health.

"Director" means the Director of DEH and any person appointed or hired by the Director to enforce or administer this chapter.

"Expedited Plan Review" means plan review service that is provided at an accelerated time frame.

"Expedited Plan Check Inspection" means plan check field inspection service that is provided at an accelerated time frame.

"Public Pool" includes all things defined as "public pools" in Division 104 of the Health and Safety Code and in applicable provisions of Titles 22 and 24 of the California Code of Regulations. Note: Pursuant to 22 CCR Section 65503, subsection (d), "Public pool" does not include a residential pool made available to short-term renters of a private residence, unless that pool is accessible to the occupants of more than three residential units at the same time.

"Revision" means any plan submittal required for corrections identified or minor changes to the initial submittal for any New, Major Remodel, or Minor Remodel project.

Section 15. Section 67.331 of the County of San Diego Code of Regulations to read as follows:

**SEC. 67.331. OPERATIVE DATE.**

The provisions of this Chapter apply only to swimming pools erected or enlarged on or after June 18, 1976. This exclusion does not limit the powers of the Director or the Health Officer to close a pool constructed prior to June 18, 1976 pursuant to other legal authority, if that pool is open to the public and is unhealthy, unsanitary or unsafe.

Section 16. Section 67.401 of the County of San Diego Code of Regulations to read as follows:

**SEC. 67.401. PURPOSE AND INTENT.**

Section 13801 of the state Water Code mandates that cities and counties adopt a water well, cathodic protection well and monitoring well drilling and abandonment ordinance that "meets or exceeds" minimum State standards set out in Department of Water Resources Bulletin 74-81. That bulletin was subsequently supplemented by a "final draft" bulletin 74-90. This chapter implements this State mandate to the end that the ground water of this County will not be polluted or contaminated and that water obtained from such wells will be suitable for the purpose for which used and will not jeopardize the health, safety or welfare of the people of this County. This chapter also provides for the destruction of abandoned wells and of temporary test and exploratory holes, and of wells found to be public nuisances to the end that such wells and holes will not cause pollution or contamination of ground water or otherwise jeopardize the health, safety or welfare of the people of this County. Cities in this county have deferred to the County to develop and implement this program, and the standards in this Chapter are therefore applicable countywide.

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Section 17. Section 67.402 of the County of San Diego Code of Regulations to read as follows:

**SEC. 67.402. DEFINITIONS AS USED IN THIS CHAPTER.**

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

**ABANDONED AND ABANDONMENT.** The terms "abandoned" or "abandonment" shall apply to a well which has not been used for a period of one year, unless the owner declares in writing, to the Director his intention to use the well again for supplying water or other associated purpose (such as a monitoring well or injection well) and receives approval of such declaration from the Director. All such declarations shall be renewed annually and at such time be resubmitted to the Director for approval. Test holes and exploratory holes shall be considered abandoned twenty-four hours after construction work has been completed, unless otherwise approved by the Director.

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

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

**CALIFORNIA WELL STANDARDS, COMBINED,** means the most recent published standards for wells released as "final" or "final draft" standards by the State Department of Water Resources (DWR) at the time an application for a permit for a well is submitted to DEH, as amended by Article 3 of this Chapter. As of August 2019, the combined standards were as set out in adopted DWR Bulletin 74-81 as modified and supplemented by "Final Draft Bulletin 74-90, California Well Standards: Water Wells, Monitoring Wells, Cathodic Protection Wells; Supplement to Bulletin 74-81, January 1990," with amendments as set out in Article 3. A combined text can be found at [http://wdl.water.ca.gov/well\\_standards/well\\_standards\\_content.html](http://wdl.water.ca.gov/well_standards/well_standards_content.html).

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

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

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

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

**CONTAMINATION.** Any action that causes impairment to the quality of water or creates a risk to public health through the use of the water.

**DEEP ANODE BED.** Any cathodic protection well more than 50 feet deep.

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

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

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

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

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

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

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

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

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

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

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

**PERSON.** Any person as defined in Section 12.115 of this code, and the State of California and any department or agency thereof to the extent permitted by law.

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

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

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

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

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

**WELL.** Any artificial excavation constructed by any method for the purpose of extracting water from or injecting water into the underground, for providing cathodic protection or electrical grounding of

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equipment, for making tests or observations of ground water conditions, for using the heat exchange capacity of the earth for heating and cooling, or for any other similar purpose. Wells shall include, but shall not be limited to, community water supply wells, individual domestic wells, commercial wells, industrial wells, agricultural wells, monitoring wells and salt water (hydraulic) barrier wells, as defined herein, geothermal heat exchange wells and other wells whose regulation is necessary to accomplish the purposes of this chapter.

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

Section 18. Section 67.410 of the County of San Diego Code of Regulations to read as follows:

**SEC. 67.410. [RESERVED.]**

Section 19. Section 67.411 of the County of San Diego Code of Regulations to read as follows:

**SEC. 67.411. [RESERVED.]**

Section 20. Section 67.412 of the County of San Diego Code of Regulations to read as follows:

**SEC. 67.412. [RESERVED.]**

Section 21. Section 67.413 of the County of San Diego Code of Regulations to read as follows:

**SEC. 67.413. [RESERVED.]**

Section 22. Section 67.420 of the County of San Diego Code of Regulations to read as follows:

**SEC. 67.420. GENERAL.**

No person shall construct, repair, reconstruct or destroy any well, test or exploratory hole subject to this Chapter which does not conform to the standards established herein. All water wells, cathodic protection wells, and monitoring wells are subject to this Chapter. Test or exploratory holes described in Section 67.425 are subject to this Chapter.

Section 23. Section 67.421 of the County of San Diego Code of Regulations to read as follows:

**SEC. 67.421. STANDARDS FOR WATER WELLS.**

Standards for the construction, repair, reconstruction or destruction of water wells shall be as set forth in the California well standards, Combined, as defined in Section 67.402 of this Code.

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Section 24. Section 67.422 of the County of San Diego Code of Regulations to read as follows:

**SEC. 67.422. STANDARDS FOR CATHODIC PROTECTION WELLS.**

Standards for the construction, repair, reconstruction or destruction of cathodic protection wells shall be as set forth in the California Wells Standards, Combined, as defined in Section 67.402 of this Code, with the following modifications:

1. Part I, Section 1-A

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

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

Section 25. Section 67.423 of the County of San Diego Code of Regulations to read as follows:

**SEC. 67.423. STANDARDS FOR MONITORING WELLS.**

Standards for the construction, repair, reconstruction or destruction of monitoring wells shall be as set forth in the California Well Standards, Combined, as defined in Section 67.402 of this Code.

Section 26. Section 67.423a of the County of San Diego Code of Regulations to read as follows:

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

Standards for the construction, repair, reconstruction or destruction of geothermal heat exchange wells shall be as set forth in the Geothermal Heat Exchange Well Draft Well Standards of the State Department of Water Resources, April 1999, or as amended.

Section 27. Section 67.425 of the County of San Diego Code of Regulations to read as follows:

**SEC. 67.425. STANDARDS FOR TEST AND EXPLORATORY HOLES.**

(a) Test and exploratory holes require a permit and are subject to the standards in subsection (b) of this section if any of the following conditions applies, but not otherwise:

- (1) The planned or actual depth of the hole is 20 feet or greater.
- (2) At the planned depth, the hole is expected to come within five feet of known or anticipated ground water.
- (3) As installed, the hole encounters ground water.
- (4) The hole is planned to remain open for more than 24 hours, or remains open for more than 24 hours.

(b) A test or exploratory hole subject to this section shall be destroyed following completion of the test work in accordance with the standards and criteria set forth in this chapter unless a person first obtains a permit to change the use of the test or exploratory to a water well.

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Section 28. Section 67.441 of the County of San Diego Code of Regulations 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 200 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, Combined, as defined in this Chapter and as further 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.

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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 as provided in Chapter 1 of Division 6 of Title 1 of this Code.

Section 29. Effective Date. This Ordinance shall take effect on January 10, 2020, 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  
Geoffrey Holbrook, Senior Deputy

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of San Diego this 11<sup>th</sup> day of December, 2019.



DIANNE JACOB  
Chairwoman, Board of Supervisors  
County of San Diego, State of California

The above Ordinance was adopted by the following vote:

AYES: Cox, Jacob, Fletcher, Desmond  
ABSENT: Gaspar

ATTEST my hand and the seal of the Board of Supervisors this 11<sup>th</sup> day of December, 2019.

ANDREW POTTER  
Clerk of the Board of Supervisors

By   
Joana Santiago, Deputy



Ordinance No.: 10642 (N.S.)  
Meeting Date: 12/11/19 (05)