

**Ordinance NO. 9273 (NEW SERIES)**

**AN ORDINANCE AMENDING TITLE 6, DIVISIONS 1, 3, 4, 6, 7, 8 and 9 OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATING TO FOOD AND HOUSING, CROPS AND PLANTS, DISEASE CONTROL, SANITATION REGULATIONS FOR BUSINESSES, WATER AND WATER SUPPLIES, AND SEWAGE AND REFUSE DISPOSAL, AND INSANITARY PREMISES.**

Section 1. The Board of Supervisors ordains that the following provisions of Title 6 of the San Diego County Code of Ordinances are amended to read as follows:

**DIVISION 1. FOOD**

Section 2. The Board of Supervisors finds and determines that Title 6, Division 1 of the San Diego County Code of Regulatory Ordinances relating to food has been largely preempted by the California Uniform Retail Food Facilities Law (California Health and Safety Code Division 104, Part 7, Chapter 4). The amendments made by this ordinance relating to Division 1 are to delegate the responsibility of the enforcement of the California Uniform Retail Food Facilities Law to the Director of the Department of Environmental Health. Duplicative language found in Division 1 of the San Diego County Code when compared to that existing in the California Uniform Retail Food Facilities Law has been repealed. Language relating to food handler training and certification has been aligned with similar language found in the California Uniform Retail Food Facilities Law.

Section 3. Section 61.100 of the San Diego County Code is hereby amended to read as follows:

**SEC. 61.100. DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL HEALTH TO ENFORCE THE CALIFORNIA UNIFORM RETAIL FOOD FACILITIES LAW.**

The Director of the Department of Environmental Health is hereby designated as the officer to enforce and is charged with the enforcement of that portion of the California Health and Safety Code, known as the California Uniform Retail Food Facilities Law, to include all of its provisions, articles, and definitions.

Section 4. Section 61.101 of the San Diego County Code is hereby repealed:

Section 5. Section 61.102 of the San Diego County Code is hereby repealed:

Section 6. Section 61.103 of the San Diego County Code is hereby amended to read

as follows:

**SEC. 61.103. NUISANCE -- POWER OF DIRECTOR.**

Any food establishment or food facility which is found by the Director to be unsanitary or a menace to the public health or which is not in compliance with the requirements of the California Uniform Retail Food Facilities Law is declared to be a public nuisance. The Director is authorized and empowered to take such action as is necessary to abate the nuisance. In the event that immediate action is necessary to preserve or protect the public health or safety, the Director is authorized and empowered to summarily abate such nuisance by any reasonable means; otherwise, the Director shall inaugurate proceedings in accordance with Section 11.116, the Uniform Public Nuisance Abatement Procedure contained in Chapter 2, Division 6, Title 1 (commencing with Section 16.201) of this Code, or shall seek a court order abating the nuisance. Nothing contained in this Code shall be deemed to limit the right and duty of the Director to take immediate action in the interests of the public health, safety and welfare. The remedies authorized by this section are not exclusive, but are cumulative to other remedies provided by law.

Section 7. Section 61.104 of the San Diego County Code is hereby repealed:

Section 8. Section 61.130 of the San Diego County Code is hereby repealed:

Section 9. Section 61.131 of the San Diego County Code is hereby repealed:

Section 10. Section 61.133 of the San Diego County Code is hereby repealed:

Section 11. Section 61.146 of the San Diego County Code is hereby repealed:

Section 12. Section 61.147 of the San Diego County Code is hereby repealed:

Section 13. Section 61.193 of the San Diego County Code is hereby repealed:

Section 14. Section 61.204 of the San Diego County Code is hereby repealed:

Section 15. Section 61.205 of the San Diego County Code is hereby amended to read as follows:

**SEC. 61.205. FOOD HANDLER TRAINING.**

No person shall act as or be engaged as a food handler unless such person: (1) possesses a valid Food Handler Training Certificate as described in subdivision (a) of this section, or (2) is working in an establishment under the supervision of a food protection manager as defined in State law and possess a Food Handler Card as described in subdivision (b) of this section; provided, however, that a person may act as or be engaged as a food handler under the supervision of such a food protection

manager for up to ten (10) calendar days without a Food Handler Card. For the purpose of this section, a food handler is an employee of a food facility who is involved in the preparation, storage, service, or handling of food products.

- (a) Food Handler Training Certificate. Food Handler Training Certificates or renewals thereof shall be issued by the Director, or any other qualified person or agency as may be designated by the Director, to persons who, immediately preceding such issuance, have successfully completed a food sanitation training course having a duration of at least three (3) hours, taught by an instructor approved by the Director, and having a course content approved by the Director. In order to successfully complete said course, a person must pass a proficiency test, approved by the Director, with at least a 70% grade. The course of instruction shall include at least the following subjects:
- (1) Microorganisms;
  - (2) Sources of foodborne disease microorganisms;
  - (3) Foodborne diseases;
  - (4) The means by which food is contaminated by microorganisms and toxic substances;
  - (5) Methods for protection of food to prevent foodborne illnesses;
  - (6) Control of the spread of disease through food;
  - (7) Person hygiene for food handlers;
  - (8) The role of utensils and equipment in the transmission of diseases;  
and
  - (9) Dishwashing procedures.

The Director's designation of persons or agencies to issue Food Handler Training Certificates and the Director's approval of instructors and course contents may be withdrawn by the Director at any time. The Food Handler Training Certificate shall be valid for three (3) years from the date of issuance.

(b) Food Handler Card. A Food Handler Card or a renewal thereof, in a form prescribed by the Director, may be issued by the Food Protection Manager, as defined by State law to food handlers under the manager's supervision, provided said food handlers pass a test relating to fundamental principles of sanitary food services practices, with at least a 70% grade. Said test shall be prepared by the Director based on

information contained in an informational booklet on sanitary food practices, which shall also be prepared by the Director and which shall be distributed at cost by the Director. Test records and records of the duration of the food handler's employment, including the date that the food handler began to perform food handling services, shall be maintained on the premises where the food handler is performing such services.

The Food Handler Card shall be valid for three years from the date of issuance, or until the food handler's performance of food handling services at the establishment where the Card was issued ceases.

- (c) The Director may issue a renewal of a Food Handler Training Certificate provided that the holder of such certificate successfully passes the examination provided by the Director by a score of 80%. These renewals shall be for a period of three years and shall be given by persons designated by the Director. In the event that an applicant for renewal fails to pass the renewal test, he or she may not receive a renewal of the Food Handler Certificate until he or she successfully completes a 3-hour course of instruction as required in Section 61.205(a) for the issuance of a Food Handler Certificate.

Section 16. Section 61.206.5 of the San Diego County Code is hereby amended to read as follows:

**SEC. 61.206.5. FOOD HANDLER RECORDS.**

The owner or operator of any business, occupation, or establishment employing food handlers shall maintain on the premises of such business, occupation, or establishment a list of all food handlers and food protection managers employed therein. In addition, the owner or operator shall maintain copies of the Food Handler Training Certificates, Food Handler Cards, and Food Protection Manager Certificates of each food person employed at the facility. All such records shall be made available to the Director or his representative, upon request, at all times the establishment is open for business.

### **DIVISION 3. CROPS AND PLANTS**

Section 17. The Board of Supervisors finds and determines that several minor changes are necessary to correct official titles and wording in the following sections of Division 3, relating to Crops and Plants.

Section 18. Section 63.101 of the San Diego County Code is hereby amended to read as follows:

#### **SEC. 63.101 ESTABLISHED IN EFFECT**

All plant quarantine and other quarantine rules and regulations established by the State Secretary of Food and Agriculture and the County Agricultural Commissioner pursuant to the provisions of Sections 5301 through 5306, inclusive, of the Food and Agricultural Code of the State of California are hereby recognized as having the force and effect of law. It is unlawful for any person to fail, neglect or omit to comply with the quarantine regulations established or made by the State Secretary of Food and Agriculture or the County Agricultural Commissioner under the provisions of said Food and Agricultural Code.

(Amended by Ord. 3429 (N.S.), effective 11-26-69; amended by Ord. No. 5726 (N.S.), effective 5-8-80; amended by Ord. No. 8358 (N.S.), effective 3-17-94)

Section 19. Section 63.201 of the San Diego County Code is hereby amended to read as follows:

#### **SEC. 63.201 REGISTRATION OF PEST CONTROL OPERATORS—FEE**

Pursuant to the provisions of Sections 11732 through 11736 inclusive, of the Agricultural Code of the State of California, every person licensed as an agricultural pest control operator shall, before engaging in business as such operator in the County, register with the Agricultural Commissioner. There is hereby imposed a fee for such registration in the amount set by the Board of Supervisors to cover the costs of registering pest control advisors and operators but not to exceed statutes set by the State as prescribed in the Food and Agricultural Code. Said fee shall be paid to the Agricultural Commissioner.

(Amended by Ord. No. 2797 (N.S.), effective 1-1-66; amended by Ord. No. 3429 (N.S.), effective 11-27-69; amended by Ord. No. 5315 (N.S.), effective 1-4-79; amended by Ord. No. 5944 (N.S.), effective 1-1-81; amended by Ord. No. 6715 (N.S.), effective 2-17-84; amended by Ord. No. 8358 (N.S.), effective 3-17-94)

Section 20. Section 63.202 of the San Diego County Code is hereby amended to read as follows:

**SEC. 63.202 REGISTRATION OF AGRICULTURAL PEST CONTROL ADVISER -- FEE**

Pursuant to the provisions of Sections 12031 through 12035 of the Food and Agricultural Code of the State of California, every person licensed as an agricultural pest control adviser shall, before performing any services as such adviser in the County, register as such adviser with the Agricultural Commissioner. Registration shall be renewed annually. The fee established by the Board of Supervisors to cover the costs of registering pest control advisors but not to exceed statutes set by the State as prescribed in the Food and Agricultural Code, payable in advance. Said fee shall be paid to the Agricultural Commissioner.

(Added by Ord. No. 3956 (N.S.), effective 9-28-72; amended by Ord. No. 5944 (N.S.), effective 1-1-81; amended by Ord. No. 6715 (N.S.), effective 2-17-84; amended by Ord. No. 8358 (N.S.), effective 3-17-94)

Section 21. Section 63.405 of the San Diego County Code is hereby amended to read as follows:

**SEC. 63.405 AGRICULTURAL ENTERPRISE ENROLLMENT**

(a) In order to enhance the implementation of the provisions of Civil Code Section 3482.5 and Section 63.403 of this Chapter, the owner or operator of an agricultural enterprise may enroll with the County Department of Agriculture, Weights and Measures pursuant to this section. The enrollment shall be on a form and contain information prescribed by the Agricultural Commissioner/Sealer of Weights and Measures; and shall be accompanied by a fee established pursuant to Section 63.407. The enrollment authorized by this Section will provide the County of San Diego with information concerning the enrolled agricultural enterprise which may be used in the County's review of discretionary land use applications.

(b) The agricultural enterprise enrollment program authorized by this section shall be limited to agricultural enterprises which have a gross production value of \$1,000 per year for each of the three prior years. Agricultural enterprises meeting these criteria may enroll annually with the County Department of Agriculture/Weights and Measures providing proof satisfactory to the Agricultural Commissioner/Sealer of Weights and Measures that they meet the criteria of this subsection.

(c) The County Department of Agriculture/Weights and Measures shall carry out the enrollment program authorized by this section; and provide the information required by Section 63.406 to the County Department of Planning and Land Use.

(d) The agricultural enterprise enrollment provided by this Section shall be valid only during the calendar year of application.

## **DIVISION 4. DISEASE CONTROL**

Section 22. The Board of Supervisors finds and determines that Title 6, Division 4 of the San Diego County Code of Regulatory Ordinances relating to Vector Control contains several sections that are neither necessary nor required. The amendments made by this ordinance relating to Division 4 are to authorize the Director of Environmental Health to enforce all laws, rules and regulations in the county related to vector control pursuant to State Health and Safety Code Section 2200 et. Seq., and by adoption of the powers of a vector control district by the Board on May 23, 1989.

Section 23. Section 64.204 of the San Diego County Code is hereby amended to read as follows:

### **Sec. 64.204. DEFINITIONS**

Whenever the following words are used in this Chapter, they shall have the meaning assigned to them in the following;

- (a) "Vector" means any animal capable of transmitting the causative agent of human disease or capable of producing human discomfort or injury, including, but not limited to, mosquitoes, flies, other insects, ticks, mites, and rats.
- (b) "Public nuisance" means
  - (i) any breeding place for mosquitoes, flies, or other vectors of public health importance. The presence of immature forms, such as larvae and pupae, shall constitute prima facie evidence that a place is a breeding place for vectors.
  - (ii) Water which is a breeding place for mosquitoes, flies, or other animals of public health importance.
  - (iii) The presence of rodents or evidence of rodent activity, such as rodent droppings, trails, or evidence of feeding activity.

Section 24. Section 64.205 of the San Diego County Code is hereby amended to read as follows:

### **Sec. 64.205. ABATEMENT OF PUBLIC NUISANCES.**

Such nuisances may be abated by the Director of Environmental Health in

accordance with the Uniform Public Nuisance Abatement Procedure contained in Chapter 2, Division 6, Title 1 (commencing with Section 16.201) of the Code.

Section 25. Section 64.206 of the San Diego County Code is hereby amended to read as follows:

**SEC. 64.206. PENALTY**

Any person who creates, allows, or maintains a public nuisance as defined by Section 64.201 of this code is guilty of a misdemeanor punishable by a fine of \$1000 or six months in jail or both.

Section 26. Section 64.207 of the San Diego County Code is hereby repealed:

Section 27. Section 64.208 of the San Diego County Code is hereby repealed:

Section 28. Section 64.209 of the San Diego County Code is hereby repealed:

Section 29. Section 64.210 of the San Diego County Code is hereby repealed:

Section 30. Section 64.211 of the San Diego County Code is hereby repealed:

**DIVISION 6. SANITATION REGULATIONS FOR BUSINESSES**

Section 31: The Board of Supervisors finds and determines that Title 6, Division 6 (Sanitation Regulations for Businesses) of the San Diego County Code of Regulatory Ordinances relating to State Housing Law (California Health and Safety Code, Title 25), Chapters 9 and 10, are not in alignment with requirements found in the State Housing Law. Amendments made by this ordinance align definitions and language relating to housing so that they are consistent with the State Housing Law.

Section 32. Section 66.901 of the San Diego County Code is hereby amended to read as follows:

**SEC. 66.901. DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL HEALTH TO ENFORCE STATE HOUSING LAW.**

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

Section 33. Section 66.902 of the San Diego County Code is hereby repealed:



Section 34. Section 66.903 is hereby added to the San Diego County Code to read as follows:

**SEC. 66.903. DEFINITIONS.**

For the purpose of this chapter the words "HOTEL" and "APARTMENT HOUSE", unless otherwise specified, following word or words shall have the following meaning:

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

APARTMENT HOUSE means any building or portion thereof which contains three or more dwelling units and, for the purposes of this chapter, includes residential condominiums.

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.

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

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

LODGING HOUSE means any building, or portion thereof, containing not more than five guest rooms where rent is paid in money, goods, labor, or otherwise.

Section 35. Section 66.904 is hereby added to the San Diego County Code to read as follows:

**SEC. 66.904. PERMIT REQUIRED.**

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

Section 36. Section 66.905 is hereby added to the San Diego County Code to read as follows:

**SEC. 66.905. APPLICATION FOR PERMIT.**

The health permit required by this chapter shall be applied for and issued as

prescribed in Title 6, Division 5 of this Code. Every person applying for a health permit shall pay the fee set forth in Title 6, Division 5, Section 65.107 of this Code.

Section 37. Section 66.906 is hereby added to the San Diego County Code to read as follows.

**SEC. 66.906. VIOLATION INFRACTION.**

- (a) Except as provided in subsection (b), any person violating any provision of this chapter shall be deemed guilty of an infraction.
- (b) A person convicted of a third or subsequent violation of this chapter within two years from the date of the first conviction shall be deemed guilty of a misdemeanor.
- (c) Each day on which a violation occurs or continues shall constitute a separate offense.

Section 38. Title 6, Division 6, Chapter 10 of the San Diego County Code is hereby repealed:

**DIVISION 7. WATER AND WATER SUPPLIES**

Section 39. The Board of Supervisors finds and determines that Title 6, Division 7 (Water and Water Supplies) of the San Diego County Code of Regulatory Ordinances relating to Chapter 3 (Public Swimming Pool Plans) and Chapter 3.5 (Swimming Pool Fencing) are not in alignment with the building standards found in the State Building Standards Codes relating to the design, construction, operation, and maintenance of public swimming pools. The amendments made to this ordinance delegate the responsibility to enforce the State Building Codes relating to public swimming pools with the Director of the Department of Environmental Health.

Section 40. Title 6, Division 7, Chapter 3 of the San Diego County Code is hereby repealed:

Section 41. Chapter 3, PUBLIC SWIMMING POOL PLANS, Section 67.301 is hereby added to the San Diego County Code to read as follows:

**SEC. 67.301 DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL HEALTH TO ENFORCE THE BUILDING STANDARD PUBLISHED IN THE STATE BUILDING STANDARDS CODE RELATING TO PUBLIC SWIMMING POOLS.**

The Director of the Department of Environmental Health and his/her duly authorized Registered Environmental Health Specialists, environmental health Specialists in training, and staff designated by the Director are hereby designated as the officers to enforce and is charged with the enforcement of the building standards published in the state building

standards codes relating to the design, construction, operation, and maintenance of public swimming pools, to include its provisions, articles, and definitions.

Section 42. The Board of Supervisors finds and determines that the term “reclaimed water” is outdated and that the term “recycled water” is a more appropriate, accurate and commonly used term. The amendments made by this ordinance are intended to replace the term “reclaimed water” with the term “recycled water” in order to update the San Diego County code with the more commonly used term and to establish consistency with other agencies throughout the country in the usage of the term “recycled water.”

Section 43. The Board of Supervisors finds and determines that Title 6, Division 7 of the San Diego County Code of Regulatory Ordinances relating to wells is not in alignment with the State of California Health and Safety Code requirements of the security bond amount to be posted by a licensed well contractor.

The Board of Supervisors finds and determines that Title 6, Division 7 of the San Diego County Code of Regulatory Ordinances relating to wells is not in alignment with the Porter-Cologne Water Quality Act describing the time limit for well completion and submittal of a well driller’s report.

Section 44. Section 67.441 of the San Diego County Code is hereby amended to read as follows:

**SEC. 67.441. PERMITS.**

A. Applications: Applications for permits shall be made to the Director of the Department of Environmental Health and shall include the following:

1. A plot plan showing the location of the well with respect to the following items within a radius of 250 feet from the well:
  - (a) Property lines
  - (b) Waste disposal systems or works carrying or containing sewage, industrial wastes, or solid wastes.
  - (c) All intermittent or perennial, natural or artificial bodies of water or watercourses.
  - (d) The approximate drainage pattern of the property.
  - (e) Other wells.
  - (f) Structures, surface or subsurface.

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

B. Fees: Each application shall be accompanied by a fee as set forth in Title 6, Division 5, Section 65.107, par. (k), 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 of the Department of Environmental Health 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 of the Department of Environmental Health to be necessary to accomplish the purposes of this Chapter.

D. Grounds for Refusal of Permit. The Director of the Department of Environmental Health 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 applicant fails to post the required surety bond or cash deposit as provided in this Chapter.
3. The permit application is not in proper form.
4. 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.

5. The applicant is delinquent with submitting well drilling logs to the Director of the Department of Environmental Health.

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 of the Department of Environmental Health 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 of the Department of Environmental Health 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. Guarantee of performance: Prior to the issuance of a permit, the applicant shall post with the Director of the Department of Environmental Health a cash deposit or bond guaranteeing compliance with the terms of this Chapter and the applicable permit, such bond to be in an amount deemed necessary by the Director of the Department of Environmental Health to remedy improper work but not in excess of seven thousand five hundred dollars (\$7,500). Such deposit or bond may be waived by the Director of the Department of Environmental Health where other assurances of compliance are deemed adequate by him.

G. Continuous Bond or Cash Deposit. In lieu of furnishing a separate bond for each permit as provided above, a properly licensed contractor may deposit with the Director of the Department of Environmental Health a surety bond or cash deposit in the amount of seven thousand five hundred dollars (\$7,500), which bond or cash deposit shall be available to remedy any improper work done by the contractor pursuant to any permit issued under this Chapter.

H. 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 of the Department of Environmental Health relating directly to the public health may not be overruled or modified by the Board of Supervisors.

(Amended by Ord. No. 6378 (N.S.), effective 7-29-82; amended by Ord. No. 7428 (N.S.), effective 2-4-88; amended by Ord. No. 8477 (N.S.), adopted 11-8-94, operative 1-1-95; amended by Ord. No. 8815 (N.S.), effective 7-22-97)

Section 45. Section 67.447 of the San Diego County Code is hereby amended to read

as follows:

**SEC. 67.447. LOG OF WELL.**

Any person who has drilled, dug, excavated or bored a well, or deepens or perforates such a well, or destroys such a well, shall, within 60 days from the date upon completion of the well, submit to the Director of the Department of Environmental Health an accurate and complete log to include:

1. Type of well casing.
2. Location of perforations and sealing zones.

Section 46. The title of Title 6, Division 7, Chapter 5 of the San Diego County Code is hereby amended to read as follows:

CHAPTER 5. WATER RECYCLING\*

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**\*Note**--Chapter 5 added by Ord. No. 7737 (N.S.), effective 4-26-90; repealed and new Chapter 5 added by Ord. No. 8222 (N.S.), effective 4-29-93.

**Cross reference(s)**--Sewers and sewage disposal plants, § 68.101 et seq.; graywater systems, § 68.352.

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*ARTICLE 1. TITLE AND DEFINITIONS*

Section 47. Section 67.501 of the San Diego County Code is hereby amended to read as follows:

**SEC. 67.501. SHORT TITLE.**

This Chapter shall be known as the "Water Recycling Ordinance" and may be cited as such.

(Added by Ord. No. 7737 (N.S.), effective 4-26-90; repealed and added by Ord. No. 8222 (N.S.), effective 4-29-93)

Section 48. Section 67.502 of the San Diego County Code is hereby amended to read as follows:

**SEC. 67.502. DEFINITIONS.**

The definitions in this article shall govern the construction of this chapter unless otherwise apparent from the context.

a) ADMINISTRATOR. Shall mean the Director of the Department of Environmental Health, or authorized agent.

b) DIRECTOR. Shall mean the Director of the Department of Public Works, County of San Diego, or authorized agent.

c) DISCRETIONARY LAND USE PERMITS. Shall mean a subdivision map, major use permit, specific plan or specific plan amendment.

d) GREENBELT AREAS. A greenbelt area includes, but is not limited to, golf courses, cemeteries, parks and landscaping. Greenbelt areas do not include agricultural operations for the purpose of this ordinance.

e) OFF-SITE FACILITIES. Water (or recycled water) pipes and delivery infrastructure from the source of supply to the point of connection with the on-site facilities, normally up to and including the water meter.

f) ON-SITE FACILITIES. Water (or recycled water) pipes and delivery infrastructure located on private property, normally downstream from the water meter and under the control of the owner.

g) POTABLE WATER. Water which conforms to the federal, state and local standards for human consumption.

h) POTENTIAL HEALTH HAZARD. An act or condition that increases the risk to the public health.

i) RECYCLED WATER. Water which, as a result of treatment of waste, is suitable for a direct beneficial use or a controlled use that would not otherwise occur.

j) RECYCLED WATER DISTRIBUTION SYSTEM. A piping system intended for the delivery of recycled water separate from and in addition to the potable water distribution system.

k) SPECIAL PURPOSE DISTRICT. Either a dependent district (governed by the Board of Supervisors) or an independent district (governed by an independent board of directors) authorized to sell potable or recycled water within a defined geographic boundary.

l) WASTE DISCHARGE. Water deposited, released or discharged into a sewer system from a commercial, industrial or residential source which contains levels of any substance which may cause substantial harm to any wastewater treatment or recycling facility or which may prevent any use of recycled water authorized by law, provided levels of those substances exceed those found in water originally delivered to the source of the waste discharge by the water purveyor.

m) WATER RECYCLING MASTER PLAN. Plan adopted by the County which defines and establishes guidelines for the use of recycled water within the unincorporated area.

(Added by Ord. No. 7737 (N.S.), effective 4-26-90; repealed and added by Ord. No. 8222 (N.S.), effective 4-29-93; amended by Ord. No. 8477 (N.S.), adopted 11-8-94, operative 1-1-95)

**Cross reference(s)**--Sewers and sewage disposal plants, § 68.101 et seq.

## *ARTICLE 2. GENERAL REGULATIONS*

### **SEC. 67.510. ENFORCEMENT.**

The Director and Administrator shall enforce all the provisions of this chapter and for such purpose shall have the powers of a peace officer.

(Added by Ord. No. 7737 (N.S.), effective 4-26-90; repealed and added by Ord. No. 8222 (N.S.), effective 4-29-93)

Section 49. Section 67.511 of the San Diego County Code is hereby amended to read as follows:

### **SEC. 67.511. APPLICATION.**

a) Applicants for discretionary land use permits in the unincorporated areas of the County served by a special purpose district which has adopted a water recycling ordinance, or has established a plan to provide recycled water to its customers, shall be exempt from the provisions of this ordinance.

b) Applicants for discretionary land use permits in the unincorporated areas of the County served by a special purpose district which does not have an adopted water recycling ordinance, or has no established plan to provide recycled water to its customers, shall follow the County Water Recycling Master Plan and this Water Recycling Ordinance to obtain approval for the use of recycled water.

(Added by Ord. No. 8222 (N.S.), effective 4-29-93)

### **SEC. 67.512. IMPLEMENTATION.**

The Director and Administrator shall promulgate rules and regulations and other requirements as are necessary to fully implement this ordinance, after approval by the Board of Supervisors.

(Added by Ord. No. 7737 (N.S.), effective 4-26-90; repealed and added by Ord. No. 8222 (N.S.), effective 4-29-93)



Section 50. Section 67.513 of the San Diego County Code is hereby amended to read as follows:

**SEC. 67.513. PUBLIC AWARENESS PROGRAM.**

The Director shall obtain the approval of the Board of Supervisors for the establishment of a comprehensive water recycling public awareness program.

(Added by Ord. No. 7737 (N.S.), effective 4-26-90; repealed and added by Ord. No. 8222 (N.S.), effective 4-29-93)

Section 51. Section 67.514 of the San Diego County Code is hereby amended to read as follows:

**SEC. 67.514. COORDINATION AMONG AGENCIES.**

The Director shall coordinate efforts between the County and other appropriate agencies in the region to share in the development and utilization of recycled water, where the potential exists.

(Added by Ord. No. 7737 (N.S.), effective 4-26-90; repealed and added by Ord. No. 8222 (N.S.), effective 4-29-93)

Section 52. Section 67.515 of the San Diego County Code is hereby amended to read as follows:

**SEC. 67.515. VIOLATIONS CONSTITUTE PUBLIC NUISANCE.**

Any discharge of wastes or use of recycled water in any manner in violation of this ordinance, the California State Department of Health Service Wastewater Reclamation Criteria (see California Code of Regulations, Title 22) and requirements of the California Regional Water Quality Control Board Waste Discharge Requirements, or any other applicable regulations, shall be, and the same is hereby declared to be, unlawful, a public nuisance and a potential health hazard and shall be corrected or abated as directed by the Administrator or Director. Any person creating such a public nuisance and potential health hazard shall be charged with a misdemeanor.

(Added by Ord. No. 7737 (N.S.), effective 4-26-90; repealed and added by Ord. No. 8222 (N.S.), effective 4-29-93)

**Cross reference(s)**--Uniform public nuisance abatement procedure, § 16.201 et seq.

Section 53. Section 67.516 of the San Diego County Code is hereby amended to read as follows:

**SEC. 67.516. INJUNCTION.**

Whenever the use of recycled water is in violation of this ordinance or otherwise causes or threatens to cause a condition of nuisance and public health hazard, the Administrator or Director may seek injunctive relief as may be appropriate to enjoin such use.

(Added by Ord. No. 7737 (N.S.), effective 4-26-90; repealed and added by Ord. No. 8222 (N.S.), effective 4-29-93)

**SEC. 67.517. PENALTY.**

Any person who violates this ordinance shall, for each day of violation, or portion thereof, be subject to a fine not exceeding \$1,000.00. Paying a fine shall not relieve any person of the responsibility for correcting the condition which violates any provision of this ordinance.

(Added by Ord. No. 7737 (N.S.), effective 4-26-90; repealed and added by Ord. No. 8222 (N.S.), effective 4-29-93)

Section 54. The title of Title 6, Division 7, Chapter 5, Article 3 of the San Diego County Code is hereby amended to read as follows:

*ARTICLE 3. MANDATORY RECYCLED WATER USE*

Section 55. Section 67.520 of the San Diego County Code is hereby amended to read as follows:

**SEC. 67.520. PROHIBITION.**

No person or public agency shall use water from any source of quality suitable for potable domestic use for non-potable uses, including the irrigation of greenbelt areas, highway landscaped areas, flushing of toilets and urinals in non-residential structures and industrial uses if suitable recycled water is available as provided in Water Code Section 13550 through 13554. This prohibition shall only apply to discretionary land use permits as defined in Section 67.502(c) approved by the County after the effective date of this ordinance.

(Repealed and added by Ord. No. 8222 (N.S.), effective 4-29-93)

Section 56. Section 67.521 of the San Diego County Code is hereby amended to read as follows:

**SEC. 67.521. DISCRETIONARY LAND USE PERMITS.**

a) Upon application for a subdivision map, major use permit, specific plan or specific plan amendment, the Director and affected special purpose district shall review

the application and the Water Recycling Plan for the area. Within 20 calendar days of receipt of the application the Director shall transmit to the Department of Planning and Land Use a preliminary determination whether the proposed use of the subject property will be required to be served with recycled water, and/or will be required to include facilities designed to accommodate the use of recycled water. Will serve letters for recycled water service shall be requested from the applicable special purpose district by the applicant. Based upon the Director's determination and the availability of recycled water to the project, use of recycled water and provision of recycled water distribution systems or other facilities for the use of recycled water may be required as a condition of approval of the requested permit, plan or amendment.

b) NOTICE OF DETERMINATION. A notice of the basis for the preliminary determination, proposed conditions of approval and schedule for compliance shall be provided to the applicant from the Director or special purpose district prior to approval of the development application.

c) CONDITIONS OF USE. The design and operational requirements for the project's recycled water distribution system and schedule for compliance shall be based on the rules and regulations adopted pursuant to Section 67.512, and shall require compliance with both the California State Department of Health Service Wastewater Reclamation Criteria and requirements of the California Regional Water Quality Control Board.

d) PLAN APPROVAL. Plans for the recycled and potable water distribution systems for the project shall be reviewed and approved by the Administrator and the appropriate special purpose district.

(Repealed and added by Ord. No. 8222 (N.S.), effective 4-29-93)

Section 57. Section 67.523 of the San Diego County Code is hereby amended to read as follows:

**SEC. 67.523. INSPECTION OF FACILITIES.**

Prior to commencement of recycled water service, an inspection of on-site facilities will be conducted by the Administrator to verify that the facilities are in good working order and in compliance with recycled water use regulations and current requirements for service. Upon verification of compliance, recycled water shall be served to the parcel for the intended use. If the facilities are not in compliance the applicant shall be notified of the corrective actions necessary, and shall have at least thirty (30) days to take such actions prior to initiation of enforcement proceedings.

(Repealed and added by Ord. No. 8222 (N.S.), effective 4-29-93)

Section 58. Section 67.524 of the San Diego County Code is hereby amended to read as follows:

## **SEC. 67.524. CROSS CONNECTION CONTROL.**

There shall be no physical connection between the potable water supply and the recycled water supply, whereby the potable supply could become contaminated. Each special purpose district may appoint a water supervisor, knowledgeable about plumbing and cross connection control, to monitor construction and operation of the on-site and off-site facility distribution system(s). If the special purpose district serving a facility has no water supervisor, the owner or operator of the facility shall appoint a water supervisor to monitor construction and operation of the on-site facility distribution system(s). The Administrator shall review recycled water distribution system plans and recycled water irrigation system plans for cross-connections. This includes an initial cross-connection control site inspection and an annual cross-connection control inspection of sites having both recycled and potable water systems.

(Added by Ord. No. 7737 (N.S.), effective 4-26-90; repealed and added by Ord. No. 8222 (N.S.), effective 4-29-93)

## **DIVISION 8. SEWAGE AND REFUSE DISPOSAL**

Section 59. The Board of Supervisors finds and determines that Title 6, Division 8, Chapters 1 and 2, relating to sewage, sewage disposal plants, and connections to sewer, contain sections superceded by the Uniform Sewer Ordinance of the County of San Diego. Amendments made by this ordinance will eliminate redundancies and inconsistencies between the two documents.

Section 60: Section 68.101 of the San Diego County Code is hereby repealed:

Section 61: Section 68.103 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.103. [DIRECTOR.]

"DIRECTOR" shall mean the Director of the Department of Public Works, County of San Diego or his authorized agent.

(Amended by Ord. No. 2512 (N.S.), effective 4-5-63; amended by Ord. No. 4830 (N.S.), effective 2-17-77)

Section 62. Sections 68.104 through 68.115 of the San Diego County Code are hereby repealed:

Section 63. Section 68.117 of the San Diego County Code is hereby repealed:

Section 64. Sections 68.117 through 68.144 of the San Diego County Code are hereby repealed:

Section 65. Section 68.145 of the San Diego County Code is amended to read as follows:

**SEC. 68.145. SEWERS IN COUNTY HIGHWAY.**

The Director shall, before granting any sewer permit for the construction, installation, repair or removal of any sewer, or appurtenance thereto which will necessitate any excavation or fill-in, upon or under any public highway in the County except State highways, first require the applicant to obtain a permit from the Department of Public Works, County of San Diego.

(Amended by Ord. No. 4830 (N.S.), effective 2-17-77)

Cross reference(s)--Excavations, fills and obstructions, § 71.301 et seq.

Section 66. Section 68.147 of the San Diego County Code is amended to read as follows:

**SEC. 68.147. MAIN LINE SEWERS.**

Before granting a permit for construction of any main line sewer, with or without sewer service laterals, the Director shall check and approve the plans and specifications therefor as to their compliance with County, State and other governmental laws or ordinances, and as to conformity with standards of design hereinafter established by this chapter.

(Amended by Ord. No. 4830 (N.S.), effective 2-17-77)

Section 67. Sections 68.148 and 68.149 of the San Diego County Code are hereby repealed:

Section 68. Section 68.158 of the San Diego County Code is hereby amended to read as follows:

**SEC. 68.158. MAINTENANCE INSTRUCTIONS.**

The Director may inspect as often as he deems necessary any sewage pumping plant and sewage treatment plant to ascertain whether such facilities are maintained and operated in accordance with the provisions of this chapter. All persons shall permit the Director to have access to all such facilities at all reasonable times.

(Amended by Ord. No. 4830 (N.S.), effective 2-17-77)

Section 69. Section 68.161.1 of the San Diego County Code is hereby amended to read as follows:

**SEC. 68.161.1. PARCELS REQUIRING SEWER SERVICE FROM A SEWERING DISTRICT GOVERNED BY THE BOARD OF SUPERVISORS.**

(a) Any other provisions of this Title 6 to the contrary notwithstanding, parcels requiring sewer service from a sewer district governed by the Board of Supervisors shall conform to the following:

(2) Any parcel that is located on a public or private road easement more than one hundred (100) feet from the existing public sewer will extend the public sewer to the closest lot line of the parcel and grant necessary easements across the parcel for the public sewer extension, if the Director determines that additional upstream areas will require sewer service from the extended public sewer main.

(b) It is intended that the Director or his authorized Agent may grant an exception to this section and shall do so only if he finds that compliance with such provisions is impossible or impractical because of physical conditions of the area or that a health hazard could result by imposing the above provisions.

Exceptions because of immediate financial hardship may be granted only if an agreement is signed and recorded stating that the parcel ownership will:

1. Participate in the construction of a public sewer main at such time as adjacent upstream land area requires sewer service.

3. Connect existing lateral to future extended public sewer, thus eliminating long lateral.

4. Provide required easements for the public sewer extension.

(Added by Ord. No. 6554 (N.S.), effective 4-21-83)

Section 70. Sections 68.164 through 68.187 of the San Diego County Code are hereby repealed:

Section 71. Section 68.201 of the San Diego County Code is hereby amended to read as follows:

## CHAPTER 2 CONNECTIONS TO SEWER

### SEC. 68.201. DEFINITIONS.

For the purpose of this Chapter the following definitions shall apply:

(a) "DEPARTMENT" means the Department of Public Works

(b) "BUILDING SEWER" includes only sewer lines and facilities which are connected to a sewer service lateral or trunk line sewer.

(c) "SANITATION DISTRICT" means a district or service area formed pursuant to the Sanitation District Act of 1923, County Sanitation District Act, Sewer Maintenance District Act, Improvement Act of 1911, Community Services District Law, or the County Service Area Law and has by resolution of its governing body made this

chapter applicable to the unincorporated territory of the County lying within said District or area.

(d) "SEWER SERVICE LATERAL" includes all that portion of building sewers located upon public property, highways or rights of way.

(e) "TRUNK LINE SEWER" includes all sewer lines and facilities used to convey community sewage.

(f) "SEWER SERVICE LATERAL FEE" means the sum of fees and charges due the Sanitation District for construction and connection of sewer service laterals and related work as authorized by Section 68.204 herein.

(g) "BUILDING SEWER CONNECTION FEE" means the sum of fees and charges due the Sanitation District prior to issuance of a Wastewater Discharge Permit as authorized by Section 68.205 herein.

(h) "WASTEWATER DISCHARGE PERMIT" means the official document authorizing connection of a building sewer to the Sanitation District sewerage system.

(i) "PERMITTEE" means any person who has obtained a Wastewater Discharge Permit from the Department under the provisions of this chapter.

(Amended by Ord. No. 2512 (N.S.), effective 4-5-63; amended by Ord. No. 2950 (N.S.), effective 6-9-66; amended by Ord. No. 4830 (N.S.), effective 2-17-77; amended by Ord. No. 5406 (N.S.), effective 3-22-79), operative 3-23-79)  
Cross reference(s)--Definitions, § 12.101 et seq.

Section 72. Section 68.205.3 and 68.205.4 of the San Diego County Code are hereby repealed:

Section 73. The Board of Supervisors finds and determines that Title 6, Division 8 of the San Diego County Code of Regulatory Ordinances relating to on-site sewage disposal systems is not in alignment with the sections of the Uniform Plumbing Code as adopted by the California State Plumbing Code relating to on-site wastewater systems. The amendments made by this ordinance include the definition of public sewer availability, IAPMO approval of components, and setbacks to cut slopes or excavations.

The Board of Supervisors finds and determines that Title 6, Division 8 of the San Diego County Code of Regulatory Ordinances is not in alignment with the setback requirements as described in sections of Bulletin 74-81 and 74-90 of the State Water Well Standards to on-site sewage disposal systems.

The Board of Supervisors finds and determines that Title 6, Division 8 of the San Diego County Code of Regulatory Ordinances is not in alignment with current language being used nation-wide for on-site wastewater systems. On-site wastewater system replaces the term septic system and includes any conventional, alternative, or graywater system.

Section 74. Section 68.301 of the San Diego County Code is hereby amended to read as follows:

**SEC. 68.301. TITLE.**

This chapter shall be known as the ON-SITE WASTEWATER SYSTEM ORDINANCE.

Section 75. Section 68.308 of the San Diego County Code is hereby amended to read as follows:

**SEC. 68.308. [TEMPORARY ON-SITE WASTEWATER SYSTEM.]**

“TEMPORARY ON-SITE WASTEWATER SYSTEM” may be used for time periods as specified in Sections 68.316 and 68.320 and may consist of a small scale ON-SITE WASTEWATER SYSTEM as approved by the Director.

(Added by Ord. No. 7428 (N.S.), effective 2-4-88)

Section 76. Section 68.309 of the San Diego County Code is hereby amended to read as follows:

**SEC. 68.309. [ALTERNATIVE ON-SITE WASTEWATER SYSTEM.]**

“ALTERNATIVE ON-SITE WASTEWATER SYSTEM” shall mean any approved individual, on-site sewage disposal system for installation in the Central Basin Area of the Valley Center Community Plan (within area shown on a map on file with the Clerk of the Board of Supervisors as Document No. 0767381) other than a leach line or seepage pit disposal system.

Section 77. Section 68.309.1 is hereby added to the San Diego County Code to read as follows:

**SEC. 68.309.1. [ON-SITE WASTEWATER SYSTEM.]**

Section 78. Section 68.309.2 is hereby added to the San Diego County Code to read as follows:

“IAPMO” shall mean the International Association of Plumbing and Mechanical Officials.



Section 79. Section 68.312 of the San Diego County Code is hereby amended to read as follows:

**SEC. 68.312. PLUMBING AND DRAINAGE SYSTEM TO BE CONNECTED TO PUBLIC SEWER IF AVAILABLE.**

The plumbing and drainage system of every building hereafter constructed or reconstructed, except for a graywater system as defined at Section 53.102(k) of this code shall be connected to a public sewer if the property on which such building is located abuts a public sewer, or a public sewer is located within 200 feet of the building; annexation to the sewer district has been completed; and no easements through adjacent property are necessary to complete the public sewer connection. When a public sewer is not available for use the plumbing and drainage system of a building shall be connected to an approved on-site wastewater system. The type of system required shall be determined on the basis of location, area, soil porosity, the ground water level, the density of population in the area and shall be designed to receive and dispose of all sewage and liquid waste from the property served.

(Amended by Ord. No. 8007 (N.S.), effective 12-26-91; amended by Ord. No. 8458 (N.S.), effective 11-17-94)

Section 80. Section 68.313 of the San Diego County Code is hereby amended to read as follows:

**SEC. 68.313. CONNECTION OF EXISTING BUILDINGS TO NEWLY INSTALLED SEWERS.**

No person shall maintain an on-site wastewater system on any premises adjacent to a public sewer; provided, however, that where a public sewer is installed adjacent to premises upon which there is located an existing building served by an on-site wastewater system the Director may approve the continued use of such on-site waste water system until such time as he deems that the public health and sanitation require the connection of such building to the public sewer and the discontinuance of the use or maintenance of such on-site wastewater system.

Section 81. Section 68.313.1 is hereby added to the San Diego County Code to read as follows:

When an on-site wastewater system or any septic tank, holding tank, or seepage pit is disconnected from use as a result of a repair or connection to public sewer, the on-site wastewater system or septic tank, holding tank, or seepage pit off shall be abandoned. "ABANDONMENT OF ON-SITE WASTEWATER SYSTEM" shall mean the discontinuance of the use or maintenance of an on-site wastewater system, and shall include the proper destruction of any septic tank, holding tank, or seepage pit once the system is abandoned. Proper destruction shall mean the removal of the component

contents of a septic tank or seepage pit by a licensed septic waste hauler, and backfilling the component with sand, gravel, or other clean fill material.

Section 82. Section 68.314 of the San Diego County Code is hereby amended to read as follows:

**SEC. 68.314. DIRECTOR MAY AUTHORIZE SANITARY TOILETS IN ISOLATED AREAS.**

For the temporary occupancy of buildings in isolated areas remote from any public highway, the Director may authorize the construction and use of an approved type sanitary toilet in lieu of connection to a public sewer or to a on-site wastewater system installed in accordance with the provisions of this chapter.

Section 83. Section 68.315 of the San Diego County Code is hereby amended to read as follows:

**SEC. 68.315. CHAPTER NOT APPLICABLE TO BUILDING FOR WHICH TEMPORARY OCCUPANCY PERMIT ISSUED.**

The provisions of this chapter requiring connection to a public sewer or to an on-site wastewater system constructed in accordance with the provisions of this chapter shall not be applicable to a trailer, temporary building or an accessory building for which a temporary occupancy permit has been issued pursuant to Division 1 of Title 5 of this code (County Building Code) or Division 3 of said Title 5 (County Plumbing Code); provided, however, that the violation of any of the provisions or conditions of any such temporary occupancy permit shall constitute a violation of this chapter.

Section 84. Section 68.316 of the San Diego County Code is hereby amended to read as follows:

**SEC. 68.316. TEMPORARY ON-SITE WASTEWATER SYSTEMS.**

Where the Director determines it is highly probable that a public sanitary sewer will become available to property within 24 months, the Director may issue a permit to the owner of such property authorizing the construction of a temporary on-site wastewater system provided the permittee executes and records in the office of the County Recorder an agreement with the Director providing:

- (a) That the owner has demonstrated the ability to install a permanent on-site wastewater system in accordance with provisions of this chapter.

- (b) That the permittee will connect the property to the sanitary sewer within 30 days after it becomes available to the property.
- (c) That if the sanitary sewer does not become available to the property within a period of time specified by the Director, the permittee shall immediately apply for a permit for and construct an on-site wastewater system in accordance with the provisions of this ordinance.
- (d) That the permittee will pump and remove all sewage from said temporary on-site wastewater system and fill said system with soil or other material in a manner approved by the Director at the time the property is connected to the sanitary sewer or an on-site wastewater system specified in paragraph "b" of this section.
- (e) That the property will not be occupied until a temporary on-site wastewater system has been installed and approved by the Director.
- (f) That the agreement with the Director shall be binding upon the owners, their heirs, administrators, executors, successors and assigns.

(Amended by Ord. No. 6049 (N.S.), effective 6-11-81; amended by Ord. No. 7428 (N.S.), effective 2-4-88)

Section 85. Section 68.317 of the San Diego County Code is hereby amended to read as follows:

**SEC. 68.317. APPLICATION FOR PERMITS TO BE ACCEPTED FOR LOTS CREATED ON BASIS OF AVAILABLE SEWERS.**

(a) No application for an on-site wastewater system permit shall be accepted for any lot created by a subdivision in which the tentative map or tentative parcel map was approved or conditionally approved on the basis that sewer service would be available to such lot even if sewer is, in fact, not available.

(Added by Ord. No. 5730 (N.S.), effective 5-15-80; amended by Ord. No. 7428 (N.S.), effective 2-4-88; amended by Ord. No. 8477 (N.S.), adopted 11-8-94, operative 1-1-95)

Section 86. Title 6, Division 3, Article 3 of the San Diego County Code is hereby amended to read as follows:

*ARTICLE 3. INSTALLATION OF SEWAGE HOLDING TANKS*

Section 87. Section 68.320 of the San Diego County Code is hereby amended to read as follows:

**SEC. 68.320. AUTHORIZATION FOR INSTALLATION.**

Where public sewer is not available, and percolation tests or approved soils analysis have shown that an on-site wastewater system is not practical, or where the leaching from an on-site wastewater system may drain into a water supply or cause a nuisance, the Director may permit the temporary use of holding tanks where connection to public sewer can be completed within six months or other time frame acceptable to the Director.

(Amended by Ord. No. 6049 (N.S.), effective 6-11-81; amended by Ord. No. 7428 (N.S.), effective 2-4-88)

Section 88. Section 68.321 of the Sand Diego County Code is hereby amended to read as follows:

**SEC. 68.321. PROCEDURE FOR APPLICATION.**

Application for a permit to install a sewage holding tank shall be made in writing to the Director and shall be accompanied by a sketch showing the location and special design features of the proposed installation.

(Amended by Ord. No. 6049 (N.S.), effective 6-11-81)

Section 89. Section 68.322 of the San Diego County Code is hereby amended to read as follows:

**SEC. 68.322. SEWAGE HOLDING TANK DESIGN SPECIFICATIONS.**

Any holding tank for which a permit is issued shall be constructed of watertight, shall have a capacity of not less than 1500 gallons and may, at the discretion of the Director, be required to have a greater capacity, equipped with an approved alarm, and shall be emptied before it is filled to three-fourths of its capacity or in accordance with a schedule prescribed by the Director, and the drain through which the tank is emptied shall be located at least six inches above the water level of the lowest fixture which it serves.

Section 90. Division 8, Chapter 3, Article 4 of the San Diego County Code is hereby retitled to read as follows:

*ARTICLE 4. LAND DEVELOPMENT APPLICATIONS*

Section 91. Section 68.325 of the San Diego County Code is hereby amended to read

as follows:

**SEC. 68.325. PERMIT REQUIRED TO CONSTRUCT AN ON-SITE WASTEWATER SYSTEM.**

No on-site wastewater system or any part thereof, shall be installed, constructed, reconstructed, repaired in any manner, or added to, in the County unless there is in effect a valid permit therefor issued by the Director.

(Amended by Ord. No. 3061 (N.S.), effective 5-11-67)

Section 92. Section 68.326 of the San Diego County Code is hereby amended to read as follows:

**SEC. 68.326. APPLICATION REQUIREMENTS FOR INSTALLATION PERMIT**

Any person desiring to install, construct, reconstruct, repair or add to an on-site wastewater system, or any part thereof, shall apply for a permit for such installation, construction, reconstruction, repair, or addition. A separate application and permit for each installation shall be required. The application shall be made upon a form prescribed and furnished by the Director and shall be accompanied by an inspection fee set forth below. The application shall contain the following information and such other information as the Director may require: street name and number of the premises where the installation is to be made; the name and address of the owner; the name and address of the contractor who is to perform the work; the size and type of on-site wastewater system to be installed and the number of people it is to serve. Proof of an adequate, potable water supply shall be provided. The application shall include or be accompanied by an approved plan or diagram showing the character and kind of installation to be made and the manner and location in which the work is to be done, along with review of approved building and grading plans. The fee for filing all applications pursuant to this section shall be as set forth in Title 6, Division 5, Section 65.107, of this Code.

(Amended by Ord. No. 2603 (N.S.), effective 10-17-63; amended by Ord. No. 3061 (N.S.), effective 5-11-67; amended by Ord. No. 3436 (N.S.), effective 1-1-70; amended by Ord. No. 4531 (N.S.), effective 7-31-75; amended by Ord. No. 5847 (N.S.), effective 9-11-80; amended by Ord. No. 6049 (N.S.), effective 6-11-81; amended by Ord. No. 6378 (N.S.), effective 7-29-82; amended by Ord. No. 7428 (N.S.), effective 2-4-88; amended by Ord. No. 8007 (N.S.), effective 12-26-91; amended by Ord. No. 8477 (N.S.), adopted 11-8-94, operative 1-1-95)

Section 93. Section 68.326.1 of the San Diego County Code is hereby amended to read as follows:

**SEC. 68.326.1. APPLICATION FOR PROJECT REVIEW REQUIRING NO FIELD INVESTIGATION.**

The permit fee for land development application that is processed without field investigation shall be as set forth in Title 6, Division 5, Section 65.107, of this Code.

(Added by Ord. No. 6049 (N.S.), effective 6-11-81; amended by Ord. No. 6378 (N.S.), effective 7-29-82; amended by Ord. No. 8007 (N.S.), effective 12-26-91)

Section 94. Section 68.326.2 of the San Diego County Code is hereby amended to read as follows:

**SEC. 68.326.2. SPECIAL PROJECT REVIEW.**

Whenever the Director of Environmental Health is requested to review and comment on any special project, such as a major or minor use permit, a special use permit, or any other special project or land development application, the applicant shall complete a written application furnished by the Director of Environmental Health requesting the review. This application shall be accompanied by a fee as set forth in Title 6, Division 5, Section 65.107, of this Code and any further documents required by the Director of Environmental Health to accomplish said review. The Director of Environmental Health shall have an investigation made to determine whether the special project complies with the rules and regulations of the Department of Environmental Health and to the codes of the State of California and any regulations issued pursuant thereto pertaining to particular activities subject to regulation therein and whether the activity will result in a violation of such codes and regulations. The Director of Environmental Health shall notify the applicant of his reasons for approval or denial in writing.

(Added by Ord. No. 6378 (N.S.), effective 7-29-82; amended by Ord. No. 7428 (N.S.), effective 2-4-88; amended by Ord. No. 8007 (N.S.), effective 12-26-91)

Section 95. Section 68.328 of the San Diego County Code is hereby amended to read as follows:

**SEC. 68.328. INVESTIGATION BY DIRECTOR -- DIRECTOR MAY REQUIRE PERCOLATION TEST -- DENIAL OF PERMIT.**

Prior to issuance of an on-site wastewater system permit, the Director shall make, or cause to be made, such investigation as deemed necessary. The Director may require the applicant for the permit to furnish a report of soil percolation tests performed on the site of the proposed on-site wastewater system or unit and the results of such tests. The soil percolation testing, and the preparation of plans, drawings or specifications shall be done by a:

- (A) California Registered Engineer,
- (B) California Registered Environmental Health Specialist,
- (C) California Registered Geologist.

Persons listed in categories B & C are limited by the Business and Professional Code, Section 6737.1 to projects for:

- (a) Single or multiple dwellings not more than two stories and basement in height.
- (b) Garages or other structures appurtenant to building described under Subdivision (a) above.
- (c) Farm or ranch buildings.
- (d) Any one-story building where the span between bearing walls does not exceed twenty-five (25) feet; provided, however, that the exemption in this subdivision does not apply to a steel frame or concrete building.

The Director may require such individuals to demonstrate knowledge of San Diego County laws and policies related to the design of on-site wastewater systems.

If the Director determines that the location, area, soil porosity, ground water level, density of population in the area, the number of persons to be served or other conditions would cause the operation of the subsurface sewage disposal unit or system described in the application to create an unsanitary condition endangering public health, he shall not issue the permit for which application was made.

(Amended by Ord. No. 6049 (N.S.), effective 6-11-81)

Section 96. Section 68.328.1 of the San Diego County Code is hereby amended to read as follows:

**SEC. 68.328.1. FEES REQUIRED FOR PERCOLATION TESTS AND ON-SITE WASTEWATER SYSTEM LAYOUT REVIEW.**

If, pursuant to Sec. 68.328, a percolation test or on-site wastewater system layout is reviewed by the Department of Environmental Health, there shall be paid to the Department a fee as follows: for each on-site wastewater system layout submitted, the examination shall be as set forth in Title 6, Division 5, Section 65.107, of this Code and any re-examination required shall be as set forth in Title 6, Division 5, Section 65.107, of this Code. For each percolation test the examination fee shall be as set forth in Title 6, Division 5, Section 65.107, of this Code.

(Added by Ord. No. 5847 (N.S.), effective 9-11-80; amended by Ord. NO. 6378 (N.S.), effective 7-29-82; amended by Ord. No. 7428 (N.S.), effective 2-4-88)

Section 97. Section 68.330.1 of the San Diego County Code is hereby amended to read as follows:

**SEC. 68.330.1. ON-SITE WASTEWATER SYSTEMS -- REVOCATION OF PERMITS.**

The Director may revoke any outstanding permit for the installation of any on-site wastewater system, which in the judgment of the Director is not adequate for the lot and its use.

Any permittee whose permit is revoked may file an appeal with the Clerk of the Board of Supervisors pursuant to Section 16.114 of this Code and shall be entitled to a hearing as prescribed by Section 16.114 and Section 16.115. The filing of such an appeal shall not stay the order of the Director revoking the permit.

(Added by Ord. No. 5408 (N.S.), effective 2-20-79; Ord. No. 5416 (N.S.), adopted 2-27-79, effective 3-29-79, supersedes Ord. No. 5408)

Section 98. Section 68.330.3 of the San Diego County Code is hereby amended to read as follows:

**SEC. 68.330.3. S. CITRUS AVENUE AREA IN THE VICINITY OF ESCONDIDO.**

(a) The Director of the Department of Environmental Health shall not issue any permit to install or construct an on-site wastewater system, or any part thereof in the S. Citrus Avenue area in the vicinity of Escondido, as described in Chapter 1 of Division 1 of Title 8 of this Code. This prohibition shall not apply to applications for permits to reconstruct or repair existing on-site wastewater systems.

(b) It is intended that the prohibitions contained in this section shall be temporary and shall be removed when the Board of Supervisors finds that the health hazards resulting from the threatened failure of on-site wastewater systems in the S. Citrus Avenue area in the vicinity of Escondido have been eliminated through the availability of public sewers or by some other means.

(Added by Ord. No. 6379 (N.S.), effective 7-29-82; amended by Ord. No. 7428 (N.S.), effective 2-4-88; amended by Ord. No. 8075 (N.S.), effective 6-19-92; amended by Ord. No. 8477 (N.S.), adopted 11-8-94, operative 1-1-95)

Section 99. Section 68.331 of the San Diego County Code is hereby amended to read as follows:



SEC. 68.331. DIRECTOR TO MAKE INSPECTIONS.

The Director shall inspect or cause to be inspected in a thorough manner any on-site wastewater system or part thereof, hereafter installed, constructed or reconstructed in the County. It shall be the duty of the Director to see that there is compliance with the terms and provisions of this chapter.

(Amended by Ord. No. 6049 (N.S.), effective 6-11-81)

Section 100. Section 68.332 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.332. INSPECTION REQUIRED -- APPROVAL.

As soon as the on-site wastewater system, or part thereof is installed and ready to receive its cover, the person to whom the permit for such unit or system was issued shall notify the Department that such unit or system is ready for inspection. As soon thereafter as practical, the Director shall make or cause to be made an inspection of the work. If the unit or system is approved by the Director, an inspection certificate shall be posted in a conspicuous place upon the property where the unit or system is located, which inspection certificate shall note the date and approval and the signature of the Director or the person making the inspection on the Director's behalf.

(Amended by Ord. No. 6049 (N.S.), effective 6-11-81)

Section 101. Section 68.332.1 of the San Diego County Code is hereby amended to read as follows:

**SEC. 68.332.1 BACKFILLING WORK BEFORE APPROVAL PROHIBITED.**

No person shall backfill, or cause to be backfilled any on-site wastewater system, or part thereof prior to its approval by the Director as provided in this chapter.

The engineer, contractor, or other persons designing or installing such systems shall take means to protect the public from hazards from on-site wastewater system.

(Section 68.362 renumbered to 68.332.1, and also amended by Ord. No. 6049 (N.S.), effective 6-11-81)

Section 102. Section 68.332.2 of the San Diego County Code is hereby amended to read as follows:

**SEC. 68.332.2. CONNECTING PLUMBING TO UNAPPROVED DISPOSAL SYSTEM PROHIBITED.**

It shall be unlawful for any person to connect a sewer line or other plumbing serving any area or space, including but not limited to a dwelling unit, trailer, recreational unit, to a building sewer line, or other plumbing to any on-site wastewater system, unless such on-site wastewater system, or part thereof has been approved by the Director as provided in this chapter.

(Section 68.363 renumbered to Section 68.332.2 by Ord. No. 6049 (N.S.), effective 6-11-81)

Section 103. Section 68.333 of the San Diego County Code is hereby amended to read as follows:

**SEC. 68.333. REINSPECTIONS -- FEE.**

When an inspection has been performed and the work is found to be not ready for inspection or the work does not meet the standards of this Department for approval, the Director shall cause an official notice to be posted on the job stating the changes necessary in order that the work will comply with the requirements of this chapter. The owner or contractor shall cause the changes to be made and upon completion thereof shall notify the Department that the unit or system is ready for reinspection. As soon thereafter as practicable the Director shall make or cause a reinspection to be made. If upon reinspection the work is approved, a certificate to that effect shall be posted as hereinabove specified. The fee for each reinspection shall be as set forth in Title 6, Division 5, Section 65.107 of this Code and said fee shall be paid to the Director.

(Amended by Ord. No. 3061 (N.S.), effective 5-11-67; amended by Ord. No. 3436 (N.S.), effective 1-1-70; amended by Ord. No. 4531 (N.S.), effective 7-31-75; amended by Ord. No. 5847 (N.S.), effective 9-11-80; amended by Ord. No. 7428 (N.S.), effective 2-4-88)

Section 104. Section 68.337 of the San Diego County Code is hereby amended to read as follows:

**SEC. 68.337. VIOLATION -- MISDEMEANOR.**

Any person violating the provisions of this Chapter shall be deemed guilty of a misdemeanor, with each day a separate violation, and upon conviction shall be fined in an amount not to exceed Five Hundred Dollars (\$500.00) or by imprisonment for a period of not more than six (6) months in the County Jail or by both such fine and imprisonment.

(Added by Ord. No. 5233 (N.S.), effective 8-22-78; Ord. No. 5233 (N.S.), superseded by Ord. No. 5246 (N.S.), adopted 8-29-78, effective 9-28-78; amended by Ord. No. 7428 (N.S.), effective 2-4-88)

**ARTICLE 5. SPECIFICATIONS**

Section 105. Section 68.340 of the San Diego County Code is hereby amended to read as follows:

**SEC. 68.340. LOCATION OF ON-SITE WASTEWATER SYSTEMS.**

Any on-site wastewater system or part thereof hereafter constructed or installed in the County shall be so situated that it will be a "safe distance" from any source of water supply as determined by the Director. In determining what is a "safe distance" the Director shall consider the source of possible pollution, the type of soil, surface and subsurface, the type and source of water supply, the geological formation of the ground, the direction of surface drainage, and the depth and direction of groundwater flow.

Under no circumstances shall any part of such on-site wastewater system, except the house sewer line, be located closer than 100 feet from any groundwater supply. Any new on-site wastewater system or repair installation to an existing property shall maintain setbacks to groundwater supplies as described in State of California Water Well Standards, Bulletin 74-81 and 74-90.

No part of such on-site wastewater system except the house sewer line shall be located less than five feet from every building or structure or less than five feet from every property line. Specific setback requirements will vary based on the type of system design and site conditions. These are:

Septic Tank	Structure	5 feet
Septic Tank	Property Line	5 feet
Septic Tank	Water Well	100 feet
Leach Lines	Structure	8 feet
Leach Lines	Property Line	5 feet
Leach Lines	Water Lines	25 feet from edge of easement (a)
Leach Lines	Water Well	100 feet (d)
Leach Lines	Drainage Course	50 feet from top of bank
Leach Lines	Flowing Stream	100 feet from top of bank
Leach Lines	Pond	100 feet from spillway elev.

Leach Lines	Reservoir	500 feet to 1000 feet based on average slope
Leach Lines	Aqueduct	100 feet from edge of easement (c)
Leach Lines	Road Easements	8 feet from edge of ultimate easement width (b)
Leach Lines	Cut Slopes	5:1 Setback from top of cut slope (e)
Leach Lines	Septic Tank	5 feet
Leach Lines	Leach Lines	10 feet
Leach Lines	Seepage Pits	15 feet
Seepage Pits	Structure	10 feet
Seepage Pits	Property Line	10 feet
Seepage Pits	Water Lines	25 feet from edge of easement (a)
Seepage Pits	Water Well	150 feet (d)
Seepage Pits	Drainage Course	50 feet from top of bank
Seepage Pits	Flowing Stream	100 feet from top of bank
Seepage Pits	Pond	100 feet from spillway elev.
Seepage Pits	Reservoir	500 feet to 1000 feet based on average slope measurements
Seepage Pits	Aqueduct	100 feet from edge of easement (c)
Seepage Pits	Road Easements	8 feet from edge of ultimate easement width (b)
Seepage Pits	Cut Slopes	5:1 Setback from top of cut slope (e)
Seepage Pits	Septic Tank	5 feet
Seepage Pits	Seepage Pits	20 feet

- (a) The setback to a domestic water line may increase if the 5:1 setback of the utility trench depth exceeds the 25-ft setback.
- (b) The setback may increase if the 5:1 setbacks to road cuts are greater than the minimum setback of 8 feet.
- (c) Any reduction in the Aqueduct setback requires approval from the San Diego County Water Authority or other purveyor, if another district.
- (d) The minimum setback may be increased if site conditions show the minimum setback is insufficient to protect groundwater supplies.
- (e) No part of an on-site wastewater system, with the exception of a septic tank, pump chamber, enclosed filter, or tight sewer pipe, shall be located closer than a 5:1 setback distance to the top of a cut bank, or the edge of an excavation. The horizontal distance would be five times the height of the cut or depth of the excavation. This setback would also be applied to the top of an eroded bank or natural slope in excess of 60%.

(Amended by Ord. No. 6049 (N.S.), effective 6-11-81)

**Cross reference(s)**--Excavations, fills and obstructions, § 71.301 et seq.

Section 106. Section 68.341 is hereby added to the San Diego County Code to read as follows:

**SEC. 68.341. RESERVE AREA REQUIREMENTS**

An area shall be set aside for each on-site wastewater system design to allow for the replacement of the entire drainage/dispersal system design. This 100% reserve area is required for all on-site wastewater system designs that are a part of new construction, remodeling, a change in usage that increases potential occupancy or daily sewage flow, subdivisions, boundary adjustments, or grading plan projects.

For percolation rates greater than 60 minutes per inch and less than or equal to 90 minutes per inch, the reserve area requirement shall be 200%. For percolation rates greater than 90 minutes per inch and less than or equal to 120 minutes per inch, the reserve area requirement shall be 300%. For percolation rates greater than 120 minutes per inch, the reserve area requirement shall be 400%.

If an existing property does not have 100% reserve area, no construction shall take place that would remove any usable reserve area, unless the property can be connected to public sewer.

Section 107. Section 68.342 of the San Diego County Code is hereby amended to read as follows:

**SEC. 68.342. TYPE OF ON-SITE WASTEWATER SYSTEM REQUIRED.**

Any on-site wastewater system hereafter constructed or installed in the County shall consist of a septic tank with effluent discharging into either (1) a leach field disposal system, (2) a seepage pit disposal system, or (3) an alternative on-site wastewater system designed and installed to specifications as set forth by the Director.

(Amended by Ord. No. 6049 (N.S.), effective 6-11-81; amended by Ord. No. 7428 (N.S.), effective 2-4-88)

Section 108. Section 68.343 of the San Diego County Code is hereby amended to read as follows:

**SEC. 68.343. MINIMUM REQUIREMENTS FOR SEPTIC TANKS.**

Any septic tank hereafter installed in the County shall meet the following minimum specifications:

- (a) **All Septic Tanks shall be IAPMO approved and approved by the Department of Environmental Health.**
- (b) Such tank shall be watertight and shall be constructed of concrete or other approved material. The Director may approve alternative materials and construction specifications to meet health requirements.

Amended by Ord. No. 3061 (N.S.), effective 5-11-67; amended by Ord. No. 6049 (N.S.), effective 6-11-81; amended by Ord. No. 7428 (N.S.), effective 2-4-88)

Section 109. Section 68.344 of the San Diego County Code is hereby amended to read as follows:

**SEC. 68.344. MINIMUM REQUIREMENTS FOR DISTRIBUTION BOX.**

Any distribution box hereafter constructed or installed in the County shall meet the following minimum specifications:

- (a) Such distribution box shall be watertight and shall be constructed of the same materials authorized for construction of a septic tank. The inner surface of the distribution box shall be resistant to sewer gas corrosion.
- (b) The outlets from such distribution box shall have exactly the same elevation and shall be located at least two inches above the bottom of the box. The inlet to such distribution box shall be one inch above the elevation of the outlets.
- (c) Such distribution box shall be connected to a subsurface disposal system.

(Amended by Ord. No. 3061 (N.S.), effective 5-11-67; amended by Ord. No. 6049 (N.S.), effective 6-11-81)

Section 110. Section 68.345 of the San Diego County Code is hereby amended to read as follows:

**SEC. 68.345. LEACH LINE DISPOSAL SYSTEMS.**

Any leach field system hereafter constructed or installed in the County for the purpose of disposing of effluent from a septic tank shall meet the following minimum requirements:

- (a) Perforated leach line pipe shall have IAPMO approval, and its installation must be approved by the Director.
- (b) Each leach line shall consist of a trench 18 inches wide, 36 inches deep and be located no closer than 10 feet on center from any adjacent line. Clean washed rock or gravel grading 1 to 1-1/2 inches shall be placed around the leach line pipe. At least 12 inches of rock shall be placed under the leach line pipe and 4 inches above the leach line pipe.
- (c) Leach line trenches and pipes shall be level with not more than 2 inches per 100 linear feet of variation in grade.
- (d) Leach line trench depth may exceed 36 inches below the surface when percolation testing substantiates adequate soil conditions exist. Additional rock shall be added to the trench so the leach line pipe depth does not increase. The maximum trench depth shall not exceed 60 inches without special approval of the Director.

(Amended by Ord. No. 3061 (N.S.), effective 5-11-67; amended by Ord. No. 6049 (N.S.), effective 6-11-81; amended by Ord. No. 7428 (N.S.), effective 2-4-88)

Section 111. Section 68.345.1 is hereby added to the San Diego County Code to read as follows:

**SEC. 68.345.1 CHAMBER SYSTEMS**

Any chamber disposal system hereafter constructed or installed in the County for the purpose of disposing of wastewater from a septic tank shall meet the following minimum requirements:

- (a) The minimum length of any chamber system shall be at least 200 linear feet.
- (b) The chambers shall have IAPMO approval for use in an on-site wastewater system and its installation must be approved by the Director.
- (c) Each chamber shall have a minimum width of 18 inches to provide the equivalent trench bottom absorption area of an 18-inch wide leach line trench. Chambers less than 18 inches wide may be used at the discretion of the Director but will require a correction factor to provide the equivalent trench bottom absorption area of an 18 inch wide leach line trench. The chambers shall be installed in a trench 24 to 36 inches deep and be located no closer than 10 feet on center from any adjacent line.
- (d) Chamber trenches and chambers shall be level with not more than 2 inches per

100 linear feet of variation in grade.

(e) Chamber trench depth may exceed 36 inches below the ground surface when percolation testing substantiates adequate soil conditions exist. Clean washed rock or gravel grading 1 to 1-1/2 inches shall be added to the trench below the chamber so the chamber depth does not increase. The maximum trench depth shall not exceed 60 inches without special approval of the Director.

**(f) Every chamber line shall be at least 10 feet (center to center) from every other lateral chamber line.**

Section 112. Section 68.346 of the San Diego County Code is hereby amended to read as follows:

**SEC. 68.346. SUBSTITUTION OF SEEPAGE PIT FOR LEACH LINE OR CHAMBER SYSTEM UPON APPROVAL OF DIRECTOR.**

A seepage pit or series of seepage pits may be substituted for or used in conjunction with a subsurface leach line or chamber system. No seepage pit shall be permitted where the Director determines that its use might contaminate or pollute an underground water supply.

(Amended by Ord. No. 3061 (N.S.), effective 5-11-67)

Section 113. Section 68.347 of the San Diego County Code is hereby amended to read as follows:

**SEC. 68.347. MINIMUM REQUIREMENTS FOR VERTICAL SEEPAGE PITS.**

Any vertical seepage pit hereafter constructed or installed in the County shall meet the following minimum specifications:

(a) Such seepage pit shall be constructed of pre-cast concrete rings or one-inch redwood boards of full thickness with supporting two-inch by three-inch redwood timbers placed every five feet so as to form a securely braced octagon shape.

(b) Vertical seepage pits are restricted to coastal, sedimentary basins where the groundwater is already degraded as determined by the California Regional Water Quality Control Board (CRWQB).

(Amended by Ord. No. 3061 (N.S.), effective 5-11-67; amended by Ord. No. 7428 (N.S.), effective 2-4-88)



Section 114. Section 68.348 is hereby added to the San Diego County Code to read as follows:

(Amended by Ord. No. 3061 (N.S.), effective 5-11-67; repealed by Ord. No. 6049 (N.S.), effective 6-11-81)

Any horizontal seepage pit hereafter constructed or installed in the County shall meet the following minimum specifications:

- (a) Such seepage pit excavation shall be not less than four feet or greater than six feet in width. The seepage pit shall be constructed to a depth where the side wall area of the seepage pit will have uniform soils with sufficient porosity to provide adequate drainage as determined by a percolation test and approved by the Director. The sidewall depth below the cap shall not be less than six feet or greater than seven feet.
- (b) Such seepage pit shall be constructed of precast perforated concrete rings which meet the testing standards established by IAPMO or two-inch redwood plank securely braced with four-inch by four-inch redwood timber. The use of redwood may require design by a licensed civil engineer for structural stability.
- (c) The cap depth of such seepage pit shall not be less than one foot or greater than 6 feet below the ground surface. The cap of such seepage pit constructed with precast perforated concrete rings shall be covered with precast concrete covers that meet the testing standards established by IAPMO. The cap of such seepage pit constructed with redwood shall be covered with a concrete slab or cover constructed of concrete reinforced with steel or other approved material, which slab or cover shall extend not less than 18 inches beyond the outside of the side walls of the seepage pit.

Section 115. Section 68.349 of the San Diego County Code is hereby amended to read as follows:

**SEC. 68.349. ON-SITE WASTEWATER SYSTEMS SERVING MULTI-RESIDENTIAL, INSTITUTIONAL OR COMMERCIAL USES.**

Every applicant for a permit to install or construct an on-site wastewater system to serve multi-residential, institutional or commercial uses shall submit to the Director detailed plans and specifications of the intended use, accompanied by percolation data, disposal system design and any hydrogeological studies. The design and recommendations of this type of disposal system shall be submitted by those qualified professionals as described in Section 68.328. Upon receipt of the necessary data and prescribed fees, the Director shall review the proposal and upon approval issue a permit for the construction of the on-site wastewater system. Prior to final approval of the construction of the on-site wastewater system the designer shall submit a letter to the Director certifying that the construction and installation had been observed and the

satisfactory performance for the intended use can be expected. This does not release the applicant from receiving inspection and approval of the construction by Department staff.

(Amended by Ord. No. 6049 (N.S.), effective 6-11-81; amended by Ord. No. 7428 (N.S.), effective 2-4-88)

Section 116. Section 68.351 of the San Diego County Code is hereby amended to read as follows:

**SEC. 68.351. PROVISIONS NOT BE CONSTRUED TO PREVENT THE DIRECTOR FROM REDUCING REQUIREMENTS.**

Nothing contained in this chapter shall be construed to prevent the Director from establishing lower or less stringent requirements or specifications than those contained herein in such cases where an on-site wastewater system may be maintained at such lower or less stringent requirements or specifications in a sanitary condition without detriment to the public health or safety.

Section 117. Section 68.364 of the San Diego County Code is hereby amended to read as follows:

**SEC. 68.364. DISINFECTION OF CESSPOOLS, ETC.**

No privy vault, privy, cesspool, or water closet shall be allowed by the owner or other person in charge of the premises upon which the same may be situated to become foul or offensive; and when, in the opinion of the Director any such privy, vault, or closet or cesspool shall need cleaning or disinfecting, it shall be the duty of said Director to notify such owner or other person having control to abate the same by such disinfecting or cleaning as in the judgment of said Director may be necessary, or in the case of a defective or offensive cesspool the owner, if deemed necessary by the Director, shall connect the premises to an available public sewer or construct a new on-site wastewater system that meets the requirements of this chapter.

**DIVISION 9. INSANITARY PREMISES**

Section 118. The Board of Supervisors finds and determines that Title 6, Division 9 of the San Diego County Code of Regulatory Ordinances relating to insanitary premises is not in alignment with the California Health and Safety Code, Section 17920.3 definition of a substandard building and grounds for condemnation.

The Board of Supervisors finds and determines that Title 6, Division 9 of the San Diego

County Code of Regulatory Ordinances relating to insanitary premises shall define the condemnation of a building as a temporary means for abating a public nuisance with a time limit to bring the building into compliance or abate the nuisance by demolition under permit.

Section 119. Section 69.101 of the San Diego County Code is hereby amended to read as follows:

**SEC. 69.101. CONDEMNATION OF BUILDING.**

When any building or premises has been inspected or caused to be inspected by the Director of the Department of Environmental Health and the plumbing or sewage disposal unit or system of such building or premises is found to be defective or insanitary, notice to that effect shall be served upon the tenant occupying the premises, if there be a tenant, or the owner or his agent, and the said notice shall specify the character of repairs and alterations to be made in order to eliminate the defective or insanitary condition. If such repairs and alterations, as specified in said notice, are not commenced in good faith within five days from the date of the service of such notice and completed within the time specified therein, the Director of the Department of Environmental Health may condemn the said building or premises as being unsanitary and unfit for human habitation, and its occupancy thereafter is prohibited.

(Amended by Ord. No. 7309 (N.S.), effective 7-2-87; amended by Ord. No. 8477 (N.S.), adopted 11-8-94, operative 1-1-95)

Section 120. Section 69.101.1 is hereby added to the San Diego County Code to read as follows:

When any building or premises has been inspected or caused to be inspected by the Director of the Department of Environmental Health and conditions are found to be as defined in the California Health and Safety Code, Section 17920.3 describing the building or premises to be a substandard building, and cause the building or premises to be an immediate public health hazard as caused by a lack of potable water, hazardous wiring, insanitary conditions, or structural hazards, notice to that effect shall be served upon the tenant occupying the premises, if there be a tenant, or the owner or his agent, and the said notice shall specify the character of repairs and alterations to be made in order to eliminate the defective or insanitary condition. If such repairs and alterations, as specified in said notice, are not commenced in good faith within five days from the date of the service of such notice and completed within the time specified therein, the Director of the Department of Environmental Health may condemn the said building or premises as being substandard and unfit for human habitation, and its occupancy thereafter is prohibited.

Section 121. Section 69.102 of the San Diego County Code is hereby amended to read as follows:

**SEC. 69.102. NOTICE THAT BUILDING HAS BEEN CONDEMNED.**

Except as provided in Section 69.103, when any building or premises has been condemned by the Director of the Department of Environmental Health, the occupants shall immediately vacate the premises until such time as all repairs and alterations required by the Director of the Department of Environmental Health shall have been made. When a building or premises has been condemned for any cause said Director shall place or cause to be placed thereon a placard reading as follows:

WARNING

THIS BUILDING HAS BEEN CONDEMNED AS BEING INSANITARY AND UNFIT FOR HUMAN HABITATION, AND IT IS UNLAWFUL FOR ANY PERSON TO RESIDE IN OR OCCUPY THE SAME.

Director of the Department of Environmental Health

Environmental Health Specialist

(Amended by Ord. No. 5499 (N.S.), effective 5-2-79; Ord. No. 5502 (N.S.), adopted 5-8-79, effective 6-7-79, supersedes Ord. No. 5499; amended by Ord. No. 7309 (N.S.), effective 7-2-87; amended by Ord. No. 8477 (N.S.), adopted 11-8-94, operative 1-1-95)

Section 122. Section 69.103 of the San Diego County Code is hereby amended to read as follows:

**SEC. 69.103. APPEAL.**

The owner or tenant of any premises condemned as unfit for human habitation by the Director of the Department of Environmental Health may file an appeal with the Housing Appeal Board of the Department of Environmental Health within five days of the date of the order of condemnation and shall be entitled to a hearing before the Board as to whether such premises are unfit for human habitation. The Board may affirm, modify or revoke the order of the Director of the Department of Environmental Health. Where the premises are unoccupied, the order of the Director of the Department of Environmental Health shall not be stayed pending appeal. Where the premises are occupied, the appeal shall stay the order of the Director of the Department of Environmental Health unless the Director of the Department of Environmental Health shall specify that due to an immediate health hazard, an appeal shall not stay such order.

(Added by Ord. No. 5499 (N.S.), effective 5-2-79; Ord. No. 5502 (N.S.), adopted 5-8-79, effective 6-7-79, supersedes Ord. No. 5499; amended by Ord. No. 7309 (N.S.), effective 7-2-87; amended by Ord. No. 8477 (N.S.), adopted 11-8-94, operative 1-1-95)

Section 123. Section 69.104 is hereby added to the San Diego County Code to read as follows:

#### SEC. 69.104. CONDEMNATION COMPLIANCE TIMELINE

- a) Once the building or premises has been declared to be in substandard condition, a public nuisance, and/or extreme hazard exist, the property owner has 60 days to obtain permits to commence with repair, rehabilitation, demolition, or removal.
- b) This timeline shall apply with any existing condemned building or premises within the unincorporated County.
- c) If the building or portion thereof is not repaired, rehabilitated, demolished, or removed within 60 days of the date of condemnation or upon expiration of the period allowed for such correction, the Director shall schedule an office hearing to request a finding and recommendation that the Department declare the building to be a public nuisance and authorize appropriate abatement action utilizing section 16.201 San Diego County Code Uniform Procedure known as the "Uniform Public Nuisance Abatement Procedure".