

## Chapter 420-6

### SEWAGE COLLECTION AND DISPOSAL~~SUBDIVISIONS AND INDIVIDUAL SYSTEMS~~

#### Article 420-6.12. General Provisions~~Definitions~~

##### 420-6.202 Purpose.

The purpose of this chapter is to provide maximum protection to water quality and public health by establishing requirements for connection to sanitary sewers and minimum standards for the design, construction, operation and abandonment of sewage collection and disposal systems. (Ord. 2018-25 § 3).

##### 420-6.101204 Definitions~~General~~.

Unless otherwise specially provided, or required by the context, the following terms have these meanings in this chapter. (~~Ord. 81-30 § 1; § 420-6.002; Ord. 74-67 § 3; prior code § 4640; Ord. 1440 § 1).~~

(a) “Abandon” means to remove liquid waste from and either excavate or otherwise render inoperable a cesspool, privy, sewage holding tank, or tank utilized in an onsite wastewater treatment system.

(b) “Alternative onsite wastewater treatment system” means an onsite wastewater treatment system in which septic tank effluent undergoes supplemental treatment prior to discharge to a disposal field.

(c) “Approved sewage disposal system” means a system of sewage disposal constructed in conformance with any and all applicable design, construction, permitting and other legal requirements in force at the time of construction.

(d) “Construct” means to assemble, build, fabricate or install.

(e) “Designated disposal field area” means an area of land that is approved by the health officer based on a site evaluation for future use as a disposal field or in an onsite wastewater treatment system, but is not a reserve area.

##### 420-6.103 — Domestic water supply reservoir.

(f) “Domestic water supply reservoir” means an existing or proposed open uncovered reservoir used or intended to impound water for human consumption or domestic purposes.

~~“Domestic water supply reservoir” includes including a planned reservoir where the water impounder states in writing to the board his-its intent to install or construct itthe reservoir, and satisfies the board that he-it has appropriate rights in the land and the ability to finish and maintain itthe reservoir. (Ord. 81-30 § 1; § 420-6.002(6); Ords. 74-67 § 3, 68-16 § 2; prior code § 4640(f)).~~

##### 420-6.105 — Drainage area.

(g) “Drainage area” of a domestic water supply reservoir means all the land that can ~~or may~~ drain into the reservoir, whether or not the topographical configuration is artificially or naturally caused. (~~Ord. 81-30 § 1; § 420-6.002(7); Ords. 74-67 § 3, 68-16 § 2; prior code § 4640(g)).~~

##### 420-6.107 — Health officer.

(h) “Health officer” means the county health officer and his or her duly authorized deputies and subordinates. ~~includes any subordinate(s) that the health officer designates from time to time to~~

perform any or all of the health officer's functions hereunder. (Ord. 81-30 § 1: § 420-6.002(8); Ord. 74-67 § 3: prior code § 4640).

#### **420-6.109 — Improper functioning.**

(i) “Improperly functioning,” as applied to a sewage collection or disposal individual system, means a system allowing sewage to escape to the surface of the ground, allowing sewage to return to the structure served by the system, allowing leaks, or preventing fixtures from draining, which allows sewage to escape to the surface of the ground or prevents plumbing fixtures from draining. (Ord. 81-30 § 1: § 420-6.002(4); Ord. 74-67 § 3: prior code § 4640(d); Ord. 1440 § 1).

#### **420-6.111 — Individual system.**

“Individual system” means a system which consists of (1) the drainage pipes of a structure and the septic tank and subsurface absorption system to which they are connected; or (2) any alternative system designed for the disposal of sewage and acceptable to the health officer. (Ord. 81-30 § 1: § 420-6.002(3); Ord. 74-67 § 3: prior code § 4640(d); Ord. 1440 § 1).

(j) “Onsite wastewater treatment system” means a sewage treatment and disposal system that includes a septic tank and disposal field, serves one or more structures on only one lot, and is projected to receive a sewage flow of 10,000 gallons or less per day.

(k) “Pit privy” means a structure with no water supply that consists of shelter built over a pit with an unlined bottom and is used for the disposal of human waste.

(l) “Plumbing fixture” means a receptacle, device, appliance or other fixture that discharges wastewater to a drainage system.

(m) “Primary components” of an onsite wastewater treatment system means the septic tank, area(s) of land used for one or more disposal fields, pump tank, and supplemental treatment unit, if any.

(n) “Reserve area” means an area of land that is approved by the health officer for future use as a replacement disposal field in an onsite wastewater treatment system.

(o) “Sanitary sewer” means a wastewater collection system, owned and operated by a public agency with legal authority to collect wastewater from structures within the territorial jurisdiction of the public agency, that collects wastewater and conveys it through a system of sewer pipes to a treatment works prior to disposal.

(p) “Septic tank-chemical toilet cleaner” means (1) a person engaged in the business of cleaning, or who cleans, septic tanks, sewage holding tanks, onsite wastewater treatment systems, privies, cesspools or seepage pits, or (2) a person engaged in the business of providing or cleaning, or who provides or cleans, chemical toilets.

#### **420-6.113 — Sewage.**

(q) “Sewage” means liquid waste or solid waste substance, which is associated with human habitation or which that contains or may be contaminated with human or animal excrement or offal. (Ord. 81-30 § 1: § 420-6.002(1); Ord. 74-67 § 3: prior code § 4640(e); Ord. 1440 § 1).

(r) “Sewage disposal system” means any system of sewage disposal, including but not limited to an onsite wastewater treatment system, that is designed to serve one or more structures.

(s) “Sewage regulations” means sewage collection and disposal regulations adopted by the board under Section 420-6.606.

#### **420-6.115 Sewer availability.**

—“Sewer availability” means a sanitary sewer is available for connection to a structure requiring sewage disposal because:

—(a) The entity operating the sanitary sewer indicates in writing that the proposed structure can be connected to the sanitary sewer; and

—(b) The cost of providing sanitary sewer service, exclusive of all annexation fees, connection fees, and the sewer pipe installation costs between the structure and the publicly owned sewer in the street or right-of-way, is less than five thousand dollars, or ten percent of the full market value of all existing and proposed improvements, whichever is greater; and

—(1) The area of property to be served is less than forty thousand square feet and the sanitary sewer is less than three hundred feet, measured horizontally, from the nearest property boundary, or

—(2) The area of the property is more than forty thousand square feet and the structure requiring the disposal of sewage is located less than three hundred feet measured horizontally to the nearest property boundary adjacent to the sanitary sewer. (Ord. 81-30 § 1: § 420-6.002(5): Ord. 74-67 § 3: prior code § 4640(e): Ord. 1440 § 1).

#### **420-6.117—Subdivision.**

—“Subdivision” means a division or any use of real property that does or may reasonably be expected to generate sewage or require sewage disposal; and, “subdivider” means the owner of or applicant for a subdivision.

(Ord. 81-30 § 1: § 420-6.002(2): Ord. 74-67 § 2: prior code § 4640(b): Ord. 1440 § 1).

#### **420-6.119—Site evaluation.**

—“Site evaluation” means the investigation of a subdivision or a lot to determine the feasibility of installing an individual system. It shall include a determination of compliance with all applicable sanitation requirements and a sanitary survey of the area. Should the sanitary survey disclose failing individual systems in the immediate vicinity of the site evaluated, this shall be cause for denial of the feasibility of installing an individual system. (Ord. 81-30 § 1).

#### **420-6.121—Community sewer collection system.**

—“Community sewer collection system” means the structures, devices, equipment, and appurtenances intended for the collection, transportation, and pumping of sewage from two or more structures to a treatment or disposal facility.

(Ord. 81-30 § 1).

#### **420-6.123 Sanitary sewer.**

—“Sanitary sewer” means a system for collecting residential or municipal wastewater and directing the collected wastewater to a treatment works prior to disposal. (Ord. 81-30 § 1).

(t) “Vault privy” means a structure with no water supply that consists of a shelter built over a subsurface vault and is used for the collection of human waste.

(u) “Wastewater” means liquid waste, including but not limited to sewage. (Ords. 2018-25 § 3, 81-30 § 1, 74-67 § 3, 68-16 § 2, Ord. 1440 § 1).

## Article 420-6.4. Sewer Connection

### 420-6.402 Sewer availability.

A sanitary sewer is considered available for connection to a structure requiring sewage disposal if:

(a) The entity operating the sanitary sewer indicates in writing that the proposed structure can be connected to the sanitary sewer;

(b) The sanitary sewer is in a thoroughfare or right of way abutting the lot or premises where the structure is located or proposed to be located; and

(c) The sanitary sewer or any building or exterior drainage facility connected thereto is located within 200 feet of the structure. (Ords. 2018-25 § 3, 81-30 § 1, 74-67 § 3, 1440 § 1).

### 420-6.404 Sewer connection required; exceptions.

Every structure in which plumbing fixtures have been or are proposed to be installed, and all plumbing fixtures and sanitary drainage systems or parts thereof, must be connected to either a sanitary sewer or an alternative means of sewage collection or disposal in accordance with Subsections (a) or (b) of this section.

#### (a) Approved sewage disposal system.

(1) A structure may be connected to an approved sewage disposal system if the health officer determines that a sanitary sewer is not available for connection under Section 420-6.402.

(2) A structure connected to an approved sewage disposal system prior to the effective date of this section may remain connected to that system.

(3) An addition to or remodeled portion of a structure may be connected to an approved sewage disposal system in accordance with applicable standards set forth in the sewage regulations if the structure is served by and was connected to the system before a sanitary sewer became available for connection to the structure, except as otherwise provided in Section 420-6.602 or Chapter 78-2.

#### (b) Sewage holding tank system.

(1) General. A structure that contains plumbing fixtures may be connected to a sewage holding tank system for sewage collection if:

(A) The health officer determines that a sanitary sewer is not available for connection under Section 420-6.402;

(B) The sewage holding tank system will replace an approved sewage disposal system that is or has been serving the structure;

(C) The owner of the structure obtains a sewage holding tank permit under Section 420-6.1002; and

(D) One of the following applies:

(i) The sewage holding tank system will serve the structure only until replacement of the approved sewage disposal system with a new onsite wastewater treatment system; or

(ii) The approved sewage disposal system to be replaced is improperly functioning and the health officer has determined that there is no suitable area on the lot where the structure is located for an onsite wastewater treatment system.

(2) Public agencies. A structure that contains plumbing fixtures and is owned by a public agency may be connected to a sewage holding tank system for sewage collection if:

(A) The health officer determines that a sanitary sewer is not available for connection under Section 420-6.402;

(B) The structure cannot be connected to a new onsite wastewater treatment system in accordance with applicable laws and regulations;

(C) The sewage holding tank system is owned and operated by the public agency; and

(D) The public agency obtains a sewage holding tank permit under Section 420-6.1002.

(3) Temporary structures. A temporary structure that contains plumbing fixtures may be connected to a sewage holding tank system if the system was incorporated into the original design of the temporary structure. As used in this subsection, "temporary structure" means a structure that is placed at the site of a permitted construction project for use only during the project and then removed at the conclusion of the project. (Ords. 2018-25 § 3, 81-30 § 1).

### **Article 420-6.63. Enforcement**

#### **~~420-6.301~~ Sewer connection required, exception.**

~~Every structure in which plumbing fixtures have been or are proposed to be installed shall be connected to a sanitary sewer and all such plumbing fixtures and sanitary drainage systems or parts thereof shall be connected to the sanitary sewer except:~~

~~(a) Exception. If the health officer determines that connection to a sanitary sewer is unavailable under the provisions of Section 420-6.115, an application may be filed for a permit to install an individual system.~~

~~(b) Exception. Upon written application to the health officer and in only those cases where an existing individual system is found to be functioning improperly, the requirement for connection to the sanitary sewer may be waived by the health officer if the health officer finds:~~

~~(1) That such waiver shall be limited to minor repair of the "improperly functioning" existing individual system, provided no nuisance will be created, continued or maintained by such waiver, and~~

~~(2) That all requirements of this chapter and regulations can be met. (Ord. 81-30 § 1).~~

#### **~~420-6.303~~ 602 Prohibitions.**

A person may not do any of the following:

(a) Build a structure that will contain plumbing fixtures without first lawfully connecting the lot where the structure will be located to a sanitary sewer or having an approved sewage disposal system that is designed to and may lawfully serve the structure. No person shall build or alter any structure or build on or improve any land, requiring sewage disposal, without having a currently valid permit for an approved individual system or connecting to an approved sanitary sewer.

(b) Remodel any portion of, or construct an addition to, a structure containing plumbing fixtures without first lawfully connecting the structure to a sanitary sewer or an approved sewage disposal system that is designed to serve the structure.

(c) Construct, modify in any way, relocate any part of, or take any action to connect a structure to, a sewage disposal system that is not an onsite wastewater treatment system.

~~(d) No person shall discharge or deposit sewage to the surface of the ground.~~

(e) No person shall have, or permit use or operate an improperly functioning individual sewage collection or disposal system.

~~(d) No person shall install, construct, repair, reconstruct relocate, destroy, alter, or abandon any individual system, cesspool, pit privy, sewage holding tank, or seepage pit without the health officer's advance written approval.~~

~~(e) No person shall have or maintain an improperly functioning building sewer or lateral which conducts sewage from the building to a community sewer collection system.~~

~~—(f) No person shall engage in the business of cleaning septic tanks and subsurface leaching devices, sewage holding tanks, cesspools, or seepage pits or of providing or cleaning chemical toilets without having a valid permit, license and/or registration issued by the health officer.~~

~~—(g) No person shall change any approved plan or work without the health officer's advance written approval.~~

(f) Use a sewage disposal system that is not an approved sewage disposal system.

(g) Construct or have a privy except as expressly authorized by law. (Ords. 2018-25 § 3, 81-30 § 1, ~~§§ 420-6.004, .014, .016; prior code §§ 4641, 4646; Ords. 1440 § 2, 640 §§ III-1, III-3, V-2).~~

#### **420-6.305604 Building permits; certificates of occupancy ~~restrictions.~~**

(a) Restriction on issuance of building permits.

(1) If a structure is, or is proposed to be, located outside the territorial boundaries of any public entity with legal authority to provide wastewater collection services, or in an area where connection to a sanitary sewer is otherwise not available to the structure, and plumbing fixtures have been or are proposed to be installed in the structure, a building permit will not be issued to build, remodel any portion of, or construct an addition to the structure unless the health officer has approved, in writing, a method of sewage collection or disposal for the structure.

(2) If a structure is, or is proposed to be, located in an area where connection to a sanitary sewer is available to the structure, plumbing fixtures have been or are proposed to be installed in the structure, and connection to a sanitary sewer is not proposed, a building permit will not be issued to build, remodel any portion of, or construct an addition to, the structure unless the health officer has approved, in writing, a method of sewage collection or disposal for the structure.

(3) A building permit will not be issued to build a structure located on a lot where an approved sewage disposal system, reserve area or designated disposal field area is located unless the health officer has approved, in writing, the proposed location of the structure.

(b) Restriction on issuance of certificates of occupancy.

(1) If a structure is located outside the territorial boundaries of any public entity with legal authority to provide wastewater collection services, or in an area where connection to a sanitary sewer is otherwise not available to the structure, and plumbing fixtures have been installed in the structure, a certificate of occupancy will not be issued to use or occupy the structure, or portion of the structure, unless the health officer has approved, in writing, a method of sewage collection or disposal for the structure.

(2) If a structure is located in an area where connection to a sanitary sewer is available to the structure, plumbing fixtures have been installed in the structure, and connection to a sanitary sewer is not proposed, a certificate of occupancy will not be issued to use or occupy the structure, or portion of the structure, unless the health officer has approved, in writing, a method of sewage collection or disposal for the structure.

(c) Application to health officer.

(1) A building permit applicant who proposes to build, remodel, or construct an addition to a structure described in Subsection (a)(1) of this section must submit a written application to the health officer for review and approval of a proposed method of sewage collection or disposal for the structure.

(2) A building permit applicant who proposes to build, remodel, or construct an addition to a structure described in Subsection (a)(2) of this section must submit a written application to the health officer for review and approval of the proposed method of sewage collection or disposal for the structure if the applicant does not propose to connect the structure to a sanitary sewer.



(3) A building permit applicant who proposes to build a structure in a location described in Subsection (a)(3) of this section must submit an application to the health officer for review and approval of the proposed location of the structure.

(4) An applicant for a certificate of occupancy of a structure described in Subsection (b)(1) of this section must submit a written application to the health officer for review of the proposed method of sewage collection or disposal for the structure.

(5) An applicant for a certificate of occupancy of a structure described in Subsection (b)(2) of this section must submit a written application to the health officer for review of the proposed method of sewage collection or disposal for the structure if the applicant does not propose to connect the structure to a sanitary sewer.

(d) Determination.

(1) If the health officer finds, based on his or her review of an application submitted under Subsection (c)(1) or (c)(2) of this section, that a proposed method of sewage collection or disposal conforms to the applicable requirements in this chapter and the sewage regulations, the health officer will approve the proposed method of sewage collection or disposal. The health officer will not approve the proposed method of sewage collection or disposal, and the building inspection director will not issue the building permit, if the health officer finds that the proposed method of sewage collection or disposal does not conform to a provision of this chapter or the sewage regulations.

(2) If the health officer finds, based on his or her review of an application submitted under Subsection (c)(3) of this section, that construction of a proposed structure will not interfere with the use of a necessary approved sewage disposal system, reserve area or designated disposal field area, the health officer will approve the proposed location of the structure. The health officer will not approve the proposed location of the structure, and the building inspection director will not issue the building permit, if the health officer determines that construction of the structure would interfere with the use of a necessary approved sewage disposal system, reserve area or designated disposal field area.

(3) If the health officer finds, based on his or her review of an application submitted under Subsection (c)(4) or (c)(5) of this section, that a proposed method of sewage collection or disposal conforms to the applicable requirements in this chapter and the sewage regulations, the health officer will approve the proposed method of sewage collection or disposal. The health officer will not approve the proposed method of sewage collection or disposal, and the building inspection director will not issue the certificate of occupancy, if the health officer finds that the proposed method of sewage collection or disposal does not conform to a provision of this chapter or the sewage regulations. — Applications for building permits or certificates of occupancy for structures and/or to build on any premises requiring disposal of sewage shall, prior to their issuance, be submitted to the health officer for his review and written approval of the proposed sewage disposal system. When the building inspection director is advised that it has not been demonstrated that an adequate sewage disposal system complying with this chapter exists or is assured that such lack is a danger to or likely to cause public health problems, he may withhold the issuance of the requested permit or certificate. (Ords. 2018-25 § 3, 81-30 § 1, §§ 420-6.010, .018, .020; Ord. 1752 § 4, prior code §§ 4644, 4648, 4649; Ords. 1440 §§ 4, 9, 640 §§ III-7, III-6).

**420-6.307606 Publication of rRegulations.**

The health officer may ~~propose make and publish~~ regulations to make more detailed or specific the provisions of this chapter. The regulations are not effective unless adopted by the board by resolution. These regulations shall become effective two weeks after filing with the clerk of the

~~board of supervisors and posting in the county health department.~~ The health officer ~~shall~~ is be responsible for the enforcement of this chapter and all adopted regulations. (Ords. 2018-25 § 3, 81-30 § 1, ~~prior code § 4650; Ord. 640 § 1~~).

#### **~~420-6.309608-~~ Investigations.**

To the extent allowed by law, whenever necessary to enforce any provision of this chapter, the health officer may inspect any property to determine compliance with applicable provisions and requirements of this chapter or enter for the purpose of abatement as provided in Chapter 14-6 of this code. Entry may be made at any reasonable time upon advance notice to the owner or occupant of the property. If entry is refused, the health officer is authorized to proceed pursuant to Code of Civil Procedure section 1822.50 and following, and pursue any and all other remedies provided by law, to secure entry. ~~To enforce this chapter, the health officer may enter and inspect any premises, operations or work regulated hereby, at reasonable times and with such notice to the owner, occupant, operator, applicant, licensee, or permittee, as is reasonable and practicable under the circumstances. In conducting such inspections the health officer is authorized to proceed pursuant to the Code of Civil Procedure Sections 1822.50 and following.~~ (Ords. 2018-25 § 3, 81-30 § 1, ~~§§ 420-6.016(e), 420-2.008; Ord. 74-67 § 2, prior code § 4647(e); Ord. 1440 § 7~~).

#### **~~420-6.311610~~ –Nuisance abatement.**

(a) Abatement. Any installation made or condition existing in violation of this chapter is declared to be a public nuisance, and in addition to any other remedy available under the law, may be abated pursuant to Article 14-6.4.

(b) Emergency Abatement. If the health officer finds that a violation has created an emergency condition endangering the public health, ~~he the health officer~~ may summarily abate the condition in accordance with Article 14-6.4 ~~without giving notice~~. (Ords. 2018-25 § 3, 88-88 § 10, 8-1-30 § 1).

### **Article 420-6.85. Sewage Disposal Systems~~Individual Permits: Subdivision Approvals~~**

#### **420-6.802 Site.**

An onsite wastewater treatment system may be constructed only on a site that conforms to applicable setbacks and groundwater depth, ground slope, soil depth and percolation rate standards specified in the sewage regulations. (Ord. 2018-25 § 3).

#### **420-6.804 Design.**

(a) Sewage flow. An onsite wastewater treatment system must be sized to accommodate the maximum volume of sewage that the system is projected to receive in a 24-hour period.

(b) Components. The septic tank, transport lines, pump tank, disposal field and any supplemental treatment unit in an onsite wastewater treatment system constructed under Subsection 420-6.404(a)(1), and the reserve area for the system, must conform to all applicable design standards set forth in the sewage regulations. (Ord. 2018-25 § 3.)

#### **420-6.806 Construction permits.**

(a) The construction, alteration, relocation or replacement of an onsite wastewater treatment system, or any primary components thereof, may be lawfully performed only under a valid construction permit issued by the health officer. “Alteration,” as used in this section, means a change that causes an onsite wastewater treatment system, or primary component thereof, to function in a manner that is inconsistent with the design approved by the health officer, including



but not limited to a change in design daily sewage flow and the installation of supplemental treatment units.

(b) The construction, alteration, relocation or replacement of an onsite wastewater treatment system, or any primary components thereof, may be lawfully performed only if the health officer has determined that a sanitary sewer is not available for connection to the structure to be served by the system.

(c) All work on an onsite wastewater treatment system under a construction permit issued under Section 420-6.808 must be inspected and approved by the health officer prior to use of the onsite wastewater treatment system. (Ord. 2018-25 § 3).

#### **420-6.501 — General.**

~~— Every person shall obtain a permit as provided for by this chapter to repair, relocate, install or construct an individual system unless connection to a sanitary sewer is required. When health officer approval is required, a currently valid permit issued pursuant to this article constitutes such approval. (Ord. 81-30 § 1).~~

#### **420-6.503808 Permit procedure.**

(a) Application; issuance. An application for a construction permit required under Section 420-6.806 or 420-6.1004 must shall be submittedmade to the health officer, and it shall expire after one hundred twenty days. The health officer will accept an application for a construction permit only if the application is complete and accompanied by payment of a permit fee established by the board by resolution. The health officer will approve a permit application and issue a permit based solely on compliance with this chapter and the sewage regulations.

(b) Expiration. Every construction permit issued by the health officer under this chapter becomes void if the work authorized by the construction permit is not commenced within 180 days from the permit's date, or if the work is suspended or abandoned for 180 days without excuse satisfying the health officer as being beyond control of and remedy by the permittee. Work under a construction permit will be deemed to have commenced if at least one health officer inspection of construction has been completed within 180 days of the permit issuance date. Once a construction permit becomes void, a new construction permit must be obtained before any work is commenced or recommenced, and a new permit fee must be paid.

~~— (b) The health officer shall approve, conditionally approve, or deny the application, and issue or withhold the permit accordingly, on the basis of compliance with this chapter and the health officer's regulations. Permits expire one hundred eighty days after issuance if the approved work is not started and diligently pursued.~~

(c) Renewal. Any permittee holding an unexpired construction permit may apply to the health officer for a permit extension upon a showing of good and satisfactory reason acceptable to the health officer. If the permittee is unable to commence work within the time required by this section, the health officer may extend the time of the permit for a period not exceeding 180 days upon written request by the permittee. No permit may be renewed more than once.

(d) Permit not approval of violations. The issuance of a construction permit under this chapter will not be construed as a permit for an approval of any violation of this chapter or code or determination that the permittee is the owner of the subject property or otherwise authorized to do the work for which the permit has been issued. No construction permit presuming to give authority to violate or cancel the provisions of this chapter will be valid except insofar as the work that it authorizes is lawful. The issuance of a construction permit based on plans and specifications does not prevent the health officer from later requiring the correction of errors in the plans and

specifications or from preventing work under the permit in violation of this chapter. (Ords. 2018-25 § 3, 81-30 § 1, ~~§ 420-6.016; Ords. 1752 § 3, 1468 § 1, prior code § 4647; Ord. 1440 § 7).~~

**~~420-6.505 – Lot area, variances.~~**

~~— (a) Lot Area. The total lot area, exclusive of underground and surface easements, shall be fifteen thousand square feet or more for a single family dwelling or other structure requiring an individual system. When both an individual system and private water supply are required, the total lot area, exclusive of underground and surface easements, shall be forty thousand square feet or more. These lot area requirements are prospective only and do not apply to the maintenance or repair of an existing system.~~

~~— (b) Variances. The health officer may grant variances to the provisions of this section when the health officer finds the following conditions to be met:~~

~~— (1) The lot in all other respects will comply with the requirements of this division and the regulations issued by the health officer;~~

~~— (2) The variance would not create nor contribute to the creation of a public health nuisance. (Ord. 81-30 § 1).~~

**~~420-6.507 – Individual system near a reservoir, variances.~~**

~~— (a) Location. If the parcel or lot is located within a drainage area of a domestic water supply reservoir, any structure requiring disposal of sewage shall be connected to a community sewer collection system.~~

~~— (b) Variances. If a community sewer collection system is not available the health officer may grant a variance subject to the following:~~

~~— (1) If the parcel or lot is between fifty and one thousand feet from the reservoir or tributary stream a watertight sewage holding tank system, or equal will be required. Such system must be owned or operated by a presently existing public agency having statutory authority to provide such service.~~

~~— (2) Beyond one thousand feet from a reservoir or tributary stream an individual system or other similar acceptable system may be permitted subject to all the conditions specified in Section 420-6.505.~~

~~— (c) Variance Temporary. It is the intent of this chapter to provide maximum protection to the water quality of the waters stored in these reservoirs and any variance granted must be considered as an interim method of sewage disposal which shall not create situations that may become a menace to the public health. (Ords. 81-30 § 1, 68-16 § 3, 1752: prior code § 4643; Ord. 1440).~~

**420-6.509810 Alternative individual onsite wastewater treatment systems.**

(a) Mandatory use. Septic tank effluent must undergo supplemental treatment in an onsite wastewater treatment system if:

(1) The system utilizes a drip dispersal system;

(2) The system is located in an area where the depth from the natural grade to the anticipated highest seasonal level of groundwater is less than 3 feet;

(3) The system will receive high strength wastewater; or

(4) The system will replace another onsite wastewater treatment system and cannot meet the required horizontal setback from a public water well or a public water system's surface water intake point, unless the health officer makes both of the following two findings:

(A) There is no indication that the system to be replaced is adversely affecting the public water source; and

(B) There is limited potential that the replacement system could impact the public water source.

(b) Monitoring.

(1) The owner of an alternative onsite wastewater treatment system shall monitor the operation of the system for as long as the system remains in use, in accordance with the sewage regulations.

(2) A person may not use or operate an alternative onsite wastewater treatment system if the owner of that system fails to monitor that system in accordance with the sewage regulations.

~~—(a) Allowed. The health officer may approve, conditionally approve or deny an application to use an alternative system. No alternative system will be approved for installation in a septic tank moratorium area, a water quality control board prohibition zone, or in any incorporated city, or sanitary or sanitation district without approval by that city or district.~~

(c) Mitigation measures.

(1) The owner of a replacement alternative onsite wastewater treatment system that does not conform to applicable horizontal setbacks from a public water well or a public water system's surface water intake point must comply with applicable mitigation measures set forth in the sewage regulations unless the health officer makes the findings set forth in Subsections (a)(4)(A) and (a)(4)(B) of this section.

(2) A person may not use or operate a replacement onsite wastewater treatment system described in Subsection (c)(1) of this section if the owner fails to comply with any applicable mitigation measure.

~~—(b) Requirements. An alternative system must meet all applicable provisions of this chapter and:~~

~~—(1) All local, state and federal laws and regulations;~~

~~—(2) Certification and testing requirements of an appropriate governmental agency; and~~

~~—(3) Approval requirements of N.S.F. (National Sanitation Foundation), I.A.P.M.O. (International Association of Plumbing and Mechanical Officials), or other recognized industry standard.~~

~~—(c) Operating Permit Required. The property owner shall obtain and at all times maintain an operating permit for an alternative system. The operating permit may be issued for such period, and include such conditions (such as monitoring requirements) as the health officer determines for the protection of the public health, welfare and the environment. Pursuant to Section 420-6.307, the health officer may, from time to time, establish regulations for operating permits and the operation of alternative systems. (Ords. 2018-25 § 3, 2000-03 § 1, ~~81-30 § 1~~).~~

## Article 420-6.10. Sewage Collection Systems

### 420-6.1002 Sewage holding tank systems.

(a) Site; design. The site and design of a sewage holding tank system under Subsection 420-6.404(b)(1) or Subsection 420-6.404(b)(2) must conform to applicable horizontal setbacks and other standards set forth in the sewage regulations.

(b) Permits. The installation of a sewage holding tank system may be lawfully performed only under a valid sewage holding tank permit issued by the health officer. The permit procedures set forth in Section 420-6.808 apply to sewage holding tank permits.

(c) Health officer approval. All work under a sewage holding tank permit must be approved by the health officer prior to use of the sewage holding tank system.

(d) Termination of use.

(1) Use of a sewage holding tank system connected to a structure under Subsection 420-6.404(b)(1)(D)(i) must terminate upon completion of construction of a new onsite wastewater treatment system that will serve the structure or within 90 calendar days after commencement of use of the sewage holding tank system, whichever occurs first.

(2) Use of a sewage holding tank system connected to a structure under Subsection 420-6.404(b)(1)(D)(ii) or Subsection 6.404(b)(2) must terminate within 90 calendar days after the health officer determines that connection to a sanitary sewer is available to the structure. (Ord. 2018-25 § 3.)

#### **420-6.1004 Vault privies.**

(a) A privy vault must be prefabricated and certified by the manufacturer as watertight.

(b) A vault privy may be constructed only on a site that conforms to the horizontal setbacks applicable to septic tanks.

(c) A vault privy may be lawfully constructed only under a valid construction permit issued by the health officer in accordance with the procedures set forth in Section 420-6.808.

(d) All work under a construction permit issued under this section must be inspected and approved by the health officer prior to use of the vault privy. (Ord. 2018-25 § 3.)

### **Article 420-6.12. Abandonment**

#### **420-6.1202 Sewage disposal systems.**

(a) Onsite wastewater treatment systems and cesspools must be promptly abandoned under a permit issued by the health officer if:

(1) The system or cesspool is replaced with a connection to a sanitary sewer, a new onsite wastewater treatment system or a sewage collection system.

(2) The system or cesspool was constructed in violation of any applicable laws or regulations; or

(3) Use of the system or cesspool has ceased.

(b) Pit privies must be promptly abandoned under a permit issued by the health officer if:

(1) The pit is filled with human waste to a point that is 24 inches or less below the surface of the ground adjacent to the pit; or

(2) The pit privy was constructed in violation of any applicable laws or regulations. (Ord. 2018-25 § 3.)

#### **420-6.1204 Sewage collection systems.**

(a) A sewage holding tank system must be promptly abandoned under a permit issued by the health officer if:

(1) The system is replaced with a connection to a sanitary sewer, an onsite wastewater treatment system or another sewage holding tank system;

(2) The system was constructed in violation of any applicable laws or regulations; or

(3) Use of the system has ceased.

(b) Vault privies. A vault privy must be promptly abandoned under a permit issued by the health officer if the vault privy was constructed in violation of any applicable laws or regulations. (Ord. 2018-25 § 3.)

## Article 420-6.14. Septic Tank-Chemical Toilet Cleaners

### 420-6.1402 Registration.

All septic tank-chemical toilet cleaners as defined in Subsection 420-6.204(p) are subject to the application and examination requirements set forth in Health and Safety Code sections 117415 and 117420. (Ord. 2018-25 § 3).

### 420-6.1404 Operations.

(a) Pumping and cleaning. A septic tank-chemical toilet cleaner must use all reasonable means to prevent the spillage of sewage. Any spilled sewage must immediately be removed and properly disposed of, and the area disinfected.

(b) Disposal. Sewage collected by a septic tank-chemical toilet cleaner must be disposed of only at a public facility that provides wastewater collection and treatment services.

(c) Reporting. No later than the tenth day of each month, a septic tank-chemical toilet cleaner shall submit a written report to the health officer in a form approved by the health officer that describes all pumping and cleaning operations conducted in the unincorporated area of the county in the previous month. (Ord. 2018-25 § 3).

### 420-6.1406 Vehicles; other equipment.

(a) Each vehicle utilized by a septic tank-chemical toilet cleaner in the course of collecting or transporting sewage must display a permit decal required under Section 413-3.806 and identification markings specified in the sewage regulations.

(b) All sewage collection tanks, pumps, pipes and hoses on vehicles used to collect or transport sewage must conform to all applicable design and construction standards set forth in the sewage regulations.

(c) All equipment utilized by a septic tank-chemical toilet cleaner in the course of collecting or transporting sewage must be made of durable and easily cleanable materials. (Ord. 2018-25 § 3).

### 420-6.1408 Chemical toilets.

Chemical toilets must be designed, constructed, marked and operated in accordance with applicable standards set forth in the sewage regulations. (Ord. 2018-25 § 3).

## Article 420-6.16. Subdivision Maps

### 420-6.511602 ~~Tentative~~ Subdivision maps.

(a) ~~Tentative Maps~~. General. The tentative map forwarded to the health officer for review Pursuant to ~~under~~ Section 94-2.604 Title 9, a copy of any submitted tentative subdivision map shall be forwarded to, and filed with the health officer for investigation of the sewage disposal system. The tentative map shall **must** show proposed provisions for sewage disposal, source of approved water supply, number of lots, the size of each lot, and contour lines at intervals of five feet or less.

(b) Health ~~o~~fficer ~~A~~pproval. The health officer shall **will** review the **proposed** ~~filed~~ tentative map for compliance with this chapter ~~(and any adopted the sewage regulations)~~ and in a timely manner report his **or her** conclusions thereon, together with any conditions recommended to insure such compliance, to the planning department ~~and advisory agency~~.

~~(c) Final Map. Final maps shall not be recorded unless the conditions recommended by the health officer and established by the advisory agency on approval of the tentative map have been~~

satisfied. (Ords. 2018-25 § 3, 81-30 § 1, ~~§§ 420-6.006, 420-6.010, 420-6.012~~; Ord. 1752 § 1, ~~prior code §§ 4642, 4644, 4645~~; Ords. 1440 § 4, 640 § II-1 ff).

#### **420-6.1604 Final maps; parcel maps.**

A final map or parcel map of a subdivision shall not be recorded unless the conditions recommended by the health officer and established by the advisory agency on approval of the tentative map of the subdivision have been satisfied. (Ords. 2018-25 § 3, 81-30 § 1, 1752 § 1, 1440 § 4, 640 § II-1).

### **Article 420-6.18. Appeals**

#### **420-6.1802 Appeals to health officer.**

~~(a) Except for determinations made pursuant to Section 420-6.311, a~~An applicant person objecting to or disagreeing with a permit denial under any decision made pursuant to this chapter, and/or the pertinent sewage regulations thereto, may appeal the denial decision to the health officer, ~~or the health officer's designated subordinate(s).~~ Any request for an appeal hearing ~~must~~shall be in writing and must be received by the health officer within ten days after notice of the decision was mailed. Any request for an appeal hearing must state the legal and factual basis for the appeal and be accompanied by payment of a fee established by the board by resolution, the appropriate fee. A hearing on the appeal ~~will~~shall be held within fifteen days after the request for appeal is received by the health officer. The health officer will issue a written decision supported by written findings. The decision will be based on the applicant's compliance or noncompliance with this chapter or the sewage regulations. The health officer may not delegate the duty to hear appeals under this chapter to any subordinate.

~~—(b) Whenever the provisions of this chapter have been incorporated by a city ordinance or code and are applicable as city regulations within the incorporated area of that city, any appeal of a decision of the health officer shall be directed to and decided by the city council of the involved city. (Ords. 2018-25 § 3, 93-84 § 3, 81-30 § 1).~~

#### **420-6.1804 Other appeals.**

Whenever the provisions of this chapter have been incorporated by a city ordinance or code and are applicable as city regulations within the incorporated area of that city, any appeal of a decision of the health officer must be directed to and decided by the city council of the involved city or to such other hearing body that may be designated by the city council to hear such appeals. (Ords. 2018-25 § 3, 93-84 § 3, 81-30 § 1).

### **Article 420-6.20. Fees**

#### **420-6.2002 Permit fees.**

The health officer will collect a fee from the applicant for issuance of any permit under this chapter. Permit fees will be established by the board by resolution. (Ords. 2018-25 § 3, 81-30 § 1).

#### **420-6.2004 Other fees.**

(a) The health officer will collect a fee from the applicant for all services provided by the health officer in response to a request by the applicant, including plan reviews, investigations, inspections and the observation of site evaluations and tests.



(b) The health officer will collect a fee from the owner of an alternative onsite wastewater treatment system for audits of monitoring reports submitted under Section 420-6.810.

(c) All fees authorized by this section will be established by the board by resolution. (Ords. 2018-25 § 3, 81-30, § 1).

**420-6.701 General.**

~~— The following nonrefundable fees shall be paid to the health officer at the time of filing for or requesting an investigation, test, inspection or permit required by this chapter. No fees are required when the health officer receives from the applicant a written statement by a district or city governing body indicating that sewers and a sewage treatment plant are available and adequate to handle the additional volume of sewage from the proposed improvement. (Ord. 81-30 § 1).~~

**420-6.703 Subdivisions.**

~~— The fees for a subdivision proposing to use individual sewage disposal systems are:~~

- ~~(1) Subdivision — Site evaluation~~
- ~~2— 4 lots, per lot.....\$ 50.00;~~
- ~~5 or more lots, maximum .....250.00;~~
- ~~(2) Percolation tests, per lot or building site tested, as required .....\$100.00;~~
- ~~(3) Appeal (except hearings called pursuant to Section 420-6.311) .....\$100.00.~~

~~(Ord. 81-30 § 1).~~

**420-6.705 Individual systems.**

~~— The fees related to individual sewage disposal systems are:~~

- ~~(1) Site evaluation .....\$ 40.00;~~
- ~~(2) Percolation test .....100.00;~~
- ~~Each additional test .....100.00;~~
- ~~(3) Permit (except minor rebuilding).....60.00;~~
- ~~(4) Review of existing individual system .....40.00;~~
- ~~(5) Investigate abandonment or sealing of septic tank .....25.00;~~
- ~~(6) Reinspection .....25.00;~~
- ~~(7) Appeal (except hearings called pursuant to Section 420-6.311) .....100.00;~~
- ~~(8) Advice, consultation, minor repair permit ..... No fee.~~

~~(Ord. 81-30 § 1).~~

**420-6.707 Penalties.**

~~— Any person violating this chapter or regulations issued hereunder, by failing to submit plans, obtain necessary inspections and approvals, or pay fees, or by commencing or continuing construction or remodeling in violation hereof, shall pay triple the appropriate fee as a penalty and remain subject to other applicable penalties and enforcement procedures authorized by the state law and/or this code. (Ords. 81-30 § 1, 78-45, 78-43 § 2; § 420-6.022(d); Ords. 73-100, 1468; prior code § 4651; Ords. 1440 § 1I, 640 § 1V).~~