

CHAPTER 7.38 – SEWAGE DISPOSAL

SECTION

7.38.010	SCOPE
7.38.020	INTENT AND PURPOSE
7.38.025	AMENDMENT
7.38.030	DEFINITIONS
7.38.035	REQUIREMENTS OF ADEQUATE SEWAGE DISPOSAL
7.38.045	LOT SIZE REQUIREMENTS FOR EXISTING LOTS OF RECORD
7.38.050	CHANGES TO CONSTRAINT AREAS
7.38.060	EXCEPTIONS ALLOWING EASEMENTS FOR INDIVIDUAL SEWAGE DISPOSAL SYSTEMS
7.38.080	EXISTING SYSTEM – BUILDING ALTERATIONS
7.38.090	APPLICATION AND FEES
7.38.091	PROCEDURE UPON RECEIPT OF AN APPLICATION FOR A NEW SYSTEM
7.38.092	FINDING OF COMPLIANCE
7.38.093	EXPIRATION OF PERMITS
7.38.094	APPLICABILITY OF NEW REQUIREMENTS TO APPROVED PERMITS AND PENDING APPLICATIONS
7.38.095	REPAIR PERMITS
7.38.120	SOIL PERCOLATION TESTS AND OTHER REQUIRED INFORMATION
7.38.130	GENERAL INSTALLATION REQUIREMENTS
7.38.140	SEPTIC TANK REQUIREMENTS
7.38.150	SEWAGE LEACHING REQUIREMENTS
7.38.152	ENHANCED TREATMENT SYSTEMS
7.38.155	CURTAIN DRAINS
7.38.160	STANDARDS FOR SYSTEMS TO SERVE COMMERCIAL AND INDUSTRIAL ESTABLISHMENTS, INSTITUTIONS AND RECREATIONAL AREAS
7.38.180	MINOR CHANGES
7.38.182	ALTERNATIVE SYSTEMS
7.38.184	NONSTANDARD SYSTEMS
7.38.186	NOTICE OF NONSTANDARD SYSTEM
7.38.190	LICENSING REQUIREMENTS
7.38.200	INSPECTIONS
7.38.205	REVOCAION OR SUSPENSION
7.38.210	APPEAL FROM DENIAL, REVOCAION OR SUSPENSION
7.38.215	INVESTIGATION
7.38.217	STOP WORK ORDERS
7.38.220	ABATEMENT ORDER
7.38.280	CONFLICTING PROVISIONS
7.38.290	VIOLATIONS
7.38.295	RECORDING NOTICES OF VIOLATIONS
7.38.300	PROMULGATION OF POLICIES

7.38.010 SCOPE. This Chapter shall apply to all territory embraced within the unincorporated area of the County of Santa Cruz, State of California.

7.38.020 INTENT AND PURPOSE. The Board of Supervisors finds that the growth of the County has given rise to problems in the field of sanitation. The Board finds that an orderly means of preventing environmental degradation and unsanitary conditions from occurring in wide areas of the County must be established and that a safe and sanitary means of sewage disposal must be provided in connection with any new development or expansion of existing development. The Board finds that comprehensive regulations are required for the control of individual sewage disposal facilities in the County, adequately to protect the public health, safety and welfare of the inhabitants thereof, and to implement the General Plan and Local Coastal Program Land Use Plan. Therefore, in order to protect the public health, safety, and welfare, the Board of Supervisors of the County of Santa Cruz hereby adopts the provisions of this Chapter relating to sewage disposal.

7.38.025 AMENDMENT. Any amendment to this ordinance, which applies to the Coastal Zone shall be reviewed by the Executive Director of the California Coastal Commission to determine whether it constitutes an amendment to the Local Coastal Program. Such revision shall be processed pursuant to the hearing and notification provisions of Chapter 13.03 of the County Code, and shall be subject to approval by the California Coastal Commission.

7.38.030 DEFINITIONS. The following words and phrases used in this Chapter shall have the meanings set forth in this Section:

1. “Abatement: means the installation, construction, alteration, enlargement, reconstruction, replacement, improvement, or reconditioning of any individual sewage disposal system, or the filling in and abandonment of any individual sewage system which cannot be repaired, and/or the construction, alteration, enlargement, reconstruction or replacement of any required building sewer line connecting with a public sewer, so as to eliminate a violation of this Chapter.
2. “Addition or upgrade” means partial or total replacement of a septic system that is functioning properly.
3. “Bedroom”. Any space in the conditioned (heated) area of a dwelling unit which is 70 square feet and greater in size and which is an exterior room shall be counted as a bedroom unless it is one of the following:
 - a. Hall;
 - b. Bathroom;
 - c. Kitchen;
 - d. Living room (maximum of one per dwelling unit);
 - e. Dining room/family room (opening off of the kitchen or living room, maximum of one per dwelling unit);
 - f. Family Room (opening off of the kitchen or living room, maximum of one per dwelling unit);
 - g. Breakfast Nook (opening off kitchen, maximum of one per dwelling unit);
 - h. Pantry (maximum of one per dwelling unit);
 - i. Laundry room;
 - j. Closet/dressing room opening off of a bedroom.

Sewing rooms, dens, offices, studios, lofts, game rooms, and any other exterior room 70 square feet and greater in size shall be counted as bedrooms regardless of whether they are entered through a door, unless the room is other exempted.

The planning director may grant exceptions if, in his/her discretion, a room cannot, by its design, function as a bedroom.

4. “Construction” means the installation, major repair, alteration, enlargement, replacement, improvement or relocation of an individual sewage disposal system.
5. “Curtain Drain” means a trench filled with drain rock that is designed to intercept and divert ambient groundwater with surface discharge via piping to another location. Curtain drains are typically used to dewater areas upslope of a leachfield or a foundation and lower the water table. Curtain drains are also known as French drains.
6. “Department” means that health services agency of the County of Santa Cruz.
7. “Finding of Compliance” means a determination by the health officer that the design and specifications for an individual sewage disposal system to serve a property for which it is intended are in conformance with standards in effect at the time the finding is made.
8. “Health officer” means The Santa Cruz County health officer or authorized representative.
9. “Individual sewage disposal system: means a septic tank and drainfield or other approved means of sanitary disposal of sewage. This may include any of the following types of systems:

- a. “Conventional system” means an individual sewage disposal system, which utilized a septic tank (with or without a lift pump) and leaching trenches or pits.
 - b. “Standard system” means a conventional system which is constructed in accordance with the specifications for a standard system as described in Sections 7.38.095 through 7.38.180 of this Chapter.
 - c. “Nonstandard System” means a system which is not in conformance with all the standards contained in Sections 7.38.095 through 7.38.180 of this Chapter. Nonstandard systems include alternative systems, nonconforming systems, and haulaway systems.
 - d. “Nonconforming sewage disposal system” means a conventional sewage disposal system design that provides for insufficient leaching area as described in Section 7.38.150 (A) (3), that is in soils that percolate in the range 60-120 MPI, that requires seasonal haulaway of effluent to function properly and meet required groundwater separation, or which is not in compliance with other requirements for a standard system contained in Sections 7.38.095 through 7.38.180. Use of a nonconforming system requires use of water conservation devices.
 - e. “Alternative System” means an individual sewage disposal system which uses non-conventional technology for enhanced effluent treatment and/or disposal.
 - f. “Haulaway system” means an existing individual sewage, disposal system, for which the Health Officer has ordered that the outlet of the septic tank, or other sewage holding container, be permanently or seasonally sealed, and the accumulated sewage pumped out and hauled away to an approved disposal site.
10. “Lot or parcel size” means the total horizontal area included within the property lines of the lot(s) or parcel(s) upon which an individual sewage disposal system is installed; provided, that the area of any rights-of-way for vehicular access may be deducted for purposes of determining the size of any lot(s) or parcel(s) having a gross area less than one acre, where the health officer has determined that the vehicular access would have an adverse impact on the individual sewage disposal system.
11. “Major repair” means any kind of alteration or replacement of a malfunctioning individual sewage disposal system except those defined as minor repairs or minor maintenance.
12. “Minor maintenance” means replacement of septic tank baffles, tees, ells, tops, or sewer lines.
13. “Minor repair” means replacement of septic tank, installation of greywater sump, or other minimal repair work requiring a minor repair permit as determined by the Health Officer.
14. “San Lorenzo water supply watershed” means that area of the San Lorenzo River Watershed that contributes surface water flow to the City of Santa Cruz water supply intake located at Tait Street near the City Limits. This includes all parts of the San Lorenzo Watershed, except the Carbonera and Branciforte Creek Subbasins.
15. “Septic constraint areas” means those existing lots of record in areas designated as having constraints for individual sewage disposal systems, and as shown on maps of septic constraint areas on file with the Director of Environmental Health. Constraints include areas with noted high groundwater conditions, areas with poor soil conditions or noted septic tank system problems, and lands identified as primary groundwater recharge areas.
16. “Sewage” means waste substance, liquid or solid, which is associated with human habitation or which contains, or may be contaminated with human or animal excretion or excrement, offal or feculent matter, or matters or substances that may be injurious or dangerous to health.
17. “Soil” Soil consists of the natural organic and inorganic material near the earth’s surface which, in contrast to the underlying rock material, has been formed over time by the interactions between climate, relief, parent materials and living organisms.
19. “Water quality constraint area” means the following areas which are located within one mile of intakes used for public water supply and are located within the watersheds of those intakes;
- a. City of Santa Cruz intakes on Reggiardo, Laguna, and Majors Creeks, and Liddell Spring;

- b. Bonnymede Mutual intake on Reggiardo Creek;
- c. Davenport water system intakes on Mill and San Vicente Creeks.

7.38.035 REQUIREMENTN OF ADEQUATE SEWAGE DISPOSAL. Every person owning, leasing, occupying, or using any building designed or used for human habitation or commercial activities shall be required either to provide and maintain a properly functioning individual sewage disposal system or to provide and maintain an adequate connection to a public sewer for such building. An individual sewage disposal system shall provide for the disposal of sewage in a manner that does not create a public health hazard and does not degrade surface or groundwater quality. All sewage disposal systems, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition at all times. The owner, lessee, occupant, user, or his or her designated agent, shall be responsible for the maintenance of such systems. Where permitted, an individual sewage disposal system shall be provided for each building designed for human habitation, except that a group of detached buildings, designed for habitation, occupying land in one ownership and having a yard or court in common, may be serviced by a single individual sewage disposal system.

7.38.040 INDIVIDUAL SEWAGE DISPOSAL SYSTEM – PERMITS.

- A. Permit Required. No person shall construct, reconstruct, or undertake any repair, addition, or upgrade of any individual sewage disposal system or any portion thereof on any property within the unincorporated area of the County without having first obtained a permit to do so from the Health Officer; provided, however, that this provision shall not apply to emergency work necessary due to the immediate failure of the existing system, when it shall be proved to the satisfaction of the Health Officer that such work is urgently necessary and that it is not practical to obtain a permit before commencement of the work. In all such cases, prior approval shall be obtained from the Health Officer and an application for permit must be submitted within three business days after commencement of the work. Minor maintenance may be made without permit.
- B. Penalty. Any person who commences any work for which a permit is required without first having obtained a permit therefore shall, if subsequently permitted to obtain a permit, pay double the permit fee established by resolution of the Board of Supervisors for such work.
- C. Where Prohibited. Except as may be otherwise provided in this Chapter, an individual sewage disposal system shall not be permitted in any of the following circumstances:
 - 1. Where the property line of the parcel upon which the system is proposed to be constructed is within two hundred feet of a public sewer and connection to the sewer thereto is determined to be feasible. Feasible means that sewer service is both (a) available by annexation to or contract with an existing sanitation district, County Service Area or City under existing Local Agency Formation Commission Spheres of Influence and County land use policies, and (b) that connection is technically feasible based on engineering and technical factors. A connection ban or moratorium in and of itself shall not make a connection infeasible.
 - 2. Where the parcel upon which the system is proposed to be constructed is less than one acre in size;
 - 3. Where the system is proposed to be installed on a parcel other than the parcel upon which the use to be served by the system is located, except as provided in Section 7.38.060;
 - 4. On all parcels of land within the projected horizontal distance of two hundred feet of all reservoirs and impoundments as determined by the spillway elevation’
 - 5. Within a reservoir watershed, on individual parcels of land less than 2.5 acres beyond the projected horizontal distance of 200 feet from the high water elevation of reservoirs and impoundments.

7.38.045 LOT SIZE REQUIREMENTS FOR EXISTING LOTS OF RECORD.

- A. Notwithstanding the provisions of Section 7.38.040 © (2), an individual sewage disposal system may be permitted on a parcel of less than one acre in size if the parcel is an existing lot of record which complies with the requirement of this Section, and if all other requirements of this Chapter are satisfied.

- B. For the purpose of permitting the installation of an individual sewage disposal system on an existing lot of record, the minimum lot size requirements shown in Section 7.38.045 (d) shall apply, based on the date of recordation of the existing lot and subject to the conditions identified in said Section.
- C. Separate lots of record and lots shown on a map of recorded subdivision, shall be deemed to be lots in existence for the purposes of this Section as of the date said lots were created by recorded deed, parcel map, or final map. If an owner of record of a lot can furnish satisfactory proof that he or she was the purchaser of a lot pursuant to a bona fide contract of sale, the date of purchase of said lot as shown in said contract of sale shall be deemed satisfactory proof of the date of existence of the lot.
- D. Regardless of the date of recordation, the following are minimum lot size requirements for the areas listed in Table 7.38.045

Table 7.38.045 Minimum Lot Size for Existing Lots of Record

		Less than 6,000 Sq. Ft.	6,000 Sq. Ft.	15,000 Sq. Ft.	0.5 AC.	1 AC.	2.5 AC.
1. Lots in existence prior to 12/17/1970 and not under any of the conditions of Subsection 5, below	Lots w/public water supply	X ⁽¹⁾	X				
	Lots w/private water supply			X ⁽²⁾			
2. Lots created after 12/17/1970 and before 10/31/1978 and not under any of the conditions of Subsection 5, below	Lots w/public water supply			X			
	Lots w/private water supply					X	
3. Lots created after 10/31/1978 and not under any of the conditions of Subsection 5, below	Lots w/public water supply					X	
	Lots w/private water supply					X	
4. Lots created after 12/8/1972 with depth to usable groundwater less than 100' and not under any of the conditions of Subsection 5, below	Lots w/public water supply				X		
	Lots w/private water supply				X		
5. REGARDLESS OF THE DATE OF RECORDATION, THE FOLLOWING ARE MINIMUM LOT SIZE REQUIREMENTS FOR THE AREAS LISTED BELOW: (a) Kristen Park Subdivision, Assessor's Book Page 62-17	Lots w/public water supply						X(3)
	Lots w/private water supply						
(b) Water supply Watershed in the Coastal Zone, North Coast Planning Area or Bonny Doon Planning Areas (excluding Kristen Park and Water Quality Constraint Areas)	Lots w/public water supply					X	
	Lots w/private water supply					X	
(c) Water Quality Constraint Areas (excluding Kristen Park)	Lots w/public water supply						X(4)
	Lots w/private water supply						X(4)
(d) Monte Toyon Subdivision No. 1	Lots w/public water supply			X			
	Lots w/private water supply					X	
(e) Rio Del Mar Lodge Sites No's 1	Lots w/public water supply			X		X	

and 2	Lots w/private water supply						
(f) Assessor's Book and Page 40-14, blocks 1 and 2	Lots w/public water supply			X			
	Lots w/private water supply					X	
(g) Septic Constraint Areas	Lots w/public water supply			X(5)			
	Lots w/private water supply					X(5)	
(h) San Lorenzo Water Supply Watershed	Lots w/public water supply					X	
	Lots w/private water supply					X	

NOTE: PROPERTY OWNERS SHOULD BE AWARE THAT OTHER LAND USE CONSTRAINTS MAY PREVENT THE DEVELOPMENT OF PARCELS ESPECIALLY PARCELS OF 6,000 SQUARE FEET OR LESS.

NOTES FOR TABLE 7.38.045

1. Lots of less than 6,000 square feet may be used for individual sewage disposal systems only if the lot has not, at anytime since December 17, 1970, been held by the same owner of any contiguous undeveloped property which could have been combined with the lot to increase its area to at least 6,000 square feet.
2. Lots of less than one acre but more than 15,000 square feet may use both an individual sewage disposal system and on-site water supply if the applicant demonstrates that a public water supply cannot be obtained and that contiguous land cannot be acquired to enlarge the lot to at least one acre.
3. For lots of less than 2 ½ acres in the Kristen Park Subdivision, the applicant for an individual sewage disposal permit must submit documentary evidence that he or she has encumbered from future development, and prohibited and restricted, as evidenced by a document on file with the Recorder, all rights to construct any improvements which would be located upon at least one other separate lot of record, whether contiguous or noncontiguous, within the Kristen Park Subdivision.
4. Exceptions to the 2 ½ acre minimum lot size for parcels within Water Quality Constraint Areas other than the Kristen Park area may be made where one of the following conditions is met:
 - (i) The lot is combined with a contiguous undeveloped property to form one parcel of at least 2 ½ acres.
 - (ii) The applicant submits documentary evidence that he or she has legally encumbered from future development, and prohibited and restricted, as evidenced by a document on file with the Recorder, all rights to construct any improvements which would be located on an existing contiguous or noncontiguous parcel, or part of a parcel, located within the same watershed, so that the total acreage of the parcel intended for development and the parcel or part of parcel which shall be legally encumbered from development, shall equal or exceed 2 ½ acres.
 - (iii) The Regional Water Quality Control Board grants a waiver pursuant to Section 7.38.050 (B)
5. Where parcels located in a designated septic constraint area are also in the Coastal Zone, specific Coastal Zone minimum parcel size constraints shall prevail.
6. Within water supply watersheds, existing parcels of record less than one acre in size may be approved for development utilizing a sewage disposal system for commercial use if the parcel meets all of the following criteria:
 - the parcel has a designation of Community Commercial, Neighborhood Commercial, Office, or Service Commercial, in the General Plan that was adopted on May 24, 1994,
 - it is to be developed for commercial use,

- it is within the Rural Services Line,
 - the sewage disposal system will meet all of the standards contained in Sections 7.38.120 through 7.39.186 and the sewage disposal system utilizes the enhanced treatment provided for in Section 7.38.152.
- E. Parcels less than one acre in size may be approved for development if they are created through subdivision after the effective date of this ordinance and meet all of the following requirements:
1. The average parcel size of the subdivision, excluding roadways, is greater than one acre.
 2. The parcel is not located in a water supply watershed.
 3. The proposed subdivision utilizes clustering of development, with reservation of common open space.
 4. The Health Officer determines that the property to be used for sewage disposal meets all standards contained in Chapter 7.38 and can provide satisfactory sewage disposal without creating pollution, a health hazard, or a nuisance condition.

7.38.050 CHANGES TO CONSTRAINT AREAS. Exceptions to Constraint Area maps as defined in Section 7.38.030 (15) and (17) may be made according to the following process:

A. Septic Constraint Areas.

1. Changes to Septic Constraint Areas Designated As Primary Groundwater Recharge Areas:
 - a. Any applicant may seek removal from a Septic Constraint Area designated as a primary groundwater recharge area by employing, at the applicant's expense, a California licensed geohydrologist, geologist, or engineering geologist satisfactory to the Santa Cruz County Planning Department, to prepare a study demonstrating that the property is not in a groundwater recharge area. The study must be prepared according to guidelines adopted by the Director of the Santa Cruz County Planning Department, and demonstrate that the property is not within a primary groundwater recharge area as defined in the Santa Cruz County General Plan.
 - b. The study shall be submitted to the County Geologist for geologic review with payment of a fee as determined by the Board of Supervisors by resolution.
 - c. The County Geologist shall make a finding and recommendation to the Health Officer for retaining or excluding the property from the constraint area.
 - d. If the Health Officer, in exercising his or her discretion, determines that the property should be properly excluded based upon the foregoing procedures from the groundwater recharge constraint area, the property shall be excluded.
 - e. Decisions of the Health Officer shall be final and shall not be appealable.
2. Changes to Areas Designated As Septic Constraint Areas Because of High Groundwater and/or Poor Soil Conditions and Septic Problem Areas.
 - a. An applicant may seek removal from a Septic Constraint Area or septic problem areas by employing, at the applicant's expense, a California licensed geohydrologist, geologist, or engineering geologist satisfactory to the Santa Cruz County Health Services Agency, to prepare a study demonstrating that there are no groundwater or soil conditions or other septic problems which would affect groundwater on the applicant's property, adjacent properties, streams, springs, or wells within 500 feet of the property, or which would adversely affect soil stability. The study must be prepared according to guidelines

adopted by the Health Officer. These guidelines shall set forth the criteria for determining the presence of groundwater, poor soil conditions or other septic problems.

- b. The study shall be submitted to the Director of Environmental Health with payment of a fee as determined by the Santa Cruz County Board of Supervisors by resolution.
- c. The Health Officer may forward said study for additional review by a geohydrologist, or other suitable licensed professional employed by the County of Santa Cruz for a finding and recommendation to the Health Officer for retaining or excluding the property from the constraint area.
- d. If the Health Officer, in exercising his or her discretion, determines that the property should be excluded based upon the foregoing procedures from the Septic Constraint Area, then the property shall be excluded.
- e. Decisions of the Health Officer shall be final and shall not be appealable.

- B. Water Quality Constraint Areas. Except for parcels within the Kristen Park Subdivision, an applicant may seek removal from a Water Quality Constraint Area by obtaining a waiver from the Regional Water Quality Control Board. In Addition, the applicant shall meet all of the requirements and approvals as set forth in this Chapter.

7.38.060 EXCEPTIONS ALLOWING EASEMENTS FOR INDIVIDUAL SEWAGE DISPOSAL SYSTEMS;

- A. Notwithstanding the provisions of Section 7.38.040 (C) (3), the Health Officer may permit the use of an easement for repair of an individual sewage disposal system under the following circumstances:
1. The Health Officer determines that a satisfactory repair of existing sewage disposal system cannot be obtained on the property upon which it is located.
 2. The Health Officer determines that the property to be used for sewage disposal can provide satisfactory sewage disposal without creating a health hazard or nuisance condition.
 3. A recorded easement or easements shall guarantee access for use and maintenance of the individual sewage disposal system and transmission piping for as long as needed by the building served by the system. The easement shall be recorded against the deeds of both properties, and can only be removed with prior approval of the Health Officer.
- B. Notwithstanding the provisions of Section 7.38.040 (C) (3), the Health Officer may permit the use of an easement for installation of a new individual sewage disposal system for parcels created through subdivision after February 26, 2001, under the following circumstances:
1. The average parcel size of the subdivision, excluding roadways, will be greater than one acre,
 2. the parcels are not located within a water supply watershed,
 3. the proposed subdivision utilizes clustering of development, with reservation of common open space,
 4. the Health Officer determines that the property to be used for sewage disposal meets all standards contained in Chapter 7.38 and can provide satisfactory sewage disposal without creating pollution, a health hazard or a nuisance condition,
 5. A recorded easement or easements shall guarantee access for use and maintenance of the individual sewage disposal system and transmission piping for as long as needed by the building served by the system. The easement shall be recorded against the deeds of both properties, and can only be removed or modified with prior approval of the Health Officer.

7.38.080 EXISTING SYSTEM – BUILDING ALTERATIONS

- A. General The sewage disposal system for buildings or structures to which additions, alterations, replacements, or repairs are made shall comply with all the requirements for new buildings or structures except as specifically provided in this section. No building permit shall be issued for an addition, alteration, replacement, or repair without review and approval of the Health Officer.
- B. Additions, Remodels, Replacement and Repairs:
1. A one-time addition per parcel to any legal residential structure of up to 500 square feet of habitable space with no increase in bedrooms may be approved with no change required to the existing sewage disposal system provided all the conditions listed below are met:
 - a. The addition does not encroach on the existing sewage disposal system or expansion area.
 - b. Adequate information exists as to the location, construction and proper function of the existing sewage disposal system.
 - c. The limit of one addition per parcel shall commence on January 1, 1993, and shall apply to all building permit applications on file as of that date.
 - d. The existing sewage disposal system is functioning without failure.
 2. Additions of more than 500 square feet of habitable space and/or increased in the numbers of bedrooms to any legal residential structure and/or the creation of an accessory dwelling unit pursuant to Section 13.10 of this Code may be approved, provided the sewage disposal system meets (or is upgraded to meet) the requirements for a standard system or alternative system as specified in Sections 7.38.095 through 7.38.182 for the total number of bedrooms and dwelling units in the proposed project (including existing bedrooms and dwelling units.)
 3. Replacement of an existing legal structure with an equivalent structure may be approved, provided that: (a) the sewage disposal system to serve the reconstruction shall be upgraded to meet the standard as provided in Section 7.38.095 – 7.38.182; (b) during the three year period prior to application under this subsection the legal structure has been continuously used or fully capable of being continuously used for either residential or commercial use, and (c) during the full three year period prior to application under this subsection the legal structure has been continuously assessed as an active residential or commercial use by the County Assessor.
 4. For purposes of this subsection, “legal structure” means a structure, including any remodel or addition, which was constructed pursuant to an approved building permit, or constructed at a time prior to the requirement of a building permit.
 5. Any parcel for which an addition, remodel, replacement, or repair meets all the provisions of this subsection shall not be required to meet the minimum lot size provisions of this Chapter.
 6. The Environmental Health Service shall review and provide approval of all residential building permit applications that propose an increase in or relocation of any building footprint on a parcel served by an individual sewage disposal system. The conditions stated in subsection (1) (a) and (b) of this section shall be satisfied prior to such approval. Projects such as simple foundation replacement with no change in footprint, rewiring, re-plumbing, re-roofing, interior and exterior remodels that do not increase bedrooms or change building footprint, shall not require review and approval by the Environmental Health Service.
- C. Reconstruction of Occupied Structures Destroyed by Fire or Calamity.
1. Reconstruction of any structure destroyed prior to November 3, 1992, by natural calamity or other calamity or any other structure which does not meet the provisions of subsection 2 of this section,

will be considered new development, which must meet all provisions of Chapter 7.38, including its minimum lot size provisions.

2. Reconstruction of any legal structure partially or wholly destroyed on or after November 3, 1992, by fire, flood, land movement, other natural calamity, or any other calamity beyond the control of the owner of such structure will not be considered new development if all of the following conditions are met:
 - a. On the date of the calamity damage, the legal structure was either actually used or fully capable of being used for residential or commercial use and assessed as an active residential or commercial use by the County Assessor. Legal structure as used in this subsection means a structure, including any remodel or addition, which was constructed under an approved building permit, or constructed at a time prior to the requirements of a building permit.
 - b. Application for a permit to reconstruct the structure must be made within thirty-six (36) months of the date of the calamity damage.
 - c. The sewage disposal system to serve the reconstruction shall be upgraded to meet the standards as provided in Sections 7.39.095 through 7.38.182 or the owner shall demonstrate through physical inspection and testing, as necessary, that the existing system meets the standards as provided in Sections 7.38.095 – 7.38.182.
 - d. Any contiguous undeveloped properties of the owner must be combined to achieve a minimum parcel size of at least 15,000 square feet.
- D. Any proposed new use or proposed expansion of an existing use on a developed parcel served by one or more individual sewage disposal systems can only be approved if all existing and proposed uses on the parcel can be served by a sewage disposal system or systems which meet the requirements for a standard system or alternative system as specified in Sections 7.38.095 through 7.38.182.

7.38.090 APPLICATION AND FEES

- A. An application for a permit to construct, reconstruct, or make any repair (other than minor repair) to an individual sewage disposal system shall be made to the Health Services Agency on forms provided for that purpose, and each such application shall be accompanied by a filing fee set by resolution of the Board of Supervisors. No part of the fee shall be refundable, except as herein provided for an application for a new system.
 1. The Director of Environmental Health may authorize credit of not more than 80 percent of the filing fee paid toward reapplication for an application which has expired pursuant to Section 7.38.091. C., subject to the following conditions:
 - a. The original applicant reapplies within 180 days of the date of expiration of the original application.
 - b. No installation or construction of any portion of the individual sewage disposal system has taken place and the technical design and site plan are unchanged from the original application, if changes in the original application are required pursuant to Section 7.38.093. C., or because of site conditions or redesign of the original proposal, full filing fees are required upon reapplication.
- B. Supporting documents as required by the Health Officer, including but not necessarily limited to plot plan(s) and floor plan(s), shall be submitted with the application for a permit. The requirements for such supporting documents shall be as established by policy of the Health Officer.

7.38.091 PROCEDURE UPON RECEIPT OF AN APPLICATION FOR A NEW SYSTEM

- A. In the event an application is submitted for an area of the County for which the Department has inadequate information about soil conditions, the property shall be inspected by the Health Officer.
- B. After an inspection of the property by the Health Officer, the Health Officer may require soil tests, or percolation tests, or both. Such tests shall be performed at the expense of the applicant, as specified in Section 7.38.120.
- C. If all the information required by the Health Officer is not submitted within 12 months of the date of application, including information relating to any required tests, the application shall be deemed null and void. An exception to this provision may be granted if the required information cannot be submitted because adequate rainfall pursuant to Section 7.38.120(B) does not occur during a rainy season. In this event, the Health Officer may grant the applicant an extension to allow submittal of the required information during the next rainy season which meets the requirements specified in Section 7.38.120 (B).

7.38.092 FINDING OF COMPLIANCE. After the Health Officer determines that an application is complete, that all required information has been submitted, and that the proposed system complies with the requirements of this Chapter, he or she shall grant or conditionally grant a Finding of Compliance.

- A. Within fifteen business days after receipt of all the required information the Health Officer shall grant, conditionally grant, or deny a Finding of Compliance.
- B. A Finding of Compliance shall not be granted unless the Health Officer determines that the proposed system meets all the requirements of this Chapter, the proposed system will function in a satisfactory manner, and the applicant has demonstrated an approved water source.
- C. The Finding of Compliance shall remain in effect for a period of 24 months from the date the Finding of Compliance was granted and shall thereupon expire and become null and void, unless an application for a building permit is accepted as complete and is under review by the Planning Department. In that case, the Finding of Compliance shall remain valid until the building permit is issued, or the application for the building permit becomes invalid. If the building permit application becomes invalid, the Finding of Compliance shall also become null and void.
 - 1. The Director of Environmental Health may authorize credit of not more than 80 percent of the filing fee paid toward reapplication for a Finding of Compliance which has expired pursuant to Section 7.38.092. C, subject to the following conditions:
 - a. The original applicant reapplies within 180 days of the date of expiration of the original Finding of Compliance.
 - b. No installation or construction any portion of the individual sewage disposal system has taken place and the technical design and site plan are in compliance with all requirements of the Chapter. If changes in the original application are required pursuant to Section 7.38.093. C., or because of site conditions or redesign of the original proposal, full filing fees are required upon reapplication.
 - c. Findings of Compliance reissued under this subsection shall remain valid for 2 additional years. This provision to renew a Finding of Compliance shall be available only once for each application for sewage disposal.
- D. Prior to the expiration of the period during which a Finding of Compliance is in effect, a permit may be issued on the basis of the Finding of Compliance. Sewage disposal permits required by this Chapter may be issued only in conjunction with the issuance of a building permit for the structure which the individual sewage disposal system is to serve. Any permit issued shall incorporate any and all conditions specified in the Finding of Compliance as conditions of the permit.

7.38.093 EXPIRATION OF PERMITS.

- A. A sewage disposal permit once issued for a structure shall remain valid unless the building permit for the structure becomes invalid, in which case the sewage disposal permit shall also become null and void.
- B. In the even a sewage disposal permit expires, a new application shall be required in all cases prior to the issuance of a new permit.
- C. Upon the expiration of any permit issued pursuant to this Chapter, the system may not be used or any further work done in connection with the installation or operation of the sewage disposal system until a new permit for such purpose is secured. All work shall comply with the regulations currently applicable to sewage disposal systems when the new permit is issued. However, where an individual sewage disposal system was previously fully installed pursuant to a permit which has subsequently expired, the system may be used if the Health Officer finds that the system will function in a safe manner.

7.38.094 APPLICABILITY OF NEW REQUIREMENTS TO APPROVED PERMITS AND PENDING APPLICATIONS.

- A. The owner of a parcel for which an approved and un-expired sewage disposal permit has been issued but the sewage disposal system has not been installed prior to the effective date of this ordinance revision [December 10, 1992] shall have the option of submitting for review, a revised sewage disposal system design that meets the requirements of Sections 7.38.130 – 7.38.150. If such review determines compliance with these sections, the revised design may be approved by the Health Officer and such revised design may be installed pursuant to the revised sewage disposal permit. The owner may elect to install the sewage disposal system using the standards in effect at the time of approval of the sewage disposal permit.
- B. The owner of a parcel for which an application for a sewage disposal permit has been made [prior to December 10, 1992] but not yet approved shall also have such options as described above.
- C. Preliminary Lot Inspections – Approved or in Process. Systems to serve existing or proposed parcels which receive a preliminary lot inspection by the Health Officer which indicates compliance with the terms of this Chapter that were in effect on November 2, 1992, shall meet the provisions of Sections 7.38.130 – 7.38.150 to the maximum extent possible when application for a sewage disposal permit is made. If such a parcel cannot accommodate a sewage disposal system that conforms to the provisions of Section 7.38.150. B.6 with respect to maximum trench depth, a trench depth up to the maximum trench depth specified in the approved application for preliminary lot inspection shall be allowed by the Health Officer upon a finding that the leach trench will be installed as shallow as space permits, and that the public health and safety will not be adversely affected. This subsection shall only apply to subdivisions for which applications for preliminary lot inspections were submitted between December 10, 1989 and December 10, 1992, and for which the subdivision application was deemed to be complete prior to December 10, 1992. In these cases, the allowance for a deeper leaching device shall expire three years after the date of approval of the final subdivision map, but not sooner than December 10, 1995.

7.38.095 REPAIR PERMITS.

- A. Notwithstanding the provisions of Section 7.38.093 (A), and the other provisions of this Chapter, permits for the repair of existing individual sewage disposal systems may be issued by the Health Officer upon proper application therefore; and, once issued, shall be valid and exercisable for a period of two years.
- B. Repairs to existing systems shall be made in conformance with the requirements specified in Sections 7.38.130 through 7.38.180 of this Chapter except that the following allowances for repairs of systems serving development that was first approved prior to September 17, 1983, may be permitted:

1. The minimum separation between the bottom of any leaching device and seasonally high groundwater shall be:

Five feet where the leaching device is between fifty and one hundred feet from a stream, spring, or other waterbody.

Three feet where the device is over one hundred feet from a waterbody. At distances greater than two hundred fifty feet from a water body, a system with groundwater separation below the leachfield less than three feet may be approved as a nonconforming system provided however that a separation of at least one foot must be maintained for at least ninety percent of the year.
 2. Setback to a stream shall be at least 50 feet.
 3. Setback to a seasonal drainage way shall be at least 25 feet.
 4. If soils are at least 7 feet deep and conditions are otherwise suitable to prevent lateral surfacing of effluent, installation on steeper slopes, above 30% up to 50% may be allowed if:
 - the distribution pipe is installed at least 2 feet below the surface (vertical depth)
 - a minimum separation of 5 feet is maintained between the leaching system and bedrock or other impermeable layer.
 5. Other requirements specified in Sections 7.38.130 – 7.38.180 of this Chapter shall be met to the greatest extent possible as necessary to protect public health and water quality, and shall comply with standards for system repairs established by the Health Officer pursuant to Section 7.38.95. E.
 6. When an alternative system is used for a repair pursuant to Sections 7.38.182 – 184, the setbacks from streams and groundwater as specified above may be reduced according to the standards for alternative systems and repairs established by the Health Officer pursuant to Section 7.38.095.E.
- C. All existing developed parcels that have repaired, replaced or upgraded sewage disposal systems to meet the standards in Sections 7.38.130 through 7.38.180 including allowances described in B above and any system that was approved between November 2, 1992 and May 2, 1995 to comply with standards in effect at that time, shall be regarded as a standard system and shall be deemed to be in compliance with this code and may be eligible for building alterations as described in Section 7.38.080 (B) (2).
- D. When repairing, replacing or upgrading an existing individual sewage disposal system, on an existing, developed parcel that is unable to accommodate a standard sewage disposal system that meets the standards in Sections 7.38.130 through 7.38.180 including allowances described in subsection B of this section, the system shall be deemed a nonstandard sewage disposal system design which must meet the requirements of Sections 7.38.182 through 7.38.186. The size of a building addition or change in use that will be allowed will depend on the type of system used:
1. No residential additions beyond the 500 square feet described in Section 7.38.080.(B)(1) or changes in use which will result in an increase in wastewater discharge shall be approved for parcels utilizing a haulaway or nonconforming sewage disposal system.
 2. When an alternative sewage disposal system is used, the Health Officer may permit a bedroom addition and additions beyond the 500 square feet described in Section 7.38.080(B)(1) provided the design specifications for the alternative technology can safely treat and dispose of the projected peak wastewater flow and suitable expansion area exists on the property to replace the alternative sewage disposal system.
 3. No building additions shall be approved which will encroach on the septic system or any area of the property needed to install a replacement system which meets the requirements for a standard or alternative system to the greatest extent possible.
- E. Procedures and standards for the repair of individual sewage disposal systems, including guidelines for the design and use of alternative systems for repairs shall be established by policy of the Health Officer.

7.38.120 SOIL PERCOLATION TESTS AND OTHER REQUIRED INFORMATION.

- A. Soil percolation tests shall be required prior to approval of any application for a disposal system to serve new development. Percolation test tests shall not be required in order to obtain a repair permit unless the applicant's estimated percolation range differs from the opinion of the Health Officer. Percolation tests shall be performed by any of the following, who shall be licensed in California; a registered civil engineer; a registered environmental health specialist; licensed septic tank contractor who has a contract to install the individual sewage disposal system; a general engineering contractor; a registered geologist or a soils scientist. Such test may be witnessed by the Health Officer. The Health Officer shall determine the number and location of percolation test borings. Percolation test procedures shall be established by policy of the Health Officer. For the soils where the leach trench is proposed, the minimum acceptable percolation rate is 60 minutes per inch (one inch per hour). The maximum acceptable percolation rate is 1 minute per inch (60 inches per hour). For soils beneath the leaching device the minimum acceptable percolation rate is 60 minutes per inch in the first 3 feet below the trench and 120 minutes/inch (1/2 inch per hour) from 3 to 10 feet below the trench.
- B. When required by the Health Officer (based on geomorphological and historical information), observation for seasonal high water tables shall take place only during the rainy season and when both of the following occur: (1) the cumulative rainfall reaches the total specified on the rainfall map maintained by the Director of Environmental Health for the region of observation, and (2) six inches of rainfall has occurred within thirty days immediately preceding the date of observation. The Health Officer may require the construction of piezometers (shallow groundwater monitoring pipes) in the vicinity of proposed leaching devices to enable the observation of depth to groundwater throughout the winter. Health Officer may observe seasonal high water table anything during the winter water table test period established by (1) and (2) above. The determination, for design purposes, of seasonal high water table elevation in the vicinity of the proposed leaching devices shall be the static piezometric water level observed that is not influenced by confined water in lower strata that are penetrated by the piezometer. Temporary and brief saturated conditions caused by significant rain events shall not provide the sole basis for determination of seasonal high water table for leaching device design purposes.
- C. If the Health Officer expects the soils to have a percolation rate slower than 60 minutes/inch (1 inch per hour) or have a shrink-swell potential (due to high clay content, generally over 30% clay), the Health Officer may require percolation testing during the time period for winter water table observation. Any question of extent of shrink – swell potential may be required to be resolved by a soil texture (hydrometer method) and bulk density analysis.
- D. One or more soil excavations shall be performed for each individual sewage disposal system to demonstrate the suitability of soil conditions to serve new development. Soil excavations for repair permits may be required if the Health Officer believes the soil may not meet the requirements of this chapter. When effluent leaching trenches are to be used, the excavation shall be made by backhoe whenever possible and shall extend to at least ten feet below the bottom of the proposed trench leaching device to demonstrate the suitability of soil conditions.
- E. The licensed individual performing the soil tests shall provide an evaluation of soil texture for each soil stratum encountered during the soil excavation, When laboratory analysis of soil texture is required by the Health Officer, the testing individual shall collect a sample or samples, as required by the Health Officer, and deliver the samples to an approved soil testing lab for analysis. The test results shall be forwarded to the Health Officer with identification of the sampling location, dept and method. The soil textural classification system shall be the USDA method. Soils with greater than forty percent clay content shall be unacceptable regardless of percolation rate.
- F. Soils or formations containing continuous channels, cracks, or fractures are not acceptable for sewage leaching unless there is a setback distance of at least two hundred fifty feet to any domestic water supply well, potential domestic water supply well site, or surface water.

- G. The Health Officer may also require any other information necessary to evaluate the proposed system. If, in the opinion of the Health Officer, the land proposed for individual sewage disposal has severe soil limitations, or introduction of sewage effluent into the soil may create slope instability, submission of a technical report prepared at the applicant's expense by a California licensed soils scientist, engineering geologist, registered geologist, or similarly qualified soils expert shall be required. The planning department technical review staff shall review and provide comment on all such required technical reports which address potential impacts on slope stability from the proposed septic systems to serve new or existing development. The applicant shall pay a fee for such review as established by the board of supervisors.
- H. Any geologic or geotechnical report prepared and submitted to the county planning department which includes a slope stability analysis for development where onsite wastewater disposal is proposed, shall include review and comment on the septic onsite wastewater disposal system proposal which has been submitted to the environmental health service. This report shall evaluate the effect of the proposed system on the potential for slope instability and may designate other areas on the site where a sewage disposal system which meets county standards will not adversely affect slope stability.

7.38.130 GENERAL INSTALLATION REQUIREMENTS.

- A. Sewage disposal systems shall be installed in accordance with the plans approved by the Health Officer except for minor deviations. Changes in the installation plan must be approved by the Health Officer prior to installation.
- B. All waste shall be discharged into one sewage disposal system unless an alternate arrangement is has been approved by the Health Officer,
- C. An area equal to the amount of area necessary to install the leaching system shall be kept available for future expansion and repair of the leaching system. No construction of buildings, sheds, permanent swimming pools, driveways, parking areas, or other permanent structures shall be permitted over the expansion area. For new development on previously undeveloped parcels, with soils that percolate in the range 31 to 60 minutes per inch, the expansion system shall be installed at the time that the primary system is installed. This second system shall be interconnected with the first by means of an approved flow diversion device.
- D. Sewage disposal systems shall be located so as to be accessible for maintenance and repairs. Septic tanks shall be located so as to allow vacuum pumping.
- E. There shall be a minimum of ten feet of permeable soil beneath the leaching device. The minimum acceptable percolation rate for soils beneath the leaching device is 60 minutes per inch in the first 3 feet below the trench and one hundred twenty minutes/inch (one half inch per hour) from three to ten feet below the trench.
- F. Effluent leaching systems shall not be installed in or on slopes greater than 30 percent. Slope restrictions apply only to the areas used for sewage leaching, including the area reserved for expansion of the leaching system. Slopes less than thirty percent are not acceptable when they have been created by grading or other modification of slopes.
- G. Installation shall not be permitted in areas subject to high water tables, whether seasonal or permanent. The bottoms of leaching areas shall be separated from groundwater in accordance with the standards prescribed in this Chapter for leaching trenches and seepage pits.
- H. Leaching areas shall not be located in low lying areas receiving storm water drainage, or within one hundred year flood zones, except for the repair of an existing septic system, which cannot be located outside the floodplain. If the septic system is located within the floodplain, no bedroom additions or building additions greater than 500 square feet are allowed. Leaching areas shall be separated by a

minimum of twenty-five feet from seasonal drainage ways which flow no more than one week after significant rainfall.

- I. Each individual sewage disposal system shall be separated from streams, creeks, wells, springs, and watercourses by a minimum horizontal distance of 100 feet. Seepage pits shall be separated from community wells by a minimum distance of one hundred fifty feet. The distance from streams and creeks shall be measured from the mean rainy season flow line. A watercourse is defined as a stream fed from permanent or natural sources, including rivers, creeks, runs, and rivulets, usually flowing in a particular direction (though it need not flow continuously) in a definite channel having a bed or banks, and usually discharging into some other stream or body of water.
- J. Leaching systems shall not be permitted in areas containing fill.
- K. The building sewer shall be of cast iron, A.B.S. Schedule 40 plastic, or other approved material. It shall have approved watertight fittings and be of at least the same diameter of the building drain. Ells and bends of 90 degrees shall be long turn. Cleanouts shall be provided in accordance with the Uniform Plumbing Code.
- L. Rock used in leaching systems shall be washed and reasonable free of fines, sand, very fine silt, and clay.
- M. Leaching systems shall have a slightly slopes finished grade to promote surface runoff.
- N. Except in emergencies, leaching system installation in clayey soils shall only be done when soil moisture content is low, to avoid smeared infiltrative surfaces.
- O. Leaching area sidewalls should be left with rough surfaces.
- P. Construction and paving over leaching systems and future expansion areas is prohibited except in the case of a repair when no other suitable area is available.
- Q. The use of a haulaway system is prohibited, except in the following circumstances:
 - 1. The repair of an existing system when no other alternative is available; and,
 - 2. The installation of a system for a water treatment facility constructed by a public utility under a compliance order from the California Department of Health Services pursuant to the Safe Drinking Water Act, Surface Water Treatment Rule, which facility is located outside of the Coastal Zone, provided that this exception shall expire on January 1, 1996.
 - 3. For publicly owned and operated County park facilities where conventional facilities cannot be installed due to lack of water supply or unacceptable site conditions, and where such a haulaway system is necessary to prevent a public health hazard.
- D. Distribution of Effluent to Multiple Trenches: Where multiple trenches are installed on sloping or level ground, effluent distribution shall be made through a distribution box such that equal volumes of effluent (or proportional volumes where the trenches are unequal) are delivered to each trench.

7.38.140 SEPTIC TANK REQUIREMENTS.

- A. The septic tank size required for residences of from one to four bedrooms shall be one thousand five hundred gallons. An additional two hundred fifty gallons per bedroom shall be provided for each bedroom in excess of four.
- B. Septic tanks shall have at least two compartments separated by a baffle or equivalent arrangement. The inlet compartment shall have a capacity of not less than 2/3 the total volume. Access to each compartment shall be provided by a manhole twenty inches in minimum dimensions with a close fitting manhole cover equipped with a durable handle to facilitate removal.

- C. Septic tanks shall be installed so that manhole covers are within 12 inches of the ground surface. If the top of a septic tank is deeper than 12 inches from the ground surface, the tank shall be modified so as to extend the manhole and covers to within 12 inches of the surface. Material used to extend the manhole covers shall be of the same material as the septic tank. A cleanout to finished grade shall be provided between the house and the septic tank.
- D. A riser shall extend from each manhole cover to the surface of the ground so as to facilitate inspection and maintenance of the septic tank. The riser shall be of a larger size than the manhole cover and shall be constructed of durable material. Heart grade redwood or an equivalent material is acceptable.
- E. Septic tanks shall be reinforced concrete, standard weight reinforced concrete blocks, or approved non-corrodible synthetic materials. Metal septic tanks shall not be permitted. Interior surfaces of concrete tanks shall be coated with a bituminous or similar compound to minimize corrosion.
- F. Reinforced concrete and reinforced concrete block septic tanks shall be constructed with #3 (3/8") steel reinforcing bars placed 16 inches on center vertically and 20 inches on center horizontally with all cells grouted. Concrete septic tank covers shall be reinforced.
- G. Figure 7.38.140 (G) illustrates a typical septic tank design conforming to the requirements of this Chapter:

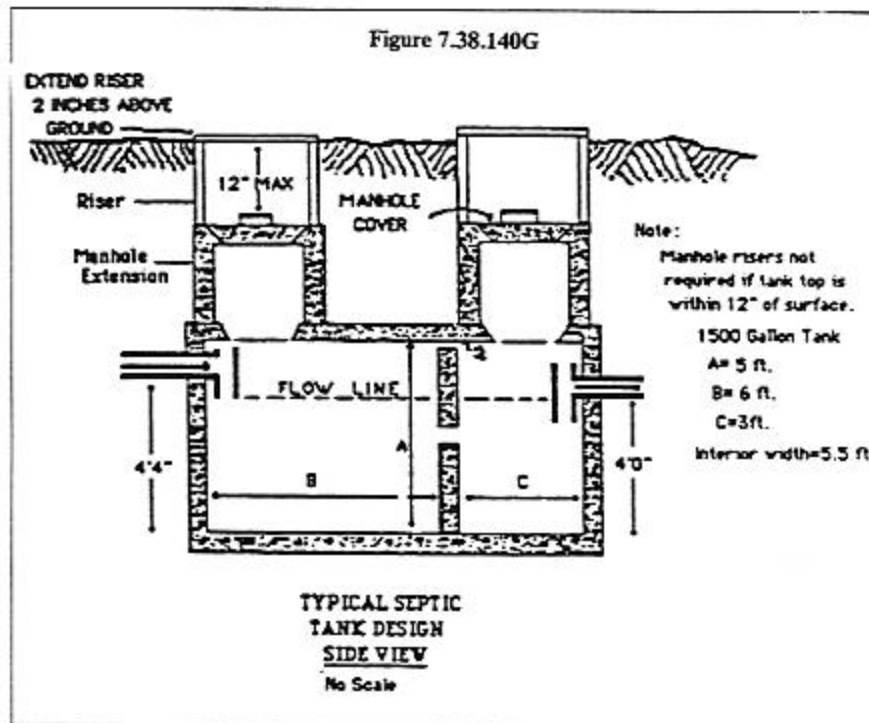


Figure 7.38.14- (G)

- H. Other types of septic tanks may be accepted if they are constructed and installed in accordance with the recommendations of the State Department of Health Services and are approved by the Health Officer.
- I. Septic tanks shall be placed in conformance with the following distance requirements:

From Septic Tank To:	Minimum Permitted Distance in Feet
Leaching device	3
Property line	5
Foundation, structure, bearing weight building overhang	5
Water line	10
Stream, well, water course	100
Driveway or pavement	5
Edge of road easement or right of way	5

7.38.150 SEWAGE LEACHING REQUIREMENTS.

A. General

1. Septic tank effluent shall be leached into the ground by means of a sewage leaching system. The type of system used shall be approved by the Health Officer, based on review of the location and topography of the site; the soil permeability and groundwater level at the site, and all other relevant factors.
2. The pipe used in the leaching area shall be perforated, have a minimum 3-inch diameter, and be of approved material.
3. A minimum effective leaching area per dwelling unit shall be provided according to the following schedule:

<u>PERCOLATION RATE-MPI:*</u>	<u>1-5</u>	<u>6-30</u>	<u>31-60</u>
	<u>LEACHING AREA REQUIREMENTS – SO. FT.</u>		
1 Bedroom	500	600	900
2 Bedrooms	625	750	1125
3 Bedrooms	750	900	1350
4 Bedrooms	875	1050	1575
Additional Bedrooms	125 Each	150 Each	225 Each

***To the Nearest Whole MPI (Minutes Per Inch)**

4. The effective leaching area shall be the total of the area of the bottom area and the sidewall area beneath the leach pipe.
5. Soil suitability for sewage disposal shall be determined by a combination of percolation test results, exploratory excavation soil logs and soil structural and textural characteristics. Laboratory analyses of soil texture may be required by the Health Officer. Percolation rate alone shall not determine soil suitability. Soil texture shall determine soil suitability where percolation test results are unclear or non-representative.
6. Soils with a clay content of greater than 40 percent by weight shall be unsuitable for conventional sewage leaching devices.
7. Systems in soils with percolation rates between one and five minutes per inch shall utilize enhanced treatment systems as specified in Section 7.38.152.

B. Trench Leaching Device

1. The Health Officer may approve the use of a trench as a leaching device. Any such trench shall be 18 inches to thirty-six inches in width contain a perforated sewage conductor pipe and shall be filled with rock. The trench depth required will be dependent on soil conditions, and the trench length required will be dependent on sewage loading. The use of gravel less leachfields may be permitted by the health officer. The health officer shall develop and promulgate regulations for

their use. All sections of this chapter regarding the location and placement of leaching devices shall apply to the gravel less method of effluent disposal.

2. Trenches shall be placed in an area where the soil has not been removed, altered, or filled.
3. Rock filter material in the trench shall be covered with untreated building paper or straw prior to backfilling with earth.
4. Trenches shall be constructed in accordance with the following requirements:

**From Leaching Trench
And Expansion Area to:**

Minimum Permitted Distance in Feet

Septic Tank	3
Property Line	5
Foundation, structure, bearing weight, building overhang	5
Water Line	10
Stream, well, spring, water course	100
Seasonal Drainage Way	25
Steep slope*	25**
Embankment	4 times height of bank to max. of 25' **
Pavement or driveway	5
Edge of road easement or right of way	5
Swimming Pool	10

* Steep slope means a slope of greater than 1 ½ foot horizontal to one foot vertical (67%).

** 50 feet if fractured material or if slope or embankment is intersected by an impermeable strata.

5. Notwithstanding the foregoing, variances to the setback from a steep slope may be granted by the Health Officer on a case-by-case basis, where it can be demonstrated through a technical report prepared by a State registered civil engineer with soils and geological background, or by a geologist, that the placement of a trench leaching system closer to a steep slope than would otherwise be permitted by these regulations would not result in any sewage effluent surfacing in the absorption field or reserve area, or on or below the slope, or create water quality problems, or jeopardize contiguous properties, or effect soil stability. Any technical reports submitted to support a request for a variance to the setback requirement shall be reviewed by a geohydrologist employed under contract with the County, the costs of such review to be borne by the applicant.
6. The following construction standards shall be used in connection with the construction of any trench leaching system:

Construction Detail

Required Standard

Width of trench	18-36 inches
Standard trench depth	Maximum of 4 feet (2 ½ feet effective depth)*
Maximum length of trench	100 feet
Slope of leach line	3 inches per 100 feet maximum
Rock under pipe	Determined by Health Officer, based on soil conditions (min 12")
Rock over pipe	2 inches
Size of rock	½ to 2 ½ inches
Spacing of trenches edge to edge	Twice the effective depth to a maximum of 10 feet

* Parcels with soils that percolate in the range 6-60 minutes per inch may use a deeper trench if space on the parcel prevents the use of the standard trench dept. However, in all such instances, the trench shall be as shallow as possible using the maximum lineal feet that can fit on the parcel while still reserving the required expansion area.

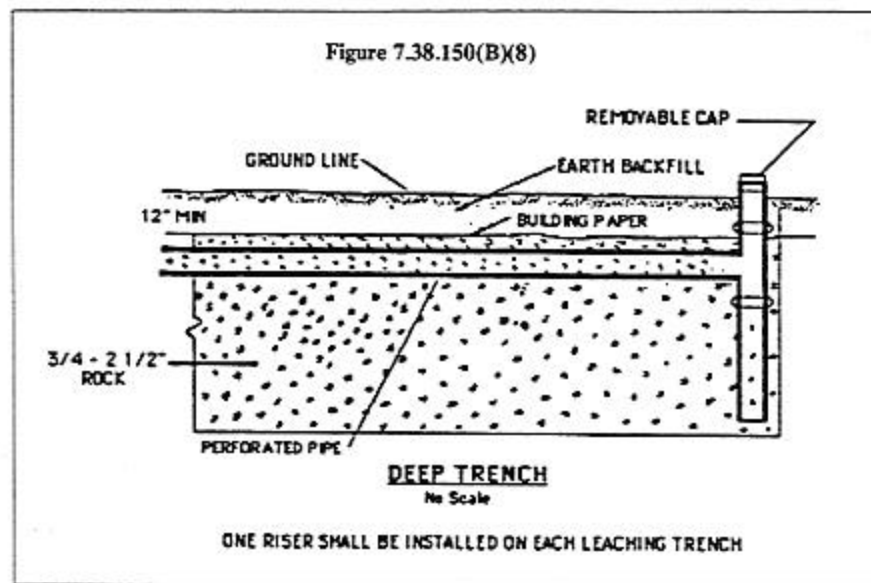
7. The vertical separation between trench bottom and groundwater, including seasonal high water tables, shall be:

Percolation Rate: Min./In.	Vertical Separation: Ft.
Less than 1 Min./In.	50*, **
1 – 4.9 Min./In.	20**
5 – 29.9 Min./In.	8
Greater than 30 Min./In.	5

* Sewage disposal is not permitted if percolation rate is less than 1 minute per inch except under provisions for alternative systems specified in Section 7.38.182.

** Unless a setback distance of at least 250 feet to any domestic water supply well, potential domestic water supply well site, or surface water is assured, in which case the vertical separation shall be at least 8 feet.

8. Figure 7.38.150 (B) illustrates a typical trench leaching device which conforms to the requirements of this Chapter:



C. Trenches in Sloping Ground

1. In locations where there is sloping ground, a system of several trenches may be required by the Health Officer.
2. Trenches shall follow the surface contours to minimize variations in trench depth and shall only be installed perpendicular to the slope.
3. There shall be a minimum of 12 inches of earth over the rock fill.

* D. Distribution of Effluent to Multiple Trenches

1. Where multiple trenches are installed on sloping or level ground, effluent distribution shall be made through a distribution box such that equal volumes of effluent (or proportional volumes where the trenches are unequal) are delivered to each trench.

E. Seepage Pit Leaching Device

1. The Health Officer may approve the use of a seepage pit as a leaching device to repair an existing individual sewage disposal system, or to expand an existing system in conjunction with a building addition, alteration, expansion, or reconstruction if the existing system utilized seepage pits and leaching trenches can not be installed due to unsatisfactory soil conditions or lack of sufficient space. Seepage pits shall not be permitted for new installations.
2. Repair procedures for use of seepage pits shall be established by the Health Officer pursuant to Section 7.38.095.D.

F. Sewage Pumping: Specific criteria will be developed by policy of the Health Officer. When pumping of sewage effluent is allowed by the Health Officer, all electrical work shall be performed under County permit.

7.38.152 ENHANCED TREATMENT SYSTEMS

- A. Systems in Sandy Soils with Percolation Rates of 1-5 MPI. : Enhanced treatment devices providing for reduction of nitrogen in the effluent prior to discharge to the underlying soil will be required for any system which is located in sandy soils with a percolation rate of one-five minutes per inch. Based upon an evaluation of the effectiveness and cost of available technology, the Health Officer shall determine the amount of nitrogen removal required and may waive this requirement for upgrade of existing systems where there will be no bedroom addition, remodel adding more than five hundred square feet, or other expansion of use which will result in an increase in volume or strength of wastewater flow. Enhanced treatment systems shall be considered alternative systems, subject to the requirements of Sections 7.38.182 through 7.38.186.
- B. Large Systems: Enhanced treatment devices approved by the Health Officer which provide a reduction in nitrogen, Total Suspended Solids and Biological Oxygen Demand in the sewage effluent prior to discharge to the underlying soil shall be required for all new systems and upgraded systems serving more than five residential units or serving uses which generate a peak daily discharge of more than two thousand five hundred gallons per day. Such systems shall be considered alternative systems, subject to the requirements of Sections 7.38.182 through 186.
- C. Waiver of Requirement: The Health Officer may waive the requirement for enhanced treatment in areas where the Health Officer has determined that there is no expectation of significant cumulative contamination of water courses by nitrate or other contaminants from septic systems.

7.38.155 CURTAIN DRAINS: A permit shall be required for any curtain drain proposed for use within one hundred feet of a leaching device. Curtain drains located down gradient from a leachfield must be at least twenty-five feet from the leachfield. If an impermeable layer is present or soils percolate faster than one minute per inch, curtain drains must be located at least fifty feet away. Curtain drains located up gradient of a leachfield must be installed with the bottom of the drain higher in elevation than the top of the leachfield, or must be located at least twenty-five feet away. Curtain drains shall not be installed in locations which would preclude the use of an area necessary for installation of a replacement sewage disposal system which meets the standards of this code on the same parcel or any adjacent parcel.

Curtain drains shall not be permitted for the purposes of attempting to lower groundwater levels to meet the required setback to groundwater from leaching devices for new development or expansion of existin g development.

7.38.160 STANDARDS FOR SYSTEMS TO SERVE COMMERCIAL AND INDUSTRIAL ESTABLISHMENTS, INSTITUTIONS AND RECREATIONAL AREAS: The following requirements shall supersede, where applicable, the requirements found elsewhere in this Chapter, for all systems to serve commercial and industrial establishments, institutions, and recreational areas:

- A. For all such uses, the sewage application rate shall not exceed 0.43, 0.36 or 0.24 gallons per square foot of effective leaching area per day per drain field for soils percolating in the ranges 1-5, 6-30 and 31-60

minutes per inch respectively. For all such uses, sewage flows shall be based on the Health Officer's estimate of daily peak flow.

- B. For all large systems serving more than five residential units or having peak daily flows greater than two thousand five hundred gallons per day, enhanced treatment systems as specified in Section 7.38.152 will be required.
- C. The septic tank volume, independent of any other pretreatment device such as a grease trap, shall be three times (3x) the peak daily flow.
- D. For all such uses, when quantities of sewage flow are not known or cannot be accurately estimated by the Health Officer, the quantities set out in Table 7.38.160 shall be used for design flow calculations:

Type of Establishment	Gallons Per Person Per Day (Unless Otherwise Noted)
Airports (per passenger)	5
Apartments – multiple family (per resident)	60
Boathouses and swimming pools	10
Camps:	
Campground with central comfort stations	35
Campground with flush toilets, no showers	25
Construction camps (semi-permanent)	50
Day camps (no meals served)	15
Resort camps (night and day) with limited plumbing	50
Luxury camps	100
Churches (sanctuary) per seat	5
Churches with kitchen waste per seat	7
Cottages and small dwellings with seasonal occupancy	50
Country clubs (per resident member)	100
Country clubs (per non-resident member present)	25
Dwellings:	
Boarding Houses	50
Additional for non-resident borders	10
Luxury residences with estates	150
Multiple family dwellings (apartments)	60
Rooming houses	40
Single family dwellings	75
Factories (gallons per person, per shift exclusive of industrial wastes)	35
Hospitals (per bed space)	250+
Hotels:	
Hotels with private baths (w persons per room)	60
Hotels without private baths	50
Institutions other than hospitals (per bed space)	125
Laundries, self-service (gallons per wash, i.e. per customer)	50
Mobile home parks (per space)	250
Motels:	
Motels with bath, toilet, and kitchen waste (per bed)	60
Motels (per bed)	50
Picnic Parks:	
Picnic Parks (toilet wastes only) per picnicker	15
Picnic Parks with bathhouses, showers, and flush toilets	35
Restaurants:	
Restaurants per seat per day	50
Restaurants additional for bars and cocktail lounges (per customer)	2

Service Stations (per bay)	1,000
Schools:	
Boarding	100
Day, without gyms, cafeterias or showers	15
Day, with gyms, cafeteria and showers	25
Day, with cafeteria, but without gyms or showers	20
Swimming pools and boathouses	10
Theaters:	
Movie (per auditorium seat)	5
Drive-in (per car space)	10
Travel trailer parks with individual water and sewer hood-up (per space)	100
Workers:	
Construction (at semi-permanent camps)	50
Day, at schools and offices (per shift)	20

- E. For all such uses, pretreatment may be required if the Health Officer determines that the wastewater from any such use is likely to be significantly different from the wastewater produced by domestic uses.
- F. Any food facility that generates grease laden wastewater this is discharged into an on site wastewater disposal system shall install an exterior grease interceptors. The Health Officer shall adopt specifications for the sizing and maintenance of grease interceptors.
- G. For any food facility, failure to provide adequate sewage disposal or failure to provide proper maintenance of a grease interceptor shall be cause to revoke a food facility Health Permit.

7.38.180 MINOR CHANGES: Environmental Health specialist may allow certain minor changes, required by field conditions, when an inspection in the field makes clear that no individual or cumulative public health hazard will result, and when only slight changes in approved plans are required. Environmental health specialist shall record all such changes on the owner's plans and the County's file plans.

7.38.182 ALTERNATIVE SYSTEMS FOR NEW OR EXPANDED DEVELOPMENT:

- A. The Health Officer may accept sewage disposal permit applications utilizing alternative system designs for the upgrade of existing systems to allow building additions or remodels, and for the construction of new systems on lots of record in existence on November 8, 1988. Alternative systems may also be proposed to provide enhanced treatment and/or mitigate environmental impacts on parcels created after November 8, 1988, if those parcels can meet the requirements for a standard conventional system as set forth in Sections 7.38.094 – 7.38.180. Alternative system designs for new systems must be in conformance with Section 7.38.040 C, Prohibitions; Section 7.38.045, Lot Size Requirements for Existing Lots of Record; and subsections (F), (H), and (I) of Section 7.38.130, General Installation Requirements.
- B. Designs for an alternative system must be prepared by a qualified person such as a California registered civil engineer, a California registered environmental health specialist, or a California registered geologist, experienced in the design of individual sewage disposal systems. Designs for alternative systems shall include such technical data as necessary to support deviation from the individual sewage disposal regulations found in this Chapter, and to demonstrate that the system will function as designed and will not adversely affect surface or groundwater quality. Designs proposed for any use other than repair of a failing system must have demonstrated satisfactory performance in soil conditions similar to those encountered in the proposed application.
- C. The review and approval of any application for use of an alternative system requires the concurrence of the Regional Water Quality Control Board and the approval of the Health Officer, as follows: After review and conceptual approval, the Health Officer shall forward proposed applications for use of alternative system designs to the Regional Water Quality Control Board for recommendation for approval, conditional approval, or denial. The application shall not be deemed complete until the

Regional Board has acted on the referral and any additional information requested has been submitted by the applicant. The Health Officer may approve or deny a sewage disposal permit utilizing an alternative design on the basis of the Regional Water Quality Control Board's recommendation, and on the basis of the technical adequacy of the design to dispose of sewage without adversely affecting surface or groundwater quality. If the Regional Water Quality Control Board waives the requirement for application review for certain types of alternative system designs, the Health Officer may approve, conditionally approve or deny the alternative system.

- D. The Health Officer may limit the number of permits for alternative designs to serve new development that are issued in the calendar year to not more than three of each design type. These limits will be removed if experience and water quality monitoring show that the systems of that design type do dispose of sewage without adversely affecting surface or groundwater quality for a minimum period of two consecutive years, with at least one of those years having average or above average annual rainfall at the location of system installation. If a permit for use of an alternative system is not approved due to limits on the annual number of systems approved, the completed application will remain valid for up to two years, and permits will be issued in chronological order based on the date that the application was deemed complete. The Health Officer shall withhold approval of additional permits for a particular design type, if experience indicates that the design is not meeting the standards set forth in this Section.
- E. As a condition to the approval of an alternative sewage disposal system the property owner shall enter into an agreement with the County of Santa Cruz acknowledging and accepting the requirements for use of a Nonstandard system as described in Sections 7.38.184 through 7.38.186.
- F. The alternative system design must be inspected during installation by the design consultant for conformance to the design. A certification in writing that the system as installed conforms to the approved design must be submitted by the consultant to the Health Officer prior to final approval of the installation and occupancy of the structure.
- G. The Health Officer shall establish specifications for: submittal of applications for use of an alternative system; evaluation and approval of the design; installation of the system; and ongoing maintenance and monitoring of the system.

7.38.184 NONSTANDARD SYSTEMS.

- A. Repairs Utilizing Nonstandard Systems. The Health Officer may approve the use of nonstandard system designs which are not in conformance with the standard system requirements specified in this Chapter for the repair of existing systems, provided measures are taken to ensure the proper function of such systems as specified in Section 7.38.184. E. Nonstandard systems include alternative systems, nonconforming systems and haulaway systems.
- B. Failing Systems. The Health Officer may allow the continued use of an existing system which has been discovered to fail, if due to site constraints, that system cannot be upgraded to meet the standards specified in Sections 7.38.095 through 7.38.182, and the owner/agent takes measures which will ensure the proper function of such system as specified in Section 7.38.184. E.
- C. Alternative Systems. All alternative systems serving new or expanded development as described in Section 7.38.182 shall be considered Nonstandard Systems and shall be required to meet the nonstandard system requirements specified in Section 7.38.184. E.
- D. Systems Subject to Prior Operating Permits. All systems, for which the Health Officer has previously notified the owner that an Operating Permit would be required, pursuant to the provisions of Chapter 7.38 in effect prior to adoption of this ordinance, shall be considered Nonstandard Systems subject to the requirements of Section 7.38.184. E.

- E. Requirements. Use of a nonstandard systems shall be subject to the following requirements:
1. The Health Officer shall record a Notice of Nonstandard System on the property as specified in Section 7.38.186.
 2. The property owner shall maintain the system, monitor system performance, utilize required water conservation measures, comply with any special requirements established as a condition for approval of that specific system and/or specified in the Notice of Nonstandard System, and if necessary, discontinue use of the disposal device and have the tank(s) pumped to prevent surfacing of effluent and maintain required separation from groundwater.
 3. Nonstandard systems shall be subject to regular inspection by the Health Officer to ensure that the above conditions are satisfied.
 4. If the system is not functioning satisfactorily and/or is not in compliance with requirements specified in the Notice of Nonstandard system, the property owner may be subject to a violation reinspection fee pursuant to Section 7.38.290 and will be required to upgrade the system and/or modify operation as necessary to ensure proper operation.
 5. Properties served by nonstandard systems shall be subject to an annual service charge under County Service Area No. 12, which shall be established by resolution of the Board of Supervisors to pay the costs of routine system inspections. Service charges may be levied by another sanitation entity if the property is located outside of County Service Area No. 12. The Health Officer may waive an annual charge for systems which meet all standards except adequate expansion area and which continue to perform adequately.
 6. The Health Officer shall establish policies and procedures for use of nonstandard systems.
- F. Owner Acceptance of Requirements. Before the Health Officer approves a permit for the use of a Nonstandard System, the owner of the property or an agent duly authorized by the owner to act on the owner's behalf, must enter into an agreement with the County of Santa Cruz acknowledging and accepting the requirements for use of a Nonstandard System as described above.
- G. Ongoing Maintenance and Monitoring. The Health Officer shall establish specifications and requirements for the ongoing maintenance and monitoring to ensure proper functioning of nonstandard sewage disposal systems that have been installed pursuant to this Section. These specifications and requirements may include, but are not limited to: requirement of regular monitoring, maintenance and service by a treatment system operator approved by the Health Officer; site specific monitoring and maintenance requirements; effluent testing; and, new technology upgrade necessary to meet the requirements of Sections 7.38.152, 7.38.182, and 7.38.184.

7.38.186 NOTICE OF NONSTANDARD SYSTEM.

- A. Requirement. A Notice of Nonstandard System shall be recorded by the Health Officer with the County Recorder's Office on the deed of any property served by an approved Nonstandard System as described in Section 7.38.184. The Notice of Nonstandard System will include the following information:
1. Description of the system characteristics and limitations which cause the system to be a nonstandard system, such as: inadequate disposal area, inadequate separation to seasonal groundwater, lack of expansion area, use of an alternative technology, requirement of sewage haulaway, or other condition not in compliance with requirements for a standard system as specified in Section 7.38.095 through 7.38.180 of this Chapter.
 2. Statement of the operating requirements to ensure proper performance of the Nonstandard System, such as: use of water conservation measures, monitoring of effluent levels in leachfield risers, pumping of a grease trap, shutting off of the disposal device when groundwater rises to a specified level, maintenance of a contract for tank pumping, etc.
 3. Specification of any restriction on system use or property use, such as limitations on amount of wastewater generated, restrictions on building additions, etc.
 4. Notification that County staff will conduct routine inspections of the system, as necessitated by the increased likelihood that a Nonstandard System might fail.

5. Notification that the property owner will be assessed an annual service charge on the property tax bill to cover the County costs of inspection and oversight.
 6. Statement that the Notice of Nonstandard System may be modified or expunged if the system is upgraded.
- B. Expungement. If the system is eventually upgraded under approved permit to meet the requirements for a standard system, the Health Officer shall, upon payment by the property owner of fees for expungement, record a Notice of Expungement of Nonstandard System with the County Recorder.
- C. Systems Subject to Prior Operating Permits. The Health Officer shall record a Notice of Nonstandard System on the deed of all properties for which the owner has previously been given notice that an operating permit would be required pursuant to provisions of this Chapter in effect prior to adoption of this ordinance. For properties against which an agreement to obtain an operating permit has already been recorded, the new Notice of Nonstandard System shall include provisions to abrogate the operating permit provisions that are no longer required by this Chapter. Prior to recording the new Notice of Nonstandard System, the Health Officer shall provide a notice of intent to record a Notice of Nonstandard System to the owner of the property. Notice shall be provided by mail at the address shown on the latest assessment roll or at any other address to the owner known to the Health Officer. The notice shall present the wording of the proposed Notice of Nonstandard System, and shall state that within twenty (20) days of the date of the notice, the owner may request a meeting with the Health Officer to present evidence that the system will meet the requirements for a standard system as specified in Sections 7.38.095 through 7.38.180. In the event that a meeting is not requested, or, in the event that after consideration of the evidence the Health Officer determines that the system is in fact a Nonstandard System, the Health Officer may record a Notice of Nonstandard System in the office of the County Recorder. The decision of the Health Officer shall be final.

7.38.190 LICENSING REQUIREMENTS. Except as hereinafter provided, construction or major repair of an individual sewage disposal system shall be made by a contractor with a C-42 contracting license, or an equivalent certificate issued by the Department of Professional and Vocational Standards. Provided, however, that a property owner may construct or repair a system on his own property, which system serves or will serve the building on said property that is neither being offered for sale nor intended to be offered.

7.38.200 INSPECTIONS: A copy of the building plans having the approved sewage disposal system design shall be kept available at the job site during system installation and until the system is approved by the Health Department. One or more inspections of each new installation shall be made by the Health Officer. All work authorized by the permit shall be inspected by the Health Officer to insure compliance with all the requirements of this Code. A request to the Health Department for inspection must be made during posted environmental health specialist office hours at least one business day in advance of the commencement of work. In the event the Health Officer determines there has been an improper installation, he or she may post a stop work order on the job site and before any further work is done on the site, clearance from the Health Officer must be obtained.

7.38.205 REVOCATION OR SUSPENSION.

- A. A permit issued pursuant to this chapter may be revoked or suspended by the Health Officer if a violation of this Chapter exists or if the permit was obtained by fraud or misrepresentation.
- B. The Health Officer may issue a Stop Work Order pursuant to Section 7.38.217 pending resolution of any proceeding to suspend or revoke a permit.
- C. The Health Officer shall conduct a hearing upon five (5) days notice to the permitted of the purpose, time and place of the hearing. The hearing shall be informal and the permittee may present opposition to the proposed suspension or revocation.
- D. The Health Officer shall give notice in writing of the suspension or revocation of a permit.

7.38.210 APPEAL FROM DENIAL. REVOCATION OR SUSPENSION.

- A. A person whose application for an individual sewage disposal permit has been denied, or whose permit once issued has been revoked or suspended, may within 10 days following the date on which the action was taken, file an appeal in writing with the Environmental Health Appeals Commission. Said appeal shall be accompanied by the filing fee established by resolution of the Board of Supervisors. Upon receiving an appeal, the Environmental Health Appeals Commission shall schedule the appeal for hearing at the earliest time possible thereafter that all members of the Commission can meet, and normally within twenty business days after the date that the appeal is filed.
- B. The appeal shall be made in writing and shall demonstrate that all of the following circumstances apply:
 - 1. The property clearly meets all standards of this Chapter and the regulations adopted thereto.
 - 2. The use of an individual sewage disposal system on the property is consistent with the intent of the General Plan, and with the Local Coastal Program Land Use Plan for parcels in the Coastal Zone, and with all applicable zoning provisions.
 - 3. The use of an individual sewage disposal system on the property does not pose any danger to the public health and safety.
 - 4. Approval of the appeal will not result in the granting of a special privilege.
- C. Upon receipt of the written appeal, the Health Officer shall cause a full report on the appeal to be made to the Environmental Health Appeals Commission. The report shall include all of the following:
 - 1. A statement of jurisdiction, showing the appeal was timely and properly filed.
 - 2. A copy of all relevant materials in the file of the Environmental Health Department relating to the appeal, including a copy of the permit application, and of any permit issues, and of any orders issued by the Department.
 - 3. An analysis of the appeal by the Health Officer, providing the Health Officer's recommendation with respect to the appeal, and specifically providing an analysis by the Health Officer with respect to all of the circumstances listed in Section 7.38.210 (B).
 - 4. A copy of all Code provisions relevant to the appeal, including those Code provisions relating to the authority and jurisdiction of the Environmental Health Appeals Commission.
- D. The report required by this section shall be presented to the members of the Environmental Health Appeals Commission as soon as possible after the appeal is filed, and no later than five days prior to the hearing date set, and a copy of the report shall be furnished to the appellant at the same time.
- E. After hearing the appeal, the Environmental Health Appeals Commission may either affirm, overrule, or modify the action of the Health Officer. The Commission shall not overrule or modify the action of the Health Officer unless it makes a finding, supported by substantial evidence, that the conditions specified in Section 7.38.210 (B) have been met.
- F. The action of the Environmental Health Appeals Commission on any matter appealed to the Commission shall be final.

7.38.215 INVESTIGATION: The County Health Officer may, upon reasonable cause to believe that a violation of any provision of this Chapter or a threat to the public health may exist, investigate to determine whether such a violation or threat does in fact exist. Inspections shall be conducted at reasonable times and the inspector shall first make a reasonable effort to contact the owner or occupant of the premises. If the inspection requires the entry into a building or an area that is designed for privacy, then prior permission shall be obtained from the owner or occupant. If permission is denied, then an inspection warrant shall be obtained.

7.38.217 STOP WORK ORDERS: Whenever any work is being done contrary to the provisions of this code, the Health Officer may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work

to be done or posted at the work site, and any such persons shall forthwith stop such work until authorized by the Health Officer to proceed with the work.

7.38.220 ABATEMENT ORDER: In the event the County Health Officer determines that a violation of the provisions of this Chapter exists, he or she may abate any sewage condition resulting there from as a nuisance, in accordance with the provisions of Chapter 1.14 of this Code.

7.38.280 CONFLICTING PROVISIONS: If any of the provisions of this Chapter conflict with any of the provisions of Chapter 11 of the Uniform Plumbing Code adopted as Section 12.10.090 of this Code, or any of the provisions of any other Section of this Code, heretofore or hereafter enacted, the provisions of this Chapter shall control unless expressly stated to the contrary.

7.38.290 VIOLATIONS:

- A. In the event of a violation of the provisions of this Chapter, the conditions of any permit issued under this Chapter, or any requirements specified in a Notice of Nonstandard System, the property owner/permitted shall be given notice of such violation and a reasonable time for its correction.
- B. If the violation has not been corrected or if the violation or any action constitutes a threat to human life or safety or welfare, then the Health Officer shall notify the property owner/permittee to suspend immediately use, of the sewage disposal system, and those uses of the real property which are likely to result in the generation of sewage.
- C. Whenever the Health Officer visits a property to ensure compliance with a permit condition, a requirement in a Notice of Nonstandard System, or a Notice to Correct Violation, and the condition or requirement is not satisfied or the violation has not been corrected, the property owner shall be subject to a violation reinspection fee, the amount to be established by resolution of the Board of Supervisors.

7.38.295 RECORDING NOTICES OF VIOLATION: Whenever the Health officer has knowledge of a violation of any of the provisions of this Chapter, any condition of a permit issued under this Chapter, or any term of an agreement executed under Section 7.38.182, she/he may provide a notice of intent to record a notice of violation to the owner of the property upon which the violation is located. Notice shall be provided by posting on the property and by mail at the address shown on the latest assessment roll or at any other address of the owner known to the Health Officer. The notice shall state that within twenty (20) days of the date of the notice, the owner may request a meeting with the Health Officer to present evidence that a violation does not exist. In the event that a meeting is not requested and the violation has not been corrected, or in the event that after consideration of the evidence the Health Officer determines that a code violation in fact exists, the Health Officer may record a notice of code violation in the office of the County Recorder. At the request of any affected property owner, the Health Officer shall issue a notice of expungement of code violation upon correction of any violation noticed hereunder. The notice of expungement may be recorded by the affected property owner at this or her expense. The decision of the Health Officer shall be final.

7.38.300 PROMULGATION OF POLICIES: Any policy, specification or procedure for which the Health Officer is authorized by this Chapter to adopt shall be in writing with copies made available to the public. Such policies, specifications or procedures shall be made available to the public thirty (30) days before their implementation by the Health Officer.

REV.ORD.#4220 [12/10/92]

REV.ORD.#4239 [section 7.38.094, C effective date 4/23/93, outside Coastal Zone].

REV.ORD.#4283 [Chapter 7.38 various sections effective date 1/14/94, outside Coastal Zone].

(New requirements to be implemented on interim basis in Coastal Zone, pending approval by State Coastal Commission)

REV.ORD.#4383 [Chapter 7.38 various sections relating to groundwater separation, enhanced treatment for fast percolating soils and large systems, and other minor changes, effective date January 20, 1996].

REV.ORD.#4440 [Chapter 7.38 relating to right-of-ways and lot size, natural soil, curtain drains, etc., effective date of 02/06/97].

REV.ORD.#4496 [chapter 7.38, relating to parcel size, easements, leachfield depth, nonstandard system maintenance, and other minor changes, effective date 2/26/01].

REV.ORD.#4497 [Chapter 7.38 relating to reutilization of existing systems, finding of compliance, soils test, and other minor amendments, effective date 7/9/98].