

ORDINANCE NO. (NEW SERIES)

AN ORDINANCE AMENDING THE SAN DIEGO COUNTY REGULATORY CODE RELATING TO THE RETITLING OF THE DEPARTMENT OF ENVIRONMENTAL HEALTH, DEFINING THE DUTIES AND AUTHORITIES OF THE POSITIONS OF DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL HEALTH AND QUALITY AND DIRECTOR OF ENVIRONMENTAL HEALTH, AND RELATED ACTIONS

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

Section 1. Purpose.

The Board of Supervisors finds and determines that the amendments made by this ordinance are intended to implement the retitling of the “Department of Environmental Health” to “Department of Environmental Health and Quality”, defining the duties and authorities of the Director of the Department of Environmental Health and Quality and the Director of Environmental Health, and related actions.

Section 2. Section 21.202 of the San Diego County Code is hereby amended to read as follows:

SEC. 21.202. PERMIT REQUIRED.

A community event requires a permit for which the County Department of Environmental Health and Quality (~~DEH~~Department) is the Issuing Officer. A community event less than four hours in duration, however, does not require a permit under this chapter. Community event permits are not subject to sections [21.101-21.117](#), but some of those sections as designated below, may be applied to this chapter.

Section 3. Section 21.203 of the San Diego County Code is hereby amended to read as follows:

SEC. 21.203. PERMIT APPLICATION REQUIREMENTS.

(a) An applicant for a community event permit shall submit an application at least 30 days before the first day of the proposed event on a form provided by ~~DEH~~the Department. With the application form the applicant shall also submit additional information required by ~~DEH~~the Department, depending on the type of event, to determine whether or not the applicant is entitled to a permit under this chapter.

(b) As part of the application process the applicant shall also provide:

- (1) Proof of the organization's nonprofit status,
- (2) Proof of insurance coverage, if required under section [21.205](#).

(c) The application shall not be deemed complete until all information required by paragraphs (a) and (b) have been submitted to ~~DEH~~the Department.

(d) ~~DEH~~The Department and other County departments from which ~~DEH~~the Department requests assistance may follow the investigatory procedures in section [21.107](#) and any other investigatory procedures they deem necessary to investigate the application.

Section 4. Section 21.204 of the San Diego County Code is hereby amended to read as follows:

SEC. 21.204. ISSUANCE OR DENIAL OF PERMIT.

(a) ~~DEH~~The Department may deny a permit for a community event if additional information required by ~~DEH~~the Department to make the application complete is not timely submitted.

(b) ~~DEH~~The Department may deny a permit for a community event based upon any of the grounds stated in section [21.108](#) or if it determines one of the following conditions may occur, which the applicant is unable to mitigate against:

(1) The event will cause an increase in the amount of pedestrian and/or vehicular traffic that will likely present a threat to public health or safety to event attendees, participants, area residents or others in the vicinity where the event is proposed to occur.

(2) The event will require diverting a significant number of law enforcement personnel from their normal duties that will likely prevent reasonable law enforcement protection to the community in the area where the event is proposed.

(c) ~~DEH~~The Department may also deny a permit for a community event if the applicant violated this code or State law during a previous community event and is unable to demonstrate to the satisfaction of ~~DEH~~the Department that it would not violate this code or State law if ~~DEH~~the Department were to issue a permit for the event.

(d) If ~~DEH~~the Department denies a community event permit it shall follow the procedures under section [21.110](#). An applicant denied a permit under this chapter may appeal by following the appeal procedure provided in sections [21.110\(a\)](#) and [21.116](#).

(e) ~~DEH~~The Department shall issue or deny the permit within 15 days after the application is complete.

Section 5. Section 21.206 of the San Diego County Code is hereby amended to read as follows:

SEC. 21.206. PERMIT REVOCATION.

(a) ~~DEH~~The Department may revoke a community event permit if it determines that:

(1) One or more of the applicable grounds for revoking a permit in section [21.112](#) exist,

(2) The permittee is unable to mitigate against the conditions in section [21.204\(a\)](#) that ~~DEH~~the Department found would likely occur, or,

(3) The permittee has violated or is violating this code or State law.

(b) If ~~DEH~~the Department revokes a community event permit it shall give notice in writing stating the reasons why the permit has been revoked. If under the circumstances ~~DEH~~the Department cannot provide notice before revoking a permit it shall provide notice as soon as practicable after the revocation occurs.

(c) A permittee whose permit is revoked may appeal by following the appeal procedure provided in sections [21.110\(a\)](#) and [21.116](#).

Section 6. Section 21.207 of the San Diego County Code is hereby amended to read as follows:

SEC. 21.207. LITTER CONTROL AND SITE RESTORATION.

As a condition of the permit the permittee shall be required to clean and restore the location where the event occurs, including the surrounding areas and any adjacent roadways to the same condition as existed before the event. If the permittee fails to comply with this condition the County may bill the permittee for any costs the County incurs for clean-up and restoration. A permittee's failure to comply with this condition may constitute additional grounds for ~~DEH~~the Department to deny a future permit or may result in the permittee being required to post security as a condition for approval of a future event permit.

Section 7. Section 21.504 of the San Diego County Code is hereby amended to read as follows:

SEC. 21.504. ADDITIONAL REASONS FOR APPLICATION DENIAL.

(a) A solicitor's license is subject to sections [21.101-21.117](#) and any additional conditions in this chapter. In addition to the grounds for denying a new or renewal license provided in sections [21.108](#) and [21.109](#) respectively, the Issuing Officer may deny a new or renewal license if the Issuing Officer determines:

(1) The applicant has been convicted of an offense requiring the applicant to register as a sex offender under Penal Code section 290 and notwithstanding the time that has elapsed since the conviction the applicant presents a threat to the safety of members of the public with whom a solicitor would likely come into contact.

(2) The applicant has been convicted of any offense requiring registration for violation of the Uniform Controlled Substances Act pursuant to Health and Safety Code section 11590 and notwithstanding the time that has elapsed since the conviction the applicant presents a threat to the safety of members of the public with whom a solicitor would likely come into contact.

(3) The applicant is addicted to any substance prohibited by the Uniform Controlled Substances Act (Health and Safety Code Section 11000 et seq.) unless the applicant is enrolled and successfully participating in a drug treatment program approved by the Court.

(b) If the applicant intends to sell or deliver any food and/or beverage item, the Issuing Officer shall not issue the applicant a solicitor's license unless the applicant has been issued a food facility permit from the County Department of Environmental Health and Quality. If the applicant intends to set up a temporary stand to sell or deliver any food and/or beverage the Issuing Officer shall not issue the applicant a solicitor's license until the applicant has also obtained clearance from the County Department of Planning and Development Services that the temporary food stand is not prohibited by County zoning regulations.

Section 8. Section 21.510 of the San Diego County Code is hereby amended to read as follows:

SEC. 21.510. SOLICITOR'S LICENSE REQUIREMENTS FOR CERTIFIED FARMER'S MARKET OPERATORS AND VENDORS.

(a) A certified farmers' market operator must obtain a solicitor's license under this chapter for non-certified farmers' market vendors to sell goods and services at the certified farmer's market in the unincorporated areas. The solicitor's license shall only apply to one specified location and shall not be transferrable. The license is effective for one year.

(b) (1) At least two (2) days prior to each certified farmers' market meeting, the operator is required to submit a list of all non-certified farmers' market vendors to the Sheriff's Licensing Division detailing the business name, address and intended items for sale.

(2) If a non-certified vendor has not been included in the operator's list to Sheriff's Licensing Division at least 48 hours prior to the market, the operator has discretion to allow the vendor to sell its goods or services at that one (1) meeting. The operator must notify Sheriff within a reasonable period of time of any vendor(s) who were not included on the list prior to the market meeting. Thereafter, that vendor may not participate in another certified farmers' market within the unincorporated areas unless the vendor is included on the Sheriff's list and approved by the Department. The operator shall ensure that any non-certified vendor who does not appear on the list is in compliance with the solicitor's ordinance and all other applicable permits, licenses and laws. Failure to follow this subsection is a violation of this chapter.

(c) Certified farmers' markets with three (3) or fewer non-certified vendors shall be exempt from the financial costs of the solicitor's license, but are required to comply with all reporting mechanisms included in this section. The operator will not be exempt from these costs if there are four (4) or more non-certified vendors at any two (2) events in a calendar year.

(d) All goods for sale at a certified farmers' market shall be limited to new or first-hand items only.

(e) The solicitor's license obtained by the certified farmers' market operator shall not take the place of any other required permit or license by the non-certified farmers' market vendor or the operator, including but not limited to a food facility permit by the Department of Environmental Health and Quality for the sale of food and/or beverage items.

(f) At all times, the Sheriff's Licensing Division shall have the authority to reject individual vendors based upon items and services for sale and public safety, in addition to those specified in section [21.504](#).

(g) Unless otherwise provided by law, this section shall not affect certified farmers' market producers.

(h) This section shall be effective on May 1, 2014.

Section 9. Section 52.102 of the San Diego County Code is hereby amended to read as follows:

SEC. 52.102. DEFINITIONS.

The following definitions shall apply to this chapter:

(a) "Director DEHQ" means the Director of the Department of Environmental Health and Quality and any person appointed or hired by the Director to administer or enforce this chapter.

(b) "Director PDS" means the Director of the Department of Planning and Development Services and any person appointed or hired by the Director to administer or enforce this chapter.

(c) "Mobilehome" has the same meaning as the term "mobilehome" in H & S Code section 18008.

(d) "Mobilehome park" has the same meaning as the term "mobilehome park" in H & S Code section 18214.

(e) "Special occupancy park" has the same meaning as the term "special occupancy park" in H & S code section 18862.43.

(f) "Street" has the same meaning as the term "street" in Vehicle Code section 590.

Section 10. Section 52.103 of the San Diego County Code is hereby amended to read as follows:

SEC. 52.103. DIRECTOR, DEPARTMENT OF ENVIRONMENTAL HEALTH AND QUALITY TO ENFORCE.

The Director DEHQ shall enforce H & S code sections 18200 applicable to mobilehome parks, H & S code section 18860 applicable to special occupancy parks and this chapter, in the unincorporated area of the County.

Section 11. Section 52.106 of the San Diego County Code is hereby amended to read as follows:

SEC. 52.106. CONSTRUCTION PERMITS AND OPERATING PERMITS.

(a) A permit to construct, reconstruct, alter or modify a mobilehome park required by H & S Code section 18500 or special occupancy park required by H & S Code section 18870 shall be processed by the Director PDS. The permit fee for any of these permits shall be paid to the Director PDS.

(b) No person shall operate a mobilehome park or special occupancy park except as provided in an operating permit issued by the Director DEHQ. To the extent allowed by State law, the Director may suspend or not renew the operating permit for a mobilehome park if that park has not been operated in substantial compliance with this chapter during the prior permit term.

(c) The fee for a mobilehome park construction permit shall be the applicable fee established pursuant to H & S Code sections 18502 and 18503. The fee for a special occupancy park construction permit shall be the applicable fee established pursuant to H & S Code sections 18870.2 and 18870.4.

(d) The fee for a mobilehome park operating permit shall be the annual operating permit fee established by H & S Code sections 18502 and 18502.5. The fee for a special occupancy park operating permit shall be the applicable fee established pursuant to H & S Code sections 18870.2 and 18870.3.

Section 12. Section 52.202 of the San Diego County Code is hereby amended to read as follows:

SEC. 52.202. DEFINITIONS.

The following definitions shall apply to this chapter:

(a) "Agricultural employee" has the same meaning as the term "agricultural employee" in California Labor Code section 1140.4(b).

(b) "Director DEHQ" means the Director of the County Department of Environmental Health and Quality.

(c) "Director PDS" means the Director of the County Department of Planning and Development Services.

(d) "Installation permit" means the permit issued by the Director PDS that authorizes the installation of a trailer coach regulated by this chapter.

(e) "Trailer coach" means a vehicle designed for human habitation or human occupancy for recreational, industrial, professional or commercial purposes, for carrying property on its own structure or for being drawn by a motor vehicle and includes a camper, camp trailer, house car, mobilehome whose tongue and axle have not been removed, park trailer, recreational vehicle, trailer, trailer coach and travel trailer as these terms are defined in the Health and Safety Code and the Vehicle Code.

Section 13. Section 52.210 of the San Diego County Code is hereby amended to read as follows:

SEC. 52.210. MANDATORY CONDITIONS.

No person using or occupying a trailer coach located outside a mobilehome park shall:

- (a) Fail to comply with all conditions contained in Health and Safety Code section 18550 and all regulations adopted pursuant to that section that apply to a mobilehome or a recreational vehicle located in a mobilehome park.
- (b) Erect, construct or maintain an accessory building, structure or external appurtenance used or designed to be used incidental to the use or occupancy of a trailer coach on the site on which the trailer coach is located, except that: (1) an awning, which complies with the requirements of regulations adopted pursuant to Health and Safety Code section 18552 may be attached to a trailer coach and (2) an accessory building or structure allowed on property located in a zone subject to the S-87 Limited Control Use Regulations, may be erected, constructed or maintained on the same property where a trailer coach is located.
- (c) Fail to establish a temporary connection to an onsite sewage disposal system permitted by Director DEHQ unless the trailer coach the person is occupying is equipped with self-contained sanitary facilities which the Director DEHQ has determined are adequate or unless sanitary facilities deemed adequate by the Director DEHQ are located within 200 feet of where a trailer coach is placed and are available for use by any occupant of the trailer coach. If the sanitary facilities cease being available, continued use or occupancy of a trailer coach on a site is unlawful.
- (d) Establish a permanent connection to a water, gas or electricity source or to any sewer system or sewage disposal facility.
- (e) Place or maintain a trailer coach at a location on property other than where designated on a plot plan approved by the Director PDS.
- (f) Engage in any conduct that violates State Law, this code or the Zoning Ordinance.
- (g) Fail to have a Director DEHQ approved potable or domestic water supply when required by the Director DEHQ.

Section 14. Section 61.101 of the San Diego County Code is hereby amended to read as follows:

SEC. 61.101. PURPOSE AND APPLICABILITY.

Part 7 of Division 104 of the California Health and Safety Code (HSC) (sections 113700 et seq.), also referred to as the California Retail Food Code (CRFC), provides Statewide health and sanitation standards for retail food facilities. These sections allow a county to establish some local requirements for retail food facilities and their employees. These sections also provide that a local enforcement agency shall have primary enforcement responsibility for the State regulations in its jurisdiction. The purposes of this Division are to clarify and explain the CRFC for local implementation where necessary, to adopt additional regulations for retail food facilities and their employees to protect the public health and safety in San Diego County, to codify and amend a long-standing County program to regulate caterers, and to appoint the ~~Department~~ Director of Environmental Health to enforce State and County regulations for retail food facilities and their employees.

Because they are not based on the CRFC, the food facility grading and food handler requirements in this Division (at sections [61.107](#), [61.108](#), [61.114](#) and [61.115](#)) are directly applicable only in the unincorporated portions of San Diego County. However, parallel provisions have been enacted in all of

the incorporated cities in the County. Because private event catering is not retail food service as defined in the CRFC, requirements applicable to caterers when preparing and serving food at private events (in [Chapter 3](#) of this Division) are based on County general powers in the unincorporated area (California Constitution, article 11, section 7), and on parallel city ordinances and on State-law health officer powers in incorporated cities. The substantive content of those requirements is based on the CRFC.

Because ~~DEH~~the Director is the environmental health officer in all incorporated cities in the County (as authorized by State law and by agreement with each city), parallel city ordinance provisions for food facility grading, food handlers and private event caterers are also administered and enforced by ~~DEH~~the Director. All other provisions of this Division, including all provisions applicable to direct-sales caterers, implement the CRFC and apply County-wide pursuant to the CRFC. All requirements in this Division are administered and enforced by ~~DEH~~the Director.

This Division does not override any local land use requirement or limitation, or any local regulation on where mobile food facilities may operate.

Section 15. Section 61.102 of the San Diego County Code is hereby amended to read as follows:

SEC. 61.102. DEFINITIONS.

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

"CRFC" means the California Retail Food Code, which is codified in the California Health and Safety Code

~~"DEH"~~ or "Department" means the County Department of Environmental Health and Quality.

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

"Equipment" has the same meaning as the term "equipment" in HSC section 113777.

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

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

"Food" has the same meaning as the term "food" in HSC section 113781.

"Food equipment rental establishment" means an establishment that provides food service equipment or utensils such as dishes, tableware, pots and pans to food facilities, catering operations, or to the public. Food equipment rental establishments are food facilities under the CRFC. (HSC section 113789(a)(2).)

"Food facility" has the same meaning as the term "food facility" in HSC section 113789, and also includes a "catering operation" or "catering facility" and a "catering host facility" as defined in Chapter 3 of this Title.

"Food handler" means a person who prepares, handles, packages, serves or stores food or handles utensils, or assists another person in any of those tasks at a food facility that requires a permit pursuant to this chapter.

"HSC" means the California Health and Safety Code.

"Imminent health hazard" has the same meaning as the term "imminent health hazard" in HSC section 113810.

"Minimal food preparation facility" means for purposes of section 65.107(a), a retail food facility that only serves frozen ice cream, hot dogs, beverages that are not potentially hazardous, coffee or cocoa based beverages that may contain cream, milk or similar dairy products requiring no preparation other than heating, blending, assembly, scooping or dispensing. A minimal food preparation facility also includes an Alcoholic Beverage Control license type 42 or 48 facility, as long as that facility does not engage in slicing, chopping or grinding of raw potentially hazardous foods, reheating for hot holding, washing of foods, or cooking, baking, barbecuing, broiling, frying or grilling any food.

"Minor Remodel" means renovations, including equipment changes or additions that do exceed 300 square feet of remodel area.

"Miscellaneous Food Facility" means a facility with 25 square feet or more of food display area (including Candy Stores, Concession Stands, Host Facilities, and Prepackaged Non-Potentially Hazardous Foods), and for Swap Meet Vendor without Temporary Event Organizer (as defined in California Health and Safety Code section 114335(a)), Catering Equipment Rentals and Retail Food Delivery (delivery of food made at a retail food facility to another location by a person other than an employee of the retail food facility where the food was prepared), and Satellite Food Service Operation (that is operating in accordance with Sections 113899 and 114067 of the California Retail Food Code).

"Multiple Kitchen Complex Operation" means any establishment used as a place of business for the purpose of leasing, renting, or otherwise providing individual commercial kitchen space to independent retail food facility operations, where that space is not used or shared by another operator. Common shared infrastructure such as restroom facilities, janitorial facilities, dry food storage, and refrigerated and/or frozen food storage is provided for each individual tenant to use.

"Prepare" means to package, process, assemble, portion or engage in any operation that changes the form, flavor or consistency of food, but does not include trimming produce.

"Ready-to-eat food" has the same meaning as the term "ready-to-eat food" in HSC section 113881.

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

"School Auxiliary Facility" means an educational facility that is serviced by a School Food Processing Facility, or other permitted food facility, and conducts processes that include but are not limited to dispensing, reheating, and storage of potentially hazardous foods. Auxiliary Facilities may open prepackaged food as necessary to stock an onsite salad bar. All other food preparation must be conducted at a School Food Processing Facility.

"School Food Processing Facility" means an educational facility that conducts full processing including, but is not limited to, handling, preparing, assembling, cooking, cooling, and reheating of potentially hazardous foods; washing and slicing of produce. This site may be a stand-alone site, or a centralized location that services multiple auxiliary kitchens.

"Tableware" has the same meaning as the term "tableware" in HSC section 113926.

"Utensil" has the same meaning as the term "utensil" in HSC section 113934.

Section 16. Section 61.103 of the San Diego County Code is hereby amended to read as follows:

SEC. 61.103. DEPARTMENT OF ENVIRONMENTAL HEALTH AND QUALITY TO ENFORCE RETAIL FOOD REGULATIONS.

~~DEH~~The Department shall be the local enforcement agency for the CRFC and the regulations adopted in this Division, and for parallel food facility grading, food handler, and caterer requirements adopted by cities within the County.

Section 17. Section 61.104 of the San Diego County Code is hereby amended to read as follows:

SEC. 61.104. PERMIT REQUIRED FROM DEPARTMENT OF ENVIRONMENTAL HEALTH.

(a) A person who is required to obtain a food facility permit pursuant to the CRFC shall submit an application for the permit to ~~DEH~~the Department on a form provided by the ~~department~~Department. Restaurant operators with a food facility permit may cater private events without an additional permit. All other catering requires a catering permit. The application for a permit shall be accompanied by the annual permit fee, if any, required in Title 6, Division 5, Chapter 1. (See County Code section 65.107(a).) Where a plan check or plan consultation is required, the time-based fee specified in Title 6, Division 5, Chapter 1 must be paid before a permit or other approval to operate is issued. (See County Code section 65.107(m).)

(b) A person organizing a community event or swap meet at which any food vendor claims exclusion from "food facility" status pursuant to Health and Safety Code 113789(c)(4) (i.e., based on operation of the event for the benefit of a non-profit, and the absence of any monetary benefit to the for-profit food vendor other than that resulting from recognition from participating in the event) shall submit with the application for an organizer's permit for the event one of the following:

(i) A certification by an individual authorized to represent the organizer, sworn under penalty of perjury under the laws of the State of California, identifying each vendor claiming this exclusion, and stating that the signatory has confirmed after reasonable inquiry that the organizer has procedures in place to collect all revenues received by those vendors in excess of each vendor's direct costs of participating in the event, and has procedures in place to remit those excess revenues, less any contractual fee retained by the organizer, to the non-profit beneficiary of the event.

(ii) Certifications by individuals authorized to represent each vendor claiming this exclusion, sworn under penalty of perjury under the laws of the State of California, stating that the vendor had procedures in place to determine its event revenues in excess of its direct costs of participating in the event, and will remit those excess revenues if any either directly to the non-profit beneficiary of the event, or to the organizer for distribution to non-profit beneficiary.

(c) Pursuant to Health and Safety Code section 114390(b)(1), the Director may require any food vendor doing business at an event without a temporary food facility permit or a statement as set out in subsection (b) on file with ~~DEH~~the Department to provide documentation of receipts, expenses, and remittances to the non-profit beneficiary of that event sufficient to show eligibility for exclusion for that event under Health and Safety Code section 113789(c)(4).

Section 18. Section 61.105 of the San Diego County Code is hereby amended to read as follows:

SEC. 61.105. PENALTY FOR ACTIVITIES WITHOUT A PERMIT.

When ~~DEH~~the Department initiates an enforcement action against a person operating a food facility without a permit required by the CRFC the ~~department~~Department may recover its enforcement costs from the violator, up to a maximum of three times the cost of the permit. After the enforcement activity has been completed, ~~DEH~~the Department may send the violator a penalty assessment for its enforcement costs. The violator shall pay the assessment within 15 days from the date of the assessment or at the time the violator applies for the permit, whichever occurs first.

Section 19. Section 61.106 of the San Diego County Code is hereby amended to read as follows:

SEC. 61.106. PLAN REVIEW FEE.

A person required to submit written plans and specifications to ~~DEH~~the Department pursuant to Health and Safety Code section 114380 shall pay the plan review fee required in Title 6, Division 5 at the time the person submits plans and specifications. If more than one plan review is required, the applicant shall also pay the plan revision and plan check consultation fees specified in that Division.

Section 20. Section 61.107 of the San Diego County Code is hereby amended to read as follows:

SEC. 61.107. GRADING SYSTEM FOR CERTAIN FOOD FACILITIES.

(a) The Director may adopt regulations to grade permanent or mobile food facilities that prepare ready-to-eat food, using a letter grade system. The grading system may be used during any inspection ~~DEH~~the Department conducts. An "A" grade shall represent a score of 90 percent or higher. A "B" grade shall represent a score of 80 to 89 percent. A "C" grade shall represent a score less than 80 percent. ~~DEH~~The Department shall issue an alphabetical grade card to each food facility graded during an inspection pursuant to this section and shall provide the permit holder with a list of deficiencies found during the grading inspection. If ~~DEH~~the Department determines from the inspection, however, that the facility presents an imminent health hazard that warrants immediate closure ~~DEH~~the Department shall not issue the facility a grade card.

(b) ~~DEH~~The Department may order a food facility permit holder receiving a grade of "B" or "C" to submit to subsequent re-grade inspections within 30 days, until the facility receives an "A" grade. ~~DEH~~The Department may also order a permit holder to correct a deficiency found during an inspection in less than 30 days. The permit holder shall pay ~~DEH~~the Department a re-grade fee at the time of each re-grade inspection, as specified in Title 6, Division 5, Section 65.107 (d).

(c) ~~DEH~~The Department may use information obtained during an inspection pursuant to this section to temporarily suspend a food facility permit and order a food facility to immediately close due to an imminent health hazard that cannot be immediately corrected. ~~DEH~~The Department may also use the information obtained during an inspection to modify, suspend or revoke the food facility's permit.

(d) If ~~DEH~~the Department determines that a food facility should be ordered to show cause at a hearing why its permit should not be suspended or revoked, ~~DEH~~the Department may require the facility to post a specified alternative notice instead of a grade card, until that hearing process is concluded and a decision concerning the permit is rendered.

(e) If ~~DEH~~the Department determines that the public should be informed of temporary conditions affecting a food facility, such as a boil water order or a closure order for only a portion of the facility,

~~DEH~~the Department may require the facility to post a specified notice, and may direct that such posting be maintained either instead of or in addition to posting a grade card.

(f) Violations of the requirements of this code related to food facility grading shall be subject to the penalties and procedures set out in Division 8 of Title 1 of this code.

Section 21. Section 61.108 of the San Diego County Code is hereby amended to read as follows:

SEC. 61.108. ALPHABETICAL GRADE CARD TO BE POSTED.

(a) The permit holder of a permanent or mobile food facility that prepares ready-to-eat food shall post the alphabetical grade card ~~DEH~~the Department issues, or any alternative notice specified by ~~DEH~~the Department pursuant to Section [61.107](#), whenever the facility is open for business. The grade card or alternative notice shall be posted so that it is clearly visible to patrons of the facility so that statements on the card may be read.

(b) If the food facility is enclosed, the permit holder shall post the grade card or alternative notice: (1) in the front window of the facility, (2) in an accessible display case mounted on the outside of the front door, (3) in an accessible display case mounted on the outside front wall of the facility within five feet of the front door or (4) in some other location ~~DEH~~the Department approves. If the food facility has a drive-through feature, the permit holder shall also post the grade card or alternative notice at the drive-in pickup window of the facility.

(c) If the food facility is not enclosed, the permit holder shall display the grade card or alternative notice in a location clearly visible to any patron of the facility. ~~DEH~~The Department may require the permit holder of an unenclosed facility to display the grade card or alternative notice in a specific location.

(d) The permit holder shall protect the alphabetical grade card or alternative notice from damage by weather conditions and shall not allow the card or alternative notice to be defaced, marred, camouflaged or hidden so as to prevent the general public from observing it. The permit holder shall request a new card or alternative notice from ~~DEH~~the Department within one business day of the grade card or alternative notice being damaged, marred, altered or lost.

Section 22. Section 61.109 of the San Diego County Code is hereby amended to read as follows:

SEC. 61.109. HEARING REQUESTED BY PERMIT HOLDER OR DEPARTMENT OF ENVIRONMENTAL HEALTH; APPEALS.

(a) If a permit holder requests a hearing within 15 days after receiving notice that ~~DEH~~the Department proposes to suspend or revoke a food facility permit pursuant to the CRFC, or if ~~DEH~~the Department temporarily closes a food facility for an imminent health hazard, the Director shall schedule a hearing. The Director shall also schedule a hearing when ~~DEH~~the Department proposes to modify, suspend or revoke a permit for serious or repeated violations of the CRFC. A hearing pursuant to this section shall be with a ~~DEH~~Department employee, at the supervisor level or higher, who was not involved in the decision to propose to modify, suspend or revoke the permit or to temporarily close the facility.

(b) The permit holder may appeal the decision made at the hearing to the Appellate Hearing Board as provided in Chapter 1 of Division 6 of Title 1 of this Code. Filing an appeal shall stay the decision of the ~~DEH~~Department hearing officer, unless the ~~DEH~~Department hearing officer determined that an imminent health hazard required closure of the facility.

(c) The Clerk shall endeavor to schedule the appeal hearing on an expedited basis if the food facility must remain closed until that appeal is heard.

Section 23. Section 61.110 of the San Diego County Code is hereby amended to read as follows:

SEC. 61.110. ADMINISTRATIVE PROBATION.

(a) A permit holder and ~~DEH~~the Department may enter into a written administrative probation agreement to modify a decision by a departmental hearing officer to suspend a permit.

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

Section 24. Section 61.112 of the San Diego County Code is hereby amended to read as follows:

SEC. 61.112. INSPECTIONS AND TRACKING MOBILE FOOD FACILITIES.

(a) A mobile food facility permit holder shall pass an annual certification inspection at the same time the permit holder renews the annual permit or at a later date that ~~DEH~~the Department designates. A mobile food facility permit holder that passes inspection shall be issued a certification sticker, which the permit holder shall display on the mobile food facility at all times. If the mobile food facility permit holder fails to timely complete the annual inspection process the permit holder shall pay a late fee of 50% of the cost of the permit. No person shall operate or allow another person to operate a mobile food facility unless the facility passes the annual inspection. The mobile food facility may also be inspected in the field as authorized by the Director.

(b) The Director may establish a program to ensure that Mobile Food Facilities can be efficiently located in the field for inspections and grading, and may implement that program through permitting conditions.

A current list of locations at which a mobile food permit holder will operate shall be submitted to ~~DEH~~the Department along with a current cell phone number. ~~DEH~~The Department shall be notified in a timely manner whenever a change is made.

Section 25. Section 61.113 of the San Diego County Code is hereby amended to read as follows:

SEC. 61.113. RENTING OR LEASING EQUIPMENT AND UTENSILS.

(a) No person shall rent or lease equipment, tableware or utensils to a food facility, catering operation, or to the public without a miscellaneous food facility permit issued by ~~DEH~~the Department for that operation.

(b) No person shall rent or lease equipment, tableware or utensils to a food facility, catering operation, or to the public unless it complies with the following requirements:

(1) The equipment is stored in a building that complies with the requirements the CRFC requires a food facility to comply with for storing equipment in a building.

(2) The tableware and utensils have been cleaned and sanitized by the same methods the CRFC requires a food facility to follow.

Section 26. Section 61.114 of the San Diego County Code is hereby amended to read as follows:

SEC. 61.114. FOOD HANDLER REQUIREMENTS.

(a) Except as provided in subsection (f) of this section no person shall employ a person as a food handler in a food facility unless the food handler: (1) has been issued a current food handler training certificate as provided in subsection (b) or (c) of this section, or (2) is supervised by a food safety certified owner or employee pursuant to the CRFC and has passed a food handler test, as described in subsection (d) below. A person may employ a food handler, however, who for the first ten days of employment has not passed the food handler test.

(b) A person the Director authorizes may issue a food handler training certificate to a person who successfully completes a three hour food sanitation training course and scores a grade of 80% or higher on a proficiency test, provided the Director approves the instructor, the course and the test. The person seeking ~~DEH~~ authorization from the Department to issue certificates shall pay the fee specified in section [65.107](#) of this code. To be approved, the course of instruction shall include all of the following subjects:

- (1) Major causes of foodborne illness.
- (2) Time and temperature control of potentially hazardous foods.
- (3) Proper employee health and hygiene practices.
- (4) Methods to protect food from contamination.
- (5) Required consumer advisories.
- (6) Approved food sources.
- (7) Washing and sanitizing of utensils and equipment.
- (8) Pest control.

(c) A food handler training certificate shall be valid for three years from the date it is issued. A person issued a food handler training certificate continuing employment at the food facility shall obtain a new certificate every three years. The Director or a person the Director authorizes may renew a food handler training certificate for additional three year periods if the food handler is trained and able to obtain a score of 80% or higher on the proficiency test at renewal time. The Director may also require a person with a food handler training certificate to retake the training certificate course or retake and pass the proficiency test after less than three years from the date the certificate is issued.

(d) A food safety certified owner or employee, after covering fundamental principles of food safety practices, may administer a food handler test that the Director prepares. A grade of 80% or higher is a passing grade. The food handler's passing test score shall be valid for three years from the test date or until the food handler ceases working as a food handler at the facility. A food handler continuing employment at the facility shall obtain a passing grade on the food handler test every three years. The Director may require a food handler to retake the test after less than three years.

(e) Until December 31, 2014, the Director may renew a food handler training certificate issued pursuant to subsections (b) or (c) of this section for an additional three year period without further instruction if the food handler is able to obtain a score of 80% or higher on a proficiency test proctored by the Department. A renewal certificate obtained based on a Department-proctored proficiency test may be used at any food facility. The Director may require a food handler to retake the test after less than three years. If the food handler is unable to achieve a score of 80% on the test, the food handler

shall repeat a food handler training certificate course under subsection (b) of this section and pass the proficiency test in order to obtain a renewal certificate.

(f) Notwithstanding the requirements of this section, the Director may allow the owner or operator of a temporary food facility to employ a food handler who does not have a current food handler certificate or who has not passed the food handler test within the last three years if: (1) the temporary food facility complies with H & S Code section 113947.1(c) and (2) the food handler is able to demonstrate adequate knowledge of food safety principles related to the operation of the temporary food facility. If a temporary food facility operator has passed the approved and accredited food safety certification examination specified in H & S code sections 113947.2 and 113947.3 the temporary food facility may apply for an annual temporary food facility permit rather than having to obtain a temporary event permit for each temporary event the facility participates in.

Section 27. Section 61.211 of the San Diego County Code is hereby amended to read as follows:

SEC. 61.211. WHOLESALE FOOD WAREHOUSES.

Sections 61.211 through Section [61.256](#) are to be known as the Wholesale Food Warehouse Ordinance.

The Department of Environmental Health and Quality shall be and is hereby authorized and empowered to make inspections and issue permits to the owners and/or operators of wholesale food warehouses that hold or distribute food at wholesale.

Section 28. Section 61.212 of the San Diego County Code is hereby amended to read as follows:

SEC. 61.212. DEFINITIONS.

Whenever in this article the following terms are used, they shall have the meanings respectively ascribed to them in this section:

(a) **ADULTERATED.** Having been made impure by the addition of any poisonous or deleterious substance; or in the case of food, foodstuffs that have been produced, prepared, packed or held under insanitary conditions whereby it may have become contaminated or rendered unwholesome, diseased or injurious to health.

(b) **APPROVED.** Acceptable to the Director based upon a determination of conformity with applicable laws, or in the absence of applicable laws, with current public health principles, practices and generally recognized industry standards that protect the public health.

(c) **APPROVED SOURCE.** A producer, manufacturer, distributor, or food establishment that is acceptable to the Director based on the determination of conformity with applicable laws, or in the absence of applicable laws, with current health principles and practices, and generally recognized industry standards that protect public health.

(d) **DEPARTMENT.** For the purposes of this chapter, “Department” shall mean the Department of Environmental Health and Quality.

(e) **DIRECTOR.** For the purposes of this chapter, "Director" shall mean the Director of ~~the Department of Environmental Health of San Diego County and his/her~~ their designees.

(ef) **EMBARGO.** The legal control exercised by the Director over the use, sale, disposal or removal of any food.

(fg) EMPLOYEE. Any person working in a wholesale food warehouse, including managers and/or owners.

(gh) FOOD. Any raw or processed substance, ice, beverage, including water, or ingredient intended to be used as food, drink, confection or condiment for human or animal consumption.

(hi) GOOD MANUFACTURING PRACTICES. The practices for manufacturing, packing, or holding food described in Title 21 of the Code of Federal Regulations, Part 110.

(ij) IMMEDIATE DANGER TO THE PUBLIC HEALTH OR SAFETY. For the purposes of this section, any condition, based upon inspection findings or other evidence, that can cause food infection, food intoxication, disease transmission; a hazardous condition, including, but not limited to, unsafe food temperature, sewage contamination, no potable water supply, and vermin infestation; or an employee who is a carrier of a communicable disease. Any food facility for which the permit is suspended shall close and remain closed until authorized to reopen by the Director or Health Officer.

(jk) IMPOUND. The legal control exercised by the Director over the use, sale, disposal or removal of any equipment or utensil.

(kl) POTENTIALLY HAZARDOUS FOOD. Any food that is capable of (1) supporting rapid and progressive growth of infectious or toxigenic microorganisms that may cause food infections or food intoxications or (2) supporting the growth or toxic production of *Clostridium botulinum*. "Potentially hazardous food" does not include foods that have a pH level of 4.6 or below; foods that have a water activity (a_w) value of 0.85 or less under standard conditions; food products in hermetically sealed containers processed to prevent spoilage; or food that has been shown by appropriate microbial challenge studies, the results of which are approved by the Director, not to support the rapid and progressive growth of infectious, toxigenic microorganisms that may cause food infections or food intoxications, or the growth of *Clostridium botulinum*.

(lm) REMODEL. For purposes of this chapter, remodel means any replacement, significant modification, or installation of walk-in refrigerators or freezers, toilet rooms, and sinks used for utensil washing.

(mn) WHOLESALE FOOD WAREHOUSE. Any place, building, structure, room or portion thereof, where food is commercially distributed, stored, or held for transfer. "Wholesale Food Warehouse" does not include food processing establishments, retail food facilities, or warehouses where only packaged beverages or food in sealed cans or bottles is received, stored and shipped in the same package as received, without opening or modifying the original package.

Section 29. Section 61.216 of the San Diego County Code is hereby amended to read as follows:

SEC. 61.216. PLAN REVIEW AND PERMITS.

Any person proposing to build or remodel a wholesale food warehouse shall submit complete construction plans, drawn to scale, and specifications to the ~~Environmental Health~~ Department for review and approval before starting construction or remodeling. Any construction shall be in accordance with applicable health and building codes. The Building Department shall not issue a building permit for a wholesale food warehouse until after it has received approval by the ~~Environmental Health~~ Department. Those facilities constructed prior to January 1, 2003 shall not be subject to plan review and construction upgrades unless the equipment, building or facilities are in disrepair, creating a public health nuisance, or undergoing remodeling.

Section 30. Section 61.302 of the San Diego County Code is hereby amended to read as follows:

SEC. 61.302. DEFINITIONS.

- (a) "Approved food preparation" means food preparation approved by ~~DEH~~the Department pursuant to subsections (b) and (c) of section [61.303](#), as part of a caterer's standard operating procedures for additional food preparation at an event site or host facility.
- (b) "Caterer" means a catering facility operator or restaurant operator, when catering.
- (c) "Catering" means the preparation of food in a permitted kitchen at one location combined with the delivery, additional approved food preparation, and service of that food at a separate location. "Catering" does not include the activities excluded in section [61.301](#) of this chapter.
- (d) "Catering facility" and "catering operation" mean all of the facilities, equipment, utensils and activities directly used by a caterer to store, prepare, transport, finish and serve catered food or used by the caterer to store or clean catering-related utensils or equipment. Facilities and equipment rented to a caterer are part of the catering operation while in the possession of the caterer. A catering facility or catering operation is a "food facility" subject to the CRFC and this chapter when operated for direct-sales catering, and is a food facility subject to this chapter when operated for food service at a private event.
- (e) Overhead protection adequate enclosures must be provided during food preparation. (HSC section 114067).
- (f) "Catering host facility" means a fixed facility established and regularly operated for purposes other than food service, that meets the requirements of section [61.307](#) and obtains the permit required by section [61.303](#). Direct-sales catering food service may only occur at a permitted catering host facility that meets the requirements of section [61.307](#) at the time the catered food is served.
- (g) "Catering vehicle" means a "transporter" as defined in HSC section 113932, when used to transport food, beverages and related food preparation and food serving equipment and utensils to or from a catered function.
- (h) "Department" means the Department of Environmental Health and Quality.
- (i) "Director" means the Director of Environmental Health and their designees.
- (j) "Direct-sales catering" means any catering where food is sold or served to individual consumers as members of the public, i.e., all catering other than private event catering. Direct-sales catering is only allowed at a permitted catering host facility that meets the requirements of section [61.306](#) at the time the catered food is served.
- (~~k~~) "Private event catering" means catering where food is served to a predetermined number of guests invited to an event by a sponsor or organizer. Provided that the requirements in subsection (a) of section [61.305](#) are met, "private event catering" also includes catering at a "social function" or "sponsored commercial function."
- (~~l~~) "Social function" means a sponsored pre-arranged gathering of people, who come together based on a common interest other than the food to be served at the social function, during which catered food is served to a pre-determined maximum number of people. An example would be a catered affinity club meeting, or a catered charity benefit event. A "community event" as defined in HSC section 113755 is not a "social function." (Food service at a "community event" is regulated as provided in the CRFC.)

(~~km~~) "Sponsored commercial function" means a function other than normal daily business operations at a commercial establishment or at beer or wine tasting premises (even if locally zoned as "industrial" or "agricultural"), during which catered food is served to a predetermined maximum number of people. An example would be a special event with food service to introduce a new vehicle to potential customers at a car dealership, or a monthly meeting of a winery's "wine club" at that winery. A "community event" as defined in HSC section 113755 is not a "sponsored commercial function." (Food service at a "community event" is regulated as provided in the CRFC.)

Section 31. Section 61.303 of the San Diego County Code is hereby amended to read as follows:

SEC. 61.303. CATERING PERMIT AND HOST FACILITY PERMIT REQUIREMENTS.

(a) All catering permits issued by ~~DEH~~the Department prior to the effective date of this ordinance, and all catering permits not designated by ~~DEH~~the Department as direct sales catering permits, are private event catering permits. No person shall engage in private event catering without a valid restaurant permit, private event catering permit, or direct sales catering permit. No person shall engage in direct-sales catering without a direct-sales catering permit. No person shall allow direct-sales catering at their facility without a valid catering host facility permit. Applications for private event catering permits, direct-sales catering permits and host facility permits must be made on a form or forms provided by ~~DEH~~the Department, and the applicable permit fees (if any) set out in section [65.107](#) of this code must be paid.

(b) The permit application for any catering permit shall require a written description of catering activities the applicant will undertake and the equipment and standard operating procedures the operator proposes to use. A restaurant engaged in private event catering must provide the same information to ~~DEH~~the Department upon request. At a minimum, the applicant or restaurant must propose equipment and operating procedures that meet the requirements set out in this Chapter for the type of catering to be conducted.

(c) The Director may deny a catering facility permit to any applicant if the catering equipment or the standard operating procedures for food preparation and service at the kinds of catered functions described by the applicant in the permit application do not comply with this Chapter or are insufficient to ensure food safety.

(d) Catering may not be conducted under a temporary food facility permit. The sale or distribution of food under a temporary food facility permit (aka "temporary event permit" or "annual temporary event permit") is limited to community events and swap meets. (A temporary food facility is subject to different standards than a caterer, as set out in the CRFC.)

(e) A private event catering permit or restaurant permit may only be used to prepare and serve food at private events, including social functions and sponsored commercial functions that qualify as private events.

(f) A direct-sales catering permit may be used to prepare and serve food at private events (including qualifying social functions and sponsored commercial functions), and to prepare, serve, and sell food at permitted catering host facilities.

(g) A catering host facility permit does not allow direct sales catering at the host facility by private event caterers or by restaurants that do not have a direct-sales catering permit, except at a private event.

(h) Catering permits and catering host facility permits may be modified, suspended, or revoked as provided in the CRFC for all food facility permits.

Section 32. Section 61.304 of the San Diego County Code is hereby amended to read as follows:

SEC. 61.304. OPERATIONAL REQUIREMENTS AND PROHIBITIONS APPLICABLE TO ALL CATERERS.

- (a) A catering facility operator may not directly or indirectly sponsor a private event, social function or sponsored commercial function at which that caterer prepares or serves food, and may not have a substantial ownership interest in a host facility at which that caterer sells food.
- (b) In addition to meeting the requirements set out in this chapter, caterers when catering must consistently use the equipment and implement and maintain the operating procedures approved (or modified and then approved) by the Director.
- (c) Prior to any catered function and prior to any catered food service at a catering host facility, all food shall be prepared at the permitted food facility identified in the caterer's permit application and approved by ~~DEH~~the Department for use by that caterer. (HSC Sections 113980 and 113984).
- (d) All food to be catered shall be stored at the permitted food facility or approved commissary identified in the caterer's permit application and approved by ~~DEH~~the Department for use by that caterer.
- (e) No person or company shall operate or cause to be operated a catering vehicle without complying with the following:
 - (1) Such person or company shall have a valid caterer's permit or other health permit as required in Sec. [61.104](#) of this chapter.
 - (2) Foods and food containers shall be carried in compartments with cleanable interior surfaces.
 - (3) Vehicles shall be maintained in a clean and sanitary condition.
 - (4) Compartments used to carry potentially hazardous foods shall be capable of maintaining potentially hazardous foods at or below 41 degrees Fahrenheit or at or above 135 degrees Fahrenheit.
- (f) Prepared foods must be held in closed food compartments until served. (A covered chafing or similar dish qualifies as a closed compartment.) (HSC section 114067).
- (g) Prior to any catered function, all utensils and equipment shall be washed and stored at the caterer's permitted food facility, or at a food equipment rental establishment that meets the requirements of the CRFC and section [61.103](#) of this chapter. Prior to transportation, all utensils shall be sanitized as specified in the CRFC. (HSC 114095 - 114109.)
- (h) Utensils and equipment shall be protected from contamination.
- (i) Utensils that become contaminated during food preparation or service may not be reused unless cleaned and sanitized using sinks and procedures that meet the requirements of HSC sections 114099 and 114099.2.
- (j) At all times that the caterer has control over the food, including periods of receiving, storage, preparation, transportation and service, all food shall be adequately protected so as to be maintained pure and free of contamination, adulteration, and spoilage.
- (k) The caterer shall not provide home-prepared food at a catered function.
- (l) All food handlers shall wash their hands and arms with cleanser and warm water before commencing work, immediately after using the toilet facilities, and as frequently as necessary to prevent

contamination of food. Hands shall be washed in properly supplied and stocked hand wash sinks. (HSC 113952 - 113961.)

- (m) Toilet facilities shall be available within 200 feet of the catered function. (HSC 114359.)
- (n) The caterer shall have at least one food handler who shall have passed an ANSI accredited Food Protection Manager Certification exam and possess a valid certificate or card. (HSC 113947.1(a) and (f) through (i).)
- (o) All food handlers must possess a valid County Food Handler Card. (HSC 113948 and County Code section 61.114.)
- (p) The caterer must post signs or provide business cards at the event premises stating their business name and address, and caterer's permit number. (HSC 114337.)
- (q) When requested by ~~DEH~~the Department (in order to allow an annual inspection or a reinspection at a function where food is served), the caterer shall provide ~~DEH~~the Department a list of the events and (if applicable) host facilities at which the caterer will serve food over the following two weeks, including the food service locations and dates and times of service at each location.
- (r) Caterers shall maintain a written record of their food service at a private event or host facility for 90 days after each event or day of service. These records shall be provided to ~~DEH~~the Department upon request to facilitate investigation of a food-borne illness outbreak. The records shall include the event menu, the ingredients used in each food item sold or served, the sources of all ingredients, and the name of and contact information for the event organizer.

Section 33. Section 61.305 of the San Diego County Code is hereby amended to read as follows:

SEC. 61.305. ADDITIONAL OPERATIONAL REQUIREMENTS AND PROHIBITIONS APPLICABLE TO PRIVATE EVENT CATERERS.

- (a) Private event catering must be arranged in advance of a private event (including a qualifying social function or sponsored commercial function), between the caterer and the sponsor. The arrangements must set a start time and end time for food service at the event, and must provide for a set quantity of food to be prepared, delivered and served based on the predetermined maximum number of people expected to participate in the event.
- (b) In any agreement between a caterer and a private event organizer for catered food to be left at an event site by the caterer to be served by the event organizer, the caterer shall specify the equipment that must be present on-site to meet hot and cold holding requirements for potentially hazardous foods, and the caterer and organizer shall agree on whether the caterer or the organizer will provide that equipment. The caterer shall verify that adequate equipment is on-site when food is delivered.
- (c) Any caterer who leaves food at a private event site to be served by the organizer shall provide written instructions on safe food handling and event duration to the organizer, including instructions to discard uneaten items that are or may contain potentially hazardous foods at the end of the safe duration for the event.
- (d) A caterer may not serve or allow catered food to be served to anyone at a private event (including a qualifying social function), other than guests of the sponsor, or to be served to more people at a sponsored commercial function than the predetermined maximum number of participants.
- (e) Caterers when engaged in private event catering must hold potentially hazardous foods at or below 41 degrees Fahrenheit or at or above 135 degrees Fahrenheit, except during preparation or

cooking or transportation for a period of less than 30 minutes. (HSC section 114343.) If included and approved as a standard operating procedure a caterer may rely on time as a public health control at functions where food service ends not more than four hours after food is removed from temperature control at the function site.

(f) All potentially hazardous foods not consumed by the guests or by the predetermined number of participants at a private event (including a qualifying social function or sponsored commercial event) must be removed by the caterer for disposal at the agreed time for catered food service to end.

(g) The premises at which catered food is served must be equipped with plumbed potable water or a sufficient supply of tanked or bottled potable water.

(h) The premises at which catered food is served must be equipped with plumbed hand wash sinks with a hot water supply, or with an adequate number of portable auxiliary sinks for hand washing. Other alternate handwashing facilities that meet the requirements for temporary events set out in HSC 114358 are allowable only if described in detail as a standard operating procedure in the catering permit application, and approved by ~~DEH~~the Department.

(i) Overhead protection must be provided for the food preparation area, except where prohibited by a local building or fire code. (HSC 114341).

Section 34. Section 64.101 of the San Diego County Code is hereby amended to read as follows:

SEC. 64.101. DUTY OF DIRECTOR.

It shall be the duty of the Director of the Department of Environmental Health and Quality (Director DEHQ) and the Director of Environmental Health, as applicable, under the direction and control of the Board of Supervisors, to enforce all laws, ordinances, and rules and regulations relating to the protection of the public's health through environmental means, including but not limited to: prevention of sickness, nuisances or sanitation within the County.

Section 35. Section 64.102 of the San Diego County Code is hereby amended to read as follows:

SEC. 64.102. RESISTING DIRECTOR.

It is unlawful for any person to resist or attempt to resist the entrance of the Director DEHQ or their designee, or the Director of Environmental Health or their designee, into any railroad car, stage, vehicle, building, room, lot or other place in the County in performance of ~~his duty~~their duties, or to refuse to obey any lawful order of the Director DEHQ or the Director of Environmental Health when made in performance of ~~his~~their duties or within the powers conferred by this chapter or by law.

Section 36. Section 64.104 of the San Diego County Code is hereby amended to read as follows:

SEC. 64.104. ABATEMENT OF NUISANCES.

(a) It shall be the duty of the Director of DEHQ or his or her~~their~~ authorized agent, and that of the Director of Environmental Health or their authorized agent, as applicable, when necessary to secure the public health, to enter upon the premises or in the house or other place of any person to discover or inspect any nuisance that may there exist, to inspect drains, vaults, cellars, cesspools, water closets, privies, or sewers, or the yards of such premises, to examine into their condition, and when satisfied that any such premises, house or place used for lodging or other purposes are improperly constructed or liable from overcrowding or filth to become dangerous to the public health, or to disseminate contagious

or infectious disease, or are not provided with privies, water closets or with sewers, drains or cesspools properly tapped, they or any of them shall serve a written Notice and Order to Abate upon the owner or other person in accordance with the Uniform Public Nuisance Abatement Procedure contained in Chapter 2, Division 6, Title 1 (commencing with Section [16.201](#)) of this Code or any other procedure permitted by law.

(b) For purposes of section [64.104](#) through [64.107](#) of this Code, "person" includes persons as defined in section [12.115](#) of this Code, and the State of California and any department or agency thereof to the extent permitted by law.

Section 37. Section 64.105 of the San Diego County Code is hereby amended to read as follows:

SEC. 64.105. NOTIFICATION OF NUISANCE.

Whenever a nuisance endangering, in the opinion of the Director DEHQ or the Director of Environmental Health, as applicable, the public health or environment shall be ascertained to exist on any premises, or in any house or other place in any city, town or township, the Director DEHQ or the Director of Environmental Health shall notify in writing any person or persons owning or having control of, or acting as agent for, such premises, house, or other place, to abate or remove such nuisance within a reasonable time, to be stated in such notice. The notice may be given in accordance with the Uniform Public Nuisance Abatement Procedure contained in [Chapter 2, Division 6, Title 1](#) (commencing with Section [16.201](#)) of this Code or any other procedure permitted by law.

Section 38. Section 64.106 of the San Diego County Code is hereby amended to read as follows:

SEC. 64.106. RECOVERY OF COST OF ABATEMENT.

Upon the neglect or refusal of any owner, occupant or agent, or other person having control of such house, or other place to comply with such notice, the Director DEHQ or the Director of Environmental Health may abate such nuisance, and the owner, agent, or occupant, or other person having control of such house, or place, in addition to the penalty provided by this chapter, shall be liable to the County for the cost of such abatement, to be recovered in a civil action in any court of competent jurisdiction or in accordance with the Uniform Public Nuisance Abatement Procedure contained in [Chapter 2, Division 6, Title 1](#) (commencing with Section [16.201](#)) of this Code.

Section 39. Section 64.107 of the San Diego County Code is hereby amended to read as follows:

SEC. 64.107. RECOVERY OF EMERGENCY RESPONSE EXPENSES.

Emergency response expenses and costs and the costs of emergency response services incurred by the Department of Environmental Health and Quality (hereinafter "DEHQ"), or incurred in support of DEHQ by other County departments, or incurred by other agencies acting in conjunction with DEHQ as part of the Unified San Diego County Emergency Services Organization (USDCEO), may be recovered by the Director as provided in Title 6, Division 8, Chapter 8 of this Code (commencing with Section [68.801](#)). Recovery of these expenses and costs as provided in that Chapter is authorized by Section 104.12 of the California Fire Code (as amended in this County by section [96.1.104.12](#) of this Code), by Sections 13009.6 and 25515 of the California Health and Safety Code, by Title 5, Division 2, Part 1, Chapter 1, Article 8 of the Government Code (commencing with Section 53150), and by Section 364.1 of the County Administrative Code, each as and when applicable.

Section 40. Section 64.201 of the San Diego County Code is hereby amended to read as follows:

SEC. 64.201. PURPOSE.

Health and Safety Code (~~H & S Code~~) sections 2001 et seq. recognize that California's climate and topography support a wide diversity of biological organisms and that while most of these organisms are beneficial, some are vectors of human disease pathogens or directly cause other human diseases. The Legislature recognized that some of the diseases may be fatal, especially in children and older adults. In order to protect Californians and their communities against the dangers of vector-borne diseases and vector-related public nuisances the Legislature granted broad statutory authority to mosquito abatement and vector control districts. Government Code Section 25842.5 allows a board of supervisors to provide the same services and exercise the powers of a mosquito abatement and vector control district. Pursuant to this statutory authority, the Board of Supervisors resolved to act as a mosquito abatement and vector control district in both the incorporated cities and the unincorporated area of the County. The city council of each incorporated city in the County consented to the Board's resolution. The Board also resolved to delegate implementation and enforcement duties to the Department of Environmental Health and Quality. The purpose of this chapter is to establish a program authorized by Government Code section 25842.5 to control and abate mosquitoes and other vectors in San Diego County to protect the public health, safety and welfare of the entire San Diego County community from vector-borne diseases and vector-related public nuisances.

Section 41. Section 64.202 of the San Diego County Code is hereby amended to read as follows:

SEC. 64.202. DEFINITIONS.

The following definitions shall apply to this chapter:

- (a) "Abate" means to eliminate a public nuisance or to reduce the degree or intensity of a public nuisance.
- (b) "Director" means the Director of the Department of Environmental Health and Quality and any other person the Director employs or appoints to implement or enforce this chapter.
- (c) "Eye gnat" means a very small fly endemic to the San Diego area with the scientific name *Hippelates spp.* or *Liohippelates spp.* (formerly *Hippelates spp.*)
- (d) "Hearing officer" means a County hearing officer appointed pursuant to County Administrative Code sections 650 et seq.
- (e) "Property" has the same meaning as the term property in Health and Safety Code section 2002(h).
- (f) "Property owner" means the person, entity or agency claiming ownership, title or right to property. To the extent provided by section 2005 of the Health and Safety Code, "property owner" also includes any person, city, county, special district, school district, the state, or any agency or subdivision of the state, including the California State University and the University of California. Where land or water is leased or is made available for use by a person or agency pursuant to a license, right of entry agreement, right of entry permit, or any other similar arrangement, "property owner" includes the lessee or other person or agency legally entitled to use the property or water.
- (g) "Public Nuisance" means, subject to the limitation described in Section 2062 of the Health and Safety Code, any of the following:

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

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

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

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

Section 42. Section 64.302 of the San Diego County Code is hereby amended to read as follows:

SEC. 64.302. DEFINITIONS.

The following definitions shall apply to this chapter:

(a) "Annual proposal" means the written proposal submitted to the Director by a commercial ranch owner or operator describing the owner or operator's plan to control fly breeding. The proposal shall provide for manure management and disposal, water system maintenance, waste water management, dead poultry and waste egg disposal, water system maintenance, chemical control of flies and other information that the Director may require, depending on the particular circumstances that exist on a ranch.

(b) "Commercial poultry ranch" means a facility where 300 or more poultry are kept or maintained for the primary purpose of producing poultry, poultry products or eggs for sale or other distribution.

(c) "Director" means the Director of the County Department of Environmental Health and Quality and any person appointed or hired by the Director to administer and enforce this chapter.

(d) "Fly breeding hazard" means the existence of a condition on a commercial poultry ranch resulting from failure to comply with (1) the standards for fly prevention and control established by this chapter or (2) the ranch annual proposal that, (A) the Director approves, (B) the Director modifies and the rancher accepts or (C) the Fly Abatement and Appeals Board approves following a hearing.

(e) "Poultry" means any domesticated bird, including a chicken, duck, turkey, goose or guinea fowl.

(f) "Spent hens" means any poultry which is no longer used for production of eggs or poultry products.

Section 43. Section 64.303 of the San Diego County Code is hereby amended to read as follows:

SEC. 64.303. FLY ABATEMENT AND APPEALS BOARD -- FORMATION.

(a) The Board of Supervisors shall appoint five persons to serve on a Fly Abatement and Appeals Board (FAAB). The FAAB shall be composed of two persons who are owners or operators of a commercial poultry ranch, one person who is a graduate in biological or environmental health sciences, knowledgeable in fly control procedures and not associated with the Department of Environmental Health and Quality or any commercial poultry ranch and two persons who are representatives of the community at large, not associated with any commercial poultry ranch and one of whom is a business owner. All appointments under this section shall be for a term of three calendar years.

- (b) The FAAB shall choose a chairperson, vice chairperson and a secretary from its members.

Section 44. Section 64.305 of the San Diego County Code is hereby amended to read as follows:

SEC. 64.305. INSPECTION BY THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL HEALTH AND QUALITY.

The Director is authorized to inspect a commercial poultry ranch whenever the Director has reasonable cause to believe that a fly breeding hazard exists on the ranch. The Director shall have the authority to inspect all commercial poultry ranches at least once a year to determine compliance with this chapter. If the Director receives a complaint implicating a commercial poultry ranch the Director shall also have the authority to inspect the surrounding area to confirm that the fly breeding hazard does not exist somewhere other than the commercial poultry ranch implicated in the complaint.

Section 45. Section 64.320 of the San Diego County Code is hereby amended to read as follows:

SEC. 64.320. PROHIBITED CONDUCT.

It shall be unlawful for an owner or operator of a commercial poultry ranch to:

- (a) Fail to comply with the standards for the prevention and control of fly breeding on commercial poultry ranches in sections [64.307](#) - [64.311](#) of this chapter.
- (b) Fail to comply with the provisions of the approved proposal for the prevention and control of fly breeding on commercial poultry ranches.
- (c) Restrain, hinder, obstruct or threaten any officer or employee of the Department of Environmental Health and Quality in the performance of that person's duties pursuant to this chapter.
- (d) Fail to file a proposal for the prevention and control of fly breeding as required by section [64.312](#).
- (e) Fail to comply with any final order of the FAAB.

Section 46. Section 64.402 of the San Diego County Code is hereby amended to read as follows:

SEC. 64.402. DEFINITIONS.

The definitions set out in chapter 2 of this division shall apply to this chapter. In addition:

- (a) "Abatable source" means any property that supports the development, attraction or harborage of eye gnats in numbers that cause human discomfort.
- (b) "Applicable eye gnat abatement measure" means a validated eye gnat abatement measure that is technically suited to a crop or crops and to conditions and practices at a specific commercial organic farm, and that would reduce eye gnat development, attraction, harborage, or off-farm flight if used at that farm.
- (c) "Barrier crop" means plants grown in a specified area for the purpose of intercepting eye gnats, which can be treated with conventional pesticides. (Barrier crops treated with pesticides can be used by farmers on a voluntary basis, but the Director cannot order that they be used.)
- (d) "Commercial organic farm" means a farm that grows and sells certified organic products.

(e) "Cultural control method" means any farming practice that is selected at least in part to reduce or prevent eye gnat development, attraction or harborage.

(f) "Department" mean the Department of Environmental Health and Quality.

(g) "Director" means the Director of the County Department of Environmental Health and Quality and any person appointed or hired by the Director to administer and enforce this chapter.

(h) "Eye gnat breeding hazard" means an avoidable or mitigable condition on a commercial organic farm that is likely to contribute to the development of eye gnats in numbers that could contribute to a nuisance in a nearby community.

(gi) "Eye gnat source identification testing" means any reliable technical method for determining whether a farm or other property is developing, attracting or harboring eye gnats, and includes but is not limited to emergence trapping on the farm or other suspected sources, grid trapping to determine concentrations of eye gnats in the vicinity of the farm, and the use of trap count patterns to determine whether eye gnat populations are greater closer to the farm or other property than further away.

(hj) "Grower" or "farmer" means any person who can direct changes in practices on a commercial organic farm.

(ik) "Last resort situation" means a public nuisance as defined in Chapter 4, for which a commercial organic farm alone is a predominant cause, which has not been abated within nine months after the implementation of abatement measures by that farm pursuant to an agreed voluntary plan or abatement order. Where a commercial organic farm is a predominant cause of a public nuisance only in combination with other sources, a last resort situation does not exist until those other sources also take or are ordered to take abatement actions the Director determines are appropriate. Notwithstanding any other provision of this ordinance, the Director may also exercise the last resort powers described in section 64.403 where a farmer fails or refuses to participate in the voluntary plan process or fails or refuses to comply with a previously issued abatement order or approved voluntary plan.

(jl) "Predominant cause" of a public nuisance means any cause or combination of causes contributing substantially more to the existence of that nuisance than other causes, which, if mitigated, would substantially reduce nuisance conditions in the community.

(km) "Public nuisance" means conditions that constitute a public nuisance as defined in section 3480 of the California Civil Code, predominantly caused by the development, attraction or harborage of eye gnats on a commercial organic farm and by the migration of eye gnats from that farm.

(ln) "Reasonable precautionary and protection measures" means the use of any inexpensive, convenient, and relatively non-invasive practice by an individual property owner to abate eye gnats on that owner's property and shall include the use of abatement traps in good condition and maintained at least once a week in structure and bait by the individual property owner, provided traps and bait are furnished free of charge to such property owner.

(mq) "Validated eye gnat abatement measure" includes any farming practice, cultural control measure, or other eye gnat abatement measure that has been reviewed as set out in section 64.405 and determined by the Director to be effective in some organic farming situations. As of September 2015 those measures include proper fertilizer use and irrigation practices, as described on the ~~DEH~~Department eye gnat web page. Any subsequently validated measures will also be shown on that page.

"Validated eye gnat abatement measure" also includes the following measures which research and experience had shown to be effective before the County's eye gnat program was adopted:

1. Reduced tilling of fresh or dry organic matter into soils
2. Barrier crops
3. Flight barriers
4. Trapping to intercept eye gnats or to reduce eye gnat numbers
5. Fallow or dry periods

(np) "Voluntary plan" means the written proposal submitted to the Director by an organic farm or other agricultural operation describing the owner's or grower's plan to control eye gnat breeding. The voluntary plan includes any changes requested by the Director and agreed to by the owner or grower.

Section 47. Section 64.411 of the San Diego County Code is hereby amended to read as follows:

SEC. 64.411. STANDARDS FOR PREVENTION AND CONTROL OF EYE GNAT BREEDING.

The Director shall maintain a list of the eye gnat abatement measures the Director has validated and a summary of his conclusions concerning the circumstances in which those measures are likely to be applicable. This information shall be updated as it changes, shall be available on the ~~DEH~~Department web site or page, and shall be provided to commercial organic farmers and community members on request.

Section 48. Section 65.101 of the San Diego County Code is hereby amended to read as follows:

SEC. 65.101. APPLICATION.

Every applicant for a permit, license or registration required by the Department of Environmental Health and Quality (the Department) shall file a written application on a form prescribed by said Department. This may include an electronic application with an electronic signature filed in a manner prescribed by the Department. The application shall state the name and address of the applicant, the description of the property by street and number wherein or whereon it is proposed to conduct the business or activity for which the permit or license is required, the nature of the permit or license for which application is made, the character of the business or activity proposed to be conducted and any other information as the Department of ~~Environmental Health~~ may require.

Section 49. Section 65.102 of the San Diego County Code is hereby amended to read as follows:

SEC. 65.102. ANNUAL INSPECTION FEE FOR ENVIRONMENTAL HEALTH DEPARTMENT REGULATED ACTIVITIES.

Every person applying for a permit, license or registration for a food establishment, apartment house or hotel, organized camp, public swimming pool, sewage pumping vehicle, unified program facility, small quantity medical waste generator registration or other ~~environmental health~~ regulated business or facility for which an annual, biennial, or one time permit, license or registration is required under the provisions of this Code and issued by the ~~Director~~Department shall at the time of making application for the permit, license or registration pay the permit, license or registration fees, as set forth in Section 65.107.

Section 50. Section 65.103 of the San Diego County Code is hereby amended to read as follows:

SEC. 65.103. INVESTIGATION BY DEPARTMENT OF ENVIRONMENTAL HEALTH.

(a) Upon receipt of such application, accompanied by the required fee, it shall be the duty of the ~~Director~~Department to investigate the matters set forth in such application, and the sanitary conditions in the place where it is proposed to conduct the business or activity mentioned in the application, or in the case of a unified program facility, or facility eligible for the small quantity medical waste generator registration program, investigate the conditions in and about the place where it is proposed to conduct the activities subject to the unified program or other requirement specified in the application. If the ~~Director~~Department determines that the statements contained in the application are true, and that the existing sanitary conditions in the place mentioned in said application comply with the provisions of law, the Medical Waste Management Act, or in the case of a unified program facility the facility complies with unified program facility requirements of this Code and State laws, a permit, license or registration shall thereupon be granted. Such permit, license, or registration shall be granted only upon the express condition that it shall be subject to revocation or suspension by said ~~Director~~Department upon a showing satisfactory to said ~~Director~~Department of a violation by the holder of such permit or any person acting with their consent or under their authority, of any applicable provision of law regulating places or activities of the character for which the permit, license, or registration is granted.

(b) Pursuant to California Health and Safety Code Section 114387, the Director of Environmental Health may order the closure of any food facility that is operating without a permit, and may administratively impose and directly invoice the facility operator for a penalty of up to 300% of the applicable permit fee. These consequences are in addition to penalties under sections 114390 to 114399 of the California Health and Safety Code. If a closure is ordered pursuant to this subsection the Director of Environmental Health shall notify the operator of their right to a hearing as provided in section 114409 of the Health and Safety Code. If a penalty is imposed under this subsection but the facility is not ordered to close, the Director of Environmental Health shall notify the operator of their right to appeal as set out in Section 16.101 to 16.106 of the County Code.

Section 51. Section 65.104 of the San Diego County Code is hereby amended to read as follows:

SEC. 65.104. RENEWAL OF PERMIT, LICENSE OR REGISTRATION.

A permit, license, or registration issued pursuant to this Title 6 shall expire on the last day of the month of the one year anniversary month in which the permit was issued and shall be renewed annually, except as set forth as follows:

(a) The permit for sewage pumping vehicles shall expire on December 31 of each year. The permit for newly permitted non-prepackaged mobile food facilities and mobile food preparation units and newly permitted food vending machines shall also expire on December 31 of each year. "Newly permitted" is defined as "not permitted to the same owner or operator within the last three years by the Department of Environmental Health and Quality." The annual fees shall be pro-rated as follows:

1. If the permit is issued during the period of January 1, to June 30, the full annual rate is due.
2. If the permit is issued after June 30, the rate shall be one-half (1/2) of the annual rate or at full cost recovery whichever is more.

(b) The permit for newly permitted prepackaged mobile food facilities shall expire on March 31 of each year. The annual fees shall be pro-rated as follows:

1. If the permit is issued during the period of April 1, to September 30, the full annual rate is due.

2. If the permit is issued after September 30, the rate shall be one-half (1/2) of the annual rate or at full cost recovery, whichever is more.

(c) The operating permit for underground storage tanks shall be renewed as per Sections 68.1003 and 68.1009 of this Code.

(d) The registration fee for small quantity medical waste generators eligible for the registration program shall be renewed pursuant to Sections ~~68.909.6~~ and 68.1204.

At the time application is made, there shall be paid to the Department of ~~Environmental Health~~ the required annual fee, which fee is due and payable each year by the expiration date of the permit, except where specified above.

(e) The permit for the treatment of medical waste shall be renewed as per Section 68.1203.

Section 52. Section 65.105 of the San Diego County Code is hereby amended to read as follows:

SEC. 65.105. DELINQUENT PAYMENTS.

A. Any fee which is not paid by the annual permit expiration date, or for invoiced fees other than annual permits, thirty (30) days from the invoice date, is delinquent.

B. In any case where a fee is delinquent, an initial delinquent fee of fifty dollars (\$50) or an amount equal to 50% of the fee, whichever is less, shall be added to and collected with the required fee.

C. In any case where a fee is delinquent, and the annual permit fee or invoiced fee and the initial delinquent fee are not paid on or before the last day of the month following the annual permit expiration date, or for invoiced fees other than annual permits, thirty (30) days from the invoice date, an additional delinquent fee of one hundred dollars (\$100) or an amount equal to 100% of the fee, for a total delinquent fee of one hundred-fifty dollars (\$150) or 150% of the fee, whichever is less, will be added to and collected with the required fee.

D. The imposition of or payment of the delinquent fee imposed by this section shall not prevent the imposition of any other penalty prescribed by this code or any ordinance nor prosecution for violation of this code or any ordinance.

E. The delinquent fee may be waived by the Director of the Department of Environmental Health and Quality in case of error made by ~~Department of Environmental Health~~ staff, in case of circumstances beyond the control of the applicant, or when the applicant has not held an environmental health permit during the past five years, and was unaware that an environmental health permit was required.

Section 53. Section 65.107 of the San Diego County Code is hereby amended to read as follows:

SEC. 65.107. FEES.

The fee for each permit, plan review, license or registration issued or investigation performed pursuant to the provisions of this division is set forth herewith:

(a) FOOD FACILITY PERMIT FEES: As required by Part 7 (Commencing with Section 113700) of Division 104 of the California Health and Safety Code, California Retail Food Code.

(1) Restaurant Annual Permits:

1 to 10 employees: \$753

- 11 to 25 employees: \$891
- 26 to 100 employees: \$1,059
- 101 or more employees: \$1,930

Each restaurant type food facility in excess of three (3) food preparation areas at the same location: \$588

Minimal Food Preparation (as defined in section [61.102](#)) and Restricted Food Service Facilities (as defined in the California Health and Safety Code section 113893) Annual Permit. For those sites with lodging, additional housing fees apply: \$525

(2) Miscellaneous Food Facilities Facility (as defined in section [61.102](#)) Annual Permit: \$170

(3) Prepackaged Retail Markets Food Facility (may also include prepackaged retail markets that make ice and dispense non-potentially hazardous beverages), Annual Permits:

- 1 to 10 employees: \$218
- 11+ employees: \$259

(4) Multiple Kitchen Complex Operation (as defined in section [61.102](#)) (Note: Additional tenant fees are based on the type of food facility operated), Annual Permits:

- 0 - 9,999 square feet: \$147
- 10,000 square feet and over: \$191

(5) Retail Market with up to three delicatessens and/or other food preparation areas on the same premises, Annual Permits:

- 1 to 10 employees: \$867
- 11+ employees: \$1,128

For retail markets with delicatessens and/or other food preparation areas in excess of three (3) at the same location: \$500

(6) Temporary Food Facility that operates at a fixed location for the duration of a community event (as defined in California Health and Safety Code Section 113755).

(Note: Non-profit operators of temporary food facilities and non-profit community event organizers are exempt from the fee at a community event for not more than two [2] events in a calendar year. This exemption does not apply to the late application submittal fees):

- Prepackaged Foods - Single Event Permit: \$128
- Prepackaged Foods - Annual Permit: \$332
- Unpackaged Foods - Single Event Permit: \$224

Unpackaged Foods (with approved commissary or other approved facility and food safety certification if handling potentially hazardous foods) - Annual Permit: \$645

Temporary Food Facility Event Organizer - Single Event Permit: \$337

Temporary Food Facility Event Organizer - Annual Permit (Identical Event held at same location): \$612

(7) Certified Farmers Market Annual Permits:

Certified Farmers Market: \$439

Certified Farmers Market Events with adjacent Temporary Food Facilities (organizer in control of certified farmers market is same as organizer in control of temporary food facilities): \$733

(8) Food Sampling/Demonstrator (portioning of food made and served at an approved permanent food facility):

Single Event Permit: \$128

Annual Permit: \$332

(9) Late application submittal for all temporary food facilities and organizers of community events, certified farmers markets, and food demonstrators. Supplemental fee paid in addition to required fee if less than 14 days prior to the event: \$159

(10) Vending Machine or Prepackaged Food Facility Commissary Annual Permit: \$349

(11) Unpackaged Mobile Food or Food Preparation Commissary Annual Permit: \$420

(12) Mobile Food Facility or Mobile Support Unit (as defined in California Health & Safety Code Section 113818) under the same ownership and operating out of the same facility, Annual Permits:

Packaged Lunch Truck (may include dispensing coffee made at an approved commissary): \$218

Mobile Support Unit: \$222

Carts and Vehicles: Prepackaged foods/ice cream/produce/tamale carts: \$196

Limited Food Preparation (one limited food preparation cart and one auxiliary unit): \$465

Single Operating Site Mobile Food Facility (as defined in California Health & Safety Code Section 113831 (b) and 114306) with up to two limited food preparation carts out of no more than four: \$558

Single Operating Site Mobile Food Facility (as defined in California Health & Safety Code Section 113831 (b) and 114306) with three to four limited food preparation carts: \$684

Mobile Food Facility with full food preparation: \$685

(13) Vending Machine dispensing milk, ice cream or milk products or other kinds of potentially hazardous foods or beverages, or dispensing unbottled or uncanned liquid foods or beverages, except vending machines which dispense unwrapped non-potentially hazardous, non-liquid food products, Annual Permit:

Hourly rate as specified in subsection (m)(6). For every 10 units or any part thereof, ½ hour will be assessed.

(14) Boat Annual Permit: \$342

(15) Wholesale Food Warehouse Annual Permits:

Warehouse (1-19,999 square feet): \$557

Warehouse (20,000 square feet and greater): \$698

(16) Retail Food Processing Facility Annual Permit: \$698

- (17) Full Service Catering Facility and Direct Sales Catering Annual Permit: \$640
- (18) School Food Processing Facility Annual Permit: \$404
- (19) School Food Auxiliary Facility Annual Permit: \$291
- (20) Licensed Health Care Facility Annual Permit: \$708
- (21) Fisherman's Market Annual Permit: \$1,050

(22) Cottage Food Operations:

Class A - Initial Annual Registration with up to 10 food label reviews: \$201

Class A - Annual Registration Renewal: \$81

Class B - Initial Annual Permit with up to 10 food label reviews: \$458

Class B - Annual Permit Renewal: \$316

Class A or B - Additional Label Review: Hourly rate as specified in subsection (m)(6). Minimum 1/2 hour.

(23) Microenterprise Home Kitchen Operation:

Initial Annual Permit: \$588

Annual Permit Renewal: \$294

Updated SOP Review (after annual permit has been issued): Hourly rate as specified in subsection (m)(6).

(24) Limited Service Charitable Feeding Operation (operating in accordance with Sections 113819 and 114333 of the California Retail Food Code):

Small Volume Annual Registration: \$294

Prepackaged Annual Registration: \$294

(b) HOUSING PERMIT FEES — APARTMENT HOUSE OR HOTEL:

- (1) Annual Permit for Apartment House or Hotel base fee: \$150
- (2) For every 10 units or any part thereof, in addition to the base fee: \$19

(3) Unscheduled reinspection or unpermitted housing complaint investigation with a confirmed violation fee: Hourly rate as specified in subsection (m)(6).

(c) PUBLIC POOL PERMIT FEES: As required by [Chapter 3](#) of the San Diego County Code of Regulatory Ordinances commencing with Section [67.301](#).

Annual permit fees:

- (1) One (1) body of water: \$349
- (2) Two (2) bodies of water: \$432
- (3) Three (3) bodies of water: \$640
- (4) Four (4) bodies of water: \$700

- (5) Five (5) bodies of water: \$771
- (6) Additional fee for each body of water in excess of five (5): \$139
- (7) Dormant body of water: \$112
- (8) Activity Pool/Spray Grounds/Interactive Features (per feature/pool): \$496
- (d) ENFORCEMENT/INVESTIGATION FEES:
- (1) Fee for reopen, regrade, or reinspection of a facility or an unscheduled investigation of any facility (per hour fee): Hourly rate as specified in subsection (m)(6).
- (2) Administrative office hearing: Four times the Hourly rate: Hourly rate as specified in subsection (m)(6).
- (3) Suspension or revocation hearing: Six times the Hourly rate as specified in subsection (m)(6).
- (4) Sherman Act food investigation in accordance with Sections 113980, 114089, and 114094 of the California Retail Food Code, with a confirmed violation: Hourly rate as specified in subsection (m)(6).
- (5) Foodborne illness and/or recall investigation for activities without a current food facility permit issued by the ~~County of San Diego DEH~~Department: Hourly rate as specified in subsection (m)(6).
- (6) Penalty fee for operating a retail food facility without the required health permit: See Section [65.103](#)(b).
- (7) ~~DEH~~The Department's costs to investigate a complaint of non-compliance at any facility operation required by this Title to obtain a health permit, and ~~DEH~~the Department's costs to verify return to compliance not otherwise recovered through a reinspection fee, only if the complaint is substantially validated: payable by and invoiced to the facility operator: Hourly rate as specified in subsection (m)(6).
- (e) PLAN CHECK FEES:
- (1) Pool Plan Review, as provided for in Section [67.301](#).
- (a) One (1) body of water: \$1,524
- (b) Additional fee for each body of water in excess of one (1): \$524
- (c) Body of water resurfacing or renovation: \$313
- (d) Resurfacing or renovation each body of water over one, with concurrent inspections: \$168
- (e) Supplemental Fee for special purpose pools and perimeter overflow system pools (includes activity pools, spray grounds, pools > 3,000 square feet, and interactive water features): \$1,241
- (f) Minor Pool Plan Review and changes to suction outlets: \$512
- (g) Major Pool Renovation: \$977
- (h) Plan check review and related consultations, when construction was initiated prior to the approval of plans by both ~~DEH~~the Department and the local agency with authority over building plans: Hourly rate as specified in subsection (m)(6).
- (2) Food Facility Plan Review as provided for in Section [61.106](#):
- (a) 0-1,999 Square Feet (up to three preparation areas): \$1,263

- (b) 2,000-5,999 Square Feet (up to three preparation areas): \$1,624
- (c) 6,000- 9,999 Square Feet (up to three preparation areas): \$2,733
- (d) 10,000 Square Feet and over (one preparation area): \$2,978

For each additional food preparation area after three sites for 0-9,999 square feet, and after one site for sites 10,000 square feet or greater: \$571

- (3) Food Facility or Pool Plan Revision as provided for in Section [61.106](#) and [67.302.5](#): \$347
- (4) Restamping, Body of Water as Built Plan, Body of Water Resurfacing Revision, Minor Body of Water Plan Revision, or Approval of Non-Health Regulated Building Plans as required by other governmental agencies: \$155
- (5) Minor Remodel Plan Review - Food Facility Plan Review for:
 - (a) Equipment only for food facilities which are subject to regulation: \$516
 - (b) The reopening of a facility which has completed a plan check consultation and needs a plan review for equipment changes: \$476
- (6) Prepackaged Food or Wholesale Food Warehouse Plan Review: \$731
- (7) Minor Remodel Plan Review - Miscellaneous Facilities
 - (a) Body Art Plan Review as regulated under [66.305](#) (Body Art Facility): \$451
 - (b) Massage Plan Review as regulated under [66.513](#) (Massage Establishment): \$447
 - (c) Other Miscellaneous Facilities as regulated under Section [66.606](#) (Bath Houses) or for other miscellaneous establishments where a plan review is required. \$412
- (8) Expedited Plan Review: Two times the plan check fee.
- (9) Expedited Plan Check Inspection: 1½ times the hourly rate specified in subsection (m)(6), minimum two hours.
- (10) Food Plan Check Office Consultation: \$141
- (11) Food Plan Check Field Consultation: \$311
- (12) Food Plan Check Field Consultation (supplemental inspection): \$338
- (13) Pool Plan Check Office Consultation: \$153
- (14) Pool Plan Check Field Consultation: \$306
- (15) Pool Plan Check Field Consultation (supplemental inspection): \$306
- (16) Mobile Food Facility Plan Check/Mobile Food Support Unit: \$387
- (17) Body Art Plan Check Field Consultation: \$308
- (18) Body Art Plan Check Office Consultation: \$154
- (19) Massage Plan Check Field Consultation: \$308
- (20) Massage Plan Check Office Consultation: \$154

(21) Investigation of work without a permit. Whenever a food facility or pool is built, modified or remodeled without first submitting an application for the required permit/plan review, a special investigation shall be made before a permit may be issued for such work. The fee for this investigation will be in addition to the permit fee. \$306

(f) MISCELLANEOUS PROGRAM FEES:

(1) Food Handler per Section [61.102](#).

Education Certificate Food Handler (each certificate): \$3

Food Handler Training Booklets: \$0.40

Food Manager Training Packet: \$2

(2) Services to food handler training providers: hourly rates as stated in subsection (m)(5) and (m)(6) of this section, for time expended.

(3) Massage Establishment Annual Permit: \$204

(4) Body Art Facility Annual Permit: \$374

Body Art Practitioner (Annual Registration): \$128

Body Art Temporary Event Sponsor: \$610

Body Art Temporary Event Late or Revised Application Fee (Less than 14 days prior to event.) \$208

Body Art Temporary Event Booth: \$71

Body Art Reinspection Fee (assessed if repeated noncompliance makes reinspection necessary): Hourly rate as specified in subsection (m)(6).

Notification fee for single-use-needle mechanical ear-piercing only facilities: \$45

(5) Organized Camps Permits

Seasonal: \$676

Year Round: \$1,269

(6) Public Bath House Annual Permit: 981

(g) LAND USE FEES:

Duration of fees:

With the exception of well permits, renewable permits and deposit accounts, permits are valid for one year from the date of approval. Well permit applications are valid for 120 days from the date of approval. Renewable permits expire one year from the date they are issued. The permit for sewage pumping vehicles shall expire on December 31 of each year; refer to Section [65.104](#) on the renewal of licenses, permits, or registrations for additional information. Deposit accounts will remain active until the project is completed and all billing has been paid. See subsection (m)(6) of this section for billing rates.

(1) Recycled Water Plan Check Fees, as provided for in Section [67.521](#)(d): Hourly rate as specified in subsection (m)(6).

(2) Recycled Water Shutdown Test, as provided for in Section [67.523](#): Hourly rate as specified in subsection (m)(6).

(3) Well Permit Application, as provided for in Section [67.441.B](#)

Domestic Well: \$633

Additional Domestic Well/per well over one on same parcel: \$211

Public Water Supply Well: \$1,318

Well Destruction: \$337

Well Water Permit Time Extension: \$52

(4) Collected Water Sample from Private Well: \$336

(5) Layouts/Percolation Test, as provided for in Section [68.361](#):

New Construction: \$1,129

Additions/Pools: \$951

Layout/Percolation Test Time Extension: \$479

Layout over the counter, no field investigation: \$124

(6) Onsite Wastewater System permit, as provided for in Section [68.326](#):

Conventional Onsite Wastewater System Inspection: \$473

Conventional Onsite Wastewater System Re-Inspection: \$188

Conventional Onsite Wastewater System Repair Inspection: \$466

Treated Onsite Wastewater System Installation Inspection: \$1,043

Treated Onsite Wastewater System Major Repair Inspection: \$1,043

Treated Onsite Wastewater System Minor Repair Inspection: \$777

Treated Onsite Wastewater System Annual Operating Permit, as provided for in Section [68.334](#): \$383

Onsite Wastewater System Enforcement Fee, as provided for in Section [68.336](#): Hourly rate as specified in subsection (m)(6), minimum two hours.

(7) Lot Line Adjustment/Certificate of Compliance/Conditional Certificate of Compliance, up to two lots as provided for in Sections [81.901](#) et seq./[81.1103](#)/[81.1104](#), field investigation needed:

Up to two lots: \$747

Three lots: \$1,105

Four lots: \$1,737

(8) Lot Line Adjustment/Certificate of Compliance/Conditional Certificate of Compliance over the counter, no field investigation: \$183

(9) Graywater System Permits

Plan Review - over the counter, as provided for in Section [68.361](#): \$126

Plan Review - with field check, as provided for in Section [68.361](#): \$521

Installation Inspections, as provided for in Section [68.361](#): \$453

Re-Inspection fee, as provided for in Section [68.361](#): \$204

(10) Complaint response. ~~DEH~~Department costs to investigate a complaint and to verify return to compliance not otherwise recovered through a reinspection fee, only if the complaint is substantially validated: Hourly rate as specified in subsection (m)(6).

(11) Septic Cleaner Examination Fee, as provided for in Section [68.602](#): \$92

(12) Septic Cleaner Base Permit Fee, as provided for in Section [68.604](#)(a): \$185

(13) Sewage Pumping Vehicle, as provided for in Section [68.604](#)(b): \$136

(14) Sewage Pumping Vehicle complaint response. ~~DEH~~Department costs to investigate a complaint of non-compliance by a sewage pumping vehicle, and ~~DEH~~Department costs to verify return to compliance not otherwise recovered through a reinspection fee, only if the complaint is substantially validated: Hourly rate as specified in subsection (m)(6).

(15) Grading Plan, Major, as provided for in Section [87.204](#): \$420

(16) Deposit for a Special Projects Application review as provided for in Section [68.361](#). (Initial deposit, additional funds at the hourly rate may be required for full cost recovery): \$1,235

(17) Deposit for a Tentative Map as provided for in Section [81.201](#) et seq. (Initial deposit, additional funds at the hourly rate may be required for full cost recovery): \$3,195

(18) Deposit for Tentative Parcel Map on septic or sewer as provided for in Section [81.201](#) et seq. (Initial deposit, additional funds at the hourly rate may be required for full cost recovery): \$1,698

(19) Deposit for Major Use Permits, Standard Application review as provided for in Section [68.361](#) (Initial deposit, additional funds at the hourly rate may be required for full cost recovery): \$1,445

(20) Major Use Permit Modification/Minor Deviation as provided for in Section [68.361](#): \$737

(21) Discretionary Project Review as provided for in Section [68.361](#): \$616

(22) Administrative Permit Standard Application as provided for in Section [68.361](#). \$783

(23) Major Project Pre-application Conference as provided for in Section [68.361](#). \$790

(24) Pre-application Conference as provided for in Section [68.361](#). \$269

(25) Site Plan Application as provided for in Section [68.361](#). \$577

(h) MONITORING WELLS FEES:

(1) Monitoring Wells/Soil Boring (permits)

Borings:

Initial Soil Boring: \$248

Each Additional Soil Boring at a single site: \$66

(2) Monitoring Wells (Ground Water/Vadose Wells/Cathodic Protection Wells)

Initial Monitoring Well: \$371

Each Additional Monitoring Well at a single site: \$238

(3) Monitoring Well Destruction

Initial Monitoring Well Destruction: \$250

Each Additional Monitoring Well Destruction at a single site: \$153

(4) Monitoring Well Re-inspection Fee (per site). \$259

(5) Extension of Permit: \$54

(6) Soil Vapor Survey (per site): \$408

(7) Investigative Fee. For work done without a permit for which a permit is required or work done that is not in compliance with an approved permit: 100% of the permit cost.

(8) Tank Monitoring Well Fee (per site). Wells installed in UST backfill for purpose of monitoring tank system for leaks: \$387

(9) Miscellaneous Monitoring Well Program Fee. Includes Monitoring Well Program activities where no fee is specifically indicated. Charge is at the hourly rate as specified in subsections (m)(5) and (m)(6).

(10) Deposit for a preliminary risk assessment where no fee is specifically indicated. (Includes oversight and investigation of contaminated ground water/soil and other technical assistance): Minimum charge, ten hours at the hourly rate as specified in subsection (m)(6). Initial deposit, additional funds at the hourly rate may be required for full cost recovery.

(i) SMALL WATER SYSTEM FEES:

(1) Small Water Systems New Permit Application Fee: as provided for in California Health and Safety Code, Sections 101325, 116340, 116570, 116595. Initial deposit, additional funds at the hourly rate may be required for full cost recovery. \$1,080

(2) Public Water System Change of Ownership/Permit Amendment/ Exemption/Plan Review/Variance/Waiver Processing Fee, as provided for in California Health and Safety Code, Sections 101325, 116570, 116580, 116595. Initial deposit, additional funds at the hourly rate may be required for full cost recovery. \$540

(3) Public Water System Annual Drinking Water Operating Fee: as provided for in California Health and Safety Code, Sections 101325, 116565, 116595.

Treated Community Water System: \$3,520

Community Water System: \$2,978

Treated Transient, Non-Community Water System: \$2,666

Transient, Non-Community Water System: \$2,108

Treated Non-Transient, Non-Community Water System: \$3,153

Non-Transient, Non-Community Water System: \$2,692

(4) State Small Water System

Annual Drinking Water Operating Permit Fee, as provided in California Health and Safety Code, Sections 101325, 116340.

Treated State Small Water System: \$1,854

State Small Water System: \$1,346

(5) Enforcement fee, as provided for in California Health and Safety Code, Section 116577:

Charged using the hourly rate specified in subsection (m)(6), for any of the following:

- (a) Preparing, issuing, and monitoring compliance with, an order or a citation.
- (b) Preparing and issuing public notification.
- (c) Conducting a hearing pursuant to Section 116625.

(j) **SOLID WASTE FEES:** Solid Waste fees as provided in Sections 43213, 43508 and 44006, Division 30, of the Public Resources Code.

Annual Permit Fees:

(1) Municipal Solid Waste Landfills (active):

Large - Permitted to receive more than 500 tons per day \$50,472

Small - Permitted to receive 500 tons or less per day \$26,103

(2) Transfer/Processing Facilities and Operations:

(a) Extra Major Large - Sites that require twelve inspections per year: \$20,714

Large Volume Transfer/Processing Facility (permitted to receive/process more than 3,000 tons per day)

(b) Major Large - Sites that require twelve inspections per year: \$16,353

Large Volume Transfer/Process Facility (permitted to receive/process more than 1,000 tons per day)

(c) Minor Large - Sites that require twelve inspections per year: \$12,176

Large Volume Transfer/Process Facility (permitted to receive/process more than 100 and up to 1,000 tons per day)

Inert Debris Processing Facility (more than 1,500 tons per day)

(d) Medium - Sites that require twelve inspections per year: \$7,983

Medium Volume Transfer/Processing Facility (permitted to receive/process equal to or more than 15 tons (or 60 cubic yards, whichever is greater) but less than 100 tons per day)

Medium Volume CDI Debris Processing Facility

Medium Volume C&D Wood Debris Chipping and Grinding Facility

Inert Debris Processing Facility

Large Volume C&D Wood Debris Chipping and Grinding Facility

(e) Limited/Small - Sites that require four inspections per year: \$2,638

Limited Volume Transfer/Processing Operation (less than 15 tons or 60 cubic yards (whichever is greater))

Small Volume CDI Debris Processing Operation

Small Volume C&D Wood Debris Chipping and Grinding Operation

Inert Debris Type A Only Processing Operation

(f) Limited/Small - Sites that require two inspections per year: \$1,768

Limited Volume Transfer/Processing Operation (less than 15 tons or 60 cubic yards (whichever is greater))

(g) Sealed Container Transfer Operations - Sites that require one inspection per year: \$776

Operation where solid wastes remain at all times within unopened containers on-site and are not stored for more than 96 hours

(h) Recycling Center - Sites that require one inspection per year: \$776

CDI Recycling Center

Inert Debris Recycling Center

(3) Large Volume CDI Waste Disposal Facility - Sites that require twelve inspections per year: \$12,176

(4) Inert Debris Type A Disposal Facility - Sites that require twelve inspections per year: \$7,983

(5) Inert Debris Engineered Fill Operation - Sites that require four inspections per year: \$2,683

(6) Compostable Materials Handling Facilities and Operations:

(a) Full Permit - Sites that require twelve inspections per year: \$10,054

(b) Registration Permit Tier or Enforcement Agency Notification -- Sites that require twelve inspections per year: \$9,768

(c) Registration Permit Tier or Enforcement Agency Notification -- Sites that require four inspections per year: \$3,334

(d) Enforcement Agency Notification - Sites that require two inspections per year: \$1,768

(e) Registration Permit Tier or Enforcement Agency Notification -- Sites that require one inspection per year: \$776

(7) Closed Sites Annual Fees:

(a) Monthly - Sites that require twelve (12) inspections per year: \$26,946

(b) Quarterly Large Landfills - Sites that require four (4) inspections per year: \$7,999

(c) Quarterly Burnsites/Small Landfills - Sites that require four (4) inspections per year: \$4,293

(d) Annual - Sites that require one inspection per year: \$997

Other Solid Waste Fees:

(8) Solid waste handling fees - All solid waste handlers within the jurisdiction of the County of San Diego LEA shall remit \$0.19 per ton of solid waste handled.

(a) Exclusion: The fee shall not be assessed to solid waste handlers if it can be demonstrated to the satisfaction of the County of San Diego Local Enforcement Agency (LEA) that the waste was recycled and/or diverted from the solid waste stream. Additionally, this fee will not be assessed to solid waste handlers for each ton of waste for which it can be demonstrated to the satisfaction of the LEA that the fee was collected at a disposal site within the jurisdiction of County of San Diego LEA.

(b) All solid waste handlers within the jurisdiction of the County of San Diego LEA that receive revenue or income or charge fees for handling the solid waste shall maintain records and report waste handling information to the LEA in a manner or on a form provided by the LEA quarterly on or before May 1, August 1, November 1, and February 1 respectively and the records used to prepare these reports shall be maintained for a minimum of three (3) years. These records shall be made available for inspection by the LEA upon request during normal business hours.

(c) For purposes of this section, "solid waste handlers" means any person, agency or business that collects, transports, stores, transfers, disposes, or processes solid waste within the jurisdiction of the County of San Diego LEA.

(9) LEA Review of Required Submissions

LEA processing of application or notification materials for a solid waste facility permit or other allowed operating status, and processing of related informal submissions by project proponents inquiring concerning a solid waste facility permit or a potential permit modification or revision, and review and processing of any required technical reports or proposed plans related to solid waste management activity or the correction of illegal or unpermitted activity. This includes but is not limited to the costs of reviewing closure plans and evidence of financial ability. To be paid by the applicant or project proponent, based on LEA time expended at the hourly rate specified in subsection (m)(6). The LEA may require that a deposit be made against the estimated cost of reviewing or processing each submission by the operator applicant or project proponent.

(10) Unauthorized or Non-Compliant Solid Waste Activity

LEA investigation and resolution of any solid waste activity conducted without a required permit, including LEA review of any required reports to the LEA. Also ~~DEH~~the Department costs to investigate a complaint of non-compliance at a facility required to have a solid waste facility permit or other entitlement to operate, and ~~DEH~~the Department's costs to verify return to compliance not otherwise recovered through a reinspection fee, if but only if the complaint is substantially validated: To be paid by the responsible party based on LEA time expended at the hourly rate specified in subsection (m)(6), if unpermitted or otherwise illegal or non-compliant activity is substantially validated: Hourly rate as specified in subsection (m)(6). This fee is in addition to any fines or penalties imposed for the unpermitted activity- compliant activity, and in addition to any permit application fees that may apply. The LEA may require that a deposit be made against the estimated cost of reviewing or processing each submission by the responsible party.

(k) UNIFIED PROGRAM AND HAZARDOUS MATERIALS PROGRAM FEES, MEDICAL WASTE FEES:

(1) Unified Program Facility or Medical Waste Generator Facility Annual Permit Base Fee (Required for all Permits except as noted. A Medical Waste Generator Facility which is also a Unified Program Facility shall be subject to one base fee): \$354

Reinspection Fee: \$354

Additional Processing Fee where facility information and other program elements that are subject to electronic reporting in CERS are not submitted, repeatedly not accepted, or not up to date and Small Medical Waste Generator Registration applications repeatedly not accepted: Hourly rate in subsection (m)(5) or (m)(6) as applicable in each case.

(2) Hazardous and Medical Waste

(a) Per hazardous waste and/or medical waste: \$81

(b) Per universal waste at or above hazardous materials business plan inventory threshold: \$81

(3) Onsite Hazardous Waste Treatment (Tiered Permitting) Facility Annual Fees

(a) Conditional Exemption per unit: \$226

(b) Conditional Authorization per unit: \$382

(c) Permit by Rule per unit: \$504

(4) Hazardous Material Response Plans and Inventory Annual Permit

(a) Per hazardous material: \$81

(b) Maximum fee for hazardous materials: \$3,120

(c) Minimal Inventory Variation Low Risk Business Operations: \$435

(5) Underground Storage Tank Annual Operating Permit, Per Tank: \$478 409

(6) Underground Hazardous Materials Storage Tank Special Permits

(a) New Underground Storage Tank Installation/Repair/Upgrade (Interior lining, bladder installation)

Base Fee [includes one (1) tank]: \$2,165

Each Additional Tank: \$549

Plan Re-Review and Plan Extension: \$159

(b) Closure/Removal

Base Fee [includes one (1) tank]: \$1,545

Each Additional Tank: \$390

(c) Plan Re-Review and Plan Extension: \$159

(d) Underground Storage Tank modification/ upgrade including pipe repair/ replacement that involves two inspections

Base Fee (includes entire facility): \$2,165

Plan Re-Review and Plan Extension: \$159

(e) Underground Storage Tank modification that involves one inspection

Base Fee (includes entire facility): \$1,501

Plan Re-Review and Plan Extension: \$159

(f) Underground Storage Tank Additional Plan Check Inspection/Reinspection: \$722

(g) Underground Storage Tank Consultation Fee: Hourly rate as specified in subsection (m)(6).

(7) Unified program facilities subject only to Chapter 6.5 of the California Health and Safety Code as small quantity hazardous waste generators, and no other unified program requirements, and which generate less than 200 pounds per month of medical waste annual permit (~~Unified Program Facility~~ Annual Permit Base Fee not required): \$170

(8) Small Quantity Medical Waste Generator Biennial Registration: \$160

(9) Payment for medical waste onsite treatment permit application review and processing:

(a) Initial Application: Hourly rate as specified in subsection (m)(6). Two hour minimum.

(b) Review or Revised Application(s): Hourly rate as specified in subsection (m)(6). Two hour minimum.

(10) Business establishments that generate 200 or more pounds of medical waste in any month of a 12-month period annual permit: \$684

(11) Hazardous Materials Management Business Plan (HMBP) Review for sites amending their HMBP as part of the Building Permit process (fee per site): \$403

(12) Hazardous Materials Management Business Plan (HMBP) Review for sites evaluated as part of the Building Permit process (Exempted Sites; fee per site): \$74

(13) Preliminary workscope assessment where no fee is specifically indicated. (Includes Risk Management Plans and other technical assistance.) Hourly rate as specified in subsection (m)(6), minimum two hours.

(14) California Accidental Release Program (CalARP) and Risk Management Plans (RMPs)

(a) Program Level 1 annual fee: \$180

(b) Program Levels II & III annual fee: \$255

(c) RMP review work and additional inspection/ audit costs that exceed the annual fee: hourly rate specified in subsection (m)(6).

(15) Day Care Questionnaire Review for City of San Diego (fee per site): \$261

(16) Notification Only Fee for Low Risk Unified Program Facilities designated by the Director of Environmental Health and Quality as notification only (Unified Program Facility Annual Permit Base Fee not required):

(a) Facilities designated pursuant to sections [68.902\(b\)](#) and [68.909.5](#) of this Code, including Photographic Imaging Waste annual fee: \$74

(Note: Facilities with a valid Small Quantity Medical Waste Generator Biennial Registration are not subject to this fee.)

(b) Unstaffed, Remote Location (one-time fee per facility): \$1,101

(17) Established businesses that operate a facility subject to the Unified Program without first submitting a permit application or notification to the Department must pay the following one-time non-notification fee. \$354

(18) Biotechnology facilities and research and development laboratories subject to the Unified Program Facility Permit base fee, the hazardous waste fees or the hazardous materials fees may have these fees reduced by 25% if the facility meets performance standards as defined by the Department.

(19) University of California at San Diego (UCSD) sites limited to contiguous UCSD owned property on and around Gilman Drive in the City of San Diego subject to the Unified Program Facility Permit Base Fee, the Hazardous Waste Generator Fees, the medical waste generator facility Fees, the Hazardous Materials Fees, the Aboveground Petroleum Storage Act Fees, or the Underground Storage Tank Operating Permit Fees shall pay an annual flat fee in lieu of the fees listed in this section. UCSD shall be subject to all other fees not specifically covered in this Section. The flat fee applies only to UCSD Main Campus and the Scripps Institution of Oceanography. \$24,014

(20) Aboveground Petroleum Storage Act (APSA) annual fee is based on the total aggregate shell capacity of petroleum in Aboveground Storage Tank(s) (AST) (maximum quantity):

Program Level I (1,320 - 9,999 gal): \$225

Program Level II (10,000 - 100,000 gal): \$290

Program Level III (100,001 - 1,000,000 gal): \$347

Program Level IV (1,000,001 - 10,000,000 gal): \$1,434

Program Level V (10,000,001 - 100,000,000 gal): \$1,782

(21) Corrective Action Oversight. The responsible party or the person requesting the County's oversight of corrective action shall pay the County for its oversight costs. Funds to pay for the Department of Environmental Health's (DEH) oversight of corrective action pursuant to section 68.915 of this code shall be advanced to and retained by the County as specified herein.

An initial deposit as specified in section (k)(21)(a) below shall be made by the responsible party or the person requesting oversight. Actual time expended by ~~DEH~~the Department in oversight shall be charged to this deposit account at the current labor rate.

Additional deposits shall be made to the deposit account by the responsible party or person requesting oversight as specified by the County, to maintain a positive balance sufficient to cover anticipated oversight costs in that case for two to three months. Upon completion of work and closure of the case, any funds not expended shall be returned to the responsible party or person seeking oversight.

(a) Corrective Action Initial Deposit: \$3,692

(22) Regulated facility complaint response: ~~DEH~~The Department's costs to investigate a complaint or an agency referral regarding non-compliance at a facility required to have a Unified Program Facility Permit, Medical Waste Generator Facility Permit or Small Quantity Medical Waste Generator Biennial Registration, including ~~DEH~~the Department's costs to verify return to compliance. Applicable if the complaint is substantially validated:

~~DEH~~Department labor, including travel time, at the hourly rates specified in subsection (m)(6) and (m)(7), payable by and invoiced to the facility operator as a regulatory program fee.

Note: If an emergency response is undertaken, [Chapter 8](#) of Division 8 of this Title is also applicable. If removal and disposal of abandoned hazardous waste or hazardous material is undertaken on a non-emergency basis, subsection (k)(24) of this Section is also applicable. For the Hazardous Incident Response Team Emergency Response the Environmental Health Specialist hourly rate is specified in subsection (m)(7).

(23) Other complaint response: ~~DEH~~Department costs to investigate a complaint or an agency referral regarding improper management of hazardous wastes or hazardous materials at any place not otherwise required to have a Unified Program Facility Permit. This includes ~~DEH~~the Department's costs to verify proper on-site management, or the removal and proper subsequent disposition of those materials or wastes. Applicable if the complaint is substantially validated:

~~DEH~~Department labor, including travel time, at the hourly rate specified in subsection (m)(6) and (m)(7), payable by and invoiced to the person who owns or controls the hazardous waste or material, as a regulatory program fee.

Note: If an emergency response is undertaken, [Chapter 8](#) of Division 8 of this Title is also applicable. If removal and disposal of abandoned hazardous waste or hazardous material is undertaken on a non-emergency basis, subsection (k)(24) of this Section is also applicable. For the Hazardous Incident Response Team Emergency Response the Environmental Health Specialist hourly rate is specified in subsection (m)(7).

(24) Hazardous waste and hazardous material abatement. ~~DEH~~The Department's costs to remove and manage, or to arrange for the removal and proper management of, hazardous wastes or hazardous materials that have been abandoned, where there is no immediate need for an emergency response:

~~DEH~~Department labor, including travel time, at the hourly rate specified in subsection (m)(6) and (m)(7), plus all other costs incurred, including but not limited to costs, costs of equipment usage, the cost of supplies, contract service costs, administrative and overhead costs, and the cost of legal services incurred. Payable by and invoiced to the responsible party if identified. Payable by the property owner or lessee if the responsible party cannot be identified. For the Hazardous Incident Response Team Emergency Response the Environmental Health Specialist hourly rate is specified in subsection (m)(7).

The appeal and lien provisions of Chapter 8 of Division 8 of this Title are applicable to invoices issued under this subsection (k)(24).

This subsection does not limit the County's ability to instead order the abatement of, or to abate or summarily abate, a public nuisance and pursue cost recovery as provided in [Chapter 2](#) of Division 6 of Title 1 of this code.

(l) RADIATION SHIELDING PLAN CHECK FEES:

- (1) Radiation Shielding Plan Check Fee (base fee includes two rooms): \$114
- (2) Fees for additional rooms in same facility (3-6 rooms): \$52

For more complex plan checks, sites are billed at the hourly rate specified in subsection (m)(6) for additional plan check and inspection costs that exceed the hours covered by the fee calculated above.

(m) MISCELLANEOUS DEPARTMENT FEES:

- (1) Duplicate permit, license, grade card, registration, or other required document under any ~~DEH~~Department program (per document): \$18
- (2) Health regulated business name change: \$30

(3) Copies of Documents: Fees are allowed under the California Public Records Act (Government Code Section 6253(b)), are set by the County of San Diego Auditor and Control and can be found here: <https://www.sandiegocounty.gov/content/sdc/auditor/feeschedule.html>.

(4) Vector Control Technician hourly rate for which no fee is specifically indicated (minimum charge one hour, each additional ½ hour will be charged one half of the hourly rate): \$142

(5) Environmental Health Technician hourly rate for which no fee is specifically indicated (minimum charge one hour, each additional ½ hour will be charged one half of the hourly rate): \$85

(6) Environmental Health Specialist hourly rate for which no fee is specifically indicated (minimum charge one hour, each additional ½ hour will be charged one half of the hourly rate): \$153

(7) Hazardous Incident Response Team Emergency Response hourly rate for which no fee is specifically indicated (minimum charge one hour, each additional ½ hour will be charged one half of the hourly rate): \$204

(8) Expedited services will be provided at the request of the customer when possible. These services will be provided by staff working paid overtime. Costs will be recovered by charging one and a half times the hourly rate specified in subsection (m)(6).

(9) Cost for services provided for which a deposit is required will be at the hourly rate specified in subsection (m)(6). Costs for expedited services provided for which a deposit is required will be at one and a half times the hourly rate specified in subsection (m)(6).

(10) **FEE WAIVER FOR STRUCTURES DAMAGED OR DESTROYED BY NATURAL DISASTER.** Notwithstanding the fees otherwise specified in Section 65.107, said fees may be waived for an applicant who is rebuilding legally built structures which have been damaged or destroyed by a wildfire or other natural disaster and which are located within the boundaries of a geographic area which has been declared by resolution of the Board of Supervisors to be eligible for this fee waiver. The fee waiver shall not apply to any portion of a new structure which exceeds the square footage of the structure which is being replaced.

(11) Fees for sample collection, laboratory costs, and project oversight shall be assessed at the approved hourly rate as specified in subsection (m) and for all laboratory costs associated with sampling and analysis.

(12) The following fees shall be paid to the Department of ~~Environmental Health~~ for Vector Laboratory services:

Special Projects include, but are not limited to, preparation for and speaking at public workshops, engagements, meetings, preparation of reports, review of reports or documents, and/or research. Fees for special projects shall be calculated and will be charged using the standard hourly billing rates set forth below.

Laboratory tests: \$38

Save body: \$20

(13) Vector Laboratory Special Projects:

CLASS	CLASS TITLE	HOURLY RATE
2120	County Veterinarian	\$328

5426	Agricultural Scientist	\$201
4317	Disease Research Scientist	\$140

Section 54. Section 65.108 of the San Diego County Code is hereby amended to read as follows:

SEC. 65.108. PERMIT FEE REDUCTIONS FOR NONPROFIT ORGANIZATIONS.

Where alternative funding has been provided, the Director of the Department of Environmental Health and Quality may invoice a nonprofit applicant for a permit or renewal thereof relating to operation of a food facility establishment specified in subdivision (a) of Section [65.107](#), housing specified in subdivision (b) of Section [65.107](#), or a public swimming pool specified in subdivision (c) of Section [65.107](#) at 50% of the fee specified for the permit or renewal specified in said subdivisions, provided that the applicant is a nonprofit organization for federal tax purposes as set out in Section 501(c)(3) of the federal Internal Revenue Code.

Section 55. Section 65.109 of the San Diego County Code is hereby amended to read as follows:

SEC. 65.109. REFUNDS.

(a) The Director shall authorize the refunding of any Department of Environmental Health and Quality fee which was erroneously paid or collected when no fee was due.

(b) The Director shall authorize the refunding of any fee paid for which no service costs have been incurred. Permit application processing and any inspection or enforcement activity directed at a business is a service cost.

(c) The Director may authorize the refunding of a portion of a fee paid which is in excess of service costs incurred. Refund processing is a service cost which will be deducted from any refund request being made.

(d) Every applicant for an environmental health fee refund of \$10 or less or for any refund where service costs have been incurred, shall file with the Department of Environmental Health and Quality a written application on a form prescribed by said Department.

Section 56. The title of Section 65.111 of the San Diego County Code is hereby amended to read as follows:

SEC. 65.111. DEPARTMENT OF ENVIRONMENTAL HEALTH AND QUALITY'S BUILDING AND CODE ENFORCEMENT RESERVE DESIGNATION.

Section 57. Section 66.301 of the San Diego County Code is hereby amended to read as follows:

SEC. 66.301. STATEMENT OF PURPOSE.

This chapter implements state law provisions for body art facilities and their employees, as well as establishes additional local requirements to prevent communicable disease transmission in order to protect public health and safety in San Diego County. Health and Safety Code (H & S Code) sections 119300 et seq., also referred to as the Safe Body Art Act (SBAA), provides statewide health and sanitation standards for body art to include body piercing, tattooing, branding, or application of

permanent cosmetics. These sections designate local health officers and directors of environmental health as enforcement officials, allowing a local election of which official enforces this program. The Director of ~~the County Department of Environmental Health (DEH)~~ Director shall implement this program. The Director of ~~DEH~~ is also the director of environmental health in all of the incorporated cities in the County, and therefore will enforce the body art standards in state law Countywide. The SBAA also allows a city or county to adopt local regulations or ordinances that do not conflict with or are more stringent than the provisions of the SBAA, except for mechanical stud and clasp ear piercing. This chapter establishes additional local requirements for body art regulation, to be administered by ~~DEH~~ the Director in the unincorporated portion of the County and in any city that adopts these additional requirements for implementation by the County.

Section 58. Section 66.302 of the San Diego County Code is hereby amended to read as follows:

SEC. 66.302. DEFINITIONS.

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

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

- (a) APPROVED means acceptable to the Director or the County Health Officer if the Health Officer is specified.
- (b) BODY ART shall have the meaning set out in Section 119301 of the California Health and Safety Code but as provided elsewhere in that act does not include mechanical stud and clasp ear piercing, i.e., piercing the ear with a disposable, single-use, pre-sterilized clasp and stud or solid needle that is applied using a mechanical device to force the needle or stud through the ear.
- (c) ~~DEH~~ DEPARTMENT means the Department of Environmental Health and Quality.
- (d) DIRECTOR means the Director of ~~DEH~~ Environmental Health and any person appointed ~~or hired~~ by the Director to enforce or administer this chapter.
- (e) ENFORCEMENT OFFICER means the Director of ~~DEH~~ and duly authorized Registered Environmental Health Specialists and Environmental Health Specialist Trainees employed by the County.
- (f) MAYO STAND means an adjustable stand with stainless steel tray for holding body art implements.
- (g) MOBILE BODY ART VEHICLE means a non-permanent, mobile body art establishment, operating at locations remote from the permanent body art facility, from which body art practitioners perform body art for a fee or for other consideration.
- (h) PERMIT means an annual permit issued to a body art facility including a mobile body art vehicle by ~~DEH~~ the Department. Permit also includes the permit issued for each body art temporary event.
- (i) SBAA means the Safe Body Art Act, codified at California Health and Safety Code sections 119300 and following.
- (j) SINGLE SERVICE means one-time, one person use.

Section 59. Section 66.303 of the San Diego County Code is hereby amended to read as follows:

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

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

Section 60. Section 66.304 of the San Diego County Code is hereby amended to read as follows:

SEC. 66.304. REGISTRATION OF PRACTITIONERS.

- (a) It shall be unlawful for any person to perform body art without first registering as a body art practitioner with ~~DEH~~the Department.
- (b) The registration process is not complete until ~~DEH~~the Department confirms that the requirements of the SBAA and of this chapter have been met, and a certificate of registration is issued.
- (c) In addition to complying with the requirements of the SBAA including Section 119306 of the Health and Safety Code, every person applying for registration as a practitioner shall pay the annual permit fee set forth in Title 6, Division 5, Section [65.107](#) of this Code.
- (d) Practitioners shall only perform body art from a permitted body art facility.

Section 61. Section 66.305 of the San Diego County Code is hereby amended to read as follows:

SEC. 66.305. PERMITS FOR FACILITIES AND EVENTS.

- (a) Body art procedures shall be the only activity conducted in a body art facility.
- (b) It shall be unlawful for any person to operate a body art facility, including a mobile body art vehicle or a body art temporary event, without first applying for and receiving a permit from ~~DEH~~the Department.
- (c) The permit required by the SBAA and this chapter shall be applied for and issued as prescribed in Section 119312 of the California Health and Safety Code, using the County permitting procedures set out in Title 6, Division 5 of this Code.
- (d) Plan submissions for body art facilities shall address the requirements in this chapter and the SBAA, and shall include a finish schedule for sanitary walls, floors and ceiling as approved by ~~DEH~~the Department. Written approval by ~~DEH~~the Department is required in advance of the issuance of any building, plumbing or electrical permit by the County or any other local jurisdiction. Written ~~DEH~~Department approval and any applicable local permits are required prior to commencing work.
- (e) An "Infection Prevention Control Plan" (IPCP) shall be provided at the time of application for a new permit. In addition to addressing the requirements of the SBAA including Section 119313 of the Health and Safety Code, the IPCP shall include procedures for dressing of the procedure site.

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

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

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

Section 62. Section 66.308 of the San Diego County Code is hereby amended to read as follows:

SEC. 66.308. RECORDS AND REPORTING.

(a) The permit holder shall maintain proper records of each customer. In addition to the records required in SBAA, including sections 119303(c), 119307(e), 119313(e) and 119315(f) of the Health and Safety Code, a log of the following information shall be maintained:

- (1) The date when the body art procedure was applied.
- (2) The name, address and age of the client.
- (3) The design and/or the location of the procedure site.
- (4) The name of the Body Art Practitioner.

(b) The information required in subsection (a) shall be permanently recorded, in ink or indelible pencil, in an organized file or bound book kept solely for this purpose. This book shall be available at reasonable hours for examination by the Enforcement Officer and shall be kept in the establishment for a minimum of six months. The confidentiality provisions of section 119303(c) of the Health and Safety Code shall be applied to these records.

(c) All complaints of infections resulting from the practice of body art shall be reported to the County Health Officer by the person owning or operating the body art facility.

(d) A facility that only provides mechanical stud and clasp ear piercing services using a single-use, pre-sterilized, stud and clasp for jewelry in compliance with section 119310 (a) & (b) of the SBAA shall submit a notification form. The form will be provided by ~~DEH~~the Department in compliance with Article 7 of the SBAA.

Section 63. Section 66.312 of the San Diego County Code is hereby amended to read as follows:

SEC. 66.312. HEARINGS, APPEALS.

(a) If ~~DEH~~the Department proposes to suspend or revoke a body art facility permit or registration pursuant to the SBAA or this chapter, or if ~~DEH~~the Department temporarily closes a body art facility for an imminent health hazard, and a hearing is requested within 15 days of receiving notice as specified in section 119320 of the Health and Safety Code, that hearing shall be scheduled by the Director. The hearing officer shall be a ~~DEH~~Department employee, at the supervisor level or higher, who was not involved in the decision to propose to modify, suspend or revoke the permit or to temporarily close the facility.

(b) The permit holder may appeal the decision made at the hearing to the Appellate Hearing Board as provided in Chapter 1 of Division 6 of Title 1 of this Code. Filing an appeal shall stay the decision of

the ~~DEH~~Department hearing officer, unless the ~~DEH~~Department hearing officer determined that an imminent health hazard required closure of the facility.

(c) The Clerk shall endeavor to schedule the appeal hearing on an expedited basis if the body art facility must remain closed until that appeal is heard.

Section 64. Section 66.313 of the San Diego County Code is hereby amended to read as follows:

SEC. 66.313. ADMINISTRATIVE PROBATION.

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

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

Section 65. Section 66.606 of the San Diego County Code is hereby amended to read as follows:

SEC. 66.606. FACILITIES NECESSARY.

No permit to conduct a bathhouse shall be issued unless an inspection by the Sheriff and ~~the Director~~ of the Department of Environmental Health and Quality reveals that the establishment complies with each of the following minimum requirements:

(a) Construction of rooms used for toilets, tubs, steam baths, and showers shall be made waterproof with approved waterproof materials.

(1) Steam rooms and shower compartments shall have approved waterproof floors, walls and ceilings.

(2) Floors of wet and dry heat rooms shall be adequately pitched to one or more floor drains properly connected to the sewer. (Exception: dry heat rooms with wooden floors need not be provided with pitched floors and floor drains.)

(3) A source of hot water shall be available within the immediate vicinity of dry and wet heat rooms to facilitate cleaning.

(b) Toilet facilities shall be provided in convenient locations, and every bathhouse shall provide at least one water closet. When five or more employees and patrons of each sex are on the premises at the same time, separate toilet facilities shall be provided. A single water closet per sex shall be provided for each 20 employees or patrons of that sex on the premises at any one time. Urinals may be substituted for water closets in the toilet facility for males after one water closet has been provided; provided, however, that there shall be at least one water closet for each 60 employees or patrons of the male sex. All toilet rooms shall be equipped with self-closing doors opening in the direction of ingress to the toilet rooms. Toilets shall be designated as to the sex accommodated therein.

(c) Lavatories or wash basins provided with both hot and cold running water shall be installed in either the toilet room or the vestibule. Lavatories or wash basins shall be provided with soap in a dispenser and with sanitary towels.

(d) All portions of bathhouse establishments and baths shall be provided with adequate light and ventilation by means of windows or skylights with an area of not less than 1/8 of the total floor area, or shall be provided with approved artificial light and a mechanical operating ventilating system. Areas of the bathhouse, other than those areas provided only to individual patrons, shall at all times during bathhouse operation have a direct illumination level of at least ten to twelve foot-candles of light measured 30 inches above the floor. When windows or skylights are used for ventilation, at least 1/2 of the total required window area shall be operable.

Section 66. Section 66.618 of the San Diego County Code is hereby amended to read as follows:

SEC. 66.618. INSPECTIONS.

The Sheriff and the Department of Environmental Health and Quality shall, at the discretion of the ~~Director~~Department, make an inspection of each bathhouse for the purpose of determining that the provisions of this chapter are complied with.

Section 67. Section 66.901 of the San Diego County Code is hereby amended to read as follows:

SEC. 66.901. DIRECTOR TO ENFORCE STATE HOUSING LAW.

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

Section 68. Section 66.903 of the San Diego County Code is hereby amended to read as follows:

SEC. 66.903. DEFINITIONS.

For the purpose of this chapter, unless otherwise specified, the following word or words shall have the following meaning:

APARTMENT HOUSE means any building or portion thereof which contains three or more dwelling units. Separate apartment house buildings located upon a single parcel of land or contiguous parcels of land or under the same ownership shall be treated as one apartment house for the purpose of computing the fee prescribed by Section [65.107\(b\)](#).

CO-LOCATED RENTAL UNIT means any other rental unit on the same premises and under the same ownership or management as an apartment house.

DIRECTOR means the Director of Environmental Health.

DWELLING UNIT shall mean each apartment in an apartment house and each sleeping room in a hotel, and each apartment and each hotel sleeping room in a building, containing both apartments and hotel sleeping rooms which contains living facilities, including provisions for sleeping, eating, cooking, and sanitation, for not more than one family and for the purpose of [Chapter 1](#), Division 9, Title 6 includes rented residences.

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

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

HOTEL means any building, or set of buildings located on the same or contiguous premises and under the same ownership or management, containing six or more guest rooms intended or designed to be used, or which are used, rented, or hired out to be occupied, or which are occupied for sleeping purposes by guests. Separate hotel buildings located upon a single parcel of land or contiguous parcels of land or under the same ownership shall be treated as hotel for the purpose of computing the fee prescribed by Section [65.107](#)(b).

Section 69. Section 67.301 of the San Diego County Code is hereby amended to read as follows:

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

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

Section 70. Section 67.301.5 of the San Diego County Code is hereby amended to read as follows:

SEC. 67.301.5. DEFINITIONS.

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

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

~~"DEH" or~~ "Department" means the County Department of Environmental Health and Quality.

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

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

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

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

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

Section 71. Section 67.302 of the San Diego County Code is hereby amended to read as follows:

SEC. 67.302. PERMIT REQUIRED.

- (a) It shall be unlawful for any person to operate a public pool without a valid permit issued by the Department of ~~Environmental Health~~. A permit is not valid unless required fees, including any related late payment fees, have been paid.
- (b) Any person who violates subsection (a) of this section shall be guilty of a misdemeanor, punishable by a fine not to exceed \$1,000 or imprisonment not to exceed six months, or both. Each day that a person violates subsection (a) is a separate violation.
- (c) The County may also enforce any violation of subsection (a) by an action for injunctive relief.

Section 72. Section 67.302.5 of the San Diego County Code is hereby amended to read as follows:

SEC. 67.302.5. PLAN REVIEW FEES.

A person required to submit plans and specifications to ~~DEH~~the Department pursuant to Health and Safety Code section 116038 shall pay the plan review fee required in Title 6, Division 5 at the time the person submits plans and specifications. If more than one plan review is required, the applicant shall also pay the plan revision and plan check consultation fees specified in that Division.

Section 73. Section 67.402 of the San Diego County Code is hereby amended to read as follows:

SEC. 67.402. DEFINITIONS AS USED IN THIS CHAPTER.

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

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

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

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

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

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

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

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

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

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

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

DEPARTMENT. The Department of Environmental Health and Quality.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

WELL. Any artificial excavation constructed by any method for the purpose of extracting water from or injecting water into the underground, for providing cathodic protection or electrical grounding of equipment, for making tests or observations of ground water conditions, for using the heat exchange capacity of the earth for heating and cooling, or for any other similar purpose. Wells shall include, but shall not be limited to, community water supply wells, individual domestic wells, commercial wells, industrial wells, agricultural wells, monitoring wells and salt water (hydraulic) barrier wells, as defined herein, geothermal heat exchange wells and other wells whose regulation is necessary to accomplish the purposes of this chapter.

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

Section 74. Section 67.430 of the San Diego County Code is hereby amended to read as follows:

SEC. 67.430. INVESTIGATION.

The Director may, upon reasonable cause to believe that an abandoned well or other well is causing a nuisance by polluting or contaminating ground water, or constitutes a safety hazard, investigate the situation to determine whether such nuisance does in fact exist. The Director shall have the power, when in the performance of ~~his/her~~their duty and upon first presenting ~~his/her~~their credentials and identifying ~~himself/herself/themself~~ as an employee of the Department of ~~Environmental Health~~ to the person apparently in control of the premises, if available, to enter upon any such premises between the hours of 8:00 a.m., and 6:00 p.m., to discover or inspect any thing or condition which appears to indicate such a nuisance. The Director may examine such premises, things or conditions, take such samples and make such tests as needed and take any other steps reasonably necessary for the proper investigation and determination of whether such a nuisance exists.

Section 75. Section 67.443 of the San Diego County Code is hereby amended to read as follows:

SEC. 67.443. INSPECTIONS.

1. Upon receipt of an application, an inspection of the well location may be required by the Director to be made by the Director prior to issuance of a well permit.
2. The Director or any person designated by the Director may inspect the work in progress and may enter the premises at any reasonable time for the purpose of performing such inspection.
3. After work has been completed pursuant to any permit the Director shall be notified by the person performing the work and the Department of Environmental Health shall make a final inspection of the completed work to determine compliance with the well standards.

Section 76. Section 67.502 of the San Diego County Code is hereby amended to read as follows:

SEC. 67.502. DEFINITIONS.

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

- a) ADMINISTRATOR. Shall mean the Director of ~~the Department of~~ Environmental Health, or authorized agent.
- b) DIRECTOR. Shall mean the Director of the Department of Public Works, County of San Diego, or authorized agent.
- c) DISCRETIONARY LAND USE PERMITS. Shall mean a subdivision map, major use permit, specific plan or specific plan amendment.
- d) GREENBELT AREAS. A greenbelt area includes, but is not limited to, golf courses, cemeteries, parks and landscaping. Greenbelt areas do not include agricultural operations for the purpose of this ordinance.
- e) OFF-SITE FACILITIES. Water (or recycled water) pipes and delivery infrastructure from the source of supply to the point of connection with the on-site facilities, normally up to and including the water meter.
- f) ON-SITE FACILITIES. Water (or recycled water) pipes and delivery infrastructure located on private property, normally downstream from the water meter and under the control of the owner.
- g) POTABLE WATER. Water which conforms to the federal, state and local standards for human consumption.
- h) POTENTIAL HEALTH HAZARD. An act or condition that increases the risk to the public health.
- i) RECYCLED WATER. Water which, as a result of treatment of waste, is suitable for a direct beneficial use or a controlled use that would not otherwise occur.
- j) RECYCLED WATER DISTRIBUTION SYSTEM. A piping system intended for the delivery of recycled water separate from and in addition to the potable water distribution system.
- k) SPECIAL PURPOSE DISTRICT. Either a dependent district (governed by the Board of Supervisors) or an independent district (governed by an independent board of directors) authorized to sell potable or recycled water within a defined geographic boundary.

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

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

Section 77. Section 67.802 of the San Diego County Code is hereby amended to read as follows:

SEC. 67.802. DEFINITIONS.

Unless a different meaning is clearly intended and more protective of water quality under the circumstances, terms used in this Chapter shall have the same meaning as the same or equivalent term when defined in Attachment C of California Regional Water Quality Control Board amended Order No. R9-2013-0001, NPDES No. CAS0109266. For purposes of this Chapter subject to the foregoing limitation, the following definitions shall apply:

(a) "Authorized enforcement official" means the Director of Public Works, the Director of Planning and Development Services, the Director of the Department of Environmental Health and Quality, the Director of Environmental Health, the Agricultural Commissioner, Department of Agriculture, Weights and Measures, or their designees.

(b) "Active/Passive Sediment Treatment" means using mechanical, electrical or chemical means to flocculate or coagulate suspended sediment for removal from runoff from construction sites prior to discharge.

(c) "Authorized non-stormwater discharge" means a discharge allowed to enter the stormwater conveyance system or receiving waters in accordance with a permit under the National Pollutant Discharge Elimination System or as specifically authorized by this Chapter.

(d) "Best management practices" (BMPs) shall have the same meaning as defined in the NPDES Order. Best management practices may include any type of pollution prevention and pollution control measure that achieves compliance with this Chapter.

(e) "Biofiltration" means practices that use vegetation and amended soils to detain and treat runoff from impervious areas. Treatment is through filtration, infiltration, adsorption, ion exchange, and biological uptake of pollutants.

(f) "BMP Design Manual" means the plan developed by the County in accordance with the NPDES Order to eliminate, reduce, or mitigate the impacts of water runoff from development projects and existing development.

(g) "Detention" means the temporary storage of storm run-off in a manner that controls peak discharge rates and provides some gravity settling of pollutants.

(h) "Detention facility" means a detention basin or alternative structure designed for the purpose of temporary storage of stream flow or surface run-off and gradual release of stored water at controlled rates.

(i) "Development project" means construction, rehabilitation, redevelopment, land disturbance activity, or reconstruction of any public improvement projects or private projects.

(j) "Discharge", when used as a verb, means to allow pollutants to directly or indirectly enter stormwater, or to allow stormwater or non-stormwater to directly or indirectly enter the stormwater conveyance system or receiving waters, from an activity or operations which one owns or operates. When used as a noun, "discharge" means the pollutants, stormwater, or non-stormwater that are discharged.

(k) "Discharger" means any person or entity engaged in activities or operations or owning facilities, from which an allowed non-stormwater discharge to the stormwater conveyance system may or does originate or which will or may result in pollutants entering stormwater, the stormwater conveyance system, or receiving waters or the owners of real property on which such activities, operations or facilities are located, except that a local government or public authority is not a discharger as to activities conducted by others in public rights-of-way.

(l) "Environmentally sensitive area" or "ESA" means impaired water bodies, as defined by the federal Clean Water Act, Section 303(d), areas designated as Areas of Special Biological Significance or with the RARE beneficial use by the SWRCB in the Water Quality Control Plan for the San Diego Basin (1994 and amendments) and areas designated as preserves for species- protection purposes by the State of California or a local government.

(m) "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, and technological factors as determined in the sole discretion of the County. Feasibility may be limited in this Chapter to eliminate consideration of economic, environmental and other factors as, for example, where feasibility is specifically defined as technological feasibility.

(n) "Flow-thru treatment control BMPs" mean structural, engineered facilities that are designed to remove pollutants from stormwater runoff using treatment processes that do not incorporate significant biological methods. Examples include dry extended detention basins, sand filters, media filters, and vegetated swales.

(o) "Illicit connection" means any man-made conveyance or drainage system through which non-stormwater or pollutants in water, not authorized by an NPDES permit or the NPDES Order are discharged or may be discharged to the stormwater conveyance system.

(p) "Impervious surface area" means the ground area covered or sheltered by an impervious surface, measured in plan view. For example, the "impervious surface area" for a pitched roof is equal to the ground area it shelters, rather than the surface area of the roof itself.

(q) "Infiltration BMPs" mean structural measures that capture, store, and infiltrate stormwater runoff. These BMPs are engineered to store a specified volume of water and have no design surface discharge (underdrain or outlet structure) until this volume is exceeded. Infiltration BMPs may also support evapotranspiration processes, but are characterized by having their most dominant volume losses due to infiltration. They are a type of retention BMP.

(r) "Land disturbance activity" means any activity, whether or not a stormwater quality management plan or County permit or approval is required, that moves soils or substantially alters the land such as grading, digging, cutting, scraping, stockpiling or excavating of soil; placement of fill materials; paving, pavement removal, exterior construction; substantial removal of vegetation where soils are disturbed including but not limited to removal by clearing or grubbing; clearing or road- cutting associated with geotechnical exploration and assessment, percolation testing, or any other activity that is a condition of a permit application; or any activity which bares soil or rock or involves streambed alterations or the diversion or piping of any watercourse.

(s) "Maximum extent practicable" (MEP) shall have the same meaning as defined in the NPDES Order.

(t) "Natural drainage" means a naturally occurring drainage consisting of native soils such as a natural swale or topographic depression which gathers or conveys run-off to a permanent or intermittent watercourse or water body.

(u) "Natural System Management Practices" (NSMP) means stormwater practices implemented to restore and/or preserve predevelopment watershed functions in lieu of providing direct pollutant removal and hydromodification flow control. NSMPs may include structural or engineered elements, but these elements do not expressly provide pollutant removal. NSMPs include land restoration, land preservation and stream rehabilitation projects.

(v) "Non-Stormwater" means all discharges to and from the stormwater conveyance system that do not originate from precipitation.

(w) "NPDES Order" shall mean and refer to California Regional Water Quality Control Board, San Diego Region Order No. R9-2013-0001, NPDES No. CAS00109266, as the same may be amended, modified or replaced from time to time.

(x) "Offsite Alternative Compliance Project" means a project implemented, either as a structural BMP or a Natural System Management Practice, which provides a greater overall water quality Benefit to the watershed management area and offset stormwater pollutant control impacts and hydromodification flow control impacts associated with Priority Development Projects (PDPs). Offsite Alternative Compliance Projects (ACP) may be implemented as an applicant-implemented ACP in which the ACP is owned or constructed by the same party that is generating the PDP impact. ACPs may be either structural BMPs or stormwater management practices implemented to restore and/or preserve predevelopment watershed function of a natural system.

(y) "Pollutant" means any agent that may cause, potentially cause or contribute to the degradation of water quality such that a condition of pollution or contamination is created or aggravated.

(z) "Pollutant Control BMP" (PC-BMP) means any engineered system designed to remove pollutants from stormwater by simple gravity settling of particulate pollutants, filtration, biological uptake, media absorption or any other physical, biological, or chemical process. They are also known as treatment control BMPs.

(aa) "Pollution prevention" means the practices and processes that reduce or eliminate the generation of pollutants such as the use of smaller quantities of toxic materials or substitution of less toxic materials; changes to production processes to reduce waste; decreases in waste water flows; recycling of wastes as part of the production process; segregation of wastes, and treatment of wastes on site to decrease volume or toxicity.

(bb) "Priority Development Projects" (PDPs) are new development and redevelopment projects that are subject to general, source control site design, pollutant control, and hydromodification management BMP requirements, and that must demonstrate compliance through a stormwater quality management plan to be approved by the County.

(cc) "Public improvement projects" means any project for the erection, construction, alteration, repair or improvement of any public structure, building, road, or other public improvement of any kind.

(dd) "Rainy season" means from October 1 through April 30.

(ee) "Receiving waters" shall mean waters of the United States.

(ff) "Redevelopment" means creation, addition, or replacement of impervious surface on an already developed site. Examples include the expansion of building footprints, road widening, the addition or replacement of a structure, and creation or addition of impervious surfaces. Replacement of existing impervious surfaces includes any activity that is not part of a routine maintenance activity where impervious material(s) are removed exposing underlying soil during construction. Redevelopment does not include trenching and resurfacing associated with utility work, resurfacing existing roadways, new sidewalk construction, pedestrian ramps, or bike lane on existing roads; and routine replacement of damaged pavement, such as pothole repair.

(gg) "Residential discharger" means the occupant, owner, manager, caretaker, or owner's association that owns, occupies or has responsibility for a discharge from a single-family dwelling, a multiple-family dwelling, mobile home park, condominium complex, board-and-care house, or other housing structure or portion of a residential development from which the discharge originated.

(hh) "Regional Water Quality Control Board" or "RWQCB" means the California Regional Water Quality Control Board for the San Diego Region.

(ii) "Source control BMP" means land use or site planning practices, or structural or nonstructural measures that aim to prevent runoff pollution by reducing the potential for contamination at the source of pollution. Source control BMPs minimize the contact between pollutants and runoff.

(jj) "Stormwater conveyance system" means private and public drainage facilities other than sanitary sewers within the unincorporated area of San Diego County by which water run-off may be conveyed to receiving waters, and includes but is not limited to roads, streets, constructed channels, aqueducts, storm drains, pipes, street gutters, inlets to storm drains or pipes, or catch basins.

(kk) "Stormwater Quality Management Plan" or "SWQMP" means a plan, submitted on a County form or in a County approved format with an application for a County permit or other County approval, identifying the measures that will be used for stormwater and non-stormwater management for a development project. There are two types of SWQMPs: a Standard SWQMP and a PDP SWQMP. A PDP SWQMP is required for all Priority Development Projects. Standard SWQMPs are required for all other development projects.

(ll) "Stormwater pollution prevention plan" (SWPPP) means an approved site-specific plan that (1) identifies and evaluates sources of pollutants associated with activities that may affect the quality of stormwater discharges, (2) eliminates non-stormwater discharges, and (3) identifies and implements site-specific BMPs to reduce or to prevent pollutants in stormwater or retain non-stormwater discharges.

(mm) "Structural BMPs" are a subset of BMPs which detain, retain, filter, remove, or prevent the release of pollutants and control runoff discharge rates to surface waters from development projects in perpetuity, after construction of a project is completed. These BMPs can satisfy the requirements for Pollutant Control BMPs and Hydromodification BMP requirements for Priority Development Projects.

(nn) "SUSMP" or standard urban stormwater mitigation plan for land development projects and public improvement projects means the SUSMP adopted by the County Board of Supervisors on November 13, 2002 pursuant to California Regional Water Quality Control Board Order No. 2001-01, as it may thereafter be revised by the Director, Department of Public Works. The County BMP Design Manual will supersede the SUSMP pursuant to the NPDES Order.

(oo) "Treatment control BMPs" are also known as a Pollutant Control BMPs (PC-BMPs).

(pp) "Tributary to an impaired water body" means any facility or activity that is a tributary to an impaired water body because urban run-off from that facility or activity enters (1) the stormwater

conveyance system at a place and in a manner that will carry pollutants for which that water body is impaired to the impaired water body; (2) a flowing stream that will carry pollutants for which that water body is impaired to the impaired water body; or (3) an ephemeral stream that reaches the impaired water body during storm events and that will carry pollutants for which that water body is impaired during such storm events.

(qq) "Water quality standards" mean those regionally determined beneficial uses and water quality objectives in applicable water quality control and basin plans, together with anti-degradation policies that serve as water quality standards under the Clean Water Act.

(rr) "Watershed Management Areas" mean those areas identified in Table B-1 of the NPDES Order where the County is identified as a responsible Copermitee.

(ss) "Watershed Management Area Analysis" means the analysis completed pursuant to Section II.B.3.b.(4) of the NPDES Order.

(tt) "Water Quality Improvement Plans" mean the plans developed by the County in accordance with Section II.B. of the NPDES Order for the Watershed Management Areas.

Section 78. Section 67.811 of the San Diego County Code is hereby amended to read as follows:

SEC. 67.811. ADDITIONAL PLANNING, DESIGN AND POST-CONSTRUCTION REQUIREMENTS FOR DEVELOPMENT PROJECTS (AFTER EFFECTIVE DATE OF BMP DESIGN MANUAL).

(a) Requirements for all Development Projects:

(1) Follow as applicable the approach and criteria described in the State Water Resources Control Board General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities.

(2) Except as noted in Section 67.811(b), submit a Standard Stormwater Quality Management Plan (SWQMP), with an application for a County permit or other County approval, identifying the measures that will be used for stormwater and non-stormwater management for the project consistent with the County BMP Design Manual.

(3) General Requirements. BMPs shall be designed, constructed and maintained as follows:

(A) Onsite BMPs must be located so as to remove pollutants from runoff prior to its discharge to any receiving waters, and as close to the source as possible;

(B) Structural BMPs may not be constructed in receiving waters; and

(C) Onsite BMPs must be designed and implemented with measures to avoid the creation of nuisance or pollution associated with vectors (e.g., mosquitos, rodents, or flies).

(4) Source Control BMP Requirements. Where applicable and feasible, the following source control BMPs must be implemented at all development projects:

(A) Prevention of illicit discharges into the stormwater conveyance system;

(B) Stenciling and marking of all storm drains in accordance with the BMP Design Manual;

(C) Protection of all outdoor material storage areas from rainfall, run-on, runoff, and wind dispersal including the following:

- Storage areas must be paved and sufficiently impervious to contain leaks and spills, where necessary.
- The storage area shall be sloped towards a sump or another equivalent measure that is effective to contain spills.
- Runoff from downspouts/roofs must be directed away from storage areas.
- The storage area must have a roof or awning that extends beyond the storage area to minimize collection of storm water within the secondary containment area. A manufactured storage shed may be used for small containers.
- Use other methods approved by the County.

(D) Protection of materials stored in outdoor work areas from rainfall, run-on, runoff, and wind dispersal including the following:

- Create an impermeable surface such as concrete or asphalt, or a prefabricated metal drip pan, depending on the size needed to protect the materials.
- Cover the area with a roof or other acceptable cover.
- Berm the perimeter of the area to prevent water from adjacent areas from flowing on to the surface of the work area.
- Directly connect runoff to sanitary sewer or other specialized containment system(s), as needed and where feasible. Approval for this connection must be obtained from the appropriate sanitary sewer agency.
- Locate the work area away from storm drains or catch basins.
- Use other methods approved by the County.

(E) Protection of trash storage areas from rainfall, run-on, runoff, and wind dispersal including the following:

- Design trash container areas so that drainage from adjoining roofs and pavement is diverted around the area(s) to avoid run-on. This can include berming or grading the waste handling area to prevent run-on of storm water.
- Ensure trash container areas are screened or walled to prevent offsite transport of trash.
- Provide roofs, awnings, or attached lids on all trash containers to minimize direct precipitation and prevent rainfall from entering containers.
- Locate storm drains away from immediate vicinity of the trash storage area and vice versa.
- Post signs on all dumpsters informing users that hazardous material are not to be disposed.
- Use other methods approved by the County.

(F) Implementation of additional BMPs as the County determines necessary to minimize pollutant generation.

(5) Site Design Requirements. Where applicable and feasible, the following Site Design BMPs must be implemented at all development projects:

(A) Natural storage reservoirs and drainage corridors (including topographic depressions, areas of permeable soils, natural swales, and ephemeral and intermittent streams) must be maintained or restored;

(B) Buffer zones must be provided for natural water bodies whenever technically feasible. When buffer zones are technically infeasible, other buffers such as trees and access restrictions are required;

(C) Natural areas within the project footprint should be conserved whenever possible;

(D) Streets, sidewalks, and parking lot aisles shall be constructed to the minimum widths necessary consistent with public safety;

(E) The impervious footprint of the project shall be minimized;

(F) Soil compaction to landscaped areas shall be minimized where doing so does not create an excessive risk of slope failure or erosion;

(G) Impervious surfaces shall be disconnected by disturbed pervious areas that can be used to infiltrate runoff;

(H) Landscaped or other pervious areas shall be designed and constructed to effectively receive and infiltrate, retain, and/or treat runoff from impervious areas prior to discharging to the stormwater conveyance system;

(I) Small collection strategies shall be located at, or as close as possible to, the source of the discharge;

(J) Permeable materials shall be used for projects with low traffic areas and appropriate soil conditions;

(K) Native or drought tolerant landscaping shall be used; and

(L) Precipitation shall be harvested and used for landscaping or other permitted use.

(b) Additional Requirements for Priority Development Projects. These requirements apply only to projects west of the Pacific/Salton Sea Divide. In addition to meeting the BMP requirements applicable to all other development projects as required by the NPDES Order and set forth above, the following are applicable to Priority Development Projects.

(1) Priority Development Projects include:

(A) New development projects that create 10,000 square feet or more of impervious surfaces (collectively over the entire project site). This includes commercial, industrial, residential, mixed-use, and public development projects on public or private land.

(B) Redevelopment projects that create and/or replace 5,000 square feet or more of impervious surface (collectively over the entire project site on an existing site of 10,000 square feet or more of impervious surfaces). This includes commercial, industrial, residential, mixed-use, and public development projects on public or private land.

(C) New and redevelopment projects that create and/or replace 5,000 square feet or more of impervious surface (collectively over the entire project site), and support one or more of the following uses:

i. Restaurants. This category is defined as a facility that sells prepared foods and drinks for consumption, including stationary lunch counters and refreshment stands selling prepared foods and drinks for immediate consumption (SIC code 5812).

ii. Hillside development projects. This category includes development on any natural slope that is twenty-five percent or greater.

iii. Parking lots. This category is defined as a land area or facility for the temporary parking or storage of motor vehicles used personally, for business, or for commerce.

iv. Streets, roads, highways, freeways, and driveways. This category is defined as any paved impervious surface used for the transportation of automobiles, trucks, motorcycles, and other vehicles.

(D) New or redevelopment projects that create and/or replace 2,500 square feet or more of impervious surface (collectively over the entire project site), and discharging directly to an ESA. "Discharging directly to" includes flow that is conveyed overland a distance of 200 feet or less from the project to the ESA, or conveyed in a pipe or open channel any distance as an isolated flow from the project to the ESA (i.e., not commingled with flows from adjacent lands).

(E) New development projects, or redevelopment projects that create and/or replace 5,000 square feet or more of impervious surface, that support one or more of the following uses:

i. Automotive repair shops. This category is defined as a facility that is categorized in any one of the following Standard Industrial Classification (SIC) codes: 5013, 5014, 5541, 7532-7534, or 7536-7539.

ii. Retail gasoline outlets (RGOs). This category includes RGOs that meet the following criteria:

a. 5,000 square feet or more; or

b. A projected Average Daily Traffic (ADT) of 100 or more vehicles per day.

(F) New or redevelopment projects that result in the disturbance of one or more acres of land and are expected to generate pollutants post construction.

(2) The following projects shall not be considered priority development projects:

(A) New or retrofit paved sidewalks, bicycle lanes, or trails that meet the following criteria:

i. Designed and constructed to direct stormwater runoff to adjacent vegetated areas, or other non-erodible permeable areas; or

ii. Designed and constructed to be hydraulically disconnected from paved streets or roads; or

iii. Designed and constructed with permeable pavements or surfaces in accordance with USEPA Green Streets guidance.

(B) Retrofitting or redevelopment of existing paved alleys, streets or roads that are designed and constructed in accordance with the USEPA Green Streets guidance. Compliance with any Green Street guidance developed by the County shall be deemed to satisfy this requirement as long as that guidance is as protective of water quality as the USEPA Green Streets guidance. Green Streets projects are subject to County review and approval.

(3) Special considerations for redevelopment projects:

(A) Where redevelopment results in the creation or replacement of impervious surface in an amount of less than fifty percent of the surface area of the previously existing development, then the structural BMP performance requirements defined in the BMP Design Manual apply only to the creation or replacement of impervious surface, and not the entire development; or

(B) Where redevelopment results in the creation or replacement of impervious surface in an amount of more than fifty percent of the surface area of the previously existing development, then the structural BMP performance requirements defined in the BMP Design Manual apply to the entire development.

(4) Priority Development Projects must submit a PDP Stormwater Quality Management Plan (PDP SWQMP), with an application for a County permit or other County approval, identifying the measures that will be used for stormwater and non-stormwater management for the project consistent with the County BMP Design Manual, and implement structural BMPs that conform to performance requirements described below:

(A) Each PDP must implement BMPs that are designed to retain (i.e., intercept, store, infiltrate, evaporate, and evapotranspire) onsite the pollutants contained in the volume of stormwater runoff produced from a 24-hour 85th percentile storm event (design capture volume); or

(B) If retaining the full design capture volume onsite is not technically feasible, biofiltration BMPs may be used. Biofiltration BMPs must be designed to have an appropriate hydraulic loading rate to maximize stormwater retention and pollutant removal, as well as to prevent erosion, scour, and channeling within the BMP, and must be sized to:

i. Treat 1.5 times the design capture volume not reliably retained onsite, or

ii. Treat the design capture volume not reliably retained onsite with a flow-thru design that has a total volume, including pore spaces and pre-filter detention volume, sized to hold at least 0.75 times the portion of the design capture volume not reliably retained onsite.

(C) If the County determines that biofiltration is not technically feasible, then a PDP may be allowed to utilize flow-thru treatment control BMPs to treat runoff leaving the site, AND mitigate for the design capture volume not reliably retained onsite pursuant to the requirements in Section 67.811(b)(6). Flow thru treatment control BMPs must be sized and designed to:

i. Remove pollutants from storm water to the MEP;

ii. Filter or treat either: 1) the maximum flow rate of runoff produced from a rainfall intensity of 0.2 inch of rainfall per hour, for each hour of a storm event, or 2) the maximum flow rate of runoff produced by the 85th percentile hourly rainfall intensity (for each hour of a storm event), as determined from the local historical rainfall record, multiplied by a factor of two;

iii. Be ranked with high or medium pollutant removal efficiency for the PDP's most significant pollutants of concern. Flow-thru treatment control BMPs with a low removal efficiency ranking will only be approved by the County if a feasibility analysis has been conducted which exhibits that implementation of flow-thru treatment control BMPs with high or medium removal efficiency rankings are infeasible for the applicable portion of a PDP.

(5) Hydromodification Management BMP Requirements. Priority Development Projects must implement onsite BMPs to manage hydromodification that may be caused by stormwater runoff discharged from a project as follows:

(A) Hydromodification BMPs must be sized and designed such that post-project runoff conditions (flow rates and durations) will not exceed pre-development runoff conditions by more than 10 percent (for the range of flows that result in increased potential for erosion, or degraded instream habitat downstream of Priority Development Projects).

i. In evaluating the range of flows that results in increased potential for erosion of natural (non-hardened) channels, the lower boundary must correspond with the critical channel flow that produces the critical shear stress that initiates channel bed movement or that erodes the toe of channel banks.

(B) A Priority Development Project may be exempted from the hydromodification management BMP performance requirements where the project discharges stormwater runoff to:

i. Existing underground storm drains that discharge directly to water storage reservoirs, lakes, enclosed embayments, or the Pacific Ocean; or

ii. Conveyance channels whose bed and bank are concrete lined all the way from the point of discharge to water storage reservoirs, lakes, enclosed embayments or the Pacific Ocean; or

iii. An area identified by the County as appropriate for an exemption through a Watershed Management Area Analysis incorporated into a Water Quality Improvement Plan accepted by the RWQCB.

(C) PDP projects must avoid critical coarse sediment yield areas as identified by the County unless measures are implemented consistent with the BMP Design Manual that allow critical coarse sediment to be discharged to receiving waters, such that there is no net impact to the receiving water.

(6) A PDP may be allowed at the County's discretion to utilize offsite alternative compliance in lieu of complying with the storm water pollutant control and hydromodification BMP performance requirements in Section 67.811(b)(4)-(5). The PDP must mitigate for the portion of the pollutant load in the design capture volume not retained onsite and/or post-project runoff conditions not fully managed onsite consistent with a Water Quality Equivalency (WQE) Guidance Document accepted by the RWQCB. If a PDP is allowed to utilize offsite alternative compliance, flow-thru treatment control BMPs must be implemented to treat the portion of the design capture volume that is not reliably retained onsite. Flow-thru treatment control BMPs must be sized and designed in accordance with the requirements of Section 67.811(b)(4)(C). An offsite alternative compliance project for a private PDP may be partially or wholly located within the County Right-of-way upon approval of the Authorized Enforcement Officer. Any and all costs associated with the project shall be the sole responsibility of the applicant, including design and installation and the effective operation and maintenance in perpetuity of any and all treatment and hydromodification controls required under this Chapter. The County shall retain the authority to recoup as necessary any and all such costs.

(7) The following requirements apply to the use of infiltration BMPs:

(A) Infiltration BMPs shall not cause or contribute to an exceedance of applicable groundwater quality objectives as set out in the RWQCB "Basin Plan" for the San Diego area;

(B) Runoff must undergo pretreatment such as sedimentation or filtration prior to infiltration;

(C) Pollution prevention and source control BMPs must be implemented at a level appropriate to protect groundwater quality at sites where infiltration BMPs are to be used;

(D) Infiltration BMPs must be adequately maintained to remove pollutants in stormwater to the MEP;

(E) The vertical distance from the base of any infiltration BMP to the seasonal high groundwater mark must be at least 10 feet. Where groundwater basins do not support beneficial uses, this vertical distance criteria may be reduced, provided groundwater quality is maintained;

(F) The soil through which infiltration is to occur must have physical and chemical characteristics (e.g., appropriate cation exchange capacity, organic content, clay content, and infiltration rate) which are adequate for proper infiltration durations and treatment of runoff for the protection of groundwater beneficial uses;

(G) Infiltration BMPs must not be used for areas of industrial or light industrial activity, and other high threat to water quality land uses and activities as designated by the County, unless source control BMPs to prevent exposure of high threat activities are implemented, or runoff from such activities is first treated or filtered to remove pollutants prior to infiltration; and

(H) Infiltration BMPs must be located a minimum of 100 feet horizontally from any water supply wells and 25 feet from any septic system or as prescribed by County of San Diego Department of Environmental Health and Quality.

(8) A priority development project shall not receive a certificate of occupancy or other final approval allowing use of the project site or any portion thereof, until after all required structural BMPs have been constructed in accordance with the PDP SWQMP, BMP Design Manual, this Chapter, and the NPDES Order.

(c) Grandfathering under Previous Land Development Requirements. The requirements of Sections [67.811\(a\)](#) and (b) apply to all development projects unless a prior lawful approval to proceed under the provisions of a prior MS4 Permit has been obtained from the County. The Authorized Enforcement Official may partially or wholly waive these requirements for any private or public development project meeting the conditions of either Section [67.811\(c\)\(1\)](#) or (2) below.

(1) Previous land development requirements may be allowed to apply to any portion or phase of a development project for which the Authorized Enforcement Official determines the County lacks the land use authority or legal authority to require the project to implement the requirements of Sections [67.811\(a\)](#) and/or (b).

(2) At its discretion, the Authorized Enforcement Official may allow the requirements of the immediately prior MS4 Permit to apply to any portion or phase of a Priority Development Project for which all of the conditions below have been satisfied.

(A) Initial Approvals. Prior to the effective date of the current MS4 Permit provisions, the applicant must have:

i. Obtained an approval of a design that incorporates the storm water drainage system for the Priority Development Project in its entirety, including all applicable structural and hydromodification management BMPs consistent with the requirements of the prior MS4 permit. For public projects, a design stamped by the County Engineer or engineer of record for the project is considered an approved design; and

ii. Been issued a project permit or approval that authorizes the commencement of construction activities based on the design approved in Section [67.811\(c\)\(2\)\(A\)i](#);

For purpose of Section [67.811\(c\)](#), the effective date of the 2013 MS4 Permit provisions is February 26, 2016.

(B) Demonstrated to the County's satisfaction that construction activities have commenced on any portion of the Priority Development Project site within 365 days prior to, or 180 days after, the effective date of the current MS4 Permit provisions, where construction activities are undertaken in reliance on the permit or approval.

(C) Subsequent Approvals. Within five years of the effective date of the current MS4 Permit provisions, the applicant must have obtained all subsequent project permits or approvals that are needed to implement the design initially approved in conformance with Section [67.811](#) (c)(2)(A)i. After that time, any portion or phase of a Priority Development Project for which subsequent approvals have not been obtained is required to meet the updated requirements of Section [67.811](#) (a) and (b).

(D) Substantial Conformance. The storm water drainage system for the Priority Development Project in its entirety, including all applicable structural pollutant treatment control and hydromodification management BMPs must remain in substantial conformity with the design initially approved in conformance with Section [67.811](#) (c)(2)(A)i. Any portion or phase of a Priority Development Project not maintaining substantial conformity with this design is required to meet the updated requirements of Sections [67.811](#) (a) and (b).

Section 79. Section 68.301 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.301. PURPOSE.

County permitting of on-site wastewater treatment systems (OWTS) is based on sections 13290 to 13291.7 of the California Water Code and on State Water Resources Control Board (SWRCB) implementing regulations. Those regulations set baseline requirements OWTS statewide, but also provide for the implementation of those regulations and additional local authorizations and requirements by qualified local agencies. The County has prepared a Local Agency Management Plan (LAMP) for OWTS permitting and regulation throughout San Diego County, and that plan has been approved by the California Regional Water Quality Control Board for the San Diego Region. This chapter is applicable throughout San Diego County, including in incorporated cities.

Water Code section 14877.2 allows a county to approve installation of a graywater system if that county determines the graywater system meets the standards of the State Department of Water Resources. Water Code section 14877.3 allows a county to adopt more restrictive standards for graywater systems. The purpose of this chapter is to implement these State laws and regulations and implement additional standards for septic systems and graywater systems that are necessary to protect the health and safety of the San Diego County community. This chapter also prohibits the improper disposal of sewage and provides regulations authorizing the Director of ~~DEH~~Environmental Health, in the Director's capacity as the local health officer for the County, to protect public health from threats from sewage.

Section 80. Section 68.302 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.302. DEFINITIONS.

The following definitions shall apply to this chapter:

(a) "Alternative on-site wastewater treatment system" means an on-site wastewater treatment system that uses an advanced method of effluent treatment or distribution and that is designed to mitigate (1) soil or groundwater conditions that render a lot inappropriate for a standard system or (2) severely inadequate reserve area for repair or replacement of an existing, but improperly functioning on-site

wastewater treatment system. An alternative on-site wastewater treatment system does not include a standard system that only uses a pump to deliver effluent to a non-pressurized disposal field.

(b) "Department" means the Department of Environmental Health and Quality.

(c) "Director" means the Director of the Department of Environmental Health and Quality and any person the Director hires or appoints to implement or enforce this chapter.

(d) "Drainage system" means the piping on property that connects all plumbing fixtures and appliances discharging sewage or other liquid wastes, to a public sewer or an on-site wastewater treatment system. The drainage system does not include the mains or laterals of a public sewer system.

(e) "Horizontal seepage pit" means a component of an on-site wastewater treatment system designed to disburse effluent into the soil, consisting of a trench 4' to 6' wide with vertical sides and a flat bottom.

(f) "IAPMO" means the International Association of Plumbing and Mechanical Officials.

(g) "Leach trench" means a component of an on-site wastewater treatment system designed to disburse effluent into the soil, consisting of an 18" wide trench with vertical sides and a flat bottom.

(h) "On-site wastewater treatment system" means a system on property not connected to a public sewer, that treats and disposes of sewage and other wastes produced on the property where the system is located.

(i) "Vertical seepage pit" means a component of an on-site wastewater treatment system designed to disburse effluent into the soil, consisting of a cylindrical boring, 4' in diameter with vertical sides and a flat bottom.

Section 81. Section 68.303 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.303. ~~DIRECTOR OF DEPARTMENT OF ENVIRONMENTAL HEALTH AND~~ QUALITY TO ENFORCE.

The Director shall implement and enforce this chapter throughout San Diego County, including in incorporated cities. The Director shall coordinate the permitting of OWTS within incorporated cities with each city. The Director of Environmental Health shall enforce the provisions related to the improper disposal of sewage.

Section 82. Section 68.340 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.340. STANDARDS FOR ONSITE WASTEWATER TREATMENT SYSTEMS.

Standards for the siting and design of onsite wastewater treatment systems shall be as set forth in the County of San Diego's Local Agency Management Program for Onsite Wastewater Treatment Systems (LAMP). The Director shall maintain an official copy of the LAMP on the Department of Environmental Health and Quality web-site.

Section 83. Section 68.351 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.351. DIRECTOR MAY MODIFY REQUIREMENTS.

(a) The Director may exercise discretion to modify the requirements of this chapter for an on-site wastewater treatment system that could not otherwise be issued a permit if one of the following circumstances applies, and if the requirements in subsections (b), (c) and (d) of this section are met.

(i) The applicant proposes a smaller size system than required that will have only limited or occasional use and the proposed system is adequate to accommodate the sewage flows the buildings on the lot will produce.

(ii) It is impracticable for an applicant to comply with requirements as to the length of leach trenches or chambers, but the proposed system is able to achieve the same practical effect as the requirements by modifying leach trenches or chamber dimensions.

(iii) It is impracticable for an applicant to comply with certain requirements related to the location of system components, but the applicant is able to prevent any adverse effects by the manner in which the applicant installs the system.

(b) The Director determines that modifying the requirements will not result in any adverse effects on an underground source of water or on the public health and safety.

(c) If the Department of Environmental Health and Quality is the lead agency for the project under the California Environmental Policy Act (CEQA), the Director determines that the project is exempt from CEQA and files a Notice of Exemption; or the Director determines that approval of the project will not have a significant effect on the environment, and adopts a Negative Declaration or a Mitigated Negative Declaration.

(d) If the Department of Environmental Health and Quality is a responsible agency for the project, the lead agency has determined that the project is exempt from CEQA or has adopted a Negative Declaration or Mitigated Negative Declaration for the project, and the Department has complied with the responsible agency requirements under CEQA.

(e) The Director may deny a permit for an OWTS that meets the requirements of this Chapter if the Director determines that the system will have any adverse effects on an underground source of water or on the public health and safety.

Section 84. Section 68.353 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.353. ALTERNATIVE ON-SITE WASTEWATER TREATMENT SYSTEM.

The Director may issue a permit to install or repair an alternative on-site wastewater treatment system if the system complies with the guidelines issued by the Department of Environmental Health and Quality and approved by the Regional Board for design, installation and monitoring.

Section 85. Section 68.503 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.503. UNLAWFUL TO DEPOSIT SOLID WASTE IN PUBLIC OR PRIVATE PLACES.

(a) It shall be unlawful and is a public nuisance for a person to place, deposit or bury or employ another person to place, deposit or bury, any solid waste as defined in section [68.502\(jj\)](#), on the right of way of any street or highway, any park or campgrounds or on any public or private property, unless the

property is a solid waste facility regulated under the California Public Resources Code, or the property contains a receptacle for temporarily depositing solid waste and the solid waste is properly deposited in the receptacle. It shall also be unlawful and a public nuisance for the owner or occupier of private property who knows that solid waste has been unlawfully placed, deposited or buried on property they own or occupy to allow the solid waste to remain on that property.

(b) The Directors of the Departments of Public Works, Planning and Development Services, Environmental Health and Quality, Parks and Recreation and Agriculture, Weights and Measures shall have enforcement authority to enforce this section, within their areas of responsibility.

Section 86. Section 68.504 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.504. UNLAWFUL TO PLACE DANGEROUS MATERIALS IN SOLID WASTE RECEPTACLES.

(a) No person shall place or deposit the following in any receptacle used for collection of solid waste: any waste classified as hazardous, biohazardous, radioactive, or any narcotics or controlled substances, operable hypodermic needles, poisons, liquid or dry caustics or acids, flammable or explosive materials, pesticides or similar substances dangerous to waste collection and disposal personnel.

(b) The Director of the Department of Environmental Health and Quality shall have enforcement authority for this section.

Section 87. Section 68.505 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.505. HAZARDOUS AND MEDICAL WASTES.

(a) No person shall transport or collect hazardous wastes or medical wastes without complying with all applicable State laws.

(b) No person shall deposit, dump, spill, place or otherwise allow to be disposed of in or on a solid waste facility not designated as a hazardous waste disposal facility, any waste classified as hazardous pursuant to State, federal or County law.

(c) No person shall deposit, dump, spill, place or otherwise allow untreated medical waste to be disposed of in or on a solid waste facility.

(d) The Director of the Department of Environmental Health and Quality shall have enforcement authority for this section.

Section 88. Section 68.601.1 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.601.1. DEFINITIONS.

"DEPARTMENT" shall mean the Department of Environmental Health and Quality.

"DIRECTOR" shall mean the Director of Environmental Health.

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

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

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

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

Section 89. Section 68.601.2 of the San Diego County Code is hereby amended to read as follows:

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

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

Section 90. Section 68.604 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.604. REGISTRATION REQUIRED; FEES.

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

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

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

seepage pits or who hauls cleanings is "engaged in the business" of cleaning septic tanks, chemical toilets, cesspools, or sewage seepage pits.

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

Section 91. Section 68.604b of the San Diego County Code is hereby amended to read as follows:

SEC. 68.604b. VEHICLE REGISTRATION FEE -- 10 PERCENT PENALTY FOR DELINQUENCY.

There is hereby imposed an annual registration fee for each sewage pumping vehicle. Said registration fee shall be paid to the ~~Director~~Department as set forth in Title 6, Division 5, Section 65.107, Paragraph (g), of this Code. Expired vehicle registrations are not valid. In any case where the applicant has failed to apply for a renewal vehicle registration or to pay the applicable fee prior to the expiration of a registration, it shall be unlawful for that vehicle to be used to pump or haul sewage. Prior to renewal of an expired vehicle registration, in addition to the base permit fee, the applicant shall pay a delinquency fee equal to 10 percent of the base fee for each month or fraction of a month after the expiration of the prior registration; provided, however, in no event shall the total delinquency fee be more than 60 percent of the examination fee. Late payment of required fees does not excuse unlawful operations while the registration was expired, and shall not prevent the imposition of any other penalty prescribed by this code or prosecution for violation of this chapter.

Section 92. Section 68.609 of the San Diego County Code is hereby amended to read as follows:

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

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

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

Section 93. Section 68.801 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.801. PURPOSE.

It is the intent of the Board of Supervisors that the County, through its Office of Emergency Services (OES) and the Department of Environmental Health and Quality (Department), should continue to

participate in regional arrangements to ensure prompt and effective responses to hazardous materials release incidents (including suspected and threatened releases) within the County. Such participation helps to protect public health and safety and the environment. To the extent allowed by state law, responsible persons should pay for release responses. Where costs cannot be attributed and recovered, coordinated regional efforts should be funded regionally through the Unified San Diego County Emergency Services Organization (USDCESO), a joint powers agency established for these purposes. It is the further intent of the Board of Supervisors that ~~DEH~~the Department should respond to releases in the unincorporated area that do not fall within the ambit of USDCESO to the extent necessary to protect human health, safety and the environment. Finally, it is the intent of the Board of Supervisors that specialized capabilities developed within ~~DEH~~the Department to better protect the County be made available for deployment outside of the County at the direction of the Federal Emergency Management Agency, on a full cost recovery basis, where such arrangements will not degrade response capabilities within the County.

For releases in the unincorporated portions of the County, recovery of emergency response costs and expenses is authorized by Section 104.12 of the California Fire Code (as amended in this County by section [96.1.104.12](#) of this Code) where a release that requires a response is a result of negligence, and by Section 364.1 of the County Administrative Code when recovery is authorized by State law. Several provisions of State law authorize the County, in particular circumstances, to recover emergency response costs incurred anywhere in the County when acting in an authorized capacity. These provisions include Sections 53150 through 53159 of the Government Code (releases caused by persons under the influence of alcohol or drugs), Section 13009.6 of the Health and Safety Code (releases that pose an imminent threat to health and safety and require an evacuation or that result in the spread of a hazardous substance beyond its origin), and Section 25515 of the Health and Safety Code (releases caused by or made worse by certain violations of State law). The chaptered enactments for these State laws clarify that they are not preemptive of other County powers to respond to releases and to recover costs. Finally, when acting under the auspices of USDCESO, a joint powers authority under State law, the above State law authorities and city and county authorities to take action and to recover costs, are applicable to allow USDCESO to recover response costs incurred by any USDCESO contractor.

Section 94. Section 68.801.5 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.801.5. DEFINITIONS.

The meaning of all terms in this section, not otherwise defined, shall be as set forth in the California Health and Safety Code.

"Controlled substance" means any substance defined as a "controlled substance" in section 11007 of the California Health and Safety Code.

"Department" shall mean the Department of Environmental Health and Quality.

"Director" shall mean the Director of the Department of Environmental Health and Quality.

"Hazardous substance" means any hazardous substance listed in section 25316 of the California Health and Safety Code or in section 6382 of the California Labor Code.

"Hazardous material" means any hazardous material as defined in section 25501 of the California Health and Safety Code.

"Hazardous waste" means any waste or combination of wastes that would constitute a hazardous waste pursuant to section 25117 of the California Health and Safety Code, including an "extremely hazardous waste" as defined in section 25115 of the Health and Safety Code.

"Flammable material" means any material which constitutes a flammable material pursuant to the California Fire Code (2017 Edition), which has been adopted by reference, with certain exceptions, by the County of San Diego (San Diego County Code, section 96.1.001).

"Release" and "threatened release" are defined as set out in section 25501 of the California Health and Safety Code.

Section 95. Section 68.803 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.803. HAZARDOUS INCIDENT RESPONSE.

(a) The ~~Director as local Health Officer~~Department may respond to releases (including suspected or threatened releases) of hazardous materials anywhere in the County, when necessary to protect public health and safety and the environment. For any responses undertaken pursuant to the authority of the Health Officer, such responses shall be coordinated with and under the immediate supervision of the Director of Environmental Health. Planning for, funding, and execution of release responses outside of the unincorporated areas of the County shall be coordinated with the Unified San Diego County Emergency Services Organization (USDCEO) and its member agencies. Responses to releases within the unincorporated area can be conducted through USDCEO or independently by ~~DEH~~the Department, as USDCEO and the ~~Director~~Department find appropriate.

(b) When responding to a release or threatened release, the ~~Director as local Health Officer of~~Environmental Health may order that areas or premises be evacuated, and may determine when evacuated areas or premises may be reoccupied.

(c) When responding to a release or threatened release, the ~~Director~~Department may order, supervise or undertake all measures necessary to protect public health and safety and the environment, including but not limited to measures to prevent or stop a release; measures to limit or stop the spread of hazardous substances; measures to suppress or extinguish fire; measures to contain, recover, remove, transport, store or dispose of hazardous substances or waste or contaminated environmental media; measures to mitigate the impacts of a release or fire; site safety, exposure control and monitoring and decontamination activities; and all activities reasonably related to the foregoing activities, including testing, sampling and staff work necessary to assess, evaluate and characterize the emergency condition, to formulate appropriate plans for corrective actions, and to prepare records for related reporting, cost recovery, and enforcement.

(d) When responding to a release or threatened release, the ~~Director~~Department shall determine:

(1) Whether evacuation from the building, structure, property, or public right-of-way where the incident originated was necessary to prevent loss of life or injury.

(2) Whether the incident resulted in the spread of a hazardous substance or substances, or fire, that posed a danger making a response necessary.

(3) Whether the spread of a hazardous substance posed a real and imminent threat to public health and safety beyond the building, structure, property, or public right-of-way where the incident originated.

(4) Whether negligence caused or contributed to the incident, and if so the person whose negligence caused or contributed to the incident.

(5) Whether a violation of Sections 25504 to 25508.2, inclusive, or Section 25511 of the Health and Safety Code resulted in or significantly contributed to the emergency, including a fire, and if so the business, facility or handler that was in violation.

(6) Whether any other violation of law by an individual resulted in or significantly contributed to the emergency, and if so the identity of that individual and his or her employer.

(7) Whether, for an incident involving a motor vehicle, the operation of that motor vehicle caused the incident requiring an emergency response.

(e) The ~~Director~~Department shall record ~~their~~its findings pursuant to subsection (d) of this section in a report or memorandum prepared close in time to the incident that required an emergency response. The report or memorandum shall include a short summary of the facts supporting those findings.

Section 96. Section 68.901 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.901. PURPOSE.

It is the intent of the Board of Supervisors that the Department of Environmental Health and Quality (Department) is designated as the Certified Unified Program Agency. It is further the intent of the Board of Supervisors that the Director of the Department of ~~Environmental Health~~(Director) provide health care information and other appropriate technical assistance on a 24-hour basis to emergency responders in the event of a hazardous waste incident involving community exposure.

Section 97. Section 68.902 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.902. ~~DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL HEALTH TO IMPLEMENT AND ENFORCE THE UNIFIED PROGRAM.~~

(a) The Director ~~of the Department of Environmental Health (DEH)~~, in addition to their other duties, is hereby designated as the Officer to implement and enforce the Unified Program as certified by the California Secretary for Environmental Protection and specified in the California Health and Safety Code, Chapter 6.11 (commencing with Section 25404). ~~Requirements of the Medical Waste Management Act as defined in Part 14 of Division 104 of the California Health and Safety Code are incorporated into the Unified Program with the exception of facilities excluded from the definition of a Unified Program Facility in Section 68.904.5.~~

(b) The ~~Director of the Department of Environmental Health~~ may designate categories of facilities that are subject to the Unified Program, ~~or the Small Quantity Medical Waste Generator Registration Program as described in Section 68.909.6,~~ as "Notification-Only Low Risk Unified Program Facilities." Facilities that are subject to the Unified Program solely because they recycle photochemical wastes to recover silver have been so designated for many years and will remain so designated unless the ~~Director~~Department affirmatively de-designates such facilities. This designation may also be applied to other categories of facilities but may only be applied to facilities that are subject to the Unified Program solely as waste generators. Each category of facilities designated shall be defined by such conditions concerning wastes and waste management as the ~~Director~~Department finds are necessary to ensure that associated risks are extremely low. Designations shall be disclosed on the appropriate ~~DEH~~Department web page or pages and in local CERS instructions.

(c) Any "notification-only" designation to which an objection is made by the Director of the California Department of Toxic Substances Control shall be rescinded.

(d) The Director may streamline the permitting and reporting process for notification-only low risk unified program facilities, and need not perform inspections of these facilities.

Section 98. Section 68.903 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.903. INSPECTION OF UNIFIED PROGRAM FACILITIES.

It shall be the duty of the Director ~~of the Department of Environmental Health~~ to make periodic inspections of all unified program facilities as defined in Chapter 6.11 (commencing with Section 25404 of the California Health and Safety Code).

Section 99. Section 68.904 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.904. CERS REPORTING.

(a) Any business, person, owner or operator that has a unified program facility as defined in Section 68.904.5 or is a medical waste generator required to have a permit pursuant to Section 68.1202, shall submit and shall keep up to date, through CERS, all of the following:

(1) The facility information and program elements as defined in section 68.904.5 ~~required to be reported under State law~~ and medical waste regulated under Section 68.1201 which are required to be reported pursuant to Chapter 6.95 of the California Health and Safety Code.

(2) The waste generator shall provide information for each hazardous waste and medical waste generated at the facility. Wastes that are less than 55 gallons, 500 pounds, and for compressed gases less than 200 cubic feet, are required to be reported as inventory. At a minimum the following information shall be included: the common name of the waste, maximum amount in storage at any one time, annual waste amount, physical state of the waste, unit of measure, and if applicable, State waste code and hazard categories for hazardous waste.

(3) Where applicable, the additional locally required information specified in Section 68.1113 of this Code.

(b) Any business which handles hazardous material in quantities subject to the requirements of the Hazardous Materials Release Response Plans and Inventory Law shall certify that the business plan meets the requirements as specified in Division 20, Chapter 6.95 of the California Health and Safety Code.

(c) Pursuant to Chapter 6.95 of the California Health and Safety Code electronic updates are required within 30 days for reportable information affected by the following events:

(1) A 100 percent or more increase in the quantity of a previously disclosed hazardous material that is subject to the inventory reporting requirements in State law.

(2) Any handling of a previously undisclosed hazardous material that is subject to the inventory reporting requirements in State law.

(3) Change of business address.

(4) Change of business ownership.

(5) Change of business name.

(6) A substantial change (as defined in State law) in the handler's operations occurs that requires modification to any portion of the business plan.

(d) An application or submission to apply for a new Unified Program Facility permit must be made within 30 days of becoming a Unified Program Facility subject to any of the program elements defined in Section 68.904.5.

(e) Notification and submittal of unified program facility information and required program elements through CERS is the only submittal method that meets the requirements of State law and this code.

(f) Submissions, updates, and any required certifications in CERS may be made by the business, person, owner or operator of the Unified Program facility, an officially designated representative, or by ~~DEH~~the Department if a CERS application form is authorized by an officially designated representative.

Note: An additional hourly fee will be due under Section 65.107(m) if outdated information or unaccepted submittals in CERS results in increased costs to process a permit application or renewal.

Section 100. Section 68.904.5 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.904.5. DEFINITIONS.

The relevant definitions in Chapters 6.5, 6.67, 6.7, 6.11 and 6.95 of Division 20 ~~and in Part 14 of Division 104~~ of the California Health and Safety Code shall apply where the context makes those definitions applicable. In addition, the following definitions apply to Chapters 9, 10, and 11, ~~and 12~~ of this Division.

"Accepted" in reference to CERS, or "Accepted in CERS" means the CUPA has reviewed the submitted program elements and finds that the data /documents provided appear to meet the State and local reporting requirements. Accepted status does not imply that data has been validated by a field inspection or that the accuracy of the submission has been verified.

"CERS" and "California Environmental Reporting System" have the same meaning as "statewide information management system" as defined in the California Health and Safety Code, Section 25501.

"Certified Uniform Program Agency" or "CUPA" means the agency certified by the Secretary of the California Environmental Protection Agency to implement the unified program in the County of San Diego.

"Chapter 6.95" means Chapter 6.95 (commencing with Section 25500) of Division 20 of the California Health and Safety Code.

"Department" means the Department of Environmental Health and Quality.

"Director" means the Director of the Department of Environmental Health and Quality.

"Minimal Inventory Variation Low Risk Business Operations" are those businesses not subject to the Underground Storage Tank Program or the Aboveground Petroleum Storage Act and are limited to the following facilities: unmanned telecommunications sites; food and beverage facilities where compressed gases related to beverage carbonation is the primary hazardous material; dry cleaners; car washes with no auto repair or maintenance activities; facilities where a fuel tank associated with an emergency generator is the primary hazardous material; and facilities where propane associated with forklift operations is the primary hazardous material.

"Person" means "person" as defined in section 25118 of the California Health and Safety Code.

"Program elements" means the unified program elements specified in Health and Safety Code Section 25404(c), the administration of which have been consolidated under California State Law as the unified program. ~~For the purposes of Title 6 of this code, generation, storage, transfer, or disposal of medical waste subject to Part 14 of Division 104 of the California Health and Safety Code at unified program facilities is also defined as a program element.~~ "Program element" refers to any of the program elements.

"Unified program facility" or "UPF" means all contiguous land and structures, other appurtenances and improvements on the land, which are subject to the requirements listed in the California Health and Safety Code, Division 20, Chapter 6.11, Section 25404(c), ~~or generate, store, transfer, or dispose of medical waste. Exception: facilities in the Small Quantity Medical Waste Generator Registration Program that generate small amounts of universal waste or silver only wastes that are being properly recycled are excluded from the definition of a "Unified program facility" for purposes of Title 6 of this code.~~

"Unified program facility permit" or "UPFP" means the permit issued by the Department of ~~Environmental Health~~ pursuant to Chapters 9, 10, and 11, ~~and 12~~ of this Division. These permits implement unified program elements for hazardous materials and hazardous wastes, ~~and also implement the State program to regulate facilities that generate, handle, store, or treat medical wastes.~~ Permits excluded from the definition of "Unified Program Facility Permit" at Section 25404(a)(6) of the California Health and Safety Code (e.g., Fire Code and Building Code permits) are not unified program facility permits.

Section 101. Section 68.905 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.905. UNIFIED PROGRAM FACILITY PERMIT REQUIRED.

No business, person, owner or operator shall have a unified program facility as defined in Section 68.904.5 without obtaining a unified program facility permit with the applicable permit elements from the Director ~~of the Department of Environmental Health~~. Unified program facility permits are not transferable to a different business, person, owner or operator pursuant to Section 65.106 unless approved by the Director. Any business, person, owner or operator who has a unified program facility without obtaining a unified program facility permit from the Director ~~of the Department of Environmental Health~~ shall cease unified program activities and shall be guilty of a misdemeanor punishable by a \$1,000 fine or 6 months in prison or both. The County may also impose civil penalties against the business, person, owner or operator in the amount of \$1,000 per violation and may seek injunctive relief if the business, person, owner or operator refuses to cease unified program activities.

Section 102. Section 68.906 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.906. APPLICATION FOR PERMIT.

Every applicant for a unified program facility permit required by this division shall submit the information required to obtain said permit through CERS or by submitting a completed application to ~~DEH~~ ~~the Department~~. Any required update to such information (including but not limited to information on changes in ownership) shall be submitted in the same manner.

Section 103. Section 68.907 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.907. FEE.

(a) Every business, person, owner or operator required to have a unified program facility permit ~~or small quantity medical waste generator registration~~ shall pay the applicable fees specified in Section 65.107 of this Code when applying for a new permit or registration, or for the renewal of an existing permit or registration.

(b) The Director may collect a fee that is based on the relevant facts observed during an inspection, notwithstanding any contrary data in CERS. The Director is not obliged to reduce CERS-based fees downward where a business has failed to update CERS data in time for data to be "accepted" prior to an annual invoice being calculated. It is the responsibility of the facility operator to keep information required to be reported in CERS up to date.

Section 104. Section 68.908 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.908. INVESTIGATION BY DEPARTMENT OF ENVIRONMENTAL HEALTH.

Upon receipt of notification from the business, person, owner or operator through CERS that required information has been submitted, plus payment of the required fee, it shall be the duty of the Director ~~of the Department of Environmental Health~~ to investigate the matters set forth in such notification and related submittals, and the unified program facility conditions in and about the place where it is proposed to conduct the activities subject to unified program requirements specified in the notification. If the Director ~~of the Department of Environmental Health~~ determines that the statements contained in the notification are true, and that the facility complies with unified program facility requirements as set forth in this Code and State law, a unified program facility permit shall thereupon be granted. If the business, person, owner or operator of the facility required to obtain the unified facility program permit fails to pay appropriate fees associated with a unified program facility permit or upon inspection a facility fails to comply with requirements as set forth in this Code or State law, such unified program facility permit shall be denied.

Section 105. Section 68.909 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.909. ELECTRONIC REPORTING AND VERIFICATION PROCEDURES.

Unified program facilities that handle hazardous materials in quantities subject to the requirements of Chapter 6.95 of the California Health and Safety Code must comply with the certification requirements in State law. Provided required fees have been paid, the Director shall verify the completeness of the reported information. Information that is verified as complete and is accepted by ~~DEH~~the Department in CERS shall be treated as having been submitted when it was first posted by the business, person, owner, operator or designated representative. Information that is identified by ~~DEH~~the Department as "not accepted" in CERS shall be deemed submitted on the date that corrected information was submitted, provided that corrected information is verified as complete and is accepted by ~~DEH~~the Department in CERS.

Section 106. Section 68.909.5 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.909.5. NOTIFICATION-ONLY LOW RISK UNIFIED PROGRAM FACILITIES.

Facilities that are subject to the Unified Program ~~or the Small Quantity Medical Waste Generator Registration Program~~ designated pursuant to Section 68.902(b) of this Code as being eligible as "notification-only low risk unified program facilities" shall submit an annual notification through CERS in lieu of a permit application and in lieu of any other CERS reporting for that facility only. This notification shall include an entry in the Facility Information element in CERS that the facility generates hazardous waste and a statement by the business certifying that the facility meets the conditions for "notification only" status established by the Director for the specific facility type.

Section 107. Section 68.909.6 is hereby repealed to the San Diego County Code to read as follows:

~~SEC. 68.909.6. SMALL QUANTITY MEDICAL WASTE GENERATOR REGISTRATION PROGRAM FACILITIES~~[RESERVED].

~~Facilities that generate less than 200 pounds per month of medical waste, that do not treat medical waste and are not considered a Unified Program Facility as defined in section 68.904.5, must register every two years with DEH by completing and submitting an application, certifying compliance with the Medical Waste Management Act, and paying the required Small Quantity Medical Waste Generator registration fee as specified in section 65.107.~~

Section 108. Section 68.910 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.910. RENEWAL DATE AND DELINQUENCY DEFINED.

A unified program facility permit issued pursuant to this division shall expire on the last day of the month of the one year anniversary month in which the unified program facility permit was issued and shall be renewed annually by paying to the Department of ~~Environmental Health~~ the required annual fee, which fee is due and payable each year. The annual fee, if unpaid, is thirty days delinquent on the first day of the second month after the month in which the permit expires.

The imposition of, or payment of the fee imposed by this section, shall not prevent the imposition of any other penalty prescribed by this Code, or any ordinance, or prosecution for violation of this Code, or any ordinance.

Section 109. Section 68.912 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.912. DENIAL, SUSPENSION OR REVOCATION OF PERMIT OR PERMIT ELEMENT.

The Director or a designee of the Director may order that the unified program facility permit or permit element of an establishment be denied, suspended or revoked whenever it appears to him, by reason of either complaint or Department of ~~Environmental Health~~ investigation, that the permit should not be granted pursuant to Section [68.908](#) or [68.908.1](#) or that permittee, their employee, servant or agent, or any person acting with their consent or under their authority, has or may have violated any provision of this division or any relevant requirement established or provided by law.

Section 110. Section 68.914 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.914. SUSPENSION, EXPIRATION, CANCELLATION OR FORFEITURE BY OPERATION OF LAW OF A UNIFIED PROGRAM FACILITY PERMIT.

The suspension, expiration or forfeiture by operation of law of a unified program facility permit, or its suspension, forfeiture or cancellation by the ~~Department of Environmental Health~~ or by order of a court, or its surrender or attempted or actual transfer without written consent of the ~~Department of Environmental Health~~ shall not affect the authority of the ~~Department of Environmental Health~~ to institute or continue a disciplinary proceeding against the holder of a unified program facility permit upon any ground, or otherwise taking an action against the holder of a unified program facility permit on these grounds.

Section 111. Section 68.915 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.915. SITE SCREENING, SITE INVESTIGATION AND CORRECTIVE MEASURES.

(a) To the extent authorized by the State Department of Toxic Substances Control, ~~DEH~~the Department, in its capacity as a Certified Unified Program Agency, shall oversee site screening, site investigation and corrective measures required at sites in the County that are subject to the state Hazardous Waste Control Law and are within the regulatory jurisdiction of the County as a Certified Unified Program Agency.

(b) Definitions. For purposes of this section, the following definitions apply:

"Corrective action" means those activities taken to evaluate, investigate, remove, remediate, prevent, minimize or mitigate a release or threatened release of hazardous waste or constituents, as necessary to protect the public health or the environment. The term "corrective action" includes site screening, site investigation and corrective measures.

"Site screening" means those activities that are performed to determine whether current or past hazardous waste management practices at the site have resulted in a release or threatened release of hazardous waste or constituents that poses a threat to the public health or the environment.

"Site investigation" means those activities that are performed to determine the nature and extent of releases of hazardous waste or constituents at the site, identify and assess the risks to the public health or the environment posed by the release, and gather all necessary data on possible corrective measures.

"Corrective measures" means those activities that are performed to remove, remediate, prevent, minimize or mitigate a release of hazardous waste or constituents at the site.

(c) Authority. ~~DEH~~The Department may require corrective action at a site whenever ~~DEH~~the Department determines that there is or may be a release of hazardous waste or constituents into the environment at or from a site.

(d) The responsible party or the person requesting oversight shall make deposits and reimburse ~~DEH~~the Department for its oversight costs as set out in Section [65.107](#)(k)(19) of this code.

(e) This section does not limit ~~DEH's~~the Department's authority to oversee site investigations or remedial actions pursuant to Chapter 6.65 of Division 20 of the Health and Safety Code, Sections 33459 to 33459.8 of the Health and Safety Code, or Sections 101480 to 101490 of the Health and Safety Code, to the extent applicable.

Section 112. Section 68.1002 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.1002. IMPLEMENTATION OF STATE LAWS AND REGULATIONS.

The Department of ~~Environmental Health~~ is hereby designated pursuant to Section 25283 of the California Health and Safety Code as the agency responsible for implementation and enforcement of Chapters 6.7 and 6.75 of Division 20, California Health and Safety Code.

Section 113. Section 68.1005 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.1005. APPLICATION FILING.

All applications for a new unified program facility permit shall be filed with the Director of ~~the Department of Environmental Health~~ pursuant to Section [68.906](#) et seq. All applications to modify existing unified program facility permits shall be filed with the Director of ~~Environmental Health~~ pursuant to Section [68.908.2](#).

Section 114. Section 68.1008 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.1008. OPERATING PERMIT ELEMENT CONDITIONS.

Unified Program facility permits containing underground storage tank installation, repair, replacement, modification, upgrade or closure elements issued pursuant to this Chapter shall be subject to conditions imposed as the Director of ~~Environmental Health~~ determines are necessary to promote the purposes and objectives of Chapter 6.7 and 6.75 of Division 20, California Health and Safety Code and of this Chapter.

Section 115. Section 68.1009.5 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.1009.5. INVESTIGATION FEES: WORK WITHOUT A PERMIT.

- a) Investigation (work without a permit). Whenever an underground storage tank system is installed, modified, removed or destroyed without first obtaining the required permit, a special investigation shall be made before a permit may be issued for such work.
- b) Fee. Investigation Fee (work without a permit). An investigation fee, in addition to the permit fee, shall be submitted by the person required to have the permit to the Director of ~~the Department of Environmental Health~~ whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this code. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code or State law nor from any penalty prescribed by law.
- c) Unauthorized Release. Whenever there is an unauthorized release of a hazardous substance from an underground storage tank system, the tank owner, tank operator, and/or property owner shall, as required by the Director of ~~the Department of Environmental Health~~, determine the extent of contamination, assess the risk to public health and the environment, and develop and implement remedial action programs to comply with provisions of this code and State laws.
- d) Investigation Fee (unauthorized release). The person responsible for an unauthorized release shall submit fee to the Director of ~~the Department of Environmental Health~~ for the staff time expended for consultation, investigation and remediation. The fee shall be paid at the rate specified in Section [65.107](#) of the County Code of Regulatory Ordinances.

e) Investigation Fees--Penalty for Delinquency. All investigation fees are due 30 days from the date of billing. The investigation fee, if unpaid, is thirty days delinquent thirty days after the date of billing. Thereafter a penalty shall be added thereto, which shall be collected at the time the fee is paid. Penalties are specified in Sections [65.104](#) and [65.105](#) of the County Code of Regulatory Ordinances.

Section 116. Section 68.1012 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.1012. PENALTIES.

In addition to penalties provided in State law, the following criminal, civil and administrative civil penalties apply to violations of this Chapter.

(a) Penalty for Misdemeanor. Unless otherwise specified by this Chapter, a misdemeanor is punishable by a fine not exceeding one thousand dollars (\$1000), imprisonment for a term not exceeding six (6) months, or by both such fine and imprisonment.

(b) Administrative Civil Penalties. In addition to any other remedies provided by County Code or state law, any person who violates any provision of this Chapter, including the state laws and regulations incorporated in this Chapter, shall be liable for an administrative civil penalty to be imposed by the ~~Director of the Department of Environmental Health~~. The amount of the penalty shall not be more than five thousand dollars (\$5000) for each day of violation. Any person who knowingly violates any provision of this Chapter, after reasonable notice of the violation, is liable for an administrative civil penalty of not more than ten thousand dollars (\$10,000) for each day of violation. Where the violation would otherwise be an infraction, the amount of the administrative civil penalty shall not exceed the maximum fine or penalty amounts of infractions set forth in subsection (b) above.

(c) Penalty Factors. In determining the civil, criminal and administrative civil penalties imposed pursuant to this Chapter, all relevant circumstances shall be considered, including but not limited to, the extent of harm or potential harm caused by the violation, the nature of the violation and the period of time over which it occurred, if any, taken by the violator.

(d) Separate Remedies. Each civil, criminal or administrative civil penalty imposed pursuant to this Chapter for any separate violation shall be separate, and in addition to, any other provision of law and does not supersede or limit any and all other legal remedies and penalties, civil, administrative or criminal which may be applicable under other laws.

Section 117. Section 68.1013 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.1013. ADMINISTRATIVE CIVIL PENALTY PROCEDURE.

(a) Notice of Penalty and Opportunity for Hearing. Notice of any administrative civil penalty shall set forth the alleged acts or failures to act that constitute a basis for liability and the amount of the proposed administrative civil penalty. The notice of administrative civil penalty shall be served by personal service or certified mail and shall inform the party so served that the administrative civil penalty imposed shall be administratively reviewed by the Hearing Authority before it is enforced if a request for hearing is timely filed. The notice shall also specify the procedure for requesting a hearing before the Hearing Authority.

(b) Administrative Review. If a party desires administrative review of the administrative civil penalty imposed by the ~~Director of the Department of Environmental Health~~, it shall request a hearing by timely filing a written request pursuant to the provisions of Section [68.1017](#) of this Chapter. A hearing shall be conducted by the Hearing Authority pursuant to Section [68.1017](#) of this Chapter unless

the party has waived the right to a hearing or has entered into a settlement agreement with the Director of the Department of Environmental Health. A party waives the right to a hearing by so stating in writing or by failure to file with the Director a written request for hearing within fifteen (15) days after service of the notice of opportunity for hearing.

(c) Effective Date. Where the party has waived the right to a hearing or where the party has entered into a settlement agreement, the administrative civil penalty shall not be subject to review by any court, the Hearing Authority or any other agency and shall be effective 15 days after notice of the penalty is served. Where a hearing has been held, the penalty shall be effective 20 days after the decision of the Hearing Authority becomes final.

(d) Judicial Review. The manner of contesting the final order of the Hearing Authority concerning any administrative civil penalty is governed by Government Code Section 53069.4, or any successor provision thereto. Service of the notice of appeal authorized by Government Code Section 53069.4 upon the County of San Diego shall be by service upon the Clerk of the Board of Supervisors.

(e) Collection. Payment of the penalty shall be made within 30 days from when the penalty became effective. In addition to all remedies herein contained, the County of San Diego may pursue all reasonable and legal means in collecting administrative civil penalties.

Section 118. Section 68.1017 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.1017. METHOD OF REVOCATION, MODIFICATION OR SUSPENSION.

The Director of the Department of Environmental Health may revoke, modify or suspend an operating permit element pursuant to Section [68.912](#) and follow by issuing a written notice stating the reasons therefor, and serving same together with a copy of the provisions of this Chapter, upon the holder of the operating permit element. The revocation, modification or suspension shall become effective 15 days after service of the notice, unless the holder of the operating permit element enters into a settlement agreement with the Director of the Department of Environmental Health or appeals the notice in accordance with the provisions of Section [68.913](#). If such an appeal is filed, the revocation, modification or suspension shall not become effective until a final decision on the appeal is issued.

Section 119. Section 68.1018 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.1018. ADMINISTRATION.

Except as otherwise provided, the Director of the Department of Environmental Health, or his/her/their designee, is charged with the responsibility of administering this Chapter, and shall be authorized from time to time to promulgate and enforce such rules or regulations consistent with the purposes, intent and express terms of this Chapter as he or she deems necessary to implement such purposes, intent and express terms. No rules or regulations promulgated by the Director or amendments thereof shall be enforced or become effective until thirty calendar days following the date on which the proposed rules or regulations are filed with the Clerk of the Board of Supervisors.

Section 120. Section 68.1101 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.1101. PURPOSE.

It is the intent of the Board of Supervisors that the Director of the Department of Environmental Health shall implement Division 20, Chapter 6.95 of the Health and Safety Code. It is further the intent

of the Board of Supervisors that the Director of the Department of Environmental Health expand the application of the Business Plan, Area Plan, other reporting, disclosure and monitoring requirements of Division 20, Chapter 6.95 of the Health and Safety Code in a manner hereinafter prescribed.

Section 121. Section 68.1113 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.1113. ADDITIONAL LOCALLY-REQUIRED INFORMATION ON HAZARDOUS COMPRESSED GASES, CARCINOGENS AND REPRODUCTIVE TOXINS.

(a) Any business which handles compressed gases with an American Conference of Governmental Industrial Hygienists Threshold Limit Value (TLV) of 10 parts per million or less shall report these gases in CERS as part of their chemical inventory, in any quantity, unless the contents are an instrument calibration gas standard at a concentration below the Immediately Dangerous to Life and Health (IDLH) limits of the gas. The business shall prepare a business plan in conformance with Chapter 6.95, and shall submit said plan to the Director of the Department of Environmental Health through CERS.

(b) Any business which is required to submit a business plan under Chapter 6.95 or under subsection (a) of this section, which handles a material which is a carcinogen or reproductive toxin in quantities not subject to the requirements of Chapter 6.95, shall provide a list in CERS of each such material handled during the previous calendar year.

(1) The list shall be provided on a locally-required form added to CERS by the Director, or equivalent. The form can require information on quantities based on good faith estimates. No other reporting in CERS is required for below-threshold quantities of these substances.

(2) If there are changes to the list, it shall be renewed each calendar year by providing a supplemental report to the Director through CERS which:

(i) Deletes any such material which was not handled during the previous year;

(ii) Provides the information required in subsection (1) above, for any such material used during the previous year which was not included in the list or any previous supplemental listing sheets; and

(iii) Identifies any changes in the quantity handled of such material.

(3) If there are no changes to the list, the business shall notify the Director annually through CERS by including a statement certifying there have been no changes.

(c) Subsection (b) shall not apply to:

(1) Businesses using the following carcinogens: and they shall be exempted from the requirements of Chapter 6.95 (commencing with Section 25500) of Division 20 of the Health and Safety Code for these substances: aflatoxins, alcoholic beverages, betel quid with tobacco, bracken fern, diesel engine exhaust, gasoline engine exhausts, tobacco smoke, aspirin, cocaine, anabolic steroids, oral contraceptives, saccharin, and tobacco.

(2) The following carcinogens: gasoline, crystalline, silica, soots, tars and mineral oil, and residual (heavy) fuel oils. Any business which handles these carcinogens is subject to the requirements of Chapter 6.95 (commencing with Section 25500) of Division 20 of the Health and Safety Code for these substances.

(3) Materials which are (i) used or intended for use for medical or therapeutic purposes, or (ii) contained solely in a consumer product for direct distribution to, and use by, the general public.

(d) For the purpose of this section, a carcinogen and reproductive toxin shall be those listed by the Governor pursuant to Health and Safety Code Section 25249.8.

Section 122. Section 68.1114 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.1114. PENALTIES.

Violations of this Chapter that are also violations of Chapter 6.95 of Division 20 of the Health and Safety Code are subject to the administrative, civil, and criminal penalties specified in State law. Violations of this Chapter that are not violations of Chapter 6.95 of Division 20 of the Health and Safety Code are subject to the following criminal, civil and administrative penalties:

(a) Penalty for Misdemeanor. Violations of this Chapter are misdemeanors punishable by a fine not exceeding one thousand dollars (\$1,000), imprisonment for a term not exceeding six (6) months, or by both such fine and imprisonment.

(b) Civil Penalty. Any person who violates any provision of this Chapter is liable for a civil penalty of not more than two thousand dollars (\$2,000) for each day, or part thereof, such violation occurs. Any person who knowingly violates any provision of this Chapter, after reasonable notice of the violation is liable for a civil penalty of not more than five thousand dollars (\$5,000) for each day, or part thereof, that such violation occurs. The County Counsel or District Attorney is authorized to bring a civil action in any court of competent jurisdiction to recover such civil penalties for the County.

(c) Administrative Penalties. The Director ~~DEH~~ may impose administrative civil penalties for violations of this Chapter in the same manner as for violations of Chapter 6.95 of Division 20 of the Health and Safety Code.

(d) Continuing Violation. Each and every day a violation of this chapter continues shall constitute a separate offense. The person committing or permitting such offenses may be charged with a separate offense for each such violation and punished accordingly.

Section 123. Section 68.1115 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.1115. ADMINISTRATIVE ENFORCEMENT POLICY.

By written policy the Department of ~~Environmental Health~~ shall adopt procedures for enforcing this Chapter and Section 25514.5 of the California Health and Safety Code. Such procedures shall contain those elements required by, and shall be consistent with the provisions stated in, Health and Safety Code section 25514.5, or any successor statute thereto. The administrative enforcement procedures adopted shall not be exclusive, but are cumulative with all other remedies available by law and under this Chapter.

Section 124. The title of Chapter 12 of Division 8 of Title 6 of the San Diego County Code is hereby amended to read as follows:

CHAPTER 12. ~~CERTIFIED UNIFIED PROGRAM AGENCY,~~ MEDICAL WASTES*

Section 125. Section 68.1201 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.1201. PURPOSE.

(a) It is the intent of the Board of Supervisors that the Director of Environmental Health shall implement the Medical Waste Management Act, Division 104, Part 14 of the California Health and Safety Code.

(b) It is also the intent of the Board of Supervisors that all terminology contained within is as defined in the Medical Waste Management Act, Division 104, Part 14 of the California Health and Safety Code.

Section 126. Section 68.1202 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.1202. MEDICAL WASTE GENERATORS.

(a) It shall be unlawful for any generator of medical waste, other than a trauma scene waste management practitioner, to store, transfer or dispose of such wastes without an annual ~~Unified Program Facility Permit~~ permit or a valid Small Quantity Medical Waste Generator Registration from the Director of Environmental Health or fail to pay the fees as specified in Section 65.107. The Director may collect a fee that is based on the relevant facts observed during an inspection, notwithstanding any contrary data in CERS or submitted to the Department. The Director is not obliged to reduce CERS-based fees downward where a business has failed to update CERS data in time for data to be “accepted” prior to an annual invoice being calculated. It is the responsibility of the facility operator to keep information required to be reported to CERS or to the Department up to date.

(b) Large Quantity Medical Waste Generators

Any person desiring a permit or registration required by this chapter shall make application facility that generates 200 pounds or more of medical waste per month within a calendar year is required to apply for a permit as prescribed in Chapter 9, Section 68.906 or 68.909.668.904 of this division, whichever is applicable.

(c) Small Quantity Medical Waste Generators

(1) ~~For medical waste generators subject to Unified Program requirements, maintaining~~Maintaining an annual ~~Unified Program Facility Permit~~permit satisfies the requirement set forth in the Medical Waste Management Act to register with the local enforcement agency.

(2) Small Quantity Medical Waste Generator Registration Program

(A) Small Quantity Medical Waste Generator Registration Program facilities are those facilities that generate less than 200 pounds per month of medical waste, do not treat medical waste and are not considered a Unified Program Facility as defined in section 68.904.5.

(B) Small Quantity Medical Waste Generator Registration Program facilities must register every two years with the Department by completing and submitting an application, certifying compliance with the Medical Waste Management Act, and paying the required Small Quantity Medical Waste Generator registration fee as specified in section 65.107.

Section 127. Section 68.1203 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.1203. ~~RESERVED.~~ MEDICAL WASTE TREATMENT FACILITIES.

(a) Any medical waste generator using onsite steam sterilization, incineration, or microwave technology to treat medical waste generated onsite shall apply for a Medical Waste Treatment Permit with the Department. Any generator treating medical waste that is generated offsite is required to obtain a permit with the California Department of Public Health.

(b) An Onsite Medical Waste Treatment Facility Permit is valid for 5 years.

(c) Any onsite medical waste treatment facility shall obtain a Medical Waste Treatment Permit prior to commencement of the treatment facility's operation.

Section 128. Section 68.1212 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.1212. APPEALS.

Appeals from the denial of any permit sought pursuant to Section 68.1202 of this Code to satisfy the requirements of the Medical Waste Management Act shall be made and conducted in accordance with Section 61.109 of this Code. Notwithstanding any other provision of this title, a petition for a hearing must be filed within 20 days after the Director of Environmental Health mails the notice that the requested permit has been denied.

Section 129. Section 68.1213 of the San Diego County Code is hereby added to read as follows:

SEC. 68.1213. ENFORCEMENT

In addition to any other legal remedies, the provisions of this Chapter may be enforced through the provisions of Chapter 10, Part 14, Division 104 of the California Health and Safety Code.

Section 130. Section 69.103 of the San Diego County Code is hereby amended to read as follows:

SEC. 69.103. DEFINITIONS.

The following definitions shall apply to this chapter:

"Department" means the Department of Environmental Health and Quality.

"Director" means the Director of Environmental Health.

~~(a)~~—"Residence" means any dwelling unit, guest room or suite of rooms that is subject to the State Housing Law.

~~(b)~~—"Substandard condition" means a condition described in Section 17920.3 of the Health and Safety Code (i.e., the State Housing Law).

~~(c)~~—"Unsanitary condition" means a condition inside a building or mobilehome that exposes occupants to unconfined sewage, or the presence of sewage or greywater at the soil surface outdoors.

~~(d)~~—"Wiring" means all parts and components of the electrical system in a residence.

Section 131. Section 69.109 of the San Diego County Code is hereby amended to read as follows:

SEC. 69.109. NOTICE THAT BUILDING HAS BEEN CONDEMNED.

(a) When rented premises have been condemned and the Director has determined that the immediate health and safety of the residents is endangered, or where any other premises are condemned and the Director has determined that there is an immediate threat to public health or safety, the Director shall place or cause to be placed thereon a placard reading as set out below.

WARNING

THESE PREMISES HAVE BEEN CONDEMNED AS BEING AN IMMEDIATE THREAT TO THE HEALTH AND SAFETY OF RESIDENTS OR THE PUBLIC. IT IS UNLAWFUL FOR ANY PERSON TO RESIDE IN OR OCCUPY THIS BUILDING. THIS NOTICE IS EFFECTIVE IMMEDIATELY.

[signature]

Director of ~~the Department of~~ Environmental Health

(b) The Director shall provide separate written notice to the tenant occupying the premises if there is a tenant, and to the owner or his agent, that the property is ordered condemned and that the order to vacate and (where applicable) the determination of the Director concerning tenant relocation benefits may be appealed within five days as set out in Section [69.112](#). The notice shall state that an appeal will not stay the order or the determination of the Director. Notice to an owner who is not the occupant of the premises may be provided by mail to the owner's address as listed in County records for the parcel.

Section 132. Section 74.107 of the San Diego County Code is hereby amended to read as follows:

SEC. 74.107. AMENDMENT TO SIDEWALK CAFE REGULATIONS.

These regulations are subject to rescission or amendment at any time by the County Board of Supervisors. No person or entity shall as a result of adoption of these sidewalk cafe regulations be entitled to the issuance of a permit and any and all permits shall be granted or denied, rescinded or modified at the discretion of the Director, Department of Public Works; Director, Department of Planning and Development Services; Director of the Department of Environmental Health and Quality; Planning Commission; or the Board of Supervisors without liability of any kind whatsoever. Furthermore, no person shall have any vested interest in maintaining permitted improvements in the event it is determined to modify or terminate any such permit.

Section 133. Section 81.102 of the San Diego County Code is hereby amended to read as follows:

SEC. 81.102. DEFINITIONS.

Terms used in this division that are defined in the SMA but not defined in this division shall have the same meaning as in the SMA. The following definitions shall apply to this division:

(a) "Access restriction easement" means a permanent easement a property owner dedicates to the County that prohibits any person from obtaining access to a road or right-of-way adjacent to the property.

- (b) "Adjustment plat" means a drawing filed with the Director as part of the application process for a lot line adjustment adjusting the boundaries between two to four adjoining parcels, where land taken from one parcel is added to an adjoining parcel, but does not create any additional parcels.
- (c) "Average daily trips, ADT" means the average total number of motor vehicle trips per day to and from a location.
- (d) "Basis of bearings" means the source of uniform orientation of all measured bearings shown on a map using the California Coordinate System of 1983, Zone 6, established by Public Resources Code sections 8801 et seq.
- (e) "Bicycle route" means a facility where the main form of travel is by bicycle.
- (f) "Cable lines" means electronic cable, conduit and their appurtenances which distribute television signals or telephone or internet connections.
- (g) "CEQA" means the California Environmental Quality Act, Public Resources Code sections 21000 et seq.
- (h) "Certificate of compliance" means a document the County issues pursuant to Government Code section 66499.35 identifying real property and signifying that the division of the real property complies with applicable provisions of the SMA and this division.
- (i) "Conservation subdivision" means a residential subdivision design that improves preservation of environmental resources in a balance with planned densities and community character subject to applicable Community Plans, the Zoning Ordinance, Subdivision Ordinance, Resource Protection Ordinance and Groundwater Ordinance.
- (j) "County fire official" means a person designated by the Director of Public Safety to implement and enforce the County Fire Code.
- (k) "~~DEH~~" means the Department of Environmental Health. [Reserved]
- (l) "Designated remainder parcel" means a unit of land a subdivider designates pursuant to Government Code section 66424.6 which is not divided for the purpose of sale, lease or financing and is designated on a tentative map or tentative parcel map at the time the subdivider files the map.
- (m) "Director" means the Director of Planning & Development Services or a person the Director designates to implement or enforce this division.
- (n) "Director DEHQ" means the Director of the Department of Environmental Health and Quality or a person the Director DEHQ designates to implement or enforce this division.
- (o) "Director DPW" means the Director of Public Works or a person the Director designates to implement or enforce this division.
- (p) "Director DPR" means the Director of Parks and Recreation or a person the Director DPR designates to implement or enforce this division.
- (q) "PDS" means the Department of Planning and Development Services.
- (r) "DPR" means the Department of Parks and Recreation.
- (s) "DPW" means the Department of Public Works.
- (t) "Environmental resource" means natural habitats, sensitive species, sensitive habitat lands, wetlands, floodplains, significant prehistoric/historic sites, and/or agricultural lands.

- (u) "Feasible" has the same meaning as the term "feasible" in Government Code section 66473.1(e).
- (v) "Lease" means an agreement for the use of real property that creates a landlord-tenant relationship between the parties to the lease and includes a written or oral agreement. In addition to an agreement that creates a tenancy for a specific term, a lease also includes an agreement that creates a tenancy at will or a month-to-month tenancy.
- (w) "Lot" means a unit of land and may also be referred to in this division as a "parcel."
- (x) "Lot area" means the same as the term "Lot Area, Net" as defined in the County Zoning Ordinance.
- (y) "Major subdivision" means a subdivision creating five or more lots or units not counting a "designated remainder parcel," as defined in this chapter, as one of the five or more lots.
- (z) "Major transmission facilities, mains and lines" means electrical transmission lines with 64,000 volts capacity or more, gasoline or oil transmission lines six inches or more in diameter, natural gas mains six inches or larger in diameter, sewer outfall or transmission mains thirteen inches or larger in diameter, water transmission mains fourteen inches or larger or telephone long distance and trunk communication facilities.
- (aa) "Minor subdivision" means a subdivision creating four or fewer lots or units not counting a "designated remainder parcel," as defined in this chapter as one of the four or fewer lots.
- (bb) "Parcel map" means a map required by Government Code sections 66426(f) or 66428 prepared in compliance with Government Code sections 66444 et seq.
- (cc) "Road" has the same meaning as the term "street" as defined in this chapter.
- (dd) "San Diego County Standards" refers to those standards and specifications on file in the Office of the Clerk of the Board of Supervisors (Clerk) as Attachment C with Resolution No. 99-186 (6-30-99 (8)) (San Diego County Standards for Private Roads) and Document Number 0775217 (5-1-12 (13, CR29)) (Public Roads Standards); provided, however, that with respect to development within the "Country Town" area of the Borrego Springs Planning Area, the standards and specifications contained in the "Community Right-of-Way Development Standards - Country Town Area of the Borrego Springs Planning Area" on file with the Office of the Clerk as Document Number 740149 (4-10-91 (6)), and with respect to development within the San Dieguito Planning Area, the standards and specifications contained in the "Community Right-of-Way Development Standards - Country Town Sphere of the San Dieguito Planning Area" on file with the Office of the Clerk as Document Number 750029(a) (6-6-92 (9)), and with respect to development within the Fallbrook Community Development Area, the standards and specifications contained within the "Fallbrook Community Right-of-Way Development Standards for Public Roads" on file with the Office of the Clerk as Document Number 761748 (12-14-94 (1)), and with respect to development within the Julian Community Planning Area, the standards and specifications contained in the "Community Right-of-Way Development Standards: Julian Historic District and Julian Community Planning Area" on file with the Office of the Clerk as Document Number 0768777 (3-6-02 (17)), and with respect to development within the Valley Center Community Planning Area, the standards and specifications contained within the "Valley Center Community Right-of-Way Development Standards" on file with the Office of the Clerk as Document Number N/A shall also apply and shall supersede the aforementioned documents to the extent of any conflict between them.
- (ee) "SMA" means the Subdivision Map Act of the State of California contained in Government Code sections 66410 et seq.

(ff) "Street" means a County highway, State highway, other public road or alley, or a private thoroughfare at least ten feet wide that connects with a County highway, State highway, other public road, private road or an alley which affords primary access to an abutting lot.

(gg) "Subdivision" means the division by any subdivider of any unit or units of improved or unimproved land, or any portion thereof, shown on the latest equalized County assessment roll as a unit or as contiguous units, for the purpose of sale, lease or financing or any purpose, whether immediate or future, except for leases of agricultural land for agricultural purposes. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easement or railroad rights-of-way, but a freeway, as defined in Streets and Highways Code section 23.5 shall not be considered a road or street for the purpose of interpreting this section. "Subdivision" includes a condominium project, as defined in Civil Code section 1351(f), a community apartment project, as defined in Civil Code section 1351(d) or the conversion of five or more existing dwelling units to a stock cooperative, as defined in Civil Code section 1351(m).

(hh) "Tentative map" means a map prepared for the purpose of showing the design and improvement of a proposed major subdivision and the existing conditions in and around it.

(ii) "Tentative parcel map" means a map prepared for the purpose of showing the design and improvement of a proposed minor subdivision and the existing conditions in and around it.

(jj) "Through lot" means a lot having frontage on two parallel streets or a lot that is not a corner lot that has frontage on two streets, each of which may provide access to the lot.

Section 134. Section 81.302 of the San Diego County Code is hereby amended to read as follows:

SEC. 81.302. ONSITE WASTEWATER TREATMENT SYSTEM CERTIFICATION.

A tentative map that proposes onsite wastewater treatment systems shall require a determination from the Director DEHQ that it is feasible to install an onsite wastewater treatment system on each lot proposed in the subdivision. No tentative map shall be approved until the applicant obtains certification from the Director DEHQ that each lot has been approved for installation of an onsite wastewater treatment system.

Section 135. Section 81.306 of the San Diego County Code is hereby amended to read as follows:

SEC. 81.306. PLANNING COMMISSION AUTHORITY AND DUTIES FOR TENTATIVE MAPS.

(a) The Planning Commission's authority, as the advisory agency for tentative maps, shall be as follows:

(1) The Planning Commission is not authorized to approve, conditionally approve or disapprove a tentative map that is: (A) filed for concurrent processing with a General Plan amendment, specific plan, specific plan amendment or an application for a property rezone, that is required to be approved before the tentative map shall be approved or (B) proposing connection to the Rancho San Diego interceptor sewer line for the provision of sewer service and is not within the Village Regional Category as shown by the San Diego County General Plan, Land Use Element. For a tentative map covered by this subsection, the Planning Commission shall make a written report to the Board as provided in Government Code section 66452.1(a).

(2) For any tentative map not included in subsection (1) above, the Planning Commission is authorized to approve, conditionally approve or disapprove the tentative map and shall act pursuant to Government Code section 66452.1(b). In granting the authority under this subsection to the Planning Commission to approve, conditionally approve or disapprove these tentative maps, the Board, pursuant to Government Code section 66474.7, assigns its responsibilities under Government Code sections 66473.5, 66474, 66474.1 and 66474.6 to the Planning Commission for these maps.

(b) Before any public hearing on an application for a tentative map, a revised tentative map or an extension for a previously approved tentative map, the Planning Commission shall provide notice that complies with the public notice requirements in Government Code section 66451.3.

(c) For each tentative map that comes before the Planning Commission for action, the Commission shall investigate the map and the improvements proposed to be constructed and installed in the subdivision or to serve the subdivision.

(d) As part of its investigation of the map and the proposed improvement the Planning Commission shall obtain and review the recommendations of: (1) the Director, the Director DEHQ and the Director DPW, with respect to the "design," as that term is defined in Government Code section 66418, of the proposed subdivision and the kind, nature and extent of the proposed "improvements," as that term is defined in Government Code section 66419, and (2) the chief of the local fire district where the proposed subdivision is located, or if there is no local fire district, the County fire official, with respect to fire hydrants, connections to be installed, fire control measures, improvements and compliance with SRA Fire Safe Regulations, 14 CCR sections 1270 et seq., or sections of a fire district's code or County Fire Code, related to subdivisions, when the State Board of Forestry has certified the applicable fire code as equaling or exceeding the State regulations.

(e) Whenever the Planning Commission approves or conditionally approves a tentative map pursuant to this section, it may prescribe the kind, nature and extent of the improvements to be constructed, installed or funded to serve the subdivision for the approved or conditionally approved tentative map. Where the Planning Commission does not prescribe the kind, nature or extent of the improvements to be constructed or installed, the improvements shall be constructed and installed in accordance with the San Diego County Standards.

Section 136. Section 81.316 of the San Diego County Code is hereby amended to read as follows:

SEC. 81.316. DUTIES OF DIRECTOR ON APPLICATIONS FOR A TENTATIVE MAP EXTENSION OR A REVISED TENTATIVE MAP.

When the Director receives an application for a tentative map time extension or a revised tentative map the Director shall:

(a) Provide notice of the receipt of the application as follows:

(1) Publishing notice, that a subdivider filed the application for a tentative map extension, in a newspaper of general circulation published and circulated within the County of San Diego, at least 10 days before making a preliminary decision on the application.

(2) Sending notice by U.S. mail to each property owner of record located within 300 feet of the exterior boundaries of the proposed subdivision. The notice shall identify the application the subdivider filed and advise the property owner that the Director will be making a preliminary decision on the application and the Director will consider any written comments the property owner submits that the Director receives within 10 days from the date of the notice. The notice shall also provide information

on how the property owner may request notice of the Director's preliminary decision and review or obtain a copy of the decision.

(b) Investigate each application and determine if there are any proposed changes to the improvements to be installed on or to serve the land to be subdivided as a result of the application.

(c) Obtain the recommendation from all of the following:

(1) The Director DPW and the Director DEHQ, with respect to any proposed changes to the design of the proposed subdivision and the proposed improvements.

(2) The Chief of the local fire district, or if there is no local fire district, the County Fire official, with respect to proposed changes to fire hydrants and connections to be installed.

(3) Other County departments, governmental agencies special districts or any other persons or entities the Director determines are appropriate or necessary to carry out the requirements of this division.

(d) For a revised tentative map, in addition to the recommendations listed in subsection (c) above regarding proposed improvements, obtain the recommendation of the Director DPR with respect to proposed trail or pathway improvements.

(e) Act on the application pursuant to the procedure specified in section 81.317.

Section 137. Section 81.404 of the San Diego County Code is hereby amended to read as follows:

SEC. 81.404. REQUIRED IMPROVEMENTS.

(a) Before a final map, or where allowed, a parcel map for a major subdivision, is approved, the subdivider shall complete or enter into a written agreement with the County with the appropriate security as provided in section 81.408 to complete the following improvements:

(1) Grade and improve all land dedicated or to be dedicated for roads or easements, bicycle routes and all private roads and private easements laid out on a final map or parcel map in the manner and with the improvements that are necessary for the use of the lot owners in the subdivision, local neighborhood traffic and drainage needs in accordance with County Standards.

(2) Install all on-site and off-site drainage and flood control facilities required by the Director DPW, in conformance with San Diego County Standards and applicable floodplain overlay zoning and drainage and flood control policies of the County General Plan. When the Board determines, however, that completing construction of the off-site facilities to San Diego County Standards before the final map or parcel map is approved is impracticable, the subdivider may be allowed to complete the construction in stages when the Board also determines there is a substantial public benefit to staged construction. In that case, the subdivider shall:

(A) Construct required drainage and flood control facilities that are outside the boundaries of the subdivision in stages in conformance with San Diego County Standards and in a manner that will not result in an increase in existing or potential flood hazards to downstream properties.

(B) Construct the facilities to provide for increases in flood flows attributable to a proposed development and the cumulative effect of future developments in the watershed pursuant to current County policy regarding staged construction.

(C) Design the staged facilities to include provisions for minimum maintenance requirements including, but not limited to, vehicular access, erosion and sedimentation control, structural low flow channels and service roads and where appropriate landscaping and irrigation.

(3) Extend public water supply facilities adequate to serve the subdivision to the property to be subdivided when the project is located within a water district or a district's adopted sphere of influence and: (A) the main lines of the existing public potable water supply are located within 500 feet of the subdivision boundary or (B) the subdivider has proposed the use of a public water supply to serve the subdivision.

(4) Provide proof satisfactory to the Director that the serving water district has certified that adequate potable public water supply is available to each lot or parcel or to the Director DEHQ that there is an adequate potable well water supply available to each lot or parcel. The subdivider shall also install minimum water supply pipe as determined by the Director DPW and recommended by the water district serving the proposed subdivision.

(5) Install fire hydrants and connections as approved by the chief of the local fire district or the County Fire Official.

(6) Install a public system for sewers or sewage disposal serving all proposed lots or parcels where it is determined that the system is required to preserve the public health due to the size and shape of the proposed lots, the terrain and soil condition of the land to be subdivided and the existing development in the vicinity of the proposed subdivision. Each public system shall be approved by the serving sanitation district according to its standards and policies.

(7) Install underground all new and existing utility distribution facilities, including cable television lines and other video service facilities, within the boundaries of any new subdivision or within any half road abutting a new subdivision. The subdivider is responsible for complying with the requirements of this subsection and shall make the necessary arrangements with each of the serving utilities, including licensed cable television operators and other video service providers, for the installation of these facilities. Transformers, terminal boxes, meter cabinets, pedestals, concealed ducts and other facilities necessarily appurtenant to these underground utilities and street lighting systems may be placed above ground. This subsection shall not apply to the installation and maintenance of overhead electric transmission lines in excess of 34,500 volts and long distance and trunk communication facilities. When the installation of cable television lines or video service facilities is required, the subdivider shall provide the Director DPW with either documentation from a licensed or franchised cable television operator or other franchised video service operator, stating arrangements for the underground installation of cable television lines or other video service facilities have been made or documentation that the Cable Television Review Commission has reported that no licensed cable television operator is willing and able to install cable television lines in the subdivision. Any modification or waiver of the requirements of this subsection shall be governed by sections 81.308 and 81.309 and reviewed in accordance with the Board Policy on installing utilities underground.

(8) Construct a street lighting system as required by the Director DPW in conformance with San Diego County Standards.

(9) Grade and improve all land dedicated or to be dedicated for trails or pathways including land previously dedicated for a road which includes sufficient right-of-way for a pathway. Trail improvements shall be made in accordance with the trail standards specified in section 7, "Design and Construction Guidelines," of the CTMP for the type of trail to be developed. Pathway improvements shall be made in accordance with the standards for pathways in the San Diego County Public Road Standards.

(b) Where each parcel on a parcel map for a major subdivision contains a gross area of 20 acres or more, the subdivider shall complete the following improvements:

(1) Grade and improve private roads to grades and widths required in accordance with San Diego County Standards for Private Roads.

(2) Install all drainage structures and facilities required by the Director DPW in conformance with San Diego County Standards.

(3) Install water supply pipelines, fire hydrants and connections as may be required by the Planning Commission or the Board.

(4) Grade and improve all land dedicated or to be dedicated for trails or pathways including land previously dedicated for a road which includes sufficient right-of-way for a pathway. Trail improvements shall be made in accordance with the trail standards specified in section 7, "Design and Development Guidelines," in the Community Trails Master Plan for the type of trail to be developed. Pathway improvements shall be made in accordance with the standards for pathways in the San Diego County Public Road Standards.

(c) If improvements are not completed at the time the final or parcel map is approved and are instead secured by a subdivision improvement agreement, subdivider shall, when the area where improvements are to be made is not accessible by public easements, grant a right of entry or temporary easement to the County in a form acceptable to the Director DPW to allow the County access to the area where the improvements are to be made. The right of entry or temporary easement shall continue for so long as the improvements remain incomplete and for one year following the acceptance of the improvements. Subdivider shall record the right of entry or temporary easement so that subsequent purchasers of interests in the subdivision will have notice of the County's access rights.

(d) Unless determined by the Director DPW to be unnecessary because improvements will be constructed before the lots served by the improvements will be developed, all projects except those for which a traffic study has not been required to be prepared shall have an approved Construction Phasing Plan for all on-site and off-site improvements that identifies when the required improvements will be constructed in relation to the rough and final grade releases and issuance of building permits. All approved Construction Phasing Plans shall be made a part of the project's improvement agreement.

(e) No rough grading approval or building permits will be issued on a lot until all essential off-site road improvements, all on-site road improvements whether essential or not, and all utility, drainage and other improvements needed to serve the lot are completed to the satisfaction of the Director DPW. For the purposes of this section, essential off-site road improvements shall mean those improvements determined by the Director DPW to be needed to serve a lot to mitigate project environmental, traffic safety or operational impacts. Final pavement cap, driveway, and sidewalk improvements may be constructed after rough grade approval and building permit issuance; except, the Director DPW may require earlier completion where determined by the Director DPW to be necessary to protect public safety and welfare. No final grading approval or occupancy will be issued for a lot until final pavement cap, driveway, and sidewalk improvements serving the lot are completed to the satisfaction of the Director DPW. Notwithstanding the foregoing and unless earlier completion of off-site improvements is determined by the Director DPW to be necessary to mitigate project impacts or address a traffic safety or operational deficiency, subdivisions for which a Construction Phasing Plan is not required may defer the construction of off-site improvements until after rough grade releases and/or building permits have been issued for seventy-five percent of the buildable lots in the subdivision.

(f) Sections (d) and (e) shall not apply to any subdivisions with tentative map or parcel map applications that have been deemed completed pursuant to the requirements of the Subdivision Map Act, Government Code section 66410 et seq. on or before October 28, 2011.

Section 138. Section 81.608 of the San Diego County Code is hereby amended to read as follows:

SEC. 81.608. ONSITE WASTEWATER TREATMENT SYSTEM CERTIFICATION.

A tentative parcel map that proposes onsite wastewater treatment systems shall require a determination from the Director DEHQ that it is feasible to install an onsite wastewater treatment system on each proposed lot in the subdivision. No tentative parcel map shall be approved until the applicant obtains a certification from the Director DEHQ that each lot has been approved for installation of an onsite wastewater treatment system.

Section 139. Section 81.611 of the San Diego County Code is hereby amended to read as follows:

SEC. 81.611. DIRECTOR'S DUTIES.

On receipt of any application for a tentative parcel map the Director shall:

(a) Provide notice by U.S. mail to all owners of property located within 300 feet of the exterior boundaries of the proposed subdivision. The names and addresses of the owners shall be determined from the latest equalized assessment roll or such other records of the Assessor or Tax Collector that contain more recent information. The notice shall indicate whether the Director or the Board will make a decision on the application. When the Director will make the decision on the application, the notice shall provide that any person notified may submit written comments on the application no later than 25 days after the date of the notice. In that case, the notice shall also include information on methods by which the property owner may review or request notice or copies of Director's decisions.

(b) Investigate each tentative parcel map application filed pursuant to this chapter. When the Board will make the decision on the application the Director shall prepare a written report of the investigation for the Board that indicates the kind, nature and extent of "improvements," as that term is defined in Government Code section 66419, the subdivider will be required to install or that will be required to serve the land to be subdivided.

(c) Transmit copies of the map with accompanying information and request a written recommendation on the application within 10 days from all of the following:

(1) The Director DPW, Director DEHQ and Director DPR with respect to the design of the proposed subdivision and the kind, nature and extent of the proposed improvements.

(2) The Chief of the local fire district within which the proposed subdivision is located or if there is no fire district, the County fire official, with respect to fire hydrants, connections to be installed, fire control measures, proposed improvements and compliance with SRA Fire Safe Regulations, 14 CCR sections 1270 et seq., or sections of a fire district's code or County Fire Code, related to subdivisions, when the State Board of Forestry has certified the applicable fire code as equaling or exceeding the State regulations.

(3) Special districts which are proposed to provide public sewer, public water and school facilities, other County departments and governmental agencies as the Director deems necessary.

(d) Approve, conditionally approve, or disapprove tentative parcel maps within the Director's authority in section [81.610](#)(b) pursuant to the procedure specified in section [81.612](#).

Section 140. Section 81.707 of the San Diego County Code is hereby amended to read as follows:

SEC. 81.707. IMPROVEMENTS REQUIRED AS CONDITION OF APPROVAL.

This section establishes requirements that a subdivider shall fulfill as a condition of approval of a parcel map. Whenever this section provides that a subdivider shall agree to improve or agree to install an improvement the subdivider shall be required to enter into a written agreement with the County to perform the improvement or installation. No parcel map for a minor subdivision shall be approved until the subdivider:

(a) Improves or agrees to improve all rights-of-way which the subdivider offered for dedication for road purposes which the County accepted. The improvements shall be completed in accordance with San Diego County Standards.

(b) Installs or agrees to install all other required improvements and facilities in accordance with the requirements in section [81.404](#) except that the subdivider:

(1) Shall install or agree to install fire hydrants as provided in subsection (c).

(2) Shall install or agree to install street lighting as provided in subsection (f).

(3) Shall not be required to convert existing overhead utilities to underground utilities where no public road improvements are required. If new utility service to an on-site building is required, however, utility service shall be installed underground.

(c) Installs or agrees to install fire hydrants with an adequate water supply.

(1) In commercial and industrial zones fire hydrants shall have two, two and one-half inch ports and one, four-inch port with a six-inch barrel.

(2) In all other zones, fire hydrants shall have one, two and one-half inch port and one, four-inch port.

(3) The hydrants shall be installed at intervals not to exceed distances provided in subsections (4) and (5) below. The distance between hydrants shall be measured along a road which is traversable by mechanized fire fighting apparatus. The decision making body may waive or modify these requirements upon recommendation by the chief of the local fire district, or if there is no local fire district, by recommendation by the County fire official.

(4) In zones other than industrial, commercial and multi-family, fire hydrants shall be installed at the following intervals:

(A) Parcels two and one-half acres and larger: every 1,000 feet.

(B) Parcels at least one-half acre but less than two and one-half acres: every 500 feet.

(C) Parcels less than one-half acre: every 350 feet.

(5) In multi-family, commercial and industrial zones, fire hydrants shall be installed every 300 feet regardless of parcel size.

(d) Provides proof that the serving public water district will serve each lot in the subdivision with potable public water or a certification from the Director DEHQ that there is an adequate potable well water supply available to each lot.

(e) Extends to the land to be subdivided, public water supply facilities adequate to serve the subdivision when the project is located within a water district or the district's adopted sphere of

influence and either: (1) the main lines of the existing public potable water supply are located within 500 feet of the subdivision boundary or (2) the subdivider has proposed the use of a public water supply to serve the subdivision.

(f) Installs or agrees to install street lighting, pursuant to San Diego County Standards, except that street lighting shall only be required when the Director DPW determines it is necessary for traffic safety.

(g) Provides proof that the serving public sewer district will serve each lot or parcel with public sewer.

(h) Grades and improves or agrees to grade and improve, all land dedicated or to be dedicated for trails or pathways including land previously dedicated for a road which includes sufficient right-of-way for a pathway. Trail improvements shall be made in accordance with the trail standards specified in the section 7, "Design and Construction Guidelines," in the Community Trails Master Plan for the type of trail to be constructed. Pathway improvements shall be made in accordance with standards for pathways in the San Diego County Public Road Standards.

Section 141. Section 81.803 of the San Diego County Code is hereby amended to read as follows:

SEC. 81.803. RECERTIFICATION OF ONSITE WASTEWATER TREATMENT SYSTEMS.

Where alterations to the design or location of onsite wastewater treatment systems are proposed that differ from the design or location the Director DEHQ previously certified as feasible, the Director DPW shall not approve the parcel map until the Director DEHQ recertifies that it is feasible to install an onsite wastewater treatment system on each lot in the proposed subdivision.

Section 142. Section 81.1102 of the San Diego County Code is hereby amended to read as follows:

SEC. 81.1102. DEVELOPMENT PERMITS AND APPROVALS FOR PROPERTY ILLEGALLY DIVIDED.

Pursuant to Government Code section 66499.34:

(a) No person shall be issued any permit or granted any approval necessary to develop any real property which has been divided or which has resulted from a division in violation of the SMA, this division, or any earlier ordinance the County adopted pursuant to the SMA applicable at the time the property division occurred, if the decision making body finds that development of the property is contrary to the public health or the public safety. The "decision making body" means the Director, or on appeal, the Planning Commission or the Board. This subsection shall apply whether the applicant: (1) was the owner of record at the time of the violation, (2) is the current owner of record or (3) is a vendee of the current owner of record pursuant to a contract of sale for the property, and without regard to whether any applicant had actual or constructive knowledge of the violation at the time the applicant acquired an interest in the property.

(b) Unless this code or other County ordinance provides an appeal procedure for a permit or approval referred to in subsection (a) above the applicant may appeal the denial or conditional approval as provided in this subsection. The applicant may appeal a Director's determination to the Planning Commission and may appeal the Planning Commission's determination to the Board. An appeal of the Director's determination to the Planning Commission and the Planning Commission to the Board shall be filed with the Director within 10 days of the determination appealed from. All appeal hearing shall be public hearings and the Director shall give public notice of the hearings that complies with the public

notice requirements in Government Code section 66451.3. The hearings shall be heard at the next regularly scheduled meeting of the Planning Commission or the Board, respectively.

(c) In determining whether to issue a permit or grant approval or conditional approval to develop real property divided or resulting from a division in violation of the SMA this division or an earlier ordinance the County adopted pursuant to the SMA, the decision making body shall consider all the following:

(1) Whether the property complies with the applicable zoning regulations.

(2) Whether the serving sewer district has certified that it will provide public sewer for the property or the Director DEHQ has certified that it is feasible to install an onsite wastewater treatment system on each lot on which development is requested.

(3) Whether the serving water district has certified that it will provide potable public water for the property or the Director DEHQ has approved a potable well water supply for the property.

(4) Whether the property has legal access to a County maintained road.

(5) Whether the applicant would have been required to dedicate land for a public purpose or construct or install any improvements pursuant to the SMA or the County subdivision ordinance in effect at the time the applicant acquired the property.

(d) In determining what conditions to impose if it grants conditional approval, the decision making body shall consider the factors in subsection (c)(1)-(5). If the applicant was the owner of record at the time the initial violation of the SMA or a County ordinance enacted pursuant to the SMA occurred, the decision making body may impose any condition that would apply to a current division of the property. If, however, the County has previously issued a conditional certificate of compliance for the property, only those conditions in the certificate shall apply to the conditional approval.

Section 143. Section 87.302 of the San Diego County Code is hereby amended to read as follows:

SEC. 87.302. DEPARTMENT OF ENVIRONMENTAL HEALTH AND QUALITY GRADING PLAN EXAMINATION FEE.

Whenever the Department of Environmental Health and Quality is required to examine a grading plan in accordance with Section 68.326.2, there shall be paid to that Department an examination fee as set forth in Title 6, Division 5, Section 65.107, paragraph (g), of this Code.

Section 144. Section 94.1.713.0 of the San Diego County Code is hereby amended to read as follows:

SEC. 94.1.713.0. SEWER REQUIRED.

Section 713 of the California Plumbing Code is revised to read:

Sec. 713.0 Sewer required.

Sec. 713.1 Sewer connection required. Every building in which plumbing fixtures are installed shall have a connection to a public sewer except as provided in section 713.2.

Sec. 713.2 On-site wastewater treatment system. When a public sewer is not available for use, drainage piping from buildings and premises shall be connected to an approved on-site wastewater treatment system.

Sec. 713.3 Graywater system. The Director of the Department of Environmental Health and Quality may issue a permit for the installation and operation of a graywater system in the unincorporated area of the County that complies with Chapter 16A of the County Plumbing Code and sections [68.301](#) et seq. relating to on-site wastewater treatment systems. All plumbing and drainage for a building up to and including the point of connection with any component of the graywater system shall comply with this chapter and shall be subject to inspection and approval by the building official.

Section 145. Section 96.1.APP.H100 of the San Diego County Code is hereby amended to read as follows:

SEC. 96.1.APP.H100. REPORTING FORMS.

Appendix H, sec. H100 is added to the California Fire Code to read:

H100.1 Reporting forms. Hazardous Materials reporting forms currently adopted by San Diego County Department of Environmental Health and Quality Hazardous Materials Management Unit which cover the same areas as forms contained in this Appendix are adopted by reference and take precedence over this Appendix.

Section 146. Effective Date. This Ordinance shall take effect on January 1, 2021, and before the expiration of fifteen (15) days after its passage, a summary shall be published once with the names of the members voting for and against the same in the Daily Transcript, a newspaper of general circulation published in the County of San Diego.

APPROVED AS TO FORM AND LEGALITY
COUNTY COUNSEL

BY

Geoffrey P. Holbrook, Senior Deputy