

## Chapter 9 HEALTH AND SANITATION

### ARTICLE III. SANITARY DISPOSAL OF SEWAGE\*

\*Note to Article III.

\*Editor's note--Ord. No. 1484, § 1, adopted July 2, 1985, amended Art. III in its entirety to read as herein set forth. Prior to such amendment, Art. III, §§ 9-16--9-24, pertained to similar subject matter and was derived from Ord. No. 418, §§ 1--19, 1961, Ord. No. 868, §§ 1, 2, adopted Jan. 20, 1976; and Ord. No. 1284, § 1, adopted Nov. 23, 1982.

Sec. 9-16. Definitions.

16.1 For the purposes of this article, certain words and phrases are defined and certain provisions shall be construed as herein set out, unless it shall be apparent from their context that they have a different meaning, as follows:

(a) Absorption Facility means a system of open jointed or perforated piping, alternative distribution units or other seepage systems for receiving the flow from septic tanks or other treatment units and designed to distribute effluent for oxidation and absorption by the soil within the zone of aeration. (Ord. No. 1484, § 1, 7-2-85)

(b) Alternative System means any health department approved on-site sewage disposal system used in lieu of the standard subsurface system. (Ord. No. 1484, § 1, 7-2-85)

(c) Building Sewer means that part of the system of drainage piping which conveys sewage into a septic tank, cesspool or other treatment unit that begins five feet outside the building or structure within which the sewage originates. (Ord. No. 1484, § 1, 7-2-85)

(d) Cesspool means a receptacle which receives the discharge of sewage from a sanitary drainage system and which is so designed and constructed as to separate solids from liquids, digest organic matter during a period of detention and allow the liquids to flow into the soil within the zone of aeration through perforations in the side wall of the receptacle. (Ord. No. 1484, § 1, 7-2-85)

(e) Construction means installation, alteration, relocation, repair or extension. (Ord. No. 1484, § 1, 7-2-85)

(f) Effluent Sewer means that part of the system of drainage piping that conveys treated sewage from a septic tank or other treatment facility into an absorption facility. (Ord. No. 1484, § 1, 7-2-85)

(g) Health Officer means the Health Officer of Lake County or his designee. (Ord. No. 1484, § 1, 7-2-85)

(h) Nonwater-Carried Waste Disposal Facility means any toilet facility which has no direct water connection, including vault privies and portable toilets. (Ord. No. 1484, § 1, 7-2-85)

(i) Person includes individuals, corporations, associations, firms, partnerships, joint stock companies, public and municipal corporation, political subdivisions, the state and any agencies thereof, and the federal government and any agencies thereof. (Ord. No. 1484, § 1, 7-2-85)

(j) Health Department means the Lake County Health Department. (Ord. No. 1484, § 1, 7-2-85)

(k) Privy means a structure used as a toilet under a part or all of which is a vault or pit intended for the reception of human waste matter. (Ord. No. 1484, § 1, 7-2-85)

(l) Public Health Hazard means a condition whereby there are sufficient types and amounts of biological, chemical or physical, including radiological, agents relating to water or sewage which are likely to cause human illness, disorders or disability. These include, but are not limited to, pathogenic viruses, bacteria, parasites, toxic chemicals and radioactive isotopes. (Ord. No. 1484, § 1, 7-2-85)

(m) Public Sanitary Sewer means any sewage disposal system operated and maintained by any municipality, district, public or private corporation, organized and existing under and by virtue of the laws of the State of California. (Ord. No. 1484, § 1, 7-2-85)

(n) Seepage Pit means a type of absorption facility which is a covered pit with open-jointed lining through which septic tank effluent may seep or leach into surrounding ground. (Ord. No. 1484, § 1, 7-2-85)

(o) Septic Tank means a watertight receptacle which receives sewage from a sanitary drainage system, is designed to separate solids from liquids, digest organic matter during a period of detention, and allow the liquids to discharge to a second treatment unit or to a soil absorption facility. (Ord. No. 1484, § 1, 7-2-85)

(p) Sewage means water-carried human and animal waste, including but not limited to kitchen, bath and laundry wastes from residences, buildings, industrial establishments or other places, together with such ground water infiltration, surface waters or industrial waste as may be present. (Ord. No. 1484, § 1, 7-2-85)

(q) Sewage Disposal Service means:

(1) The construction of subsurface sewage disposal systems, alternative sewage disposal systems or any part thereof.

(2) Grading, excavating and earth-moving work connected with the operations described in paragraph (1) of this subsection, except streets, highways, dams, airports or other heavy construction projects. (Ord. No. 1484, § 1, 7-2-85)

(r) Subsurface Disposal System means a combination of a septic tank or other treatment unit and effluent sewer and absorption facility. (Ord. No. 1484, § 1, 7-2-85)

(s) Zone of Aeration means the unsaturated zone that occurs below the ground surface and the point at which the upper limit of the water table exists. (Ord. No. 1484, § 1, 7-2-85)

(t) Direct Discharge means the release by direct piping, overflow of treatment or storage structures, or any act which results in a release of sewage or treated sewage reaching surface waters. (Ord. No. 1801, § 1, 1-24-89)

(u) Indirect Discharge means the release through designed or natural media, directly or indirectly, which results in sewage or treated sewage reaching surface waters. (Ord. No. 1801, § 2, 1-24-89)

(v) Treated Sewage means sewage which has been placed through biological, mechanical or chemical processes to reduce or eliminate the known or potentially harmful effects of one or all of the constituents of sewage. (Ord. No. 1801, § 3, 1-24-89)

Sec. 9-17. Declaration and General Provision.

17.1 Except as otherwise in this article expressly provided, this article shall apply to all territory lying within the limits of the County of Lake, State of California, excluding any territory lying within an incorporated city. (Ord. No. 1484, § 1,7-2-85)

17.2 It shall be unlawful to maintain or use any residence, place of business or other building or place where persons reside, congregate or are employed which is not provided with a means for the disposal of sewage which complies with this article and the rules and regulations relating to sewage disposal made and established by the County Health Officer. (Ord. No. 1484, § 1, 7-2-85)

17.3 The building sewer from every building where persons reside, congregate or are employed which is within 200 feet of a public sanitary sewer to which the owner of said building may lawfully connect the building sewer of the building upon proper application therefor, and the payment of required fees, shall, upon order of the County Health Department, be connected to the public sanitary sewer by the owner of the building in the most direct manner possible and in accordance with the rules and regulations of the authority operating and maintaining the public sanitary sewer. (Ord. No. 1484, § 1, 7-2-85)

Sec. 9-18. Reserved.

Sec. 9-19. Sanitation Permits.

19.1 It shall be unlawful for any person to construct, add to, modify or alter any privy, cesspool, septic tank, subsurface disposal system, excavation, effluent sewer pipes, conduits, or other means for the disposal, treatment or discharge of sewage without first securing a sanitation permit therefor from the County Health Officer. (Ord. No. 1484, § 1, 7-2-85)

19.2 No sanitation permit shall be given for the construction of, addition to, alteration of, or modification of, and no approval shall be given for any privy, cesspool, septic tank, subsurface disposal system, excavation, effluent sewer pipes or conduits, or other pipes

or conduits, alternative sewage disposal systems, or other means for the disposal, treatment, or the discharge of sewage, by the County Health Officer unless:

(a) The means or proposed means for the disposal, treatment or discharge of sewage will not permit the escape of any unpleasant or noxious odors, vapors, or gases;

(b) The means or proposed means for the disposal, treatment or discharge of sewage will not permit the ingress or egress of flies, other insects, rodents or animals;

(c) The means or proposed means for the disposal, treatment or discharge of sewage will not permit the discharge or drainage of effluent from the sewage disposal system to empty, flow, seep, drain, condense into or otherwise pollute any watercourse or any stream, river, lake or tributary or other water used or which may be used or suitable for use for domestic or agricultural purposes;

(d) The means or proposed means for the disposal, treatment or discharge of sewage shall not be offensive, dangerous or create a public health hazard;

(e) The means or proposed means for the disposal, treatment or discharge of sewage conforms in all respects to the rules and regulations of the Health Department for the disposal, treatment or discharge of sewage;

(f) The means or proposed means for the disposal, treatment or discharge of sewage is intended to serve a building which is not within 200 feet of a Public Sanitary Sewer to which the owner of said building may lawfully connect the building sewer of the building;

(g) The means or proposed means for the disposal, treatment or discharge of sewage is wholly located on the property to be served by said means or within an area of perpetual easement, for sewage treatment and disposal purposes. (Ord. No. 1484, § 1, 7-2-85)

19.3 Any person desiring to secure a sanitation permit or approval required by this article shall file an application therefor with the County Health Officer. The application shall contain a complete and detailed plan and description of the existing or proposed means for the disposal, treatment or discharge of sewage and of any proposed addition to, modification or alteration of any of the plant, works or

system for, or manner or place of discharge, treatment or disposal of sewage. The application shall also contain the proposed use and such other information and shall be in such form as the County Health Officer shall prescribe, including but not limited to distances of any domestic water well, springs, rivers, lakes, streams or tributaries within 150 feet of the installation. (Ord. No. 1484, § 1, 7-2-85)

19.4 Applications for Sanitation Permits shall be accompanied by the appropriate permit fees. Said fees shall be set and amended from time to time by ordinance of the Board of Supervisors. (Ord. No. 1484, § 1, 7-2-85)

19.5 A penalty of 100% of the amount of the permit fee shall be assessed against the owner of any subsurface disposal system or alternative sewage disposal system on which construction is started prior to the issuance of a Sanitation Permit. (Ord. No. 1484, § 1, 7-2-85)

19.6 The County Health Officer may order changes of the system, method, means, manner and place for the disposal, treatment or discharge of sewage in order that the same shall not constitute a public health hazard to humans or animals or create a nuisance. The orders of the County Health Officer shall designate the period within which such changes are to be made. (Ord. No. 1484, § 1, 7-2-85)

19.7 No work done under any sanitation permit shall be covered, concealed or put into use until it has been approved by the County Health Officer, except as expressly provided in the Health Officer's Rules and Regulations. (Ord. No. 1484, § 1, 7-2-85)

19.8 For the purpose of carrying the intent of this article into effect, the County Health Officer shall have the power to adopt, promulgate, repeal and amend uniform rules and regulations and requirements not in conflict with this article or the laws of the State of California with regard to the construction, installation, alteration, modification, dimensions of the matter dealt with in this article based upon investigation, inspection and tests or accepted sanitation standards which prevent a public health hazard and provide for safe and sanitary conditions. Said rules, regulations and requirements and any amendments thereto shall take effect thirty (30) days after notification in writing by the County Health Officer to the Board of Supervisors unless overruled by the Board of Supervisors. Any person shall have the right of appealing to the Board of Supervisors,

the regulations or any amendment to the regulations as established by the County Health Officer, within fifteen (15) days after notification to the Board of Supervisors by the County Health Officer. (Ord. No. 1484, § 1, 7-2-85)

#### Sec. 9-20. Appeals.

20.1 In order to provide an independent review of the determinations of the County Health Officer, pursuant to Section 9-19, any person whose application for a sanitation permit has been denied so as to prohibit development may, within thirty (30) days after the date of such denial, appeal said decision in writing to the Board of Supervisors. The written appeal shall contain sufficient information to support the basis of the appeal and be accompanied by any required fee. (Ord. No. 2276, § 1, 3-14-95)

20.2 The Board of Supervisors shall hold a public hearing on the appeal. Notice of such hearing shall be given, not less than ten (10) days prior to such hearing, by written notice to the appellant and any surrounding property owners within seven hundred (700) feet whose property may be affected by the proposed sanitation permit. Any failure to give such notice to surrounding property owners as aforesaid shall not invalidate or affect the decision of the Board of Supervisors. (Ord. No. 2276, § 1, 3-14-95)

20.3 The Board of Supervisors shall render a final written decision and findings on said appeal not more than thirty (30) days after the close of the public hearing. A copy of such decision and findings shall be provided to the appellant and the Health Officer by the Clerk to the Board of Supervisors. (Ord. No. 2277, § 1, 3-14-95)  
Editor's Note--Ord. No. 2276, passed March 14, 1995, replaced Section 9-20 in its entirety.

#### Sec. 9-21. Septic Tanks and Absorption Facilities.

21.1 Septic tanks and absorption facilities for the disposal of the tank effluent shall be so constructed as to meet the following:

(a) Septic Tanks. In order that septic tanks and the use of the same shall not be offensive, injurious or create a public health hazard, the County Health Officer shall make and establish rules and regulations which may from time to time be altered and amended by the County

Health Officer regarding the size, the materials used in, the location of and the manner of construction of septic tanks, and every septic tank shall be constructed in strict compliance with such rules and regulations and in compliance with the terms and provisions of the sanitation permit issued by the County Health Officer for the construction of the same. (Ord. No. 1484, § 1, 7-2-85)

Sec. 9-22. Privies.

22.1 It shall be unlawful to construct, use or maintain a privy without a sanitation permit from the County Health Officer. In order that privies and the use of the same shall not be offensive, injurious or create a public health hazard, the County Health Officer shall make and establish rules and regulations which may from time to time be altered and amended by the County Health Officer, regarding the size, the materials used in, the location of and the manner of construction of privies, and every privy shall be constructed in strict compliance with such rules and regulations and in compliance with the terms and provisions of the sanitation permit issued by the County Health Officer for the construction of the privy. (Ord. No. 1484, § 1, 7-2-85)

Sec. 9-23. Overflow and Discharge.

23.1 No person shall cause or permit any part of the contents of any privy vault, cesspool, septic tank, building sewer, subsurface disposal system, alternative sewage disposal system, water closet, urinal, or of any other sink or cistern containing any product as defined under public health hazard or any other substances, to flow, discharge or be deposited upon the surface of any lot or premises or of any public street or sidewalk or public place or into any storm drain, or into any stream, river, lake or tributary. (Ord. No. 1484, § 1, 7-2-85)

23.2 No person shall use or maintain any overflowing or open cesspool, privy, septic tank or building sewer, subsurface disposal system, alternative sewage disposal system or any cesspool, septic tank or drainage system the top or any wall of which shall have caved in or that is of insufficient capacity for the volume of sewage or waste water that is discharged thereinto. (Ord. No. 1484, § 1, 7-2-85)

23.3 No person who operates a public sanitary sewer shall, by

expansion or modification of existing facilities or construction of a new facility, allow, cause or permit the direct or indirect discharge of sewage or treated sewage into the waters of Clear Lake or any creek, stream, river or other defined watercourse draining into the waters of Clear Lake. (Ord. No. 1801, § 4, 1-24-89)

Sec. 9-24. Order Limiting or Prohibiting Construction;  
Factors to be Considered.

24.1 Whenever the Health Department finds that the construction of subsurface sewage disposal systems, alternative sewage disposal systems or nonwater-carried sewage disposal facilities should be limited or prohibited in an area, due to a current or imminent public health hazard, it shall issue a rule and regulation limiting or prohibiting such construction. The rule and regulation shall be issued only after a public hearing for which more than thirty (30) days notice is given. Notice must be in a form reasonably calculated to notify interested persons in the affected area. (Ord. No. 1484, § 1, 7-2-85)

24.2 In issuing a rule and regulation authorized by subsection 24.1 of this section, the Health Department shall consider the following factors for the proposed affected area:

- (1) Present and projected density of population.
- (2) Size of building lots.
- (3) Topography.
- (4) Porosity and absorbency of soil.
- (5) Any geological formations which may adversely affect the disposal of sewage effluent by subsurface means.
- (6) Ground and surface water conditions and variations therein from time to time.
- (7) Climatic conditions.
- (8) Present and projected availability of water from unpolluted sources.
- (9) Type of and proximity to existing domestic water supply sources.

(10) Type of and proximity to existing surface waters.

(11) Capacity of existing subsurface sewage disposal systems.

(12) Other conditions creating or likely to create a public health hazard. (Ord. No. 1484, § 1, 7-2-85)

Sec. 9-25. Sewage Disposal Service.

25.1 No person other than the property owner shall perform sewage disposal services without first obtaining the required state licenses. (Ord. No. 1484, § 1, 7-2-85)

Sec. 9-26. Duty of Health Officer.

26.1 It shall be the duty of the County Health Officer to enforce all of the provisions of this article relative to sewage disposal, treatment or discharge and other matters regulated by this article. (Ord. No. 1484, § 1, 7-2-85)

Sec. 9-27. Penalties.

27.1 A violation of any provision of this article is punishable as an infraction by a fine not exceeding one hundred dollars (\$100.00); or as a misdemeanor by a fine of not more than one thousand dollars (\$1,000.00), or by imprisonment in the County Jail for a period of not more than six (6) months, or by both such fine and imprisonment. Every violation of any provision of this article shall be construed as a separate offense for each day during which such violation continues and shall be punishable as herein provided. (Ord. No. 1484, § 1, 7-2-85)