



Humboldt County Department of Health and Human Services
DIVISION OF ENVIRONMENTAL HEALTH

100 H Street - Suite 100 - Eureka, CA 95501

Voice: 707-445-6215 - Fax: 707-441-5699 - Toll Free: 800-963-9241
envhealth@co.humboldt.ca.us

HUMBOLDT COUNTY CODE
TITLE VI – WATER AND SEWAGE
DIVISION 1
SEWAGE DISPOSAL

CHAPTER 1

GENERAL REQUIREMENTS

611-1. PURPOSE

This division shall apply to all territory embraced within the unincorporated area of the County of Humboldt, State of California. The Board of Supervisors finds that the growth and development of the County have given rise to undesirable alterations of the ecology of the County and increasing problems of sewage disposal detrimental to the continued health, safety and well-being of the inhabitants of this County. It is basic that means of preventing ecologic strain and of resolving problems of sewage disposal must be provided. The Board of supervisors enacts this division for the control of individual sewage disposal systems in the County in order to promote the health, safety and well-being of the inhabitants of this County by providing to them a means to prevent ecologic stain and resolve problems of sewage disposal.

To implement and ensure this goal, the Board of Supervisors finds that in urban areas of the County the most appropriate means of sewage disposal is a public sewer system. The Board further finds that, in the rural lands of the County, the leach field method of sewage disposal is the most appropriate means of sewage disposal and is to be considered a permanent means.

(Ord. 945 1, 10/2/73)

611-2. DEFINITIONS.

(a) Abandoned Sewage Disposal System. “Abandoned Sewage Disposal System” means a sewage disposal system of which use has been discontinued with the intent of never resuming such use. Nonuse of a sewage disposal system for a period of one (1) year shall be prima facie proof of such intent.

(b) Building and Place. “Building” or “Place” means any residence, place of business or other building or place where persons reside, congregate or are employed.

(c) Cesspool. “Cesspool” means a covered pit with open jointed lining into which sewage or waste is discharged, the liquid portion of which is disposed of by leaching into the surrounding soil and the solids or sludge being retained in the pit.

(d) Health Officer. “Health Officer” means the Humboldt County Health Officer or his authorized representative.

(e) Privy. “Privy” means a device for the disposal of sewage in a pit in the earth which may be covered by a structure.

(f) Public Nuisance. “Public Nuisance” means anything which:

(1) Is injurious to health or well-being, or is indecent or offensive to the senses, or is an obstruction to the free use of the land or space, or interferes with the comfortable enjoyment of life or environment; and

(2) Affects at the same time the occupants of one (1) or more habitable units of a community or neighborhood, or any considerable number of persons, although the extent of the annoyance, damage, injury, offense, obstruction or interference inflicted upon individuals may be unequal.

(g) Public Sewer. “Public Sewer” means a common sewer system operated by a public entity.

(h) Public Water System. “Public water system” means any systems for which a permit is required by the State of California or by the County of Humboldt pursuant to the Pure Water Act (Health and Safety Code 4010 et seq.).

(i) Repair. “Repair” means any alteration of or replacement of any component of a sewage disposal system.

(j) Sewage. “Sewage” means any substance, liquid or solid, which is classified as a waste product of human habitation and may be injurious or dangerous to health, and which contains or may be contaminated with human or animal excrement, offal or feculent matter.

(k) Sewage Disposal System. “Sewage disposal system” means a system for the sanitary, safe and nuisance-free disposal of sewage or waste, other than a public sewer.

(l) Sewage Disposal System Failure. "Sewage disposal system failure" includes but is not limited to the observation by the Health Officer of any of the following:

(1) Surfacing of effluent with the bacteriological or chemical characteristics of sewage.

(2) Sluggish or inoperative plumbing fixtures.

(3) The flow or seepage of effluent into surface or subsurface waters by effluent from a sewage disposal system.

(m) Vault Privy. "Vault Privy" means a water-tight, underground tank for the temporary storage of sewage or waste.

(n) Waste. "Waste" means any and all waste substances, liquid, solid or gaseous, associated with any producing, manufacturing, processing or commercial operation, of whatever nature, which substances are not further used b the associated producing, manufacturing, processing or commercial operation.

(o) Waste Well. "Waste Well" means any hole in the ground used or intended to be used for the disposal of sewage or waste. (Ord. 945 2, 10/2/73)

611-3. APPROVED SEWAGE DISPOSAL SYSTEM REQUIRED

No person shall construct, reconstruct, repair, maintain or use any building or place which is not provided with a sewage disposal system approved by the Health Officer or provided with a connection to a public sewer. (Ord. 945 3, 10/2/73)

611-4. SEWER CONNECTION REQUIRED.

(a) Connection Required. Every building or place which is within 300 feet of an approved public sewer shall be connected to the public sewer by the owner or his agent. A separate connection for each building or place may be required. The measurement of the 300 feet shall be as follows: starting at the point where the permitting agency's jurisdiction ends (property line or curb line) to the nearest point of the property. The location of a structure upon the property shall not be a contributing factor unless the structure is located more than 1,000 feet from the public sewer line.

(b) Large Flow Situations. Multiple family units, mobilehome parks, commercial establishments, motels, hotels, subdivisions and minor subdivisions, and other buildings or places creating a large flow of sewage

or waste may be required by the Health Officer to connect from distances greater than 300 feet. In requiring connections from greater distances, the Health Officer shall consider for the long term the following:

- (1) The intent and purpose of this division.
- (2) Effect on the General Plan, the Zoning Title and the Open Space Plan.
- (3) Potential nuisance creation.
- (4) Quantity of sewage flow.
- (5) Cost and suitability of such connection relative to the cost and suitability of constructing and maintaining sewage disposal system.
- (6) Such other factors as the Health Officer deems appropriate.

(c) Failed Systems. In instances of serious sewage system failure, the Health Officer may require connection to an approved public sewer from a distance of up to 1,000 feet.

(d) Pump Required. In the event a person required by this section to connect to a public sewer line does not have gravity flow to the public sewer line, he shall be required to install and maintain a sump pump at his own expense. Such installation shall be subject to the regulations of the public entity operating the public sewer.

(e) Easements. This Board will assist any individual required under this section to connect to a public sewer in attempting to acquire any easements which may be necessary to allow for the most direct connection to the public sewer line.

(f) Permit procedures, inspection procedures and materials related to connection to a public sewer shall be in accordance with the specifications of the public entity operating sewer.

(g) All points of discharge from the building or place which falls under the provisions of this section shall be connected to the public sewer.

(h) No sewage disposal system shall be connected to the public sewer.
(Ord. 945 4.10/2/73)

611-5. MAINTENANCE

(a) The operator of a dual-field installation shall alternate the field at time specified by the Health Officer.

(b) Unless otherwise specified by the Health Officer, septic tanks shall be pumped at least once every seven (7) years. (Ord. 945 7, 10/2/73)

611-6. ABANDONED SEWAGE DISPOSAL SYSTEMS.

(a) Every abandoned building sewer or part thereof shall be plugged or capped in an approved manner within five feet (5') of the property line.

(b) Every abandoned septic tank shall have the sewage removed therefrom and be completely filled with earth, sand, gravel, concrete or other approved material. The cover of the septic tank shall be removed before filling. The filling shall not extend above the top of the vertical portions of the sidewalls or above the level of any outlet pipe until an inspection has been completed by the Health Officer. After such inspection the septic tank shall be filled to the level of the top of the ground.

(c) No person owning or controlling any septic tank shall fail, refuse or neglect to comply with the provisions of this section upon receipt of notice from the Health Officer.

(d) Where a sewage disposal system is abandoned consequent to connecting with the public sewer, the permittee making the connection shall fill the abandoned septic tank as required by the Health Officer within thirty (30) days from the time of connecting with the public sewer. (Ord. 945 10, 10/2/73)

(4) The Health Officer may specify the time of year during which water table determinations are to be made.

(5) Any tests, data gathering or analysis which the Health Officer may require as part of the application process shall be performed at the expense of the applicant.

(6) Any tests, data gathering or analysis which the Health Officer may require as part of the application process may be required to be performed under the supervision of the Health Officer or performed by individuals certified by the Health Officer to carry out such testings, data gathering or analysis.

(7) Any tests, data gathering or analysis which the Health Officer may require as a part of the application process shall be performed in accordance with regulations issued by the Health Officer.

(8) Each application for a permit to construct a sewage disposal system shall be accompanied by a filing fee in an amount set by resolution of the

Board of Supervisors in an amount sufficient to cover costs. No part of the fee shall be refundable.

(d) Inspections.

(1) Prior to issuing any sewage disposal system permit, the Health Officer shall inspect the site and review departmental records to determine the probable suitability of the site to absorb sewage.

(2) Final inspection of each installation shall be made prior to the time the system is backfilled or covered. In the event that the Health Officer determined that there has been an improper installation, a stop work order may be posted on the job site. Before any further work is done on the site, clearance from the Health Officer must be obtained.

(3) At the discretion of the Health Officer, the above work may be performed by the Building Department.

(e) Approval.

(1) If the Health Officer finds that the proposed sewage disposal system conforms to the requirements of this division, regulations issued by the Health Officer, and other pertinent laws and Code sections, and that the proposed sewage disposal system is appropriate for the sewage disposal demands of the situation, he shall issue a permit therefore. The granting of the permit shall be made subject to terms and conditions attached thereto and made a part thereof. If the sewage disposal system requires major repair, the permit shall require the entire system to conform as closely as is possible to this division.

(2) Final approval of the sewage disposal system by the County does not guarantee that the system will function satisfactorily.

(2) The information which the applicant is required to present includes but is not limited to the following information:

A. Name, address and telephone number of the applicant and the owner of the property on which the building or place to be served by the sewage disposal system is located and their agents if any.

B. Location of the property and the Assessor's parcel number.

C. A scale map of the lot showing: appropriate landmarks; steep slopes; roads; surveyor's landmarks; lot dimensions; existing

and proposed easements for road or utility purposes; and existing, proposed or abandoned sewage disposal systems.

- lot.
- D. Gross lot area, net lot area and average cross-slope of the
 - E. The intended use or uses of the property.
 - F. The number of dwelling units and rooms usable as sleeping quarters. If a nonresidential use is proposed, an estimate of the quantity of sewage flow and the method of estimating the flow shall be provided.
 - G. The level of the ground water table during and at the end of the rainy season
 - H. The source or purveyor of domestic water
 - I. Plans and specifications for the proposed sewage disposal system showing to scale the location of the proposed system to all structures, wells and water courses, property lined, reserve areas, and any other information the Health Officer may deem necessary.
 - J. A statement from the Humboldt Count Planning Department that the proposed development of the site is consistent with the General Plan, the Zoning Title and the Open Space Conservation Plan, and an opinion on whether the proposed development may exert pressures which will detrimentally affect the implementation of the General Plan, the Zoning Title or the Open Space Conservation Plan.
 - K. Soil characteristics.
 - L. Other information which the Health Officer may deem to be necessary to the making of an informed and professional decision on the application.

(3) The Health Officer may require that analysis of soil characteristics or of the percolative capacity of the soil be performed, or that additional relevant data be gathered and analyzed.

611-11. LOT INSPECTIONS

(a) Upon request the Health Department may make inspection of a lot and review available departmental records to determine the probable

suitability of the property for individual sewage disposal. The Health Officer shall issue a report on the inspection findings to the property owner or his authorized representative. A lot inspection report shall not constitute approval for the issuance of the sewage disposal permit or guarantee of such issuance.

(b) Each application for inspection of a lot shall be accompanied by a fee set by resolution of the Board of Supervisors in an amount sufficient to cover costs. When inspection of more than one lot is requested, the fee shall be charged for each lot. (Ord. 945 15, 10/2/73)

611-12. SUBDIVISIONS.

(a) For any proposed subdivision or minor subdivision which will not be connected to a public sewer system prior to sale of the lots, the Health Officer shall require detailed plans of the means of sewage disposal to be used in the subdivision before presenting recommendations to the Planning Commission.

(b) Such plans shall recognize that the sewage disposal demands of any particular subdivision cannot be analyzed without reference to the sewage disposal demands of the land surrounding the subdivision.

(c) Such plans shall recognize that the proposed sewage disposal systems of the subdivision must be viewed as a single system for purposes of analysis.

(d) Such plans shall be consistent with all the provisions of this division and regulations issued by the Health Officer.

(e) Such plans shall include provisions to meet sewage disposal demands over the long term.

(f) Such plans require the approval of the Health Officer.

(g) The plans shall be accompanied by a fee sufficient to cover the expenses incurred by the County in reviewing the plans. The fee shall be set by resolution of the Board of supervisors. In the event that the actual costs are less than the fee deposited, the balance shall be returned. In the event the actual costs are greater than the fee deposited, the subdivider shall pay to the County the excess of the actual costs over the amount of the fee deposited. (Ord. 945 16, 10/2/73)

CHAPTER 2

REGULATIONS AND ADMINISTRATION

612-1. REGULATIONS

- (a) The Health Officer shall issue such regulations as he deems necessary to carry out the provisions of this division.
- (b) Any such regulations issued by the Health Officer shall:
 - (1) Be consistent with the intent and purpose of this division.
 - (2) Recognize the most current technical information relevant to the provisions of this division.
 - (3) Provide for exceptions where a strict application of this division or regulations issued by the Health Officer would inflict a substantial personal hardship upon the occupants of the building or place in question.
 - (4) Be designed to minimize and eliminate public nuisance hazards or the potential thereof.
 - (5) Recognize that any single sewage disposal system is in reality a subunit of a larger sewage disposal system comprised of numerous subunits.
- (c) Regulations issued by the Health Officer under this division shall become effective when filed with the County Clerk.
- (d) Regulations issued under this division may be amended by the Health Officer from time to time by filing such amendments with the County Clerk ; amendments shall become effective when filed.
- (e) Regulations issued under this division shall be available to the public in booklet form at a fee to be determined by the Board of Supervisors. (Ord. 945 18, 10/2/73)

612-2. PERMITS.

- (a) Permit Required. No person shall construct, reconstruct, repair, maintain, abandon, operate or excavate for any kind of sewage disposal system or any portion thereof without having first obtained a permit to do so from the Health Officer.
- (b) Exemptions. Connections to approved public sewers are exempted from the above permit requirement.
- (c) Applications.

(1) Each application for a permit to construct a sewage disposal system shall be made on a form provided by the Health Officer.

Final approval means only that the system has been installed in a manner consistent with the terms and conditions of the permit.

(f) Denial.

1) The Health Officer shall not issue a permit if he finds that the proposed sewage disposal system does not conform to all the requirements of this division, regulations issued by the Health Officer and other pertinent laws and Code sections, or for other reasons finds the proposed sewage disposal system inappropriate for the sewage demands of the situation.

2) The Health Officer shall give written notice to the applicant of the decision to deny the permit. Such notice shall include the reasons for denial. Written notice shall be deemed to be received one (1) day after the notice, properly addressed, is mailed.

(g) Expiration of Permit. All sewage disposal system permits shall expire and become null and void if the work authorized thereby has not been completed and passed final inspection within one (1) year following the issuance of the permit. Prior to the expiration of the one (1) year period, the Health Officer may extend the term of the permit for an additional one (1) year period if presented with evidence that the work authorized can reasonably be expected to be completed during the one (1) year extension.

(h) Revocation.

) Any sewage disposal system permit may be revoked or suspended by the Health Officer if he determined that a violation of this division or regulations issued by the Health Officer exists or that the permit was obtained by fraud, misrepresentation or material omission. Prior to revoking or suspending the permit, the Health Officer must cause written notice to be mailed to the permittee and to the occupant of the property. The notice shall specify the violations (s) and the work to be done and shall allow thirty (30) days to complete the work. The notice shall also inform the permittee that he has a right to an informal hearing before the Health Officer.

2) The notice of revocation or suspension shall inform the permittee of his right to file an appeal.

3) The suspension or revocation of any permit shall not be effective until ten (10) days after notice thereof in writing is mailed to the permittee.

612-3. LAPSE OF EXISTING PERMITS.

(a) All permits issued under Ordinances Nos. 324 and 931 shall expire on June 1, 1974, unless the work authorized thereby has been completed and had passed the final inspection. (Ord. 945 14, 10/2/73)

612-4. APPEALS

(a) Any person affected by an approval, denial, suspension or revocation of a permit by the Health Officer may appeal to the Board of Supervisors by filing a notice of appeal with the Clerk of the Board of Supervisors within thirty (30) days of the action of the Health Officer. The notice of appeal shall be accompanied by a filing fee set by resolution of the Board of Supervisors in an amount sufficient to cover costs. The appeal shall stay the effect of the action of the Health Officer. However, no appeal may be taken concerning any action of the Health Officer which such officer is required to take pursuant to state or federal law, including the provisions of the State Regional Water Quality Control Board's Basin Plan.

(b) The appeal shall be in writing and addressed to the Board of Supervisors. The appellant shall file a copy of the appeal with the Health Officer on the day of filing with the Clerk of the Board. In the notice of appeal the appellant shall state in full the facts circumstances which make the action of the Health Officer unreasonable. It shall also state the date of the claimed unreasonable action of the Health Officer.

(c) The Board of Supervisors shall cause the matter to be set for hearing not earlier than (20) days after the notice of appeal has been filed with the Clerk of the Board. The Clerk of the Board shall cause notice to be mailed to all affected persons at least ten (10) days prior to the hearing.

(d) At the time and place set for the hearing, the Board shall proceed to hear the testimony of the Health Officer, the testimony of the owner or his representatives, and the testimony of other competent persons concerning the conditions upon which the action of the Health Officer is based and other matters which the Board may deem pertinent. Any person affected may be present at such hearing, may be represented by counsel, may present testimony, and may cross-examine the Health Officer and other witnesses. The hearing may be continued from time to time.

The Health Officer may cross-examine the appellant and other witnesses and may be represented by counsel. At the request of the Health Officer, the County Counsel shall represent the Health Officer.

(e) "Any person affected" shall include, but not be limited to, the applicant or his agent, the owner of the affected property or his agent, and the owners or their agents of all adjoining properties to the property against which the action of the Health Officer is directed.

(f) The Board may, upon the appeal, either affirm the action of the Health Officer or grant a variance to the provisions of the division or regulations issued by the Health Officer upon which the action under appeal is based. No variance may be granted with respect to any requirement established pursuant to state or federal law, regulation, or rule, including requirements of the State Regional Water Quality Control Board's Basin Plan. The decision of the Board of Supervisors upon an appeal shall be based upon the facts presented to it. (Ord. 945 Sec.6 10/2/73)

612-5. INVESTIGATION AND ABATEMENTS

(A) Whenever it is necessary to make an inspection to determine compliance with the provisions of the division, the Health Officer may enter any buildings or place at all reasonable time to inspect the same or to perform any duty imposed upon the Health Officer by this division; provided that, if such building or place be occupied, he shall first present proper credentials and demand entry; and, if such building or place be unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or place and demand entry. If such entry is refused, the Health Officer or his authorized representative shall have recourse to every remedy provided by law to secure entry.

(B) In the event a sewage disposal system subject to this division is operated, constructed or repaired contrary to the terms of this division or regulations issued by the Health Officer, the Health Officer may send written notice to the owner of the land as shown on the most recent equalized assessment roll, at his address listed on said roll. Said notice shall state the manner in which the sewage disposal system is in violation, what corrective measures must be taken, the time within which such corrections within the period provided, the corrections may be made by the County and the land owner shall be liable for the costs thereof.

(C) If the corrections listed on the notice are not made as required in said notice, the Health Officer shall abate the nuisance or violation pursuant to Sections 361-1 et seq. (Ord. 9458,10/2/73)

612-6. DECLARATION OF PUBLIC NUISANCE

The following are hereby declared to be a public nuisance:

- (a) The presence of sewage upon the surface of the ground in urban and suburban areas.
- (b) A sewage disposal system which creates a public nuisance.
- (c) A sewage disposal system which empties, flows, seeps or drains into any surface waters or can reasonably be expected to do so.
- (d) A sewage disposal system which now does or may reasonably be expected to empty, flow, seep or drain into or adversely affect any subsurface water which is used or is suitable for use by any inhabitants of the state.

This declaration of public nuisance is not intended to be an exclusive definition of public nuisance or a limitation upon the authority of the Health Officer to declare other circumstances to be a public nuisance. (Ord. 945 9 10/2/73)

612-7. PENALTY.

It shall be unlawful for any person, firm or corporation to violate, refuse or fail to comply with any of the provisions of this division. (Ord. 945 20, 10/2/73)

612-8. RESPONSIBILITY FOR DAMAGE

This division shall not be construed as imposing upon the County of Humboldt any liability or responsibility for damage resulting from the defective installation of any sewage disposal system as herein provided, nor shall the County of Humboldt or any official or employee thereof be held as assuming any such liability or responsibility by reason of the inspection authorized thereunder. (Ord. 945 13, 10/2/73)

CHAPTER 3

PROHIBITIONS

613-1. GENERAL PROHIBITIONS

(a) No permit shall be issued if the operation of the proposed sewage disposal system would tend to create a public nuisance.

(b) No application shall be accepted if the proposed development of the site would violate any Code sections enacted by the Board of Supervisors or would be inconsistent with the General Plan, Zoning Title or the Open Space Conservation Plan.

(c) No permit shall be issued if the operation of the proposed sewage disposal system would violate any laws of the State of California.

(d) It shall be unlawful for any person to deposit, by any means whatsoever, into any plumbing fixture, floor drain, interceptor, sump, receptacle or device which is connected to any drainage system, public sewer, sewage disposal system or septic tank any ashes, cinders, solids, rags, flammable, poisonous or explosive liquids or gases, oils, grease and any other thing whatsoever which would, or could, cause damage to the public sewer, private sewer or private sewage disposal system. (Ord. 945 19, 10/2 73)

613-2. CESSPOOLS AND WASTE WELLS PROHIBITED

All cesspools and waste wells are hereby declared to be public nuisances. It shall be unlawful to drill, construct, maintain, use or operate a cesspool or waste well. (Ord. 945 11,10/2/73)

613-3. BORED PITS AND SEEPAGE PITS PROHIBITED.

Bored pits and seepage pits tend to have the same undesirable characteristics of cesspools and waste wells. It shall be unlawful to dig or bore seepage pits or bored pits. (Ord. 945 11, 10/2/73)

613-4. PRIVIES.

On and after January 1, 1974, it shall be unlawful to construct, maintain or use a privy except as may be permitted by the Health Officer under special conditions. (Ord. 945 12, 10/2 73)

CHAPTER 4

MORATORIA

614-1. MORATORIA.

In areas where sewage disposal systems represent existing or potential community problems, the Board of Supervisors may declare a moratorium on the issuance of sewage disposal system permits. Information shall be gathered by the Health Officer regarding the nature of current and potential problems in such areas. Factors involved in the declaration of a moratorium include but are not limited to:

- (a) High ground water during any part of the year;
- (b) Soil conditions;
- (c) Geologic conditions;
- (d) Failed systems in the area;
- (e) Density of dwellings;
- (f) Load on the system or systems;
- (g) Land use patterns;
- (h) Nuisance hazard; and
- (l) Other factors as may be identified by the Health Officer.

The Health Officer shall keep on file maps showing the moratorium areas and shall inform other permitting agencies and local financial institutes of the action of the Board of Supervisors. (Ord. 945 17, 10/2/73)