

ORDINANCE NO. \_\_\_\_\_

**ORDINANCE AMENDING SECTION 16.08.015 OF CHAPTER 16.08 – ON-SITE SEWAGE SYSTEMS TO EXEMPT CERTAIN STRUCTURES FROM THE SEWAGE SYSTEM REQUIREMENT**

The Board of Supervisors of the County of Mendocino, State of California, ordains as follows:

**Section 1.** Section 16.08.015 of the Mendocino County Code is hereby amended to read as follows:

**Section 16.08.015 GENERAL PROHIBITIONS.**

It is unlawful and prohibited and a public offense for any person, firm, corporation, partnership, or co-partnership to construct or maintain any sewage system in a manner where inadequately treated effluent is likely to discharge upon the surface of the ground, become injurious or dangerous to health, violates any requirement of the North Coast Regional Water Quality Control Board's Basin plan, or will empty, flow, seep, or drain into or affect any spring, stream, river, lake, groundwater or other waters within the County of Mendocino.

(A) All structures from which or in which domestic waste may be generated shall be connected to an approved sewage system approved by the County of Mendocino. No person or other entity shall reside in or otherwise use a structure generating domestic waste unless it is so connected to a sewage system so approved by the County. "Structure" shall not include a portable chemical toilet or variant thereof used only for a temporary period of time in any one place. "Structure" shall not include structures used for the seasonal commercial cultivation or processing of plants ("facility"), which may instead use one of the following methods of disposing of domestic waste following the approval of the Division of Environmental Health:

(1) If the facility is located on a parcel where a different structure owned or operated by the same person has been constructed with a bathroom connected to an approved sewage system and there is either a path of travel between the facility and the structure or an arrival space at both the facility and the structure, the facility may rely on the bathroom at the structure; or

(2) The facility may use portable chemical toilets and handwashing stations (both of which must meet current disabled access regulations) in lieu of being connected to an approved sewage system, so long as the owner or operator of the facility, on forms approved by the Division of Environmental Health, shall submit to the Division the following:

(a) A site plan illustrating the location of the portable chemical toilets and handwashing stations and demonstrating that all portable chemical toilets and handwashing stations shall be located at least fifty (50) feet from any property line, waterways, water wells or springs.

(b) A written service contract from a licensed septic pumper demonstrating that portable chemical toilets and handwashing stations will be pumped and/or serviced no less than once a month or as needed every two (2) weeks.

(c) A form acknowledging that:

(i) The facility is not open on a year-round basis.

(ii) The facility has no public access.

(iii) Upon cessation of the ~~seasonal~~ use of the facility, all portable chemical toilets shall be pumped to remove all septage and chemicals, and be locked and stored, or removed from the premises.

- (B) Any onsite sewage system constructed or maintained in violation of this chapter is hereby declared to be a public nuisance per se, and may be summarily abated according to provisions of law.
- (C) It is the intent of this ordinance not to limit a State agency in the enforcement or administration of any provision of law which it is specifically permitted or required to enforce or administer; nor is it the intent of this ordinance to limit the right of any person to maintain at any time any appropriate action for relief against any private nuisance as defined in the Civil Code or for relief against any contamination or pollution.

**Section 2.** The Board of Supervisors hereby finds and determines that this ordinance is exempt from the California Environmental Quality Act (“CEQA”) pursuant to Sections 15308 and 15311 of the State CEQA Guidelines. This finding and determination is based on the evidence in the record for this ordinance, including the staff memorandum accompanying this ordinance. The Board of Supervisors hereby authorizes and directs the filing of a notice of exemption in accordance with CEQA and the State CEQA Guidelines.

**Section 3.** If any provision, word, phrase, section or subsection of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision, word, phrase, section or subsection to other persons or circumstances shall not be affected thereby. To this end, provisions of this ordinance are severable.

**PASSED AND ADOPTED** by the Board of Supervisors of the County of Mendocino, State of California, on this \_\_\_\_\_ day of \_\_\_\_\_, 2017, by the following roll call vote:

AYES:  
NOES:  
ABSENT:

**WHEREUPON**, the Chair declared the Ordinance passed and adopted and **SO ORDERED**.

ATTEST: CARMEL J. ANGELO  
Clerk of the Board

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Deputy

*APPROVED AS TO FORM:*  
KATHARINE L. ELLIOTT,  
County Counsel

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JOHN MCCOWEN, Chair  
Mendocino County Board of Supervisors

I hereby certify that according to the provisions of Government Code section 25103, delivery of this document has been made.

BY: CARMEL J. ANGELO  
Clerk of the Board

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Deputy