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

**AN ORDINANCE OF THE COUNTY OF SISKIYOU**

**AMENDING SECTIONS 33 AND 34 AND**

**ADDING SECTION 34.5 OF CHAPTER 2 OF TITLE 5**

**OF THE SISKIYOU COUNTY CODE**

**REGARDING WATERLESS TOILETS**

THE BOARD OF SUPERVISORS OF THE COUNTY OF SISKIYOU ORDAINS AS FOLLOWS:

SECTION I: Section 33 of Chapter 2 of Title 5 of the Siskiyou County Code is hereby amended as follows:

“**Sec. 5-2.33. - Chemical toilets and composting toilets.**

(a) The construction and/or use of chemical toilets is prohibited except as follows:

(1) May be used at construction sites on a temporary basis not to exceed one year unless an extension is requested and approved by the Public Health Officer;

(2) May be used at temporary events such as flea markets, fairs, carnivals, fire camps, summer camps or special events where a temporary increase in the members of the public will require additional restroom facilities;

(3) May be used by private individuals, families or private parties for temporary events. Use of chemical toilets under this subsection shall not be subject to regulation so long as commercial food handlers are excluded from using the chemical toilets.

(b) The use of composting toilets, chemical toilets, or other approved technology, may be allowed for use if it is not practical to connect to or install an approved sewer system, or to obtain a permanent potable water supply in approved public campgrounds or at other locations such as trail heads, and only if approved by the Public Health Officer.

(c) Chemical toilets are designed to be portable and temporary, but with the approval of the Health Officer may be used on a permanent basis.

Chemical toilets must:

(1) Be kept clean and maintained in good working order, designed and maintained in a manner that will assure privacy;

(2) Have a self-closing door;

(3) Be provided with an adequate supply of toilet paper;

(4) Be located in close proximity to a hand cleaning unit approved by the Public Health Officer.

Freeze protection is required for all fixtures or equipment subject to freezing, which protection must be approved by the Public Health Officer.

ADA regulations must be followed. Employee regulations as found in Title 8 Section 1526, or any successor thereto, of California Code of Regulations must be followed.

(d) The use of composting toilets or other approved technology shall be permanent structures equipped with a water closet and a means to wash hands and shall be provided and equipped as set forth in subsection (c) of this section.

Freeze protection is required for all fixtures or equipment subject to freezing, which protection must be approved by the Public Health Officer.

Unless provided for the exclusive use of construction, farm or ranch workers, they must be accessible to persons with disabilities. The first such unit placed shall be handicapped accessible; thereafter placement shall be in accordance with ADA regulations. Employee regulations as found in Title 8 Section 1526, or any successor thereto, of California Code of Regulations must be followed.

(e) Chemical toilets, composting toilets, or other approved technology shall not be used in lieu of, but may be used in conjunction with, water closets and lavatories which are otherwise required by the Siskiyou County Code, State or Federal law, or applicable building standards. This applies to dwellings, restaurants, and other places of assembly.

SECTION II: Section 34 of Chapter 2 of Title 5 of the Siskiyou County Code is hereby amended as follows:

**“Sec. 5-2.34. - Chemical toilets, and vault privies: Permits.**

(a) Pit privies are not permitted in Siskiyou County.

(b) Vault privies may be permitted but only under certain circumstances as deemed appropriate by the Public Health Officer and after a permit has been granted by the Public Health Officer.

(c) Every chemical toilet shall conform to the requirements of the County Environmental Health Department. A permit shall be required for the use of every chemical toilet remaining in place for six (6) months or longer.

SECTION III: Section 34.5 of Chapter 2 of Title 5 of the Siskiyou County Code is hereby added as follows:

**“5-2.34.5 Waterless toilet systems**.

(a) Definitions: For the purpose of this Section, certain words and phrases are defined and certain provisions shall be construed as herein set forth unless it shall be apparent from their context that they have a different meaning:

(1)  BLACK WATER means human body waste, toilet paper, water used to flush human body waste, and any other material intended to be deposited in a receptacle designed to receive urine and/or feces.

(2)    COMMUNICABLE DISEASE TRANSMITTED BY BLACKWATER means that group of pathogenic bacteria, viruses, protozoans and helminths which transmit diseases such as Hepatitis, Giardiasis, Dysentery, Salmonellosis, Shigellosis, Diarrhea or any other pathogenic illness transmitted through black water.

(3)     COMPOSTING TOILET means a device specifically designed for holding and processing black water. Composting devices employ the process of biological degradation, in which organic material is converted into a compost-like substance through action of microorganisms.

(4)     INCINERATING TOILET means a device specifically designed to reduce black water material to ashes through the process of incineration.

(5)    NATIONAL SANITATION FOUNDATION, or NSF, means the listing agency incorporated under the laws of Michigan which develops standards and criteria for products that bear upon health.

(6)     WATERLESS TOILET means a composting toilet or incinerating toilet as defined in this Section, or some other device as may be approved in the future for the holding and processing of black water.

(b) Waterless Toilet Use Permitted: A waterless toilet may be utilized for purposes of treatment and disposal of black water if the owner of the property has in his or her possession a current valid waterless toilet permit from the Department of Environmental Health. Said permit is revocable for noncompliance with standards of waterless toilet use as outlined in this Section. Disposal of waterless toilet waste shall not be permitted if the waste has been contaminated with any material other than black water waste.

(c) Standards of Waterless Toilet Use:

(1)    Type of toilet: Any waterless toilet proposed for use under this Section shall be a commercially manufactured unit, installed in accordance with the manufacturer’s recommendations or instructions, and accepted by any other governmental agency for a similar application.

(2)    Plumbing: The structure to be served by the waterless toilet shall also contain rough plumbing, connected to a permitted on-site waste water treatment system, which will enable the installation of a conventional water flushing toilet as otherwise required by the Uniform Plumbing Code. In the case of connection of a graywater disposal system to the waterless toilet, all applicable provisions of Section 4 of this Chapter shall be observed. The Siskiyou County Building Department must attest to the Environmental Health Department that the plumbing system conforms to these requirements.

(3)     Type of waste: A waterless toilet shall only receive wastes for which it has been designed.

(4)     Waterless Toilet Treatment Systems: The treatment of waterless toilet wastes shall be conducted in strict observance of the manufacturer’s specifications, including the addition of any materials, the turning of drums, and the utilization of heating elements and timers. Adequate access to service and maintenance of all necessary components of the waterless toilet and its accessories shall be provided.

(5)     Composting Toilet Waste Disposal Methods: Disposal of the waste from composting toilets shall be disposed of only after such time as the material is thoroughly and completely decomposed and rendered noninfectious. Total and fecal coliform organisms shall not exceed the levels specified in the NSF Standard Number 41. The composted material may be disposed of as follows:

A.     At an approved solid waste disposal facility capable of accepting human waste.

B.     By an approved licensed septic tank pumper.

C.     On the property containing the waterless toilet. Said disposal shall be performed in a manner which prevents contamination of humans, animals, surface waters or groundwaters. The process of removing the waste material shall be done with care for personal safety, with protective non-permeable gloves worn. Disposal methods permitted are:

1.     Direct burial under a minimum of 12 inches (12”) of compacted soil.

2.     Shallow subsurface tilling or a similar technique approved by the Environmental Health Department. Sites proposed for shallow subsurface disposal shall have access restricted to the operator of the waterless toilet system, excluding children, pets, and persons not associated with the compost disposal, by fencing or other method approved by the Environmental Health Department. Surface distribution of end product prior to tilling shall be a maximum thickness of one-half inch (1/2”). Tilling shall be carried out immediately after surface distribution is completed. Surface distribution shall be timed to avoid sheet flows of water caused by rainfall.

D.     Disposal of the waste on the property shall not be carried out by methods designated in subsection (5)C above whenever an individual with a communicable disease transmittable by black water is utilizing the system.

(6)     Incinerating Toilet Waste Disposal Methods: Disposal of the material from an incinerating toilet shall be permitted by any of the methods listed above for the composting toilet, but shall also include disposal directly on the ground surface, so long as the waste has been completely reduced to an ash, and no odor is present.

(7)    Maintenance of toilet: The waterless toilet shall be maintained and operated in a sanitary condition. Screening, mechanical parts and structural soundness shall be kept in working order.

(8)     Prohibited waste: The following waste disposal methods for composting toilets are prohibited:

A.     Shallow subsurface disposal in present or planned food crop growing areas or dairy pasture.

B.     Any disposal in areas subject to seasonal water runoff or areas seasonally inundated by water, or any other application which could permit the discharge to come to flow into surface or subsurface water.

C.     Application by any method within the setback distances applicable to sewage as referenced in the rules and regulations for private sewage systems pursuant to Section 5-2.24.

D.     Application which would lead to runoff from the composed material or ash flowing onto an adjacent property.

E.     Any other manner which would otherwise result in a potential public health hazard or nuisance as determined by the Department of Environmental Health.

(d) Alternative disposal of waterless toilet waste: The plumbing of the structure serving the waterless toilet shall be such that the waterless toilet can be discontinued from use and the structure converted to a conventional flush toilet, or other methods of disposal approved by the Environmental Health Director. Disposal of the wastes from a waterless toilet shall be prohibited under the following circumstances:

(1)     During periods of ground saturation.

(2)     When the waterless toilet is inoperative or malfunctioning.

(3)     Upon revocation of the operating permit for the waterless toilet.

Waterless toilet waste shall be disposed of pursuant to subsections (c)(5) A and B under these circumstances.”

(e) Sewage Disposal System Sizing: The calculation of the sewage disposal system sizing, including a 100% leach field replacement, shall not be reduced or downsized as a result of the use of a waterless toilet. The waterless toilet shall be sized for the maximum potential occupancy of the structure to be served.

(f) Revocation of Waterless Toilet Permit: A permit to utilize a waterless toilet in Siskiyou County may be revoked by the Environmental Health Department for any of the following reasons:

(1)     Non-compliance by the permit holder with the standards of this Section.

(2)     Evidence documented by the Environmental Health Department of the failure of the waterless toilet to meet design or operating specifications.

(3)     Determination by the Environmental Health Department that waterless toilets of the type permitted have begun to show evidence of failure, or have been shown to pose public health risk where permitted and/or installed.

(4)     Determination by the Environmental Health Department that continued functioning of the waterless toilet poses an imminent health hazard.

(5)     Excessive odors generated by either the waterless toilet or the application of the by-product.

(g) Permit fees: The issuance of a waterless toilet permit are included within the permitting fee for a conventional on-site wastewater treatment system.

SECTION IV: Constitutionality: If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

SECTION V: CEQA.This ordinance is a prohibitive zoning ordinance for uses that have never been permitted under the Siskiyou County Code. The Board of Supervisors hereby finds that this ordinance is not subject to review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15060, subdivision (c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15061, subdivision (b)(3) (there is no possibility the activity in question may have a significant effect on the environment). In addition to the foregoing general exemptions, the board of Supervisors further finds that the ordinance is categorically exempt from review under CEQA under the Class 8 Categorical Exemption (regulatory activity to assure protection of the environment).

SECTION VI: This ordinance shall become effective 30 days after its passage and shall, within 15 days of adoption, be published once in a newspaper of general circulation, printed and published in the County of Siskiyou.

PASSED AND ADOPTED this \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2021 at a regular meeting of the Board of Supervisors by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Brandon A. Criss, Chairman

Board of Supervisors

ATTEST:

LAURA BYNUM, CLERK,

Board of Supervisors

By \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Deputy