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**HEALTH AND SAFETY CODE - HSC**

**DIVISION 6. SANITARY DISTRICTS [6400 - 6982]** ( *Division 6 enacted by Stats. 1939, Ch. 60.*  )

**PART 2. OTHER SANITARY DISTRICT ACTS [6935 - 6982]** ( *Part 2 added by Stats. 1941, Ch. 990.*  )

**CHAPTER 3. On-Site Wastewater Disposal Zones [6950 - 6982]** ( *Chapter 3 added by Stats. 1977, Ch. 1125.*  )

**ARTICLE 2. Formation [6955 - 6974.5]** ( *Article 2 added by Stats. 1977, Ch. 1125.*  )

**6955.** Whenever the board of directors of a public agency deems it necessary to form an on-site wastewater disposal zone in all or a portion of the public agency's jurisdiction, the board shall by resolution declare that it intends to form such a zone.

(*Added by Stats. 1977, Ch. 1125.*)

**6955.1.** A proposed zone shall contain at least 12 voters, as defined in Section 359 of the Elections Code. However, where there are fewer than 12 registered voters within a proposed zone, the public agency may form a zone if the county health officer determines that an existing or potential public health hazard exists. The board of supervisors shall receive a notice of this determination.

(*Amended by Stats. 1994, Ch. 923, Sec. 126. Effective January 1, 1995.*)

**6956.** The resolution of intention shall also state:

- (a) A description of the boundaries of the territory proposed to be included within the zone. The description may be accompanied by a map showing such boundaries.
- (b) The public benefit to be derived from the establishment of such a zone.
- (c) A description of the proposed types of on-site wastewater disposal systems and a proposed plan for wastewater disposal.
- (d) The number of residential units and commercial users in the proposed zone which the public agency proposes to serve.
- (e) The proposed means of financing the operations of the zone.
- (f) The time and place for a hearing by the board on the question of the formation and extent of the proposed zone, and the question of the number and type of the residential units and commercial units that the public agency proposes to serve in the proposed zone.
- (g) That at such time and place any interested persons will be heard.

(*Added by Stats. 1977, Ch. 1125.*)

**6956.5.** The resolution of intention shall be filed for record in the office of the county recorder of the county in which all or the greater portion of the land in the proposed zone is situated.

(*Added by Stats. 1977, Ch. 1125.*)

**6957.** (a) A proposal to form a zone within a public agency may also be initiated by filing a petition with the board. Such a petition shall contain all the matters specified in subdivisions (a), (b), (c), and (d) of Section 6956. Such a petition shall be signed as provided in either of the following:

- (1) By not less than 10 percent of the voters who reside within the territory proposed to be included within the zone.
- (2) By not less than 10 percent of the number of owners of real property, including both land and improvements to land, within the territory proposed to be included within the zone who also own not less than 10 percent of the assessed value of the real property within such territory.

(b) Each signer of a petition shall add to his or her signature, the date of signing. If the signer is signing the petition as a voter, he or she shall add to his or her signature his or her place of residence, giving street and number, or a designation sufficient to enable the place of residence to be readily ascertained. If the signer is signing the petition as an owner of real property, he or she shall add to his or her signature a description of the real property owned by him or her sufficient to identify the real property.

(c) Following certification of the petition, the board shall set the time and place of the hearing on the question of the formation of the proposed zone.

*(Added by Stats. 1977, Ch. 1125.)*

**6958.** (a) Notice of the hearing shall be given by publishing a copy of the resolution of intention or the petition, pursuant to Section 6066 of the Government Code, prior to the time fixed for the hearing in a newspaper circulated in the public agency.

(b) Notice of the hearing shall also be given to the local health officer, the board of supervisors, the governing body of any other public agency within the boundaries of the proposed zone, the governing body of any public agency whose sphere of influence, as determined pursuant to the provisions of Section 54774 of the Government Code, includes the proposed zone, the affected local agency formation commission, and the regional water quality control board in whose jurisdiction the proposed zone lies.

*(Added by Stats. 1977, Ch. 1125.)*

**6959.** The hearing by the board on the question of the formation of the proposed zone shall be commenced no less than 45 days nor more than 60 days from adoption of a resolution of intention or the receipt of a petition containing a sufficient number of signatures and shall be completed no more than 90 days after the first day of the hearing.

*(Amended by Stats. 1978, Ch. 445.)*

**6960.** After receiving notice pursuant to subdivision (b) of Section 6958, a local health officer shall review the proposed formation and report his or her findings in writing to the board of directors of the public agency. The report shall specify the maximum number, type, volume, and location of on-site wastewater disposal systems which could be operated within the proposed zone without individually or collectively, directly or indirectly, resulting in a nuisance or hazard to public health. The local health officer may require from the public agency such information as may be reasonably necessary to make the findings required in this section.

*(Added by Stats. 1977, Ch. 1125.)*

**6960.1.** After receiving notice pursuant to subdivision (b) of Section 6958, the affected regional water quality control board shall review the proposed formation and report its findings in writing to the board of directors of the public agency. The report shall specify the maximum number, type, volume, and location of on-site wastewater disposal systems which could be operated within the proposed zone without individually or collectively, directly or indirectly, resulting in a pollution or nuisance, or adversely affecting water quality. The regional water quality control board may require from the public agency such information as may be reasonably necessary to make the findings required in this section.

*(Added by Stats. 1977, Ch. 1125.)*

**6960.2.** The number, type, volume, and location of on-site wastewater disposal systems to be operated within the zone shall not exceed the number specified pursuant to either Section 6960 or Section 6960.1.

*(Added by Stats. 1977, Ch. 1125.)*

**6960.3.** The formation of an on-site wastewater disposal zone shall be subject to review and approval by a local agency formation commission which has adopted rules and regulations affecting the functions and services of special districts pursuant to Chapter 5 (commencing with Section 56450) of Part 2 of Division 3 of Title 5 of the Government Code.

*(Amended by Stats. 1989, Ch. 323, Sec. 8.)*

**6960.4.** Prior to any decision on the question of the formation of the proposed zone, the board shall obtain approval for the proposed plan for wastewater disposal from the affected regional water quality control board if such plan involves the disposal of wastewater to a wastewater treatment facility. For any other method of wastewater disposal, and prior to any decision, the board shall obtain approval for the proposed plan from the local health officer and the affected regional water quality control board. The affected regional water quality control board or the local health officer shall not approve any plan which does not comply with applicable requirements of federal, state, regional, or local law, order, regulation, or rule relating to water pollution, the disposal of waste, or public health.

*(Added by Stats. 1977, Ch. 1125.)*

**6961.** At the time and place fixed in the resolution of intention or the petition, or at any time or place to which the hearing is adjourned, any interested person may appear and present any matters material to the questions set forth in the resolution of intention or the petition. At the hearing the board shall also hear the reports of any local health officer, and any public agency with statutory responsibilities for setting water quality standards, regarding any matters material to the questions set forth in the resolution of intention or the petition.

*(Added by Stats. 1977, Ch. 1125.)*

**6962.** At the hearing the board shall also hear and receive any oral or written protests, objections, or evidence which shall be made, presented, or filed. Any person who shall have filed a written protest may withdraw the same at any time prior to the conclusion of the hearing. The board shall have the following powers and duties:

- (a) To exclude any territory proposed to be included in a zone when the board finds that such territory will not be benefited by becoming a part of such zone.
- (b) To include any additional territory in a proposed zone when the board finds that such territory will be benefited by becoming a part of such zone.

*(Added by Stats. 1977, Ch. 1125.)*

**6963.** At the close of the hearing the board shall find and declare by resolution that written protests, filed and not withdrawn prior to the conclusion of the hearing, represent one of the following:

- (a) Less than 35 percent of either of the following:

- (1) The number of voters who reside in the proposed zone.
- (2) The number of owners of real property in the proposed zone who also own not less than 35 percent of the assessed value of the real property within the proposed zone.

- (b) Not less than 35 percent but less than 50 percent of either of the following:

- (1) The number of voters who reside in the proposed zone.
- (2) The number of owners of real property in the proposed zone who also own not less than 35 percent but less than 50 percent of the assessed value of the real property within the proposed zone.

- (c) Not less than 50 percent of either of the following:

- (1) The number of voters who reside in the proposed zone.
- (2) The number of owners of real property in the proposed zone who also own not less than 50 percent of the assessed value of the real property within the proposed zone.

*(Added by Stats. 1977, Ch. 1125.)*

**6964.** If the number of written protests filed and not withdrawn is the number described in subdivision (c) of Section 6963, the board shall abandon any further proceedings on the question of forming a proposed zone.

*(Added by Stats. 1977, Ch. 1125.)*

**6965.** If the number of written protests filed and not withdrawn is the number described in subdivision (a) of Section 6963, the board shall find and declare by resolution all of the following:

- (a) A description of the exterior boundaries of the zone as proposed or modified.
- (b) The number of on-site wastewater disposal systems which the public agency proposes to acquire, operate, maintain, or monitor.
- (c) That the operation of the proposed zone will not result in land uses that are not consistent with applicable general plans, zoning ordinances, or other land use regulations.
- (d) The method of financing the operations of the zone.

*(Amended by Stats. 1978, Ch. 445.)*

**6966.** The board may order the formation of the zone either without election or subject to confirmation by the voters within the zone upon the question of such formation. However, the board shall not order any such formation without an election if the number of written protests filed and not withdrawn is a number described in subdivision (b) of Section 6963.

*(Amended by Stats. 1978, Ch. 445.)*

**6967.** If the board does not order the formation of the proposed zone, an election on the question shall be conducted if, within 30 days of the date upon which the board did not order the formation, the board receives a petition requesting such an election signed by either of the following:

- (a) Not less than 35 percent of the voters who reside within the territory proposed to be included within the zone.
- (b) Not less than 35 percent of the number of owners of real property within the territory proposed to be included within the zone who also own not less than 35 percent of the assessed value of the real property within such territory.

*(Added by Stats. 1977, Ch. 1125.)*

**6968.** Any election conducted pursuant to the provisions of this chapter shall be conducted pursuant to the provisions of law pertaining to regular or special elections held in the public agency.

*(Amended by Stats. 1978, Ch. 445.)*

**6969.** After the canvass of returns of any election on the question of forming a proposed zone, the board shall adopt a resolution ordering the formation of the zone if a majority of votes cast at such election are in favor of such formation.

*(Added by Stats. 1977, Ch. 1125.)*

**6970.** No public agency shall form a zone which includes any territory already included within another zone.

*(Added by Stats. 1977, Ch. 1125.)*

**6971.** No public agency shall form a zone if such formation will permit other land uses which are not consistent with the general plans, zoning ordinances, or other land use regulations of any county or city within which the proposed zone is located.

*(Added by Stats. 1977, Ch. 1125.)*

**6972.** After the formation of the zone pursuant to this article, all taxes levied to carry out the purposes of the zone shall be levied exclusively upon the property taxable in the zone by the public agency.

*(Added by Stats. 1977, Ch. 1125.)*

**6973.** If the board does not form a zone after the close of a hearing in accordance with Section 6967 and no petition is filed pursuant to Section 6967, or if the board abandons proceedings on the proposal to form a zone, or if the formation of a zone is not confirmed by the voters, no further proceeding shall be taken thereon. No application for a subsequent proposal involving substantially the same territory and undertaken pursuant to the provisions of this chapter shall be considered or acted upon by the public agency for at least one year after the date of disapproval of, abandonment of, or election on the proceedings.

*(Amended by Stats. 1978, Ch. 445.)*

**6974.** Territory within the public agency may be annexed to a zone, provided that such territory is not part of another zone. The requirements and proceedings for the annexation of territory shall be the same as the requirements and proceedings for formation of a zone.

*(Added by Stats. 1978, Ch. 445.)*

**6974.5.** Land already a part of a zone may be detached if the board finds and determines, following notice and hearing in the same manner provided for formation of the zone, that the land will not be benefitted by its continued inclusion in the zone.

*(Added by Stats. 1978, Ch. 445.)*