ORDINANCE NO. 1125

AN ORDINANCE TO AMEND CHAPTER 25 OF THE SOLANO COUNTY CODE TO PROVIDE FOR THE REGULATION OF THE USE OF MASTEWATER DISPOSAL SYSTEMS AND FACILITIES, FOR PERMITS AND FEES WITH REGARD THERETO, AND FOR THE REGULATION OF THE DISCHARGE OF WASTE OR POLLUTED WATERS FOR PLANNED UNIT DEVELOPMENTS IN THE UNINCORPORATED AREAS OF SOLANO COUNTY THAT MAY UTILIZE A MODIFIED MOUND SEPTIC TANK/LEACHFIELD SYSTEM

The Board of Supervisors of the County of Solano, State of California does ordain as follows:

SECTION I.

Chapter 25 of the Solano County Code is amended by adding Article X, as follows:

Article X. Special PUD Wastewater Disposal

Section 25-1000. Rules and Regulations.

Notwithstanding any provisions of this Chapter to the contrary, the following provisions apply to the use of wastewater disposal systems and facilities for planned unit developments in the unincorporated areas of Solano County that may utilize a modified mound septic tank/leachfield system (hereinafter referred to as "the development"), and all work in respect to lots in the development designated by the Solano County Department of Public Health for use of a wastewater disposal system shall be performed as herein and otherwise required.

Section 25-1001. Purpose and Application.

This Article is intended to provide certain provisions and requirements for the use of wastewater disposal facilities as now or hereafter constructed, replaced, reconstructed, or repaired and, in general, to enable the County or a "public entity" created by the County to carry out the powers provided it to meet the objectives of the Basin Plan -- San Francisco Bay Basin. This Article shall apply to all lots in any development designated by the Solano County Department of Public Health for use of a modified mound system in any planned unit development within the unincorporated area of Solano County for which the California Regional Water Quality Control Board, San
Francisco Bay Region, and the Board of Supervisors of Solano County have approved a wastewater development program. The Solano County Department of Public Health shall approve an individual wastewater disposal system for each lot in the development prior to the recording of a final map for the development.

Section 25-1002. Short Title.

This Article shall be known as the Special PUD Wastewater Disposal Regulation Ordinance.

Section 25-1003. Violation Unlawful.

Following the effective date of this Article, it shall be unlawful for any person to connect to, construct, replace, reconstruct, repair, maintain and/or use any means of wastewater disposal from any building in the development designated by the Solano County Department of Public Health for use of a wastewater disposal system except as in this article provided.

Section 25-1004. Permits and Fees.

No wastewater disposal system or facilities shall be replaced, reconstructed, repaired, or operated within the development until a permit therefor, signed by the Solano County Department of Public Health, has been obtained and all fees have been paid in accordance with the requirements of this Chapter.


It shall be unlawful for any person to place, deposit, or permit to be deposited in an unsanitary manner upon public or private property within the development, or in any area under the jurisdiction of the development, any human or animal excrement, garbage, or other objectionable waste.

Section 25-1006. Treatment of Waste Required.

It shall be unlawful to discharge into the ground or surface waters of the development any sewage, waste, or other
polluted waters except where suitable treatment has been pro-
vided in accordance with the provisions of this Chapter.

Section 25-1007. Unlawful Disposal.

Except as provided by this Chapter, it shall be unlawful
to construct, replace, reconstruct, repair, maintain, or operate
any sanitary sewage, septic, or septic tank disposal system or
other facility intended or used for the disposal of wastewater:

Section 25-1008. Occupancy Prohibited.

No building or other structure shall be occupied until the
owner of the premises has received written approval of the
Solano County Department of Public Health.

Section 25-1009. Homeowner's Association Required.

No wastewater disposal system for the development will be
approved by the Solano County Department of Public Health until
a Homeowner's Association is established by the development.

Section 25-1010. Construction Permit Required.

Before the commencement of construction of a private
wastewater disposal system to serve new construction, the owner
shall first obtain a permit therefor from the Solano County
Department of Public Health, and shall furnish the Homeowner's
Association of the development with a copy of such permit and a
copy of the plans and specifications for such system.

Section 25-1011. Design Requirements.

The type, capacity, location and layout of a modified
mound wastewater disposal system shall comply with Article IX
of this Chapter and shall also comply with the rules and regu-
lations of the Department of Public Health of the State of
California and County of Solano. No wastewater disposal system
shall be permitted to discharge to ground surface or to any
stream or watercourse.

Section 25-1012. Inspection Required.

The County's health inspector shall inspect the new
construction or the repair, replacement, or reconstruction work at any stage. The applicant for the construction permit shall notify the inspector when the work is ready for final inspection and before any underground portions are covered.

Section 25-1013. Additional Requirements.

No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by any law, ordinance, rule or regulation of legally constituted authority having jurisdiction in such matters.

Section 25-1014. Permit Required.

Before operating any private wastewater disposal system, the owner shall first obtain a written permit therefor, signed by the Solano County Department of Public Health. The application for such permit shall be made on a form furnished by the Department, which the applicant shall supplement by such other information as deemed necessary. A permit fee shall be paid to the Department at the time such application is filed.

Section 25-1015. Recording of Permits.

Certified copies of permits and notices of withdrawal of permits, when issued, will be recorded by the owner in the Office of the County Recorder of Solano County.

Section 25-1016. Systems Subject to Mitigation Measures.

Any wastewater disposal system which discharges in violation of the County's standards, for whatever reason, will be deemed to be a failed system and will be subject to the mitigation measures herein provided.

Section 25-1017. Repair or Reconstruction.

The owner of the lot or parcel upon which there exists a failed wastewater disposal system shall be responsible for its repair, reconstruction or replacement.

Section 25-1018. Abatement.

Any wastewater disposal system being operated without a
valid operating permit shall be subject to abatement as a
public nuisance by the County.

Section 25-1019. Off-Site Mitigation.

Some failed wastewater disposal systems may be inherently
incapable of repair, reconstruction or replacement to meet
County standards on the lot or parcel of land on which is
located the structure served by such system due to lack of
space, inadequate ground conditions, or other reason. To
render assistance to the owners of such systems, the County
will make reasonable attempts, in the sole discretion of the
Solano County Department of Public Health, to secure lands or
easements within a reasonable distance from such failed systems
and to make such lands or easements available upon reasonable
terms and conditions to such owners for the purpose of construc­
tion of private wastewater disposal systems. The cost of con­
struction, operation and maintenance of any such system shall
remain the full responsibility of owner.

Section 25-1020. Interrelationship of Lot Owner, the
Development's Homeowner's Association, and
the Solano County Department of Public Health.

The development, its lot owners, the association, and the
County will be served by a wastewater disposal system established
according to the requirements of this Chapter. Owner, in the
first instance, will construct, maintain, and repair his waste
disposal system in compliance with all governmental regula­
tions; and the association shall set assessments, collect fees,
develop and implement plans for mitigation of failed systems,
establish a homeowner correction finance program, correct
systems, periodically pump septage, and conduct an owner's
information program. The County (or a "public entity" created
by County) shall assume all obligations of the Association with
respect to the wastewater disposal system, including, but not
limited to, taking action to correct systems or increase fees
in the event the association fails to act in a timely manner.

Section 25-1021. Division of Responsibilities.

The duties and responsibilities of the owners, association, and County (or a public entity created by the County) and their interrelationship with each other shall be more specifically set forth in the "Wastewater Management Program, Rules and Regulations for the Development," as approved by the Solano County Board of Supervisors and the Regional Water Quality Control Board. These duties and responsibilities shall also be set forth in a section entitled "Wastewater Disposal System and Regulation Thereof," to be included in the Declaration of Covenants, Conditions and Restrictions of the Development.

Section 25-1022. Responsibility of County (or a Public Entity Created by the County).

In the event the owner or association fails to act in a timely manner, the County (or a public entity created by the County) shall assume all obligations of the association with respect to the wastewater disposal system, including, but not limited to, correcting failed systems, recovering its costs therefor, raising the association fees, if necessary, to cover costs of inspection and monitoring, and determining specifications of a monitoring program.

Section 25-1023. Investigation Powers.

The officers, inspectors or managers shall carry evidence establishing their position as an authorized representative of the County (or a public entity created by the County) and upon exhibiting the proper credentials and identification, shall be permitted to enter in and upon any and all buildings and properties for the purposes of inspection, reinspection, observation, measurement, sampling, testing, or otherwise performing such duties as may be necessary in the enforcement of the provisions.
of the ordinance, rules and regulations of the County. If necessary under the circumstances, such officials shall obtain an inspection warrant pursuant to Title 13 of Part 3 of the Code of Civil Procedure to obtain right of entry for such purpose.

Section 25-1024. Violation.

Any person found by the Solano County Department of Public Health to be violating any provision of this Article, or any other applicable rule or regulation of the County, shall be served by the health inspector, or other authorized person, with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. Said time limit shall be not more than five (5) days. The offender shall, within the period of time stated in such notice, permanently cease all violations. All persons shall be held strictly responsible for any and all acts of agents or employees done under the provisions of this Article, or any other applicable rule or regulation of the County. Upon being notified by the inspector of any violation of this Article, the person or persons having charge of said work shall correct the same within the time limit established.


Continued habitation of any building or continued operation of any facility in violation of the provisions of this Article, or any other applicable rule or regulation of the County, is hereby declared to be a public nuisance. The County (or a public entity created by the County) may cause proceedings to be brought for injunctive relief and/or for the abatement of the occupancy of the building or facility during the period of such violation. In such event, there is to be paid to the County (or a public entity created by the County) reasonable attorney fees and costs of suit arising in said action.

As an alternative remedy for such violations, the County (or a public entity created by the county) may cause water service to the premises to be discontinued during the period of violation.


The County hereby determines that the foregoing procedures are established as a means of enforcement of the terms and conditions of this Article, or any other applicable rules and regulations, and not as a penalty.

Section 25-1028. Liability for Violation.

Any person violating any of the provisions of this Article or any other applicable regulations of the County, shall become liable to the County for any expense, loss, or damage occasioned by the County by reason of such violation.

Section 25-1029. Penalties for Violation.

Any person violating any of the provisions of this Article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than FIVE HUNDRED DOLLARS ($500) for the first offense. A continuing or subsequent offense upon conviction shall be punishable by a fine of not more than FIVE HUNDRED DOLLARS ($500), or imprisonment in the County Jail for not more than six (6) months, or by both such fine and imprisonment. Such persons shall be deemed to be guilty of a separate offense for each and every day during any portion of which a violation of this Article is committed, continued, or permitted by such person. Any violation or threatened violation of this Article may also be enjoined by civil suit, in which event, there is to be paid to the County reasonable attorney fees and costs of suit arising in said action.
Section 25-1030. Separability.

If any section, subsection, sentence, clause, or phrase of this Article or the application thereof to any person or circumstance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Article or the application of such provision to other persons or circumstances. The Board hereby declares that it would have passed the ordinance adding this Article or any section, subsection, sentence, clause or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared to be unconstitutional.

Section 25-1031. Amendment or Recission.

The provisions of Article X may be amended or rescinded by the County with the approval of the Executive Office of the California Regional Water Quality Control Board, San Francisco Bay Region.

SECTION II.

This Ordinance shall be published once before the expiration of FIFTEEN (15) DAYS after its final passage in the Valicio Times Herald, a newspaper of general circulation, printed and published in the County of Solano, State of California, and shall be in full force and effect THIRTY (30) DAYS after its passage.

ATTEST:

RICHARD BRANN, Chairman
Board of Supervisors

JOHN S. BLACKLOCK
Clerk of the Board
of Supervisors

Deputy Clerk
I, JOHN S. BLACKLOCK, Clerk of the Board of Supervisors of the County of Solano, State of California, do hereby certify that the above and foregoing Ordinance was introduced at a regular meeting thereof held this 5th day of May, 1981.

On the motion of Supervisor Davis and the Second of Supervisor Cunningham, this Ordinance was adopted at a regular meeting of said Board on the 23rd day of June, 1981, by the following vote:

AYES: SUPERVISORS: Cunningham, Davis and Chairman Braun

NOES: SUPERVISORS: None

ABSTAINED: SUPERVISORS: None

ABSENT: SUPERVISORS: Brazelton and Howitt

WITNESS my hand and the Seal of said Board this 23rd day of June, 1981.

JOHN S. BLACKLOCK, Clerk of the Board of Supervisors

By Deputy Clerk