ORDINANCE NO. 1511

AN ORDINANCE AMENDING CHAPTER 9 OF THE SOLANO COUNTY CODE CONCERNING DRAINAGE AND FLOOD CONTROL, TO TRANSFER ADMINISTRATION OF CHAPTER 9 FROM THE TRANSPORTATION DEPARTMENT TO THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT AND TO INSTITUTE PENALTIES FOR NON-COMPLIANCE OF THIS CHAPTER.

The Board of Supervisors of the County of Solano ordains as follows:

SECTION I.

The Title of Chapter 9 of the Solano County Code is amended to read as follows:

Title: DRAINAGE AND LAND LEVELING

SECTION II.

Chapter 9, Section 9-1 of the Solano County Code is amended as follows. Other than the amendments herein, all other provisions of Section 9-1 shall remain as currently set forth:

Sec. 9-1. Definitions.

Director. The director of the environmental management department of the county of Solano, or his/her authorized representative.

Person. Individuals, partnerships, associations, corporations, special districts, and others, not including employees of the environmental management or transportation department or any other authorized representatives of the county.

Riparian habitat. The channel and adjacent area where plants and animals naturally live as a result of the presence of the channel.

Transportation Director. The director of the transportation department of the county of Solano, or his/her authorized representative.
SECTION III.

The first sentence of Chapter 9, Section 9-3 of the Solano County Code is amended to read as follows. Other than the amendment herein and that of SECTION IV of this ordinance amending Chapter 9, all other provisions of Section 9-3 shall remain as currently set forth:

Section 9-3. Permits for change of drainage--Required.

It shall be unlawful for any person to do any of the following acts within the county without first receiving a written permit from the director:

SECTION IV.

Chapter 9, Section 9-3, Subsections (e),(f),(g), and (g)(1) of the Solano County Code are amended to read as follows. Other than the amendments herein and that of SECTION III of this ordinance amending Chapter 9, all other provisions of Section 9-3 shall remain as currently set forth:

Section 9-3. Permits for change of drainage--Required.

(e) Allow any water applied by any person for any purposes to drain or spill upon the right-of-way of any public street, road or highway, or any district canal or channel.

(f) To encroach on any designated flood control easement or right-of-way by construction of any buildings, facilities, pipelines, fences, etc., or permit the installation of any restriction within the prism of any constructed channel which would reduce the designated hydraulic capacity, or in any natural channel which would restrict its flow characteristics.

(g) To do any of the following activities within or in areas adjacent to those channels flowing or which will flow into the Suisun Marsh, as more fully shown on that diagram entitled Protected Channels of the Suisun Marsh Watershed on file at the environmental management department and which is incorporated herein as though set forth in full.

(1) Newly construct any structure, except that the repair, replacement, reconstruction, improvement or maintenance of any existing structure may be performed unless the director determines that such repair, replacement, reconstruction, improvement or maintenance will result in an increase in flood elevation, public flood hazard, or increase sedimentation to such an extent that adverse environmental impacts will occur in the Suisun Marsh.

SECTION V.

Chapter 9, Section 9-4 of the Solano County Code is amended to
read as follows:

Sec. 9-4. Same--Terms of issuance.
(a) The director or the applicable public agency having jurisdiction shall grant permits to do any of the things referred to in Section 9-3 if he finds that such acts will not prevent or obstruct water drainage, and will not cause damage to any property or any flood control, water delivery or drainage facility.

(1) The director shall not issue any permit for work to be performed under this chapter which may directly or indirectly impact any public road or right-of-way without having first obtained the approval of the transportation director.

(b) The director shall issue a permit for those activities set forth in Section 9-3(g) only if he finds in addition to the findings required by Section 9-4(a), that riparian habitat will be protected and that the proposed activity will not increase sedimentation or runoff into the Suisun Marsh to such an extent that adverse environmental impacts will occur in the Suisun Marsh.

(c) Permits shall be subject to such terms and conditions as the director shall deem reasonably necessary to assure adequate stormwater drainage and the prevention of injury or damage, including increased sedimentation, to any property, including county roads or flood control, water delivery or drainage facilities, or the Suisun Marsh. No permit shall be granted to fill, grade, excavate, obstruct, close, or divert a stormwater drainage channel, watercourse, or channel unless a substitute or replacement facility which is approved by the director is provided.

(Ord. No. 528, § 4; Ord. No. 843, § 1; Ord. No. 1166, § 3.)

SECTION VI.

Chapter 9, Section 9-4.1 of the Solano County Code is amended to read as follows:

Sec. 9-4.1. Conformance with grading and erosion control standards.

Development requiring a permit under this chapter shall be accomplished in a manner consistent with the general design principles and standards established by Section 31-30 of this code.

(Ord. No. 1087, § 3.)

SECTION VII.

The first two paragraphs of Chapter 9, Section 9-5 and Section 9-5, subsections (b), (c), (d), and (e) of the Solano County Code are amended to read as follows. Other than the amendments herein, all other provisions of Section 9-5 shall remain as currently set forth:
Sec. 9-5. Permits for change of drainage--Applications; processing procedures.

Persons desiring a permit under this chapter shall file with the director a written application on forms provided by the director, together with a site location map and other information as required by the director. Procedure covering the processing of an application is as follows:

From personal knowledge of location or on-site investigation of proposed work, the director may either approve the application or require additional engineering information provided by a registered engineer. Such additional engineering information may include:

(b) When land leveling is involved, it shall include a cut and fill map showing existing and finished grade, direction of irrigation flow, irrigation water source and drainage features, including off-site drainage provisions.

(c) The leveling map shall also show existing drainage and water courses, adjacent roads, highways, ditches, bridges, culverts and other such data as may be required by the director.

(d) A performance bond may be required by the director for all or a portion of the work proposed in the application. The amount of the performance bond shall be determined by the director. If a performance bond is required it shall be posted before a permit is issued.

(e) A fee for processing a permit under this chapter may be established by the board of supervisors by resolution. (Ord. No. 528, § 5; Ord. No. 843, § 1; Ord. No. 1166, § 4.)

SECTION VIII.

Chapter 9, Section 9-6 of the Solano County Code is amended to read as follows:

Sec. 9-6. Same--Time limit; renewal.

The permittee shall begin the act or work authorized by a permit issued pursuant to this chapter within ninety calendar days from date of issuance, unless another date is specifically indicated in the permit, and the permittee shall notify the director at least forty-eight hours prior to beginning work. Should the act or work not be commenced on or before the date indicated in the permit, then the permit shall become void, unless, prior to the date of expiration, the permittee presents good and sufficient reason for an extension of time and the date is extended by the director in writing. A permit which has become void by reason of non-commencement of work prior to the stipulated date may be renewed at the discretion of the director. (Ord. No. 843, § 1.)
SECTION IX.

Chapter 9, Section 9-7 of the Solano County Code is amended to read as follows:

Sec. 9-7. Liability of county; correction of errors.

Nothing contained in this chapter shall impose any responsibility on the county, its agents, officers or employees for any errors or omissions of any kind or nature in any plans or information submitted to and approved by the director; and no permit issued hereunder by the director shall be deemed a certification by the county or its agents, officers or employees as to the accuracy or correctness of any land leveling document or documents submitted in support of applicant’s request for such permit. If any permit is issued by error, or otherwise, or if a violation of this chapter occurs after construction by the permittee, then, in such event, the permittee must correct the error or work done under such permit to conform to the provisions of this chapter as soon as reasonably possible after the date of discovery of such mistake or error; otherwise the permittee shall be deemed in violation of this chapter. (Ord. No. 528, § 5B; Ord. No. 843, § 1.)

SECTION X.

Chapter 9, Section 9-8 of the Solano County Code is amended to read as follows:

Sec. 9-8. Appeal from denial of permit.

If a person desiring a permit is denied a permit by the director, such person shall have a right to file a written notice of appeal with the board of supervisors of the county.

SECTION XI.

Chapter 9, Section 9-10. of the Solano County Code is added to read as follows:

Sec. 9-10. Penalties.

Any person, firm, corporation or agency whether as principal agent, employee, or otherwise failing to comply with the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof, shall be punishable by a fine of not more than five hundred dollars for each separate offense and shall be strictly liable for the cost of any work required by the county to abate any erosion, sediment, flood, or runoff hazard. Every day any violation of this chapter shall continue shall constitute a separate offense.
SECTION XII.

Within FIFTEEN (15) days after adoption (the second reading) of this amendment to Chapter 9 of the Solano County Code, a summary of this amendment shall be prepared by the County Counsel and published with the names of the supervisors voting for and against the amendment in the Fairfield Daily Republic, a newspaper of general circulation, printed and published in Solano County, State of California, and the clerk shall post in the office of the clerk of the board of supervisors a certified copy of the full text of the adopted amendment along with the names of the supervisors voting for and against the amendment.

SECTION XIII.

This ordinance to amend Chapter 9 of the Solano County Code shall be in full force and effect THIRTY (30) days after its adoption.

BARBARA R. KONDYLIS, Chairwoman of the Board of Supervisors

ATTEST:

LINDA L. TERRA, Clerk of the Board of Supervisors

I LINDA L. TERRA, Clerk of the Board of Supervisors of the County of Solano, State of California, certify that the foregoing Ordinance was introduced at a regular meeting of the Board of Supervisors held this 4th day of April, 1995.

On motion of Supervisor ______________________ Thomson and the second of Supervisor ______________________ Gojkovich, this Ordinance was adopted at a regular meeting of the Board on this 25th day of ______________________, 1995, by the following vote:

AYES: ______________________ Supervisors: Carroll, Gojkovich, Schlenker, Thomson, and Chairwoman Kondylis

NOES: ______________________ Supervisors: None

ABSTAINED: ______________________ Supervisors: None

ABSENT: ______________________ Supervisors: None
WITNESS my hand and the Seal of the Board this 25th day of April, 1995.

LINDA L. TERRA, Clerk of the Board of Supervisors
By Linda L. Terra